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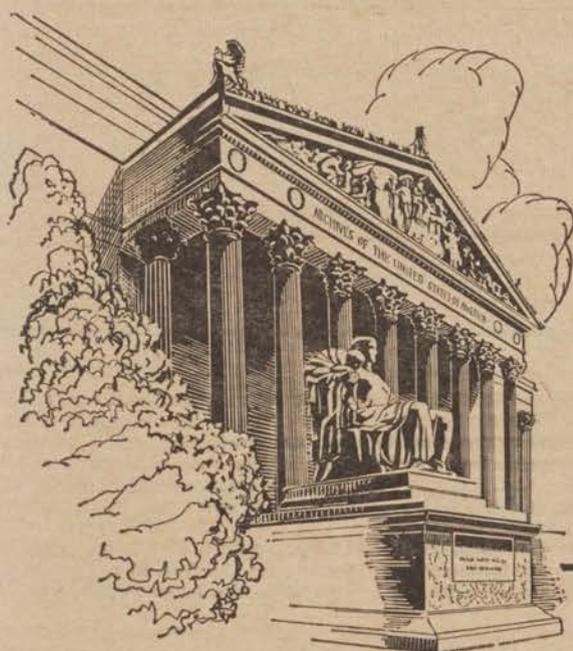
Friday, September 30, 1966 • Washington, D.C.

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Agencies in this issue—

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Agricultural Stabilization and
Conservation Service
Atomic Energy Commission
Civil Aeronautics Board
Civil Service Commission
Commerce Department
Consumer and Marketing Service
Federal Aviation Agency
Federal Communications Commission
Federal Housing Administration
Federal Reserve System
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Indian Affairs Bureau
Internal Revenue Service
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Land Management Bureau
Maritime Administration
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Post Office Department
Public Contracts Division
Securities and Exchange Commission

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[Revised as of January 1, 1966]

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Title 3—THE PRESIDENT

Executive Order 11306

ESTABLISHING THE PRESIDENT'S COMMITTEE ON RURAL POVERTY AND THE NATIONAL ADVISORY COMMISSION ON RURAL POVERTY

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of Committee.* (a) There is hereby established the President's Committee on Rural Poverty (hereinafter referred to as the "Committee").

(b) The Committee shall be composed of the Secretary of Agriculture, who shall be Chairman of the Committee; the Secretary of the Interior; the Secretary of Commerce; the Secretary of Labor; the Secretary of Health, Education, and Welfare; the Secretary of Housing and Urban Development; the Director of the Office of Economic Opportunity; and the Administrator of the Small Business Administration. Each member of the Committee may designate an alternate member, who shall serve as a member of the Committee whenever the regular member is unable to attend any meeting of the Committee.

SEC. 2. *Duties of the Committee.* (a) The Committee shall:

(1) Appraise the means by which existing programs, policies, and activities relating to the economic and community welfare of rural people may be coordinated or better directed or redirected to achieve for the rural population the quality of living and levels of opportunities available to other segments of the population.

(2) Develop recommendations for action by Government or by private enterprise as to the most efficient and promising means of providing opportunities for rural people to share in America's abundance and better levels of living.

(b) In developing its recommendations the Committee shall take into account the final report of the National Advisory Commission on Rural Poverty established by Section 3 of this order, which report shall be transmitted to the President with the recommendations of the Committee.

SEC. 3. *Establishment of Commission.* (a) To assist the Committee in carrying out its functions under Section 2 of this order, there is hereby established the National Advisory Commission on Rural Poverty (hereinafter referred to as the "Commission").

(b) The Commission shall be composed of twenty-six members appointed by the President. The President shall designate the Chairman of the Commission from among its members.

(c) The Commission shall meet on the call of the Chairman.

(d) Each member of the Commission may be compensated for each day such member is engaged upon work of the Commission, and shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 55a; 5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

(e) The Commission shall have an Executive Director, who shall be designated by the President. Under the direction and supervision of the Chairman, the Executive Director shall direct and supervise any staff employed by or detailed to the Commission under this order.

SEC. 4. *Duties of the Commission.* (a) The Commission shall transmit to the Committee its independent analysis, evaluation, and recommendations with respect to all matters assigned to the Committee for study and recommendations.

(b) In carrying out its duties under subsection (a) above, the Commission shall:

(1) Make a comprehensive study and appraisal of the current economic situations and trends in American rural life, as they relate to the existence of income and community problems of rural areas, including problems of low income, the status of rural labor, including farm labor, unemployment and under-employment and retraining in usable skills; rural economic development and expanding opportunities; sources of additional rural employment; availability of land and other resources; adequacy of food, nutrition, housing, health, and cultural opportunities for rural families; the condition of children and youth in rural areas and their status in an expanding national economy; the impact of population and demographic changes, including rural migration; adequacy of rural community facilities and services; exploration of new and better means of eliminating the causes which perpetuate rural unemployment and underemployment, low income and poor facilities; and any other related matters.

(2) Evaluate the means by which existing programs, policies, and activities relating to the economic status and community welfare of rural people may be coordinated or better directed or redirected to achieve the elimination of underemployment and low incomes of rural people and to obtain higher levels of community facilities and services.

(3) Develop recommendations for action by local, State or Federal governments or private enterprise as to the most efficient and promising means of providing opportunities for the rural population to share in America's abundance.

(c) The Commission shall submit its final report and recommendations to the Committee no later than twelve months after the date of its appointment, and may make any interim reports to the Committee which it deems would expedite the work of the Committee.

SEC. 5. *Federal departments and agencies.* (a) The Committee or the Commission is authorized to request from any Federal department, agency, or independent instrumentality of the Government any information deemed necessary to carry out its functions under this order; and each department, agency, and instrumentality is authorized, to the extent permitted by law and within the limits of available funds, to furnish such information to the Committee or the Commission.

(b) Each department or agency the head of which is named in Section 1(b) of this order shall, as may be necessary, furnish assistance to the Committee or the Commission in accordance with the provisions of Section 214 of the Act of May 3, 1945 (59 Stat. 134; 31 U.S.C. 691), or as otherwise permitted by law.

(d) The Department of Agriculture is hereby designated as the agency which shall provide administrative services for the Commission.

SEC. 6. *Construction.* Nothing in this order shall be construed as subjecting any Federal agency, or any function vested by law in, or assigned pursuant to law to, any Federal agency, to the authority of the Committee or of the Commission or as abrogating or restricting any such function in any manner.

SEC. 7. *Termination of the Committee and the Commission.* The Committee and the Commission shall terminate ninety days after the submission of the final report of the Commission under Section 4(c) hereof.

LYNDON B. JOHNSON

THE WHITE HOUSE,
September 27, 1966.

[F.R. Doc. 66-10747; Filed, Sept. 29, 1966; 11:39 a.m.]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE

[831.4, Rev. 1, Supp. 3, Amdt. 1]

PART 831—BEET SUGAR AREA

Rates of Recoverability; 1966 Crop

Pursuant to section 302(a) of the Sugar Act of 1948, as amended, § 831.13 is amended as follows:

1. Paragraph (a) is amended by deleting from the table of settlement areas by factories in States contained therein, "Wyoming" and "Worland" in the first column and "16.01" and "2.943" on the same line in, respectively, the second and third columns.

2. Paragraph (c) is amended by adding "Worland" at the end of the first column of the table therein, and by adding "16.01" at the end of the second column of the table therein.

Statement of bases and considerations. The rates of recoverability for the 1966 crop of sugarbeets included the Worland, Wyo., settlement area with those wherein settlement with growers is based on cossette tests. For the 1966 crop settlement in that area will be on a combined individual-cossette test basis.

This amendment corrects this inaccuracy.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, secs. 302, 303, 304, 61 Stat. 930, as amended, 7 U.S.C. 1132, 1133, 1134)

Effective date. Date of publication.

Signed at Washington, D.C., on September 26, 1966.

CHAS. M. COX,
Acting Deputy Administrator,
State and County Operations.

[F.R. Doc. 66-10687; Filed, Sept. 29, 1966; 8:48 a.m.]

SUBCHAPTER H—DETERMINATION OF WAGE RATES

[Sugar Determination 864.13]

PART 864—WAGES; SUGARCANE; LOUISIANA

Fair and Reasonable Rates

Pursuant to the provisions of section 301(c)(1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and consideration of the evidence obtained at the public hearing held in Houma, La., on June 22, 1966, the following determination is hereby issued:

§ 864.13 Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Louisiana.

(a) *Requirements.* A producer of sugarcane in Louisiana shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in production, cultivation, or harvesting work shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates required by existing legal obligations, regardless of whether those obligations resulted from an agreement (such as a labor union agreement) or were created by State or Federal legislative action, or at rates as agreed upon between the producer and the worker, whichever is higher but not less than the following, which shall become effective on October 10, 1966, and shall remain in effect until amended, superseded, or terminated:

(i) *For work performed on a time basis.*

Class of worker or operation:	Rate per hour
Harvest work:	
Harvester and loader operators.....	\$1.20
Tractor drivers, truck drivers, harvester bottom blade operators, and hoist operators.....	1.15
Hand cutters, and scrappers behind loaders.....	1.05
All other harvesting workers.....	1.00
Production and cultivation work:	
Tractor drivers.....	1.10
All other production and cultivation workers.....	1.00

(ii) *Handicapped workers when employed on a time basis.* For workers certified by the Louisiana State Employment Service to be handicapped because of age or physical or mental deficiency or injury, and whose productive capacity is thereby impaired, the wage rate per hour shall be not less than 75 percent of the applicable hourly rate prescribed in subdivision (i) of this subparagraph.

(iii) *For work performed on a piecework basis.* The piecework rate for any operation shall be as agreed upon between the producer and the worker: *Provided,* That the hourly rate of earnings of each worker employed on piecework during each pay period (such pay period not to be in excess of 2 weeks) shall average for the time worked at piecework rates during such pay period not less than the applicable hourly rate prescribed in subdivision (i) or (ii) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working

time commences at the time the worker is required to start work and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point or a tractor shed located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker, such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to an assembly point located on the farm, or from a central recruiting point to the field, is not compensable working time.

(3) *Equipment necessary to perform work assignment.* The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. However, the worker may be charged for the cost of such equipment in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

(b) *Workers not covered.* The requirements of this section are not applicable to persons who voluntarily perform work without pay in the production, cultivation, or harvesting of sugarcane on the farm for a religious or charitable institution or organization; inmates of a prison who work on a farm operated by the prison; truck drivers employed by a contractor engaged only in hauling sugarcane; members of a cooperative arrangement for exchange of labor; or to workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugarcane, including but not limited to mechanics, welders, and other maintenance workers and repairmen.

(c) *Evidence of compliance.* Each producer subject to the provisions of this section shall keep and preserve, for a period of 2 years following the date on which his application for a Sugar Act payment is filed, such wage records as will fully demonstrate that each worker has been paid in full in accordance with the requirements of this section. The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee such records or other evidence as may satisfy such committee that the requirements of this section have been met.

(d) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined in accordance with

the requirements in this section through any subterfuge or device whatsoever.

(e) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the local county Agricultural Stabilization and Conservation Committee against the producer on whose farm the work was performed. Such claim must be filed within 2 years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at the local county ASCS office. Upon receipt of a wage claim the county office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The county ASC committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Committee, 3737 Government Street, Alexandria, La. 71303, which shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State ASC Committee is not acceptable, either party may file an appeal with the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Deputy Administrator, State and County Operations, his decision shall be binding on all parties insofar as payments under the act are concerned. Appeals procedures are set forth and explained fully in Part 780 of this title (29 F.R. 8200).

(f) *Failure to pay all wages in full.* Notwithstanding the provisions of this section requiring that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane be paid in full for all such work as one of the conditions to be met by a producer for payment under the act, if the producer has failed to meet this condition but has met all other conditions, a portion of such payment representing the remainder after deducting from the payment the amount of accrued unpaid wages, may be disbursed to producer(s), upon a determination by the county committee (1) that the producer has made a full disclosure to the county committee or its representatives of any known failure to pay all workers on the farm wages in full as a condition for payment under the Sugar Act; and (2) that either (i) the failure to pay all workers their wages in full was caused by the financial inability of the producer; or (ii) the failure to pay all workers in full was caused by an inadvertent error or was not the fault of

the producer or his agent, and the producer has used reasonable diligence to locate and to pay in full the wages due all such workers. If the county committee makes the determination as heretofore provided in this paragraph, such committee shall cause to be deducted from the payment for the farm the full amount of the unpaid wages which shall be paid promptly to each worker involved if he can be located, otherwise the amount due shall be held for his account, and the remainder of the payment for the farm, if any, shall be made to the producer. Except as provided above in this paragraph, the entire Sugar Act payment with respect to a farm shall be withheld from the producer, if upon investigation the county committee determines that all workers on the farm have not been paid in full the wages required to be paid for all work in the production, cultivation, or harvesting of sugarcane on the farm, until such time as evidence required by the county ASC committee has been furnished to the committee establishing that all workers employed on the farm have been paid in full the wages earned by them. If payment has been made to the producer prior to the county committee's determination that all workers on the farm have not been paid in full, the producer shall be placed on the debt record for the total payment made until the county committee determines that all workers on the farm have been paid in full: *Provided*, That if the county committee determines that the producer did not pay all workers in full because of inadvertent error that was not discovered until after he signed the application for payment, the producer shall be placed on the debt record only for the total amount of the unpaid wages.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in Louisiana as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301(c)(1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made, shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing, and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i.e., cost of living, prices of sugar and byproducts, income from sugarcane, and cost of production), and the differences in conditions among various sugar-producing areas.

(c) *Wage determination.* This determination differs from the prior determination in that minimum time wage rates are increased 10 cents per hour for all employees, and the provision for reduced minimum rates with respect to youths 14 to 16 years of age is eliminated. All other provisions of the determination are unchanged.

A public hearing was held in Houma, La., on June 22, 1966, at which interested persons were afforded the opportunity to testify with respect to whether the wage rates established for Louisiana sugarcane fieldworkers in the wage determination which became effective November 1, 1965, continue to be fair and reasonable under existing circumstances, or whether such determination should be amended. The notice of hearing specifically requested testimony and recommendations on changes in worker classifications and wage rate differentials.

A representative of the Louisiana Farm Bureau Federation recommended that two worker classifications be established to include the following: (1) Mechanical operators—to include but not limited to those workers presently classified as tractor drivers, bottom blade operators, truck drivers, hoist operators, harvester operators, and loader operators; (2) labor (nonmechanical)—to include but not limited to those workers presently classified as hand cutters, scrappers, hoe hands, cane planters, and all other harvesting and production workers who are not mechanical operators. The witness stated that the minimum wage for the classification of mechanical operators should be based on the rate for tractor drivers, since most workers in this classification are tractor drivers; that the higher skilled workers, such as harvester and loader operators will receive higher rates because of the competition for such workers; and that too many worker classifications makes compliance difficult for some producers.

A Louisiana State University economist presented data obtained from a study of large-scale and family-size sugarcane farms in Louisiana. He stated that the 1964 crop, the latest for which data are available, was unfavorable by any standard of measurement, due to severe hurricane damage and average or below average prices for raw sugar and molasses. He said that producers suffered losses averaging \$37 per acre in 1964, as compared to average profits of \$30 per acre during the 5-year period 1959-63. Large-scale farms in Louisiana had losses averaging 11.4 percent of their investment in 1964 as compared to profits of 16.8 percent during 1959-63. Family-sized farms also were hurt in 1964, as returns to the farmer for his labor and management averaged only \$2,658 as compared to \$5,454 annually during the previous 5 years. He said that average net cash income for small farms in Louisiana averaged only \$0.19 per ton of sugarcane during the 1959-63 period. He stated that for large-scale farms labor requirements declined from about 10 hours per ton of cane during 1946-49 to 3.7 hours during 1960-62, while direct labor costs averaged \$3.47 per ton during

1937-64, \$3.90 for 1951-64, and \$4.01 for 1962-64, or a 16-percent increase in labor costs associated with a 70-percent decrease in labor requirements, so that labor has benefited more than the farmer from technological improvements.

He stated that since the minimum wage mechanism tends to operate in one direction only, that of increasing rather than decreasing wage rates, past results should be appraised in light of agreement with conditions likely to prevail in the future.

A representative of the American Sugar Cane League stated that conditions prevailing and anticipated for the coming crop do not justify an increase in wage rates. He said that during the past 10 years the cost of living has increased by only 14.5 percent while minimum wage rates have risen by 105 percent, and that although labor requirements have declined, efficiency was brought about through capital investment by the producer rather than through increased efficiency of the individual worker. He also stated that since 1947 minimum wage rates for production workers have increased by 165 percent and for harvest workers by 275 percent, while the cost of living has gone up only 35 percent for this period. He also recommended retention of present worker classifications and wage rate differentials.

Spokesmen for labor recommended wage minimums ranging from \$1.25 per hour for laborers to \$2.50 per hour for equipment operators. In support of their recommendation they stated that present rates yield less than \$3,000 in annual income to a fully employed worker. One witness testified that wage rates should be increased immediately to \$2.00 per hour, and recommended compulsory unemployment and disability insurance for fieldworkers. He said that should profits in the industry prove to be insufficient to permit higher wage rates, then sugar prices should be raised to the point where workers can be paid such rates. Another witness recommended a minimum of \$2.50 per hour for equipment operators, saying that present rates are not commensurate with the level of skill required for the work.

Consideration has been given to the recommendations made at the public hearing, to the standards generally considered in wage determinations, to the returns, costs, and profits of producing sugarcane obtained by survey for a recent crop and recast to reflect conditions likely to prevail for the 1966 crop, and to other pertinent factors. This analysis indicates that the minimum wage rates established in this determination are fair and reasonable and are within the producer's ability to pay.

Although hurricane damage to the last two crops increased producers' harvest labor costs and resulted in reduced yields and profits, sugarcane production in Louisiana, on average, has been profitable in recent years. Improved raw sugar prices and prospects for better than average yields point to a profitable crop in 1966, and indicate that the wage

increase as provided in this determination is within the producer's ability to pay. These rates will bring the minimum time rate for the lowest-paid worker classification into line with the minimum wage provided agricultural workers by the 1966 amendments to the Fair Labor Standards Act.

The recommendation of the Louisiana Farm Bureau that worker classifications in the determination be reduced to two classes has been studied. Although the Department is sympathetic to the basic principle, a significant segment of the industry failed to support the recommendation. Therefore, action on the proposal will be deferred for the time being.

This determination eliminates the provision for reduced minimum time rates for youths 14 to 16 years of age. Testimony at the public hearing indicates that producers have not used this provision except in minor instances. Moreover, this portion of the determination would not have been in agreement with the recent amendments to the Fair Labor Standards Act. The provision for reduced minimum rates with respect to handicapped workers is retained.

This determination is issued on a continuing basis and will be effective until amended or terminated. However, the Department will keep the wage situation under review and will conduct investigations and hold hearings annually.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interpretations or applies sec. 301, 61 Stat. 929, as amended, 7 U.S.C. 1132)

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

Effective date. This determination shall become effective on October 10, 1966.

Signed at Washington, D.C., on September 26, 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 66-10660; Filed, Sept. 29, 1966; 8:46 a.m.]

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

PART 925—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREG.

Expenses and Rate of Assessment and Carryover of Unexpended Funds

On August 19, 1966, notice of rule making was published in the FEDERAL REGIS-

TER (31 F.R. 11035) regarding proposed expenses, the related rate of assessment for the fiscal period beginning July 1, 1966, and ending June 30, 1967, and carryover of unexpended funds from the fiscal period ended June 30, 1966, pursuant to the marketing agreement and Order No. 925 (7 CFR Part 925) regulating the handling of fresh prunes grown in designated counties in Idaho and in Malheur County, Oreg. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 925.206 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Idaho-Malheur County, Oreg., Fresh Prune Marketing Committee during the fiscal period July 1, 1966, through June 30, 1967, will amount to \$5,310.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 925.41, is fixed at \$0.01 per one-half bushel or equivalent quantity of fresh prunes.

(c) *Reserve.* Unexpended assessment funds, in excess of expenses incurred during the fiscal period ended June 30, 1966, shall 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.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) shipments of fresh prunes are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable fresh prunes from the beginning of such period; and (3) such period began on July 1, 1966, and the rate of assessment herein fixed will automatically apply to all assessable fresh prunes beginning with such date.

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

Dated: September 27, 1966.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66-10688; Filed, Sept. 29, 1966; 8:48 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 252—LANDING OF ALIEN CREWMEN

Deserters from Spanish or Greek Ships of War

The following amendment to Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

Section 252.5 is amended to read as follows:

§ 252.5 Special procedures for deserters from Spanish or Greek ships of war.

(a) *General.* Under E.O. 11267 of January 19, 1966 (31 F.R. 807), and 28 CFR 0.109, and E.O. 11300 of August 17, 1966 (31 F.R. 11009), and 28 CFR 0.110, the Commissioner and immigration officers (as defined in § 103.1(d) of this chapter) are designated as "competent national authorities" on the part of the United States within the meaning of Article XXIV of the 1903 Treaty of Friendship and General Relations between the United States and Spain (33 Stat. 2105, 2117), and "local authorities" and "competent officers" on the part of the United States within the meaning of Article XIII of the Convention between the United States and Greece (33 Stat. 2122, 2131).

(b) *Application for restoration.* On application of a Consul General, Consul, Vice-Consul, or Consular-Agent of the Spanish or Greek Government, made in writing pursuant to Article XXIV of the treaty, or Article XIII of the Convention, respectively, stipulating for the restoration of crewmen deserting, stating that the person named therein has deserted from a ship of war of that government, while in any port of the United States, and on proof by the exhibition of the register, crew list, or official documents of the vessel, or a copy or extract therefrom, duly certified, that the person named belonged, at the time of desertion, to the crew of such vessel, such person shall be taken into custody by any immigration officer without a warrant of arrest. Written notification of charges shall be served on the individual when he is taken into custody or as soon as practical thereafter.

(c) *Examination.* Within a reasonable period of time after the arrest, the individual shall be accorded an examination by the district director, acting district director, or the deputy district director having jurisdiction over the place of arrest. He shall be informed that he may have the assistance of or be represented by a counsel or representative of his choice qualified under Part 292 of this chapter without expense to the Government, and that he may present such evidence in his behalf as may be relevant to this proceeding. If, upon the completion of such examination, it is determined that: (1) The individual sought by the Spanish or Greek author-

ities had deserted from a Spanish or Greek ship of war in a United States port; (2) the individual actually arrested and detained in the person sought; (3) this individual is not a citizen of the United States; and (4) this individual had not previously been arrested for the same cause and set at liberty because he had been detained for more than 3 months, or more than 2 months in the case of a deserter from a Greek ship of war, from the day of his arrest without the Spanish or Greek authorities having found an opportunity to send him home, the individual shall be served with a copy of the findings, from which no appeal shall lie, and be surrendered forthwith to the Spanish or Greek authorities if they are prepared to remove him from the United States. On written request of the Spanish or Greek authorities, the individual shall be detained, at their expense, for a period not exceeding 3 months or 2 months, respectively, from the day of arrest to afford opportunity to arrange for his departure from the United States.

(d) *Timely departure not effected.* If the Spanish authorities delay in sending the individual home for more than 3 months, or if the Greek authorities delay in sending the individual home for more than 2 months, from the day of his arrest, the individual shall be dealt with as any other alien unlawfully in the United States under the deportation provisions of the Immigration and Nationality Act, as amended.

(e) *Commission of crime.* If the individual has committed any crime or offense in the United States, he shall not be placed at the disposal of the consul until after the proper tribunal having jurisdiction in his case shall have pronounced sentence, and such sentence shall have been executed.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (P.L. 89-554, 80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order are interpretative in nature.

Dated: September 27, 1966.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 66-10663; Filed, Sept. 29, 1966; 8:46 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission PART 610—HOURS OF DUTY Subpart A—Weekly and Daily Scheduling of Work

VARIATIONS IN WORK SCHEDULES FOR EDUCATIONAL PURPOSES

Subpart A of Part 610 is amended by adding a new § 610.122 to provide for a

variation of the 40-hour workweek for educational purposes as authorized by Public Law 89-478. Effective on publication in the FEDERAL REGISTER, § 610.122 is added to Subpart A as set out below.

§ 610.122 Variations in work schedules for educational purposes.

(a) Notwithstanding § 610.121, the head of a department may authorize a special tour of duty of not less than 40 hours to permit an employee to take one or more courses in a college, university, or other educational institution when it is determined that:

(1) The courses being taken are not training under 5 U.S.C., Chapter 41;

(2) The rearrangement of the employee's tour of duty will not appreciably interfere with the accomplishment of the work required to be performed;

(3) Additional costs for personal services will not be incurred; and

(4) Completion of the courses will equip the employee for more effective work in the department.

(b) The department may not pay to the employee any premium pay solely because the special tour of duty authorized under this section causes the employee to work on a day, or at a time during the day, for which premium pay would otherwise be payable.

(c) The Commission may from time to time request a department to report on the use of this authority.

(5 U.S.C. 6101)

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

[F.R. Doc. 66-10662; Filed, Sept. 29, 1966; 8:46 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 2—RULES OF PRACTICE

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

PART 55—OPERATORS' LICENSES

PART 115—PROCEDURES FOR REVIEW OF CERTAIN NUCLEAR REACTORS EXEMPTED FROM LICENSING REQUIREMENTS

Miscellaneous Amendments

On January 21, 1966, the Atomic Energy Commission published for comment (1) proposed amendments of its rules of practice, 10 CFR Part 2, (2) a proposed statement of general policy to be appended to that part and (3) miscellaneous proposed amendments of Parts 2, 50, 55, and 115 (31 F.R. 832). The proposed amendments were expected to expedite the Commission's facility licensing procedures and clarify certain provisions in existing regulations. The Commission also published on the same date, under separate notices, proposed amendments to Part 2 relating to intra-agency communications in regulatory

adjudications (31 F.R. 830) and a proposed amendment to Part 2 to state precisely when the jurisdiction of a presiding officer terminates (31 F.R. 831).

The proposed amendments to Part 2 in all three notices and the proposed policy statement reflected, in general, several of the recommendations made by a seven-member Regulatory Review Panel, appointed by the Commission to study (1) the programs and procedures for licensing and regulation of reactors and (2) the decision-making process in the Commission's regulatory program. The Panel's report included a number of recommendations in both areas, particularly in respect to the conduct of "uncontested" licensing proceedings at the construction permit stage.

All interested persons were invited to submit written comments and suggestions for consideration in connection with all of the proposed amendments within 60 days after publication of the notices of proposed rule making in the FEDERAL REGISTER. After careful consideration of the comments received, the Commission has decided to adopt the amendments set forth below, which except as noted, are the same as those set out in the notices of proposed rule making.

Amendments to Part 2—Intra-agency communications in initial licensing proceedings. The following amendments to §§ 2.4, 2.719, and 2.780 permit consultation and communications between Commissioners and presiding officers (hearing examiners and atomic safety and licensing boards) on the one hand, and the regulatory staff, on the other hand, in initial licensing proceedings other than contested proceedings. Such communication and consultation is also permitted with the staff other than the regulatory staff upon the initiative of the Commissioners. A contested proceeding is defined as one in which there is a controversy between the regulatory staff and the applicant concerning the issuance of the license or any of the terms and conditions thereof or in which a petition to intervene in opposition to the application has been granted or is pending before the Commission. In addition, the following amendments permit presiding officers to consult, in initial licensing proceedings other than contested proceedings, with members of the panel appointed by the Commission from which members of atomic safety and licensing boards are drawn. However, the statement of general policy set out below (Appendix A to Part 2) includes a statement to the effect that it is expected that such consultation will relate to specific technical matters rather than to matters of broad policy.

The proposed amendments published at 31 F.R. 830 would not have required that communication and consultation between the Commissioners and the staff other than the regulatory staff, in uncontested initial licensing proceedings, be upon the initiative of the Commissioners. Further, the proposed amendments would have permitted Commissioners to consult, in contested initial licensing proceedings, with staff who had

not participated in the hearing as witness or counsel, and would have permitted presiding officers to consult with the entire Commission staff in uncontested initial licensing proceedings, and in both contested and uncontested initial licensing proceedings, with the panel from which atomic safety and licensing boards are appointed. Since the Commission appointed a new Regulatory Review Panel on April 4, 1966, to study the conduct of contested proceedings, it has been decided to postpone any amendments to the Commission's rules relating to intra-agency communications in such proceedings until the recommendations of that Panel have been received. Limiting consultation by presiding officers to the regulatory staff will afford them access to those members of the staff who have the greatest familiarity with the subject matter of the proceeding.

The changes will in no way lessen the fairness or objectivity which characterize the Commission's present decision-making process. If either a final or an initial decision rests on fact or opinion obtained as a result of any communication authorized by the amendments, the substance of the communication is required to be made a matter of public record in the proceeding and opportunity for rebuttal afforded to any party on timely request, thus assuring that decisions will be made on the basis of the public record in the proceeding.

Termination of jurisdiction of presiding officers. The amendment of § 2.717 (a) set out below provides that the jurisdiction of presiding officers in adjudicatory proceedings shall terminate when the initial decision becomes the final action of the Commission in the absence of review, or when the Commission, after review, renders a final decision, or when the presiding officer withdraws from the case upon considering himself disqualified, whichever is earliest. The amendment makes clear that presiding officers, who exercise quasi-judicial functions, would have no authority or responsibility to take any action after that time. The amended paragraph is the same as that published for comment at 31 F.R. 831.

Notice of hearing. The amendment of § 2.104 which follows adds a new paragraph (b) to set out the issues which will be specified in the notice of hearing on applications for a construction permit for a facility under section 103 or section 104 b. of the Atomic Energy Act of 1954, as amended (the Act), or for a testing facility under section 104 c. of the Act. If such a proceeding is not contested, a de novo evaluation of the application would not be conducted, and the board would determine whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, both to support the findings proposed to be made by the Director of Regulation, which are necessary under the Act and the Commission's regulations for the issuance of a provisional construction permit, and the issuance of the provisional construction permit as proposed by the Director of Regula-

tion. If such a proceeding is contested, the board will decide all matters in controversy, and make the findings on the issues specified in the notice of hearing for a contested proceeding.

Except for minor editorial changes, § 2.104(b) is the same as the proposed paragraph published for comment at 31 F.R. 832.

Technically qualified alternates for atomic safety and licensing boards. The amendment of § 2.721 sets out the procedure which will be followed by the Commission in designating a technically qualified alternate for an atomic safety and licensing board and the effect of such designation. The amendment specifies that if a technically qualified member of a board becomes unavailable before the hearing commences, the board may constitute the alternate as a member of the board by notifying the Commission and the alternate.

Effectiveness of initial decisions. Section 2.764 has been amended to provide that, except where good cause has been shown by a party why the initial decision should not become immediately effective, an initial decision which directs the issuance or amendment of a construction permit or authorization will be effective immediately, without the necessity of filing a motion for expedited effectiveness, subject to Commission review. The amendment also provides for issuance of the permit authorized within 10 days from the effective date of the initial decision. The text of amended § 2.764 is the same as that of the proposed amendment published for comment at 31 F.R. 832.

Statement of general policy—appendix A to Part 2. Licensing hearings involving the construction and operation of nuclear reactors and other production and utilization facilities are ordinarily conducted by atomic safety and licensing boards whose establishment by the Commission was authorized by section 191 of the Act. The Commission has authorized such boards to conduct public hearings and make initial decisions in proceedings relating to the granting, suspending, revoking, or amending of licenses or authorizations issued by the Commission. Rules applicable to licensing proceedings conducted by boards (and by hearing examiners) are set forth in 10 CFR Part 2.

The statement of general policy set out below (Appendix A to Part 2) explains the procedures to be followed in the conduct by atomic safety and licensing boards of proceedings involving applications for construction permits on which the Act requires a hearing.

The statement of general policy adopted is the same as that published for comment at 31 F.R. 832 except for minor editorial changes in sections I(d), II (Prehearing Conference), III(b)(6), (g), VI(b)(1)(c), and (d), the addition of a sentence in section I, that the notice of hearing will ordinarily announce the date and place of the prehearing conference, and the addition of new sections V(c) and VI(g) relating to intra-agency communications.

Amendments to Parts 50, 55, and 115. The Commission has adopted certain minor or clarifying amendments of 10 CFR Parts 50 and 115 with respect to (1) the findings necessary to support the issuance of a provisional construction permit or authorization and (2) the terms used to designate the documents which are now termed (a) the "hazards report" submitted by applicants for permits or licenses under Part 50 or authorizations under Part 115 and (b) the "hazards analysis" prepared by the Commission's regulatory staff.

Sections 50.35(a) and 115.24(a), which authorize issuance of a provisional construction permit or authorization upon the Commission's making certain findings, have been amended to clarify the point that certain design and technical information need not be submitted by the applicant until the operating license stage. Except for minor editorial changes in §§ 50.35(a) (3) and 115.24(a) (3), the text of the amended paragraphs is the same as that of the proposed amendments published for comment at 31 F.R. 832.

In addition, the Commission has amended Parts 50 and 115 (and Parts 2 and 55) to substitute the term "safety analysis report" for "hazards summary report" and "safety analysis" for "hazards analysis" (or the equivalent) where they appear.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 2, 50, 55, and 115, are published as a document subject to codification, to be effective thirty (30) days after publication in the FEDERAL REGISTER.

1. Section 2.4 of 10 CFR Part 2 is amended by adding a new paragraph (n) to read as follows:

§ 2.4 Definitions.

(n) "Contested proceeding" means (1) a proceeding in which there is a controversy between the regulatory staff of the Commission and the applicant for a license concerning the issuance of the license or any of the terms or conditions thereof or (2) a proceeding in which a petition for leave to intervene in opposition to an application for a license has been granted or is pending before the Commission.

2. Paragraph (b) of § 2.104 of 10 CFR Part 2 is redesignated paragraph (c) and a new paragraph (b) is added to § 2.104 to read as follows:

§ 2.104 Notice of hearing.

(b) In the case of an application for a construction permit for a facility on which the Act requires a hearing, the notice of hearing will, unless the Commission determines otherwise, state, in implementation of paragraph (a) (3) of this section:

(1) That, if the proceeding is a contested proceeding, the presiding officer will consider the following issues:

(i) Whether in accordance with the provisions of § 50.35(a) of this chapter;

(a) The applicant has described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis, and which can reasonably be left for later consideration will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development, have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (1) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of the proposed facility; and (2) taking into consideration the site criteria contained in Part 100 of this chapter, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

(ii) Whether the applicant is technically qualified to design and construct the proposed facility;

(iii) Whether the applicant is financially qualified to design and construct the proposed facility;

(iv) Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

(2) That, if the proceeding is not a contested proceeding, the presiding officer will, without conducting a de novo evaluation of the application, determine whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support affirmative findings on subdivisions (1) through (iii) specified in subparagraph (1) of this paragraph (b) and a negative finding on subdivision (iv) specified in subparagraph (1) of this paragraph (b) proposed to be made and the issuance of the provisional construction permit proposed by the Director of Regulation.

§§ 2.105, 2.106 [Amended]

3. Sections 2.105(b) (2) and 2.106(b) (2) of 10 CFR Part 2 are amended by substituting the words "safety analysis" for "safeguards analysis" where they appear.

4. Paragraph (a) of § 2.717 of 10 CFR Part 2 is revised to read as follows:

§ 2.717 Commencement and termination of jurisdiction of presiding officer.

(a) Unless otherwise ordered by the Commission, the jurisdiction of the presiding officer designated to conduct a

hearing over the proceeding, including motions and procedural matters, commences when the proceeding commences. If no presiding officer has been designated, the Chief Hearing Examiner has such jurisdiction or, if he is unavailable, another hearing examiner has such jurisdiction. A proceeding is deemed to commence when a notice of hearing is issued. When a notice of hearing provides that the presiding officer is to be a hearing examiner, the Chief Hearing Examiner will designate by order the hearing examiner who is to preside. The presiding officer's jurisdiction in each proceeding will terminate upon the expiration of the period within which the Commission may direct that the record be certified to it for final decision, or when the Commission renders a final decision, or when the presiding officer shall have withdrawn himself from the case upon considering himself disqualified, whichever is earliest.

5. Section 2.719 of 10 CFR Part 2 is amended by revising paragraphs (b) and (c) and adding a new paragraph (d) to read as follows:

§ 2.719 Separation of functions.

(b) In any adjudication, the presiding officer may not consult any person other than a member of his staff on any fact in issue unless on notice and opportunity for all parties to participate, except (1) as required for the disposition of ex parte matters as authorized by law and (2) as provided in paragraph (c) of this section.

(c) In any adjudication for the determination of an application for initial licensing, other than a contested proceeding, the presiding officer may consult (1) members of the panel appointed by the Commission from which members of atomic safety and licensing boards are drawn, and (2) the regulatory staff.

(d) Except as provided in paragraph (c) of this section and § 2.780(e), in any case of adjudication, no officer or employee of the Commission who has engaged in the performance of any investigative or prosecuting function in the case of a factually related case may participate or advise in the initial or final decision, except as a witness or counsel in the proceeding. Where an initial or final decision is stated to rest in whole or in part on fact or opinion obtained as a result of a consultation or communication authorized by paragraph (c) of this section or § 2.780(e), the substance of the communication shall be specified in the record in the proceeding and every party shall be afforded an opportunity to controvert the fact or opinion. If the parties have not had an opportunity to controvert such fact or opinion prior to the filing of the decision, a party may controvert the fact or opinion by filing an exception to the initial decision, or a petition for reconsideration of a final decision, clearly and concisely setting forth the information or argument relied on to show the contrary.

6. Section 2.721 of 10 CFR Part 2 is revised to read as follows:

§ 2.721 Atomic safety and licensing boards.

(a) The Commission may from time to time establish one or more atomic safety and licensing boards, each composed of three members, two of whom will be technically qualified and one of whom will be qualified in the conduct of administrative proceedings, to preside in such proceedings for granting, suspending, revoking, or amending licenses or authorizations as the Commission may designate.

(b) The Commission may designate a technically qualified alternate for an atomic safety and licensing board established pursuant to paragraph (a) of this section. If a technically qualified member of a board becomes unavailable before the hearing commences, the board may constitute the alternate as a member of the board by notifying the Commission and the alternate who will, as of the date of such notification, serve as a member of the board.

(c) An atomic safety and licensing board shall have the duties and may exercise the powers of a presiding officer as granted by § 2.718 and otherwise in this part. At any time when such a board is in existence but is not actually in session, any powers which could be exercised by a presiding officer or by the chief hearing examiner may be exercised with respect to such a proceeding by the chairman of the board having jurisdiction over it.

7. Section 2.764 of 10 CFR Part 2 is revised to read as follows:

§ 2.764 Immediate effectiveness of initial decision directing issuance or amendment of construction permit.

(a) An initial decision directing the issuance or amendment of a construction permit or construction authorization shall be effective immediately upon issuance unless the presiding officer finds that good cause has been shown by a party why the initial decision should not become immediately effective, subject to the review thereof and further decision by the Commission upon exceptions filed by any party pursuant to § 2.762 or upon its own motion.

(b) The Director of Regulation, notwithstanding the filing of exceptions, shall issue a construction permit or authorization, or amendments thereto, authorized by an initial decision, within ten (10) days from the date of issuance of the decision.

8. Section 2.780 of 10 CFR Part 2 is amended by revising paragraph (d) and adding a new paragraph (e) to read as follows:

§ 2.780 Ex parte communications.

(d) This section does not apply to communications authorized by paragraph (e) of this section, to the disposition of ex parte matters authorized by law, or to communications requested by the Commission concerning:

- (1) Its proprietary functions;

(2) General health and safety problems and responsibilities of the Commission; or

(3) The status of proceedings.

(e) In any adjudication for the determination of an application for initial licensing, other than a contested proceeding, Commissioners, members of their immediate staffs and other AEC officials and employees who advise the Commissioners in the exercise of their quasi-judicial functions may consult the regulatory staff, and the regulatory staff may communicate with Commissioners, members of their immediate staffs and other AEC officials and employees who advise the Commissioners in the exercise of their quasi-judicial functions. Such communication or consultation in an adjudication for the determination of an application for initial licensing, other than a contested proceeding, shall also be permitted with the staff other than the regulatory staff upon the initiative of the Commissioners.

A statement of general policy is appended to 10 CFR Part 2 to read as follows:

APPENDIX A—STATEMENT OF GENERAL POLICY: CONDUCT OF PROCEEDINGS FOR THE ISSUANCE OF CONSTRUCTION PERMITS FOR PRODUCTION AND UTILIZATION FACILITIES FOR WHICH A HEARING IS REQUIRED UNDER SECTION 189 A. OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

On December 8, 1962, the Atomic Energy Commission published amendments of its Rules of Practice (10 CFR Part 2) to describe the functions and procedures of its atomic safety and licensing boards (27 F.R. 12184). Those amendments implemented Public Law 87-615 of the 87th Congress, effective August 29, 1962, which was designed to permit greater flexibility and to encourage informality in the conduct of AEC licensing proceedings. The statement of considerations which was published with the amendments to Part 2 included recommendations for the conduct of proceedings by atomic safety and licensing boards, in order to carry out the purpose that hearings in which there are no substantial contested issues among the parties should be conducted more informally than had theretofore been the practice. On November 25, 1963, the Commission issued Press Release F-240 which covered in greater detail the same general subject matter as the statement of considerations and also emphasized the importance which the Commission attached to implementing the informal procedures to the fullest extent practicable in uncontested cases. In the statement of considerations the Commission, recognizing the need for continuing review of its procedures, specifically pointed out that it intended to adopt from time to time any further amendments of its regulations which experience in the operation of atomic safety and licensing boards might indicate as being necessary or desirable.

As a part of that continuing review the Commission announced the appointment of a seven-member Regulatory Review Panel on January 25, 1965, to study (1) the programs and procedures for the licensing and regulation of reactors and (2) the decision-making process in the Commission's regulatory program.

Several of the Panel's recommendations, which were submitted on July 14, 1965, are implemented in the amendments to Part 2 which have been issued simultaneously herewith. As a result of those amendments,

the statement of considerations and press release referred to above no longer accurately reflect in detail current Commission rules and policy.

The following Statement of General Policy explains in detail the procedures which the Atomic Energy Commission expects to be followed by atomic safety and licensing boards in the conduct of proceedings relating to the issuance of construction permits for nuclear power and test reactors and other production or utilization facilities for which a hearing is mandatory under section 189a of the Atomic Energy Act of 1954, as amended (the Act).¹ The Statement reflects the Commission's intent that such proceedings be conducted informally and expeditiously and its concern that its procedures maintain sufficient flexibility to accommodate that objective.

Such proceedings are frequently uncontested in that the application for a construction permit is not opposed by an intervenor nor are there any controversies between the Commission's regulatory staff and the applicant concerning the issuance of the permit or the terms and conditions thereof. The provisions of sections I through V of the following Statement are, for the sake of convenience, set out in the framework of the uncontested proceeding. They are applicable also, however, to the contested proceeding except as the context would otherwise indicate, or except as indicated in section VI. Section VI sets out the procedures specifically applicable to the contested proceeding.

Atomic safety and licensing boards are appointed from time to time by the Atomic Energy Commission to conduct hearings in licensing cases under the authority of section 191 of the Act. Section 191 authorizes the Commission to establish one or more atomic safety and licensing boards to conduct public hearings and to make intermediate or final decisions in administrative proceedings relating to granting, suspending, revoking or amending licenses or authorizations issued by the Commission. It requires that each board consist of two members who are technically qualified and one member who is qualified in the conduct of administrative proceedings. Members for each board may be appointed by the Commission from a panel selected from private life, the staff of the Commission or other Federal agencies.

This statement is intended as a guide to the conduct of public hearings under the mandatory hearing requirements of the Act for the information of the public and assistance of members of boards and parties to licensing proceedings. It is not all inclusive. It is intended to explain and summarize certain requirements of governing statutes, the Commission's Rules of Practice, 10 CFR Part 2, and some applicable principles of law and good practice.

I. PRELIMINARY MATTERS

(a) A public hearing is announced by the issuance of a notice of hearing signed by the Commission's Secretary, stating the nature of the hearing, its time and place and the issues to be considered. When a hearing is to be held before a board, the notice of hearing will ordinarily designate the chairman and the other members. The time and

¹Except as the context may otherwise indicate, this Statement is also generally applicable to the conduct of proceedings for the issuance of operating licenses for such facilities, as well as to authorization proceedings conducted under Part 115, Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Requirements, and to licensing proceedings of the type described in the Statement which may be conducted by a hearing examiner as the presiding officer.

place of the prehearing conference will ordinarily be stated in the notice of hearing. The notice of hearing is published in the FEDERAL REGISTER at least 30 days prior to the date of hearing. In addition, a public announcement is issued by the Commission regarding the date and place of the hearing.

(b) In fixing the time and place of any postponed hearing or of the prehearing conference the boards will take into consideration the convenience of board members, the AEC staff and other parties to the extent practicable.

(c) The notice of hearing will, unless the staff opposes the application, include the findings which the Director of Regulation proposes to make, that is, the findings which are necessary under the Act and the Commission's regulations to support the granting of an application, and the form of provisional construction permit which he proposes to issue. The Director of Regulation will, of course, be free to propose different findings on the basis of new information brought out at the hearing.

(d) The notice of hearing will state that the board will determine whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation and the issuance of the proposed provisional construction permit. The notice of hearing will also state that the board will not conduct a de novo evaluation of the application.

(e) Prior to a hearing, board members should review and become familiar with:

The record of any relevant prior proceedings in the case, including initial decisions and Commission orders. The Advisory Committee on Reactor Safeguards (ACRS) report, the staff safety analysis, the application and all other papers filed in the proceeding. The Commission's Rules of Practice, 10 CFR Part 2, and such other regulations or published statements of policy of the Commission as may be pertinent to the proceedings.

(f) At any time when a board is in existence but is not actually in session, the chairman has all the powers of the board to take action on procedural matters. The chairman may have occasion, when the board is not in session, to dispose of preliminary procedural requests including, among other things, motions by parties relating to the conduct of the hearing. He may wish to discuss such requests with the other members of the board before ruling on them. No interlocutory appeal² may be taken by a party as a matter of right from a ruling of the chairman or the board. The board should refer the challenged ruling to the Commission for a final decision if, in its judgment, a prompt decision is necessary to prevent detriment to the public interest or unusual delay or expense. This authority should be exercised sparingly, and only when deemed essential in fairness to the parties or the public.

II. PREHEARING CONFERENCE

(a) A prehearing conference, which is authorized in § 2.752 of 10 CFR Part 2, serves a vital function in defining substantive issues and in settling matters of procedure before the start of the hearing. A prehearing conference should be regarded as an informal meeting of the board with the parties to facilitate and expedite the conduct of the hearing where (a) the significant safety questions can be identified and discussed, (b) any matters in controversy between the

parties can be clearly identified, and (c) any preliminary matters, such as identifying the witnesses to be presented by the parties or requested by the board; specifying the order and method of presentation of their testimony; scheduling the exchange of prepared testimony and documentary evidence; determining the contents of the decisional record and the method of designating exhibits; discussing procedures to be followed at the hearing; and arriving at such agreements as will aid in the conduct and expeditious disposition of the proceeding, can be disposed of. The Commission strongly encourages their use and expects that a prehearing conference will ordinarily be held in each licensing proceeding before an atomic safety and licensing board. However, the prehearing conference is not a substitute for the hearing and matters discussed and agreements reached therein become a part of the decisional record only to the extent they are specifically incorporated in the decisional record by order or otherwise.

(b) The timing of the prehearing conference will depend on the nature of the case. When feasible, it will assist preparation for the hearing if the prehearing conference is held well in advance of the hearing. The date and place of the prehearing conference will usually be announced in the notice of hearing. Prehearing conferences are open to the public except under exceptional circumstances involving matters such as those referred to in 10 CFR 2.790 (a) and (b) ("company confidential" information; classified information; and certain privileged information not normally a part of the hearing record).

(c) It is expected that a transcript of each prehearing conference will be prepared.

(d) Any agreements reached or decisions made at the conference will be incorporated promptly in the formal record of the hearing without prejudice to the rights of any subsequent intervenor. The board will be expected at the opening of the hearing to state on the record that such a conference has been held and the time and place of the meeting and the persons who attended.

(e) The applicant, the regulatory staff and other parties will ordinarily provide each other and the board with copies of prepared testimony in advance of the hearing. A schedule may be established at the prehearing conference for exchange of prepared testimony. The applicant ordinarily files a summary of his application, including a summary description of the reactor and his evaluation of the considerations important to safety, and the staff files a safety analysis prior to the hearing. These may constitute the testimony of witnesses sworn at the hearing. All of these documents and prepared testimony are filed in the Commission's Public Document Room and are available for public inspection.

III. THE HEARING

The following procedures should be observed in the conduct of public hearings:

(a) *Preliminary.* (1) A verbatim transcript will be made of the hearing.

(2) The chairman should convene the hearing by stating the title of the proceeding and describing its nature.

(3) He should state the date, time, and place at which the prehearing conference was held, and identify the persons participating in it. He should summarize the prehearing order, or, if there is no written prehearing order, the results of the prehearing conference.

(4) He should explain the procedures for the conduct of the hearing. He should request that counsel for the parties identify themselves on the record, and provide them with the opportunity to make opening statements of their respective positions.

(5) He should describe, for the benefit of members of the public who may be present, the respective roles of the board, the ACRS and the staff, and the Commission procedures for review of the decision. He should also describe the continuing review and inspection surveillance conducted by the Commission after a construction permit or an operating license has been issued.

(b) *Intervention and limited appearances.* (1) The chairman should call attention to the provisions of 10 CFR 2.714 *Intervention* and 2.715 *Participation by a person not a party (limited appearance)*. He should briefly explain these provisions and the rights of persons who may qualify as intervenors or as persons to be permitted to make limited appearances. He should call attention to the provision of 10 CFR 2.714(d) that the granting of a petition to intervene does not change or enlarge the issues specified in the notice of hearing unless expressly provided in the order allowing intervention.

(2) The chairman should inquire of those in attendance whether there are any who wish to participate in the hearing by intervention or by limited appearance.

(3) The board should rule on each request to participate in the hearing on either basis. The Commission's rules require that a petition for intervention be filed at least seven days prior to the start of the hearing. A board has general authority to extend the time for good cause with respect to allowing intervention.

(4) As required by § 2.714 of 10 CFR Part 2, a person who wishes to intervene must set forth, in a petition for leave to intervene, his interest in the proceeding, how the interest may be affected by Commission action, and his contentions. After consideration of any answers, the board will rule on the petition. In any event, the board should not permit enlarging of the issues, or receive evidence from an intervenor, with respect to matters beyond the jurisdiction of the Commission.

(5) Those permitted to intervene become parties to the proceeding. Persons permitted to make limited appearances do not become parties, but should be permitted to make statements at such stage of the proceeding as the board may consider appropriate. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. The board may wish to limit the length of oral statements. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance for the purpose of making a statement.

(6) It is important that the board make clear to the members of the public seeking to participate the difference between intervention and limited appearance. An intervenor, unlike a person making a limited appearance, has all the rights of the applicant and the staff to participate fully in the conduct of the hearing. For example, he may examine and cross-examine witnesses. A person making a limited appearance may want not only to state his position, but to raise questions which he would like to have answered. This should be permitted to the extent the questions are within the scope of the proceeding as defined by the issues set out in the notice of hearing, the prehearing conference report, and any later orders. Usually such persons should be asked to make their statements and raise their questions early in the proceeding so that the board will have an opportunity to be sure that relevant and meritorious questions are properly dealt with during the course of the hearing.

(7) It is the Commission's view that the rules governing intervention and limited

² An interlocutory appeal means an appeal to the Commission from a ruling made by the board during the time between the issuance of a notice of hearing and the issuance of the initial decision.

appearances are necessary in the interest of orderly proceedings. The Commission also believes that though these two methods of public participation all members of the public are assured of the right to participate by a method appropriate to their interest in the matter. This should be fully explained at the beginning of the hearing. In some cases the board may feel that it must deny an application to intervene but that it can still accommodate the desire of the person involved by allowing him to make a statement and raise questions under the limited appearance rule.

(8) Boards have considerable discretion as to the manner in which they accommodate their conduct of the hearing to local public interest and the desires of local citizens to be heard. Particularly in cases where it is evident that there is local concern as to the safety of the proposed plant, boards should so conduct the hearing as to give appropriate opportunity for local citizens to express their views, while at the same time protecting the legal interest of all parties and the public interest in an orderly and efficient licensing process. Boards should give full public recognition to the fact that utilization of such opportunity is one of the important reasons why public hearings are held by the Commission and are held in the locality of interest.

(c) *Opening statements and testimony.*
 (1) In order to facilitate public understanding of the proceeding it is anticipated that the applicant (who has the burden of proof in licensing proceedings), will, at an appropriate time early in the proceeding, make an oral statement describing in terms that will be readily understood by the public, the manner in which the safety of the public will be assured, by such provisions as siting, safety features of the reactor, including engineered safeguards, etc. It may be that the "summary description of the reactor and . . . evaluation of the considerations important to safety" referred to at paragraph (e) of section II above, will satisfactorily serve as the basis for such oral statement.

(2) The staff will also, early in the proceeding but after the applicant has made the oral statement referred to in the preceding paragraph, make an oral statement describing the staff's evaluation of the application and the reasons for the conclusions reached by the staff, and summarizing the various steps taken by the staff and the ACRS in their review of the application.

(3) The testimony of all witnesses will be given under oath. These witnesses may be collectively sworn at the opening of the hearing or if additional witnesses are called upon to testify at a subsequent stage they may be sworn at the time of their appearance.

(4) There is ordinarily no need for oral recital of prepared testimony unless the board considers that some useful purpose will be served. Each witness presented by a party may be questioned by other parties and by the board. Unless testimony is being taken on a roundtable basis or there is some occasion for clarification of testimony as rendered, the board may wish to reserve its questions until the parties have completed questioning of the witnesses, since counsel for the respective parties will generally be prepared to develop the various lines of pertinent questions.

(5) Opportunity should be assured, on an orderly basis, for each party to comment on statements made by other parties.

(6) The proceedings should be conducted as expeditiously and informally as practicable, without impairing the development of a clear and adequate record. The order of presenting testimony may be freely varied in the conduct of the hearing. The board may find it helpful to take expert testimony from witnesses on a roundtable basis after the

receipt in evidence of prepared written testimony.

(7) Objections may be made by counsel to any questions or any line of questioning, and should be ruled upon by the board. The board may admit the testimony, may sustain the objection, or may receive the testimony, reserving for later determination the question of admissibility. In passing on objections, the board, while not bound to view proffered testimony according to its admissibility under strict application of the rules of evidence in judicial proceedings, should exclude testimony that is clearly irrelevant to issues in the case, or that pertains to matters outside the jurisdiction of the board or the Atomic Energy Commission. Examples of matters which are considered irrelevant to the issues in the case or outside the jurisdiction of the board or the Atomic Energy Commission include the thermal effects (as opposed to the radiological effects) of the facility operation on the environment; the effect of the construction of the facility on the recreational, economic or political activities of the area near the site; and matters of aesthetics with respect to the proposed construction.

(d) *Documentary evidence.* (1) Documentary evidence may be offered in evidence as provided in 10 CFR 2.743.

(2) Such evidence offered during the course of the hearing should be described by counsel, and furnished to the reporter for marking. Documents offered for marking should be numbered in order of receipt. On identification of a document, it may be offered in evidence.

(e) *Record.* The transcript of testimony and the exhibits, together with all of the papers and requests filed in a proceeding, constitute the record for decision, except to the extent that official notice is taken pursuant to the following paragraph.

(f) *Official notice.* (1) "Official notice" is a legal term of art. Generally speaking, a decision by a board must be made on the basis of evidence which is in the record of the proceeding. A board, however, is expected to use its expert knowledge and experience in evaluating and drawing conclusions from the evidence that is in the record. The board may also take account of and rely on certain facts which do not have to be "proved" since they are "officially noticed"; these facts do not have to be "proved" since they are matters of common knowledge.

(2) Pursuant to 10 CFR 2.743(i) "official notice" may be taken of any fact of which judicial notice might be taken by the courts of the United States and of any technical or scientific fact within the knowledge of the Commission as an expert body, if (1) the fact is specified in the record or is brought to the attention of the parties before the final decision, and (2) every party adversely affected by the decision is afforded an opportunity to controvert the fact. (For example, a board might take "official notice" of the fact that high level wastes are encountered mainly as liquid residue from fuel reprocessing plants.) Matters which are "officially noticed" by a board furnish the same basis for findings of fact as matters which have been placed in evidence and proved in the usual sense.

(g) *Participation by board members.* (1) Boards are neither required nor expected to duplicate the review already performed by the regulatory staff and the ACRS and they are authorized to rely upon the uncontroverted testimony of the regulatory staff and the applicant and the uncontroverted conclusions of the ACRS. The role of the board is to decide whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support the findings pro-

posed to be made by the Director of Regulation and the issuance of the provisional construction permit proposed by the Director of Regulation. The board will not conduct a de novo evaluation of the application, but rather, will test the adequacy of the staff's review upon which are based the findings and form a provisional construction permit which the Director of Regulation proposes to issue. If the board believes that additional information is required in the technical presentation in such a case, it would be expected to request the applicant or staff to supplement the presentation. If a recess should prove necessary to obtain such additional evidence, the recess should ordinarily be postponed until available evidence on all issues has been received.

(2) A question may be certified to the Commission for its determination when the question is beyond the board's authority, or when a major or novel question of policy, law or procedure is involved which cannot be resolved except by the Commission and when the prompt and final decision of the question is important for the protection of the public interest or to avoid undue delay or serious prejudice to the interests of a party. For example, a board may find it appropriate to certify novel questions to the Commission as to the regulatory jurisdiction of the Commission or the right of persons to intervene.

(h) *Close of hearing.* (1) A board should give each party the opportunity to make a brief closing statement.

(2) A schedule should be set by the board and recorded, either in the transcript or by written order, of the dates upon which the parties are directed by the board to file proposed findings of fact and conclusions of law. Proposed transcript corrections and proposed findings and conclusions are ordinarily filed in the first instance by the applicant, with opportunity for response by the regulatory staff and any intervenor. The atomic safety and licensing board need allow only a minimum time for the filing of proposed findings of fact and conclusions of law, briefs, and proposed form of order or decision, as permitted by § 2.754 of 10 CFR Part 2. It is expected that the proposed findings will ordinarily be extremely brief. Since there will be no significant issues in controversy, there will be no need for extensive findings.

(3) The board should dispose of any additional procedural requests.

(4) The chairman should formally close the hearing.

IV. POST-HEARING PROCEEDINGS, INCLUDING THE INITIAL DECISION

(a) A board, acting through the Chairman, should dispose of procedural requests made after the close of the hearing, including motions of the parties for correction of the transcript. Responses to requests and motions of the parties are made part of the record by issuance of written orders.

(b) On receipt of proposed findings and conclusions from the parties, the board should prepare the initial decision. Under the Administrative Procedure Act and the Commission's regulations, the decision should include:

(1) Findings, conclusions, and rulings, with the reasons or basis for them, on all material issues of fact, law or discretion presented on the record;

(2) All facts officially noticed and relied on, if any, in making the decision;

(3) The appropriate ruling, order or denial of relief, with the effective date and time within which exceptions to the initial decision may be filed;

(4) The time when the decision becomes final.

(c) A board will not ordinarily be expected to make formal recital of findings in greater detail than general or ultimate findings on the issues specified in the notice of hearing, namely, whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate, to support the findings proposed to be made by the Director of Regulation and the issuance of the proposed provisional construction permit. The board will, of course, rule on findings of fact and conclusions of law proposed by the parties. To the extent that there may be disagreements between any of the parties on any particular matters, the board will be expected to make such detailed findings of fact as are appropriate to support the decisions reached on those matters. If the board finds affirmatively on the issues referred to above, the Director of Regulation will, upon his making the proposed findings, issue the permit. If the board finds negatively on those issues, the Director of Regulation will deny the application.

(d) A board will be expected to discuss concisely, in its decision, the principal safety matters involved in the issuance or denial of the proposed provisional construction permit. A board's initial decision should be prepared with the objective of familiarizing the public and the Commission with the reasons for the board's conclusions as to the sufficiency of the application and the record of the proceeding and the adequacy of the review of the application by the Commission's regulatory staff to support both the findings proposed by the Director of Regulation and the issuance of the provisional construction permit.

(e) It is expected that ordinarily a board will render its initial decision in an uncontested case within 15 days after its receipt of proposed findings of fact and conclusions of law filed by the parties.

(f) The initial decision will be transmitted to the Chief, Public Proceedings Branch, Office of the Secretary, for issuance.

(g) After a board's initial decision is issued, the entire record of the hearing, including the board's initial decision, will be sent to the Commission for review. In the course of this review, the Commission may allow a board's decision to become the final decision of the Commission, may modify a board's decision, or may send the case back to the board for additional testimony on particular points or for further consideration of particular issues.

(h) After completion of construction, the applicant must obtain an operating license; but a hearing on the operating license will not be held unless demanded by a party or ordered by the Commission. Where a hearing is held at the operating stage, it would be the practice of the Commission to attempt to use the same board which conducted the construction permit hearing.

V. GENERAL

(a) Two members, being a majority of the board, constitute a quorum. The vote of a majority controls in any decision by a board, including rulings during the course of a hearing as well as formal orders and the initial decision. A dissenting member is, of course, free to express his dissent and the reasons for it in a separate opinion for the record.

(b) The Commission may designate a technically qualified alternate for a board. The alternate will receive copies and become familiar with the application and other documents filed by the parties prior to the start of the hearing. It is expected that the alternate will be constituted by the board as a member of the board in situations where a technically qualified member of the board

becomes unavailable for further service prior to the start of the hearing.

(c) Title 10 CFR 2.719 and 2.780 specify the conditions on which there is permitted to be consultation between Commissioners and boards, on the one hand, and the staff, on the other hand, in initial licensing proceedings other than contested proceedings. Title 10 CFR 2.719 also permits a board, in the same type of proceeding, to consult with members of the panel from which members of the boards are drawn. However, it is expected that such consultation by a board, when it occurs, will relate to specific technical matters rather than to matters of broad policy.

VI. PROCEDURES APPLICABLE TO CONTESTED PROCEEDINGS

(a) This section sets out certain differences in procedure from those described in sections I-V above, which are required by the fact that the proceeding is a "contested proceeding." Otherwise, the provisions of sections I through V of this Statement of General Policy also apply to a "contested proceeding."

(b) Issues to be decided by Board:

The board will, if the proceeding becomes a contested proceeding, make findings on the issues specified in the notice. In a contested proceeding, the board will determine:

(1) Whether in accordance with the provisions of 10 CFR 50.35(a);

(a) The applicant has described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features and components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

(2) Whether the applicant is technically qualified to design and construct the proposed facility;

(3) Whether the applicant is financially qualified to design and construct the proposed facility;

(4) Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

In considering those issues, however, the board will, as to matters not in controversy, be neither required nor expected to duplicate the review already performed by the Commission's regulatory staff and the ACRS; the board is authorized to rely upon the uncontroverted testimony of the regulatory staff and the applicant and the uncontroverted conclusions of the ACRS.

(c) Prehearing conference:

In contested proceedings, the use of the prehearing conference to identify what matters are in controversy and to clarify their relationship to the issues before the board is of primary importance.

(d) Participation by board members:

In contested proceedings, the board will determine controverted matters as well as decide whether the findings required by the Act and the Commission's regulations should be made. Thus, in such proceedings, the board will determine the matters in controversy and may be called upon to make technical judgments of its own on those matters. As to matters which are not in controversy, boards are neither required nor expected to duplicate the review already performed by the regulatory staff and the ACRS and they are authorized to rely upon the uncontroverted testimony of the regulatory staff and the applicant and the uncontroverted conclusions of the ACRS. Thus, the board need not evaluate those matters already evaluated by the staff which are not in controversy.

(e) Close of hearing:

In contested proceedings, proposed findings of fact and conclusions of law submitted by the parties may be more detailed than in uncontested proceedings. While brevity in such submissions is encouraged, the proposed findings and conclusions should be such as to reflect the position of the parties submitting them, and the technical and factual basis therefor.

(f) Post-hearing proceedings, including the initial decision:

(1) In contrast to an uncontested proceeding, the board will itself make the findings on the issues specified in § 2.104(b)(1) of Part 2 and the reasons or basis for its findings. On the basis of those findings, the initial decision will state the board's determination whether or not a construction permit should be issued and, if so, in what form.

(2) In a contested case, it is expected that a board will ordinarily render its initial decision within 45 days after its receipt of proposed findings of fact and conclusions of law filed by the parties.

(g) The intra-agency consultation and communications referred to in section V(c) are not permitted in contested proceedings.

10. The section heading of § 50.34 of 10 CFR Part 50 is amended to read as follows:

§ 50.34 Contents of applications; technical information safety analysis report.

11. Subparagraphs (1), (2), and (3) of § 50.35(a) of 10 CFR Part 50 are amended to read as follows:

§ 50.35 Issuance of provisional construction permits.

(a) When an applicant has not supplied initially all of the technical information required to complete the application and support the issuance of a construction permit which approves all proposed design features, the Commission may issue a provisional construction permit if the Commission finds that (1) the applicant has described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public; (2) such further technical or design information as may be required to complete the safety analysis, and which can reasonably be left for later consideration, will be supplied in the final safety analysis report; (3) safety features or components, if any, which require research and development have been described by the applicant and the

applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; * * *

§§ 50.30, 50.35, 50.36, 50.59 [Amended]

12. Sections 50.30(c), 50.35(c) (1), 50.36 (a) and (c), 50.59 (a), (b), (c), and (e) of 10 CFR Part 50 are amended by substituting the words "safety analysis report" for the words "hazards summary report" where they appear.

13. Section 50.59(d) of 10 CFR Part 50 is amended by substituting the words "safety analysis report" for "hazards analysis" in the second sentence.

§ 55.20 [Amended]

14. Section 55.20 of 10 CFR Part 55 is amended by substituting the words "safety analysis report" for "hazards summary report" in the second sentence.

15. The section heading of § 115.23 of 10 CFR Part 115 is amended to read as follows:

§ 115.23 Contents of applications; technical information safety analysis report.

16. Subparagraphs (1), (2), and (3) of § 115.24(a) of 10 CFR Part 115 are amended to read as follows:

§ 115.24 Issuance of provisional construction authorizations.

(a) When an applicant has not supplied initially all of the technical information required to complete the application and support the issuance of a construction authorization which approves all proposed design features, the Commission may issue a provisional construction authorization if the Commission finds that (1) the applicant has described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public; (2) such further technical or design information as may be required to complete the safety analysis, and which can reasonably be left for later consideration, will be supplied in the final safety analysis report; (3) safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and * * *

§§ 115.20, 115.24, 115.25, 115.45 [Amended]

17. Sections 115.20(c), 115.24(c) (1), 115.25 (a) and (c), 115.45 (a), (b), (c), and (e) of 10 CFR Part 115 are amended by substituting the words "safety analysis report" for the words "hazards summary report" where they appear.

§ 115.47 [Amended]

18. Section 115.47(d) of 10 CFR Part 115 is amended by substituting the words

"safety analysis report" for "hazards analysis" in the second sentence.

Dated at Germantown, Md., this 23d day of September 1966.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary.

[F.R. Doc. 66-10650; Filed, Sept. 29, 1966; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Pahranagat National Wildlife Refuge, Nev.; Correction

In F.R. Doc. 66-9883; filed September 8, 1966; appearing on pages 11893 and 11894, of the issue for Friday, September 9, 1966, paragraph 1, sentence 2 should read as follows:

This open area, comprising 1,750 acres, is delineated on maps available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

SEPTEMBER 20, 1966.

[F.R. Doc. 66-10655; Filed, Sept. 29, 1966; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 96—AIR TRANSPORTATION

In Part 96, make the following changes:

§ 96.23 [Deleted]

I. The material in § 96.23 is deleted to show discontinuance of Form 2753, *Receipt to Airline*, at air stop post offices. However, § 96.23 is reserved for future regulations.

NOTE: The corresponding Postal Manual section is 533.5.

II. Section 96.24 is amended and revised to change Form 2753-A, *Mail Delivery Record*, to a simple record of airmail and first class mail delivered by air carriers to airport mail facilities. Accordingly, § 96.24 now reads:

§ 96.24 Form 2753-A, mail delivery record.

(a) *Description.* Form 2753-A is a record of mail delivered to airport mail facilities. When the volume of mail justifies, the director, transportation division, may authorize postmasters at air stop post offices in his region to use Form 2753-A. Form 2753-A is not used for mail that is delivered with Form 2734. (See § 96.20. See also § 96.27 for supply.)

(b) *Preparation.* (1) Airport mail facility personnel will complete heading in set of Form 2753-A, original and two copies, for each air carrier to record the delivery of mail. If an exceptionally large number of trips are involved for any one air carrier, separate forms may be prepared for each tour of duty.

(2) When delivering airmail or first class mail to airport mail facilities, air carrier personnel will enter appropriate information in each column of Form 2753-A and initial.

(3) Receiving unit postal personnel must examine labels to be sure that the mail delivered by the air carrier is addressed or coded for delivery to the receiving unit.

(c) *Review.* The receiving clerk on each tour shall review the time shown under Form 2753-A headings Arrival Time Trip and Mail to AMF to assure that air carriers are observing the local delivery time limit and prepare Form 2759 when required.

(d) *Distribution.* (1) Deliver original of Form 2753-A to air carrier.

(2) Send first copy to your local transportation division.

(3) File second copy.

NOTE: The corresponding Postal Manual section is 533.6.

§ 96.27 [Amended]

III. In § 96.27, *Airmail and first-class mail by forms, titles, and sources of supply* make the following changes:

A. Delete Form 2753 and its accompanying data from the tabular table to show its discontinuance of use at air stop post offices.

B. Delete the footnote following the table as it no longer applies with the discontinuance of Form 2753.

C. In the table, Form 2753-A is redesignated "Mail Delivery Record" instead of "Mail Delivery Receipt" as it presently appears.

NOTE: The corresponding Postal Manual section is 533.9.

IV. In § 96.33, paragraph (e) is deleted and paragraph (d) is revised to read as follows:

§ 96.33 Forms and procedures for dispatching and receiving FCM.

(d) *Form 2753-A, mail delivery record.* See § 96.24 for handling Form 2753-A.

(e) [Deleted]

NOTE: The corresponding Postal Manual sections are 534.44 and 534.45 respectively.

As the revisions to §§ 96.23, 96.24, 96.27, and 96.33 relate to a proprietary function of the Government, and do not affect substantive rights, advanced notice and public rule making procedures, as well as a delayed effective date, are unnecessary and would be contrary to the public interest.

(5 U.S.C. 301, 39 U.S.C. 501, 505, 4301-4305, 6301-6304, 49 U.S.C. 1375, 1376)

TIMOTHY J. MAY,
General Counsel.

SEPTEMBER 27, 1966.

[F.R. Doc. 66-10668; Filed, Sept. 29, 1966; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7619; Amdt. 503]

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	
Trinidad Int.....	LMM.....	Direct.....	2000	T-dn.....	300-1	300-1	200-1/2
FOT VOR.....	LMM.....	Direct.....	2000	C-dn#.....	700-1	700-1	700-1 1/4
				A-dn.....	1000-2	1000-2	1000-2

Procedure turn W side of crs, 200° Outbnd, 020° Inbnd, 1500' within 10 miles.
 Procedure turn W side of crs, high terrain E.
 Minimum altitude over facility on final approach crs, 917'.
 Crs and distance, facility to airport, 314°—0.6 mile.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing LMM, turn left, climb to 1500' on crs of 270° from LMM within 15 miles.
 #CAUTION: All maneuvering W of airport. High terrain E.
 MSA within 25 miles of facility: 000°-090°—7500'; 090°-180°—6500'; 180°-270°—3000'; 270°-360°—4500'.

City, Arcata-Eureka; State, Calif.; Airport name, Arcata; Elev., 217'; Fac. Class., LMM; Ident., CV; Procedure No. 1, Amdt. 2; Eff. date, 22 Oct. 66; Sup. Amdt. No. 1; Dated, 3 Oct. 64

PROCEDURE CANCELED, EFFECTIVE 22 OCT. 1966.

City, Burley; State, Idaho; Airport name, Burley Municipal; Elev., 4150'; Fac. Class., SBH; Ident., BYI; Procedure No. 1, Amdt. 1; Eff. date, 16 Apr. 66; Sup. Amdt. No. Orig.; Dated, 30 Oct. 65

Blue Springs VOR.....	LOM.....	Direct.....	2600	T-dn*.....	300-1	300-1	300-1
Kansas City VOR.....	LOM.....	Direct.....	2600	C-dn%.....	700-1	700-1	700-1 1/4
				A-dn.....	800-2	800-2	800-2

Radar available.
 Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 2600' within 10 miles.
 Minimum altitude over facility on final approach crs, 2400'; over Bluff FM, 1446'.
 Crs and distance, LOM to Bluff FM, 185°—3.8 miles; Bluff FM to airport, 223°—0.7 mile.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing MK LOM or at Bluff FM, make right turn, climbing to 2700', intercept the 120° bearing from the MCI LOM. Proceed to the MCI LOM.
 * Unless radar vectored and the weather is below 1000-3: (a) Aircraft taking off SE, S, or SW and planned route is between 090° and 180°, intercept the RIS VOR, R 200°, or MKC VOR, R 180°, climb to 2500' before proceeding on crs. (b) Aircraft taking off NW, N, or NE and planned route is between 090° and 180°, climb to 2500' before proceeding S of the 090° ADF bearing from KC LMM.
 #No reduction takeoff minimums except Runway 31.
 % Circling SE of airport from 090° clockwise to 180° not authorized.
 MSA within 25 miles of facility: 090°-270°—3100'; 270°-090°—2400'.
 CAUTION: Numerous obstructions all quadrants.

City, Kansas City; State, Kans.; Airport name, Fairfax Municipal; Elev., 746'; Fac. Class., LOM; Ident., MK; Procedure No. 1, Amdt. 5; Eff. date., 22 Oct. 66; Sup. Amdt. No. 4; Dated, 5 Oct. 63

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	
MKC VOR	LOM	Direct	2600	T-dn*	300-1	300-1	300-1**
BSP VOR	LOM	Direct	2600	C-dn%	700-1	700-1	700-1½
				S-dn-18	700-1	700-1	700-1
				A-dn	800-2	800-2	800-2
				Bluff fan marker minimums:			
				C-dn	600-1	700-1	700-1½
				S-dn-18	600-1	700-1	700-1

Radar available.
 Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 2600' within 10 miles.
 Minimum altitude over facility on final approach crs, 2400'; over Bluff FM, 1458'.
 Crs and distance, facility to airport, 185°—5.4 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing MKC LOM or at KC LMM, make right turn climbing to 2700', intercept the 120° bearing from the MCI LOM. Proceed to the MCI LOM.
 NOTE: Sliding scale not authorized.
 CAUTION: Numerous obstructions all quadrants.
 *AIR CARRIER NOTE: No reduction in takeoff minimums except Runway 36.
 **Unless radar vectored when weather is below 1000-3: (a) Aircraft taking off S or SW and planned route is between 090° and 180°, intercept the RIS VOR, R 210° or MKC VOR, R 190°, climb to 2500' before proceeding on crs. (b) Aircraft taking off N or NE and planned route is between 090° and 180°, climb to 2500' before proceeding S of the 090° ADF bearing from KC LMM.
 **200-½ authorized Runway 36 only.
 %Circling or straight-in approaches to Runways 3, 35, and 36 not authorized when MKC weather sequence remarks indicate cloud height below authorized minimums.
 Circling not authorized E of airport in sector from 090° through 180°.
 MSA within 25 miles of facility: 090°-270°—3100'; 270°-060°—2400'.
 City, Kansas City; State, Mo.; Airport name, Kansas City Municipal; Elev., 758'; Fac. Class., LOM; Ident., MK; Procedure No. 1, Amdt. 7; Eff. date, 22 Oct. 66; Sup. Amdt. No. 5; Dated, 5 Oct. 63

OTH VOR	OBN RBn	Direct	2000	T-dn%	300-1	300-1	200-½
				C-dn	800-1	800-1½	800-2
				A-dn	1000-2	1000-2	1000-2

Procedure turn W side of crs, 310° Outbnd, 130° Inbnd, 1700' within 10 miles.
 Minimum altitude over facility 800'.
 Facility on airport.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing OBN RBn turn right, climb to 1700' on crs, 310° Outbnd, 130° Inbnd, within 10 miles of OBN RBn.
 NOTE: OBN RBn private facility.
 %Takeoffs all runways: Runways 31, 34, and 4 turn left; Runways 16, 22, and 13 turn right; intercept R 250° and climb westbound on R 250°, OTH VOR to 500', thence return to OTH VOR via R 250° climbing to cross OTH VOR at or above 1000'. ADF departure: Runways 31, 34, and 4 turn left; Runways 16, 22, and 13 turn right; intercept bearing 250° from OBN RBn and climb westbound on bearing, 250° to 500', thence return to OBN RBn via bearing, 070° to OBN RBn to cross OBN RBn at or above 1000'.
 MSA within 25 miles of facility: 000°-090°—3400'; 090°-180°—3600'; 180°-270°—1800'; 270°-360°—1500'.
 City, North Bend; State, Oreg.; Airport name, North Bend Municipal; Elev., 14'; Fac. Class., MHW; Ident., OBN; Procedure No. 1, Amdt. 1; Eff. date, 22 Oct. 66; Sup. Amdt. No. Orig.; Dated, 26 Mar. 66

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

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2
				ADF or VOR/DME minimums:			
				C-dn	400-1	500-1	500-1½
				S-dn-32**	400-1	400-1	400-1

Procedure turn E side of crs, 146° Outbnd, 326° Inbnd, 3900' within 10 miles.
 Minimum altitude over 2.9-mile DME Fix or BFD RBn, 2643'.
 Crs and distance, facility to airport, 326°—0.9 mile.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mile after passing BFD VOR, climb to 3400' on R 326° within 10 miles of Bradford VOR. Make left-climbing turn, return to Bradford VOR at 4000'. Hold SE, 1-minute, left turns, 326° Inbnd.
 NOTE: When authorized by ATC, DME may be used between R 064° clockwise to R 288° at 3900' to position aircraft for approach via 10-mile DME Arc, with elimination of procedure turn.
 **400-¾ authorized with operative high-intensity runway lights, except for 4-engine turbojet aircraft.
 MSA within 25 miles of facility: 000°-360°—3600'.
 City, Bradford; State, Pa.; Airport name, Bradford-McKean County; Elev., 2143'; Fac. Class., L-BVORTAC; Ident., BFD; Procedure No. 2, Amdt. 3; Eff. date, 22 Oct. 66; Sup. Amdt. No. 2; Dated, 24 Sept. 66

RULES AND REGULATIONS

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn.....	300-1	300-1	200-1/4
				C-dn.....	400-1	500-1	500-1 1/2
				S-dn-23.....	400-1	400-1	400-1
				A-dn*.....	800-2	800-2	800-2

Radar available.
 Procedure turn E side of crs. 057° Outbnd, 237° Inbnd, 1600' within 10 miles.
 Minimum altitude over facility on final approach crs, 433'.
 VOR on airport; breakoff point to runway, 230°—0.5 mile.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing CRE VOR, climb to 1600' on CRE VOR, R 223° within 15 miles.
 NOTES: (1) Use Myrtle Beach altimeter setting when control zone not effective. (2) When authorized by ATC, DME may be used within 15 miles at 1600' to position aircraft for a straight-in approach with the elimination of a procedure turn.
 *Limited weather information available to public. Alternate usage authorized for air carriers only.
 MSA within 25 miles of facility: 000°-180°-1300'; 180°-270°-1400'; 270°-360°-1700'.

City, Crescent Beach; State, S.C.; Airport name, Myrtle Beach; Elev., 33'; Fac. Class., L-BVOR; Ident., CRE; Procedure No. 1, Amdt. 1; Eff. date, 22 Oct. 66; Sup. Amdt. No. Orig.; Dated, 17 Sept. 66

				T-dn.....	300-1	300-1	200-1/4
				C-dn.....	700-1	700-1	700-1 1/4
				S-dn-5.....	700-1	700-1	700-1
				A-dn*.....	800-2	800-2	800-2
If aircraft equipped with ADF or DME operating normally and Paul Int (5-mile DME Fix) received, minimums become:							
				C-dn.....	400-1	500-1	500-1 1/4
				S-dn-5.....	400-1	400-1	400-1

Radar available.
 Procedure turn W side of crs. 223° Outbnd, 043° Inbnd, 1600' within 10 miles.
 Minimum altitude over Paul Int (or 5-mile DME Fix) on final approach crs, 733'.
 Facility on airport; breakoff point to runway, 050°—0.4 mile.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing CRE VOR, climb to 1600' on CRE VOR, R 057° within 15 miles.
 NOTES: (1) Use Myrtle Beach altimeter setting when control zone not effective. (2) When authorized by ATC, DME may be used within 15 miles at 1600' to position aircraft for a straight-in approach with the elimination of a procedure turn.
 *Limited weather information available to public. Alternate usage authorized for air carriers only.
 MSA within 25 miles of facility: 000°-180°-1300'; 180°-270°-1400'; 270°-360°-1700'.

City, Crescent Beach; State, S.C.; Airport name, Myrtle Beach; Elev., 33'; Fac. Class., L-BVOR; Ident., CRE; Procedure No. 2, Amdt. 1; Eff. date, 22 Oct. 66; Sup. Amdt. No. Orig.; Dated, 17 Sept. 66

				T-dn.....	300-1	300-1	200-1/4
				C-d.....	800-1	800-1	800-1 1/4
				C-n.....	800-2	800-2	800-2
				S-d-13*.....	800-1	800-1	800-1 1/4
				S-n-13**.....	800-2	800-2	800-2
				A-dn.....	NA	NA	NA
DME minimums:							
				C-dn†.....	500-1	500-1	500-1 1/4
				S-dn-13‡.....	500-1	500-1	500-1

Procedure turn W side of crs. 330° Outbnd, 150° Inbnd, 2000' within 10 miles.
 Minimum altitude over facility on final approach crs, 2000'; over Bo DME, 1000'.
 Crs and distance, facility to airport, 150°—10 miles; Bo DME to airport, 150°—3 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10 miles after passing HBG VORTAC, turn left, climb to 2000', return to HBG VORTAC via R 150° and enter holding pattern.
 NOTES: (1) Aircraft will cancel IFR with MCB FSS or HOU ARTCC prior to landing or upon reaching visual flight conditions. (2) Aircraft will not take off under IFR conditions without prior ATC approval. (3) Weather service not available to the public.
 When authorized by ATC, DME may be used within 10 miles at 2000' to position aircraft for final approach with the elimination of procedure turn.
 CAUTION: Airspace restricted area R-4401, 5 miles SE of airport.
 *Reduction not authorized.
 **Reduction below 3/4 mile not authorized.
 †DME equipment required.
 MSA within 25 miles of facility: 000°-360°-1900'.

City, Hattiesburg; State, Miss.; Airport name, Municipal; Elev., 151'; Fac. Class., L-BVORTAC; Ident., HBG; Procedure No. 1, Amdt. 1; Eff. date, 22 Oct. 66; Sup. Amdt. No. Orig.; Dated, 19 Sept. 64

R 251°, MKC VOR clockwise.....	R 357°, MKC VOR.....	Via 6-mile DME Arc.	2600	T-dn*.....	300-1	300-1	300-1
R 086°, MKC VOR counterclockwise.....	R 357°, MKC VOR.....	Via 6-mile DME Arc.	2600	C-d%.....	800-1	800-2	800-2
6-mile DME Fix, R 357°.....	MKC VOR (final).....	Direct.....	2600	C-n.....	800-2	800-2	800-2
				A-dn.....	800-2	800-2	800-2
				Minimums with DME or Dual VOR receivers:			
				C-dn%.....	600-1	600-1	600-1 1/4

Radar available.
 Procedure turn W side of crs. 357° Outbnd, 177° Inbnd, 2600' within 10 miles.
 Minimum altitude over facility on final approach crs, 2600'; over Tank Int or 5.3-mile DME Fix, R 177°, 1600'.
 Crs and distance, facility to airport, 177°—7.5 miles; Tank Int to airport, 177°—2.2 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.5 miles after passing MKC VORTAC or within 2.2 miles after passing Tank Int, make right turn climbing to 2700' on a heading of 270°, intercept the STJ VOR, R 165°, turn N to Farley Int.
 CAUTION: Numerous obstructions all quadrants.
 *Unless radar vectored and weather is below 1000-3: (a) Aircraft taking off SE, S, or SW and planned route is between 090° and 180°, intercept RIS VOR, R 200° or MKC VOR, R 180°, climb to 2500' before proceeding on crs. (b) Aircraft taking off NW, N, or NE and planned route is between 090° and 180°, climb to 2500' before proceeding S of the 090° ADF bearing from KC LMM.
 †No reduction takeoff minimums except Runway 31.
 %Circling SE of airport from 090° clockwise to 180° not authorized.
 MSA within 25 miles of facility: 090°-180°-3100'; 180°-090°-2400'.

City, Kansas City; State, Kans.; Airport name, Fairfax Municipal; Elev., 746'; Fac. Class., H-BVORTA; Ident., MKC; Procedure No. 1, Amdt. 4; Eff. date, 22 Oct. 66; Sup. Amdt. No. 3; Dated, 29 June 63

RULES AND REGULATIONS

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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	
R 251°, MKC VOR clockwise	R 351°, MKC VOR	Via 6-mile DME Arc.	2600	T-dn*	300-1	300-1	**300-1
R 086°, MKC VOR counterclockwise	R 351°, MKC VOR	Via 6-mile DME Arc.	2600	C-dn% S-dn-18@ A-dn	1000-2 1000-2 1000-2	1000-2 1000-2 1000-2	1000-2 1000-2 1000-2
6-mile DME Fix, R 351°	MKC VOR (final)	Direct	2600	Minimums with DME or dual VOR receivers: C-dn% S-dn-18@	600-1 500-1	700-1 500-1	700-1½ 500-1

Radar available.
 Procedure turn W side of crs, 351° Outbnd, 171° Inbnd, 2600' within 10 miles.
 Minimum altitude over facility on final approach crs, 2600'; over Tower Int or 5.3-mile DME Fix, R 171°, 1758'.
 Crs and distance, facility to airport, 171°—8.7 miles; Tower Int or 5.3-mile DME Fix, R 171°, 3.4 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8.7 miles after passing MKC VORTAC, or 3.4 miles after passing Tower Int, make right turn climbing to 2700' on a heading of 270°, intercept STJ VOR, R 165°, turn N to Farley Int.
AIR CARRIER NOTE: No reduction in takeoff minimums except Runway 36.
 **200-½ authorized Runway 36 only.
 %Circling or straight-in approaches to Runways 3, 35, and 36 not authorized when MKC weather sequence remarks indicate cloud height below authorized minimums.
 Circling not authorized E of airport in sector from 090° through 180°.
 @Reduction not authorized.
 *Unless radar vectored when weather is below 1000-3: (a) Aircraft taking off S or SW and planned route is between 090° and 180°, intercept the RIS VOR, R 210° or MKC VOR, R 190°, climb to 2500' before proceeding on crs. (b) Aircraft taking off N or NE and planned route is between 090° and 180°, climb to 2500' before proceeding S of the 090° ADF bearing from KC LMM.
 CAUTION: Numerous obstructions all quadrants.
 MSA within 25 miles of facility: 090°-180°—3100'; 180°-090°—2400'.
 City, Kansas City; State, Mo.; Airport name, Municipal; Elev., 758'; Fac. Class., H-BVORTAC; Ident., MKC; Procedure No. 1, Amdt. 8; Eff. date, 22 Oct. 66; Sup. Amdt. No. 7; Dated, 5 Oct. 63

T-dn%*	300-1	300-1	200-½
C-dn	900-1	900-1	900-1½
S-dn-6**	500-1	500-1	500-1
A-dn#	900-2	900-2	900-2

Radar required. Radar vector to final approach required.
 Procedure turn not authorized.
 Minimum altitude on approach radial 3-mile Radar Fix, R 230°, 1800'; over facility on final approach, 1200'.
 Crs and distance, facility to airport, 050°—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 APC VOR, make left turn, climb direct to APC VOR, shuttle climb to 3000' on APC VOR, R 347° (167° Inbnd), 1-minute pattern, left turn.
 NOTE: Napa County tower hours of operation 0700-2300 local. Weather service available only during periods of tower operation. Use Hamilton AFB altimeter setting when control zone is not effective.
 CAUTION: 500' terrain, 1.7 miles NE of airport rising to 1100'—3.5 miles NE.
 %Takeoff all directions climb via APC VOR, R 050° (230° Inbnd) to Napa VORTAC. Southbound, V-87, climb on crs satisfactory after crossing APC VORTAC. Northbound cross APC VORTAC, 1000', thence climb on crs, V-87; minimum climb rate 230' per mile.
 *700' ceiling required for takeoff Runway 36 and Runway 6.
 #Alternate minimums authorized only when Napa County tower in operation.
 **700' ceiling required during periods when Napa County tower is not operational.
 MSA within 25 miles of facility: 000°-090°—4100'; 090°-180°—4100'; 180°-270°—3600'; 270°-360°—4400'.
 City, Napa; State, Calif.; Airport name, Napa County; Elev., 37'; Fac. Class., L-BVORTAC; Ident., APC; Procedure No. 1, Amdt. 1; Eff. date, 22 Oct. 66; Sup. Amdt. No. Orig.; Dated, 23 July 66

T-dn%*	300-1	300-1	200-½
C-dn	1500-1	1500-1	1500-1½
A-dn	1500-2	1500-2	1500-2

Procedure turn S side of crs, 070° Outbnd, 250° Inbnd, 3500' within 10 miles.
 Minimum altitude over facility on final approach crs, 2400'.
 Crs and distance, facility to airport, 250°—3.1 miles.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 miles after passing OTH VOR, climb to 3500' on R 250° from OTH VOR within 13 miles.
 Shuttle on R 250° to 3500' within 10 miles.
 CAUTION: Bridge tower, 90°—0.2 mile E of airport and bridge tower, 265°—0.8 mile E of airport.
 %Takeoffs all runways: Runways 31, 34, and 4 turn left. Runways 16, 22, and 13 turn right; intercept R 250° and climb westbound on R 250°, OTH VOR to 500', thence return to OTH VOR via R 250°, climbing to cross OTH VOR at or above 1000'.
 ADF departure: Runways 31, 34, and 4 turn left; Runways 16, 22, and 13 turn right; intercept bearing, 250° from OBN RBn and climb westbound on bearing, 250° to 500', thence return to OBN RBn via bearing, 070° to OBN RBn at or above 1000'.
 MSA within 25 miles of facility: 000°-090°—3300'; 090°-180°—3000'; 180°-270°—2600'; 270°-360°—2000'.
 City, North Bend; State, Oreg.; Airport name, North Bend Municipal; Elev., 14'; Fac. Class., L-BVORTAC; Ident., OTH; Procedure No. 1, Amdt. 4; Eff. date, 22 Oct. 66; Sup. Amdt. No. 3; Dated, 26 Mar. 66

PROCEDURE CANCELED, EFFECTIVE 22 OCT. 1966.

City, Sumter; State, S.C.; Airport name, Sumter Municipal; Elev., 182'; Fac. Class., VOR; Ident., SSC; Procedure No. 1, Amdt. Orig.; Eff. date, 8 Feb. 64

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	

PROCEDURE CANCELED, EFFECTIVE 22 OCT. 1966.

City, Crescent City; State, Calif.; Airport name, Jack McNamara Field; Elev., 55'; Fac. Class., BVOR; Ident., CEC; Procedure No. TerVOR-11, Amdt. 4; Eff. date, 4 May 63; Sup Amdt. No. 3; VOR Procedure No. 1; Dated, 5 Aug. 61

				T-dn*	300-1	300-1	**3000-1
				C-dn%	900-1	900-1	%900-1½
				S-dn-3@	900-1	900-1	900-1
				A-dn	NA	NA	NA

Radar required.
 Procedure turn not authorized.
 Aircraft will be released for final approach over the 6-mile Radar Fix or Kaw Int.
 Minimum altitude over 6-mile Radar Fix or Kaw Int on final approach crs, 2600'.
 Crs and distance, 6-mile Radar Fix or Kaw Int to airport, 026°—6 miles.
 Crs and distance, breakoff point to approach end of Runway 3, 031°—1 mile.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing the 6-mile Radar Fix or Kaw Int, make left turn, climb to 2700' on a heading of 270°, intercept the STJ VOR, R 165°, turn N to Farley Int.
 *AIR CARRIER NOTE: No reduction in takeoff minimums except Runway 36.
 **200-½ authorized Runway 36 only.
 %Circling or straight-in approaches to Runways 3, 35, and 36 not authorized when MKC weather sequence remarks indicate cloud height below authorized minimums.
 Circling not authorized E of airport in sector from 090° through 180°.
 @900-3 required for turbojet aircraft when circling for Runway 36.
 @Reduction not authorized.
 *Unless radar vectored when weather is below 1000-3: (a) Aircraft taking off S or SW and planned route is between 090° and 180°, intercept the RIS VOR, R 210° or MKC VOR, R 190°, climb to 2500' before proceeding on crs. (b) Aircraft taking off N or NE and planned route is between 090° and 180°, climb to 2500' before proceeding S of the 090° ADF bearing from KC LMM.
 CAUTION: Numerous obstructions all quadrants.
 MSA within 25 miles of facility: 090°-180°-3100'; 180°-270°-2600'; 270°-090°-2400'.

City, Kansas City; State, Mo.; Airport name, Municipal; Elev., 758'; Fac. Class., TBVOR; Ident., RIS; Procedure No. TerVOR-3, Amdt. 4; Eff. date, 22 Oct. 66; Sup. Amdt. No. 3; Dated, 5 Oct. 63

BSP VOR	Avondale Int.	Direct	2600	T-dn*	300-1	300-1	**300-1
MKC VOR	Avondale Int.	Direct	2600	C-dn%	700-1	700-1	700-1½
Kearney Int.	Avondale Int.	Via MKC, R 052° and RIS, R 010.	2600	S-dn-18@	700-1	700-1	700-1
				A-dd	800-2	800-2	800-2

Radar available.
 Procedure turn W side of crs, 010°, Outbnd, 190° Inbnd, 2600' within 10 miles of Avondale Int.
 Minimum altitude over Avondale Int on final approach crs, 2400'.
 Crs and distance, Avondale Int to airport, 190°—5.1 miles; breakoff point to Runway 18, 184°—1 mile.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing Avondale Int, make right turn, climb to 2700' on a heading of 270°, intercept the STJ VOR, R 165°, turn N to Farley Int.
 NOTE: Dual VOR receivers required.
 *AIR CARRIER NOTE: No reduction in takeoff minimums except Runway 36.
 **200-½ authorized Runway 36 only.
 %Circling or straight-in approaches to Runways 3, 35, and 36 not authorized when MKC weather sequence remarks indicate cloud height below authorized minimums. Circling not authorized E of airport in sector from 090° through 180°.
 @Reduction not authorized.
 *Unless radar vectored when weather is below 1000-3: (a) Aircraft taking off S or SW and planned route is between 090° and 180°, intercept the RIS VOR, R 210° or MKC VOR, R 190°, climb to 2500' before proceeding on crs. (b) Aircraft taking off N or NE and planned route is between 090° and 180°, climb to 2500' before proceeding S of the 090° ADF bearing from KC LMM.
 CAUTION: Numerous obstructions all quadrants.
 MSA within 25 miles of facility: 090°-180°-3100'; 180°-270°-2600'; 270°-090°-2400'.

City, Kansas City; State, Mo.; Airport name, Municipal; Elev., 758'; Fac. Class., TBVOR; Ident., RIS; Procedure No. TerVOR-18, Amdt. 3; Eff. date, 22 Oct. 66; Sup. Amdt. No. 2; Dated, 5 Oct. 63

				T-dn*	300-1	300-1	**300-1
				C-dn%	600-1	700-1	700-1½
				S-dn-21@	600-1	600-1	600-1
				A-dn	NA	NA	NA

Radar available.
 Procedure turn not authorized.
 Aircraft will be released for final approach over the 5-mile Radar Fix or Maple Park Int.
 Minimum altitude over 5-mile Radar Fix or Maple Park Int on final approach crs, 2400'.
 Crs and distance, 5-mile Radar Fix or Maple Park Int to airport, 214°—5 miles.
 Crs and distance, breakoff point to approach end of runway, 210°—1 mile.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing Maple Park Int or 5-mile Radar Fix, make right turn, climb to 2700' on a heading of 270°, intercept the STJ VOR, R 165°, turn N to Farley Int.
 CAUTION: Numerous obstructions all quadrants.
 *AIR CARRIER NOTE: No reduction in takeoff minimums except Runway 36.
 **200-½ authorized Runway 36 only.
 *Unless radar vectored when weather is below 1000-3: (a) Aircraft taking off S or SW and planned route is between 090° and 180°, intercept the RIS VOR, R 210° or MKC VOR, R 190°, climb to 2500' before proceeding on crs. (b) Aircraft taking off N or NE and planned route is between 090° and 180°, climb to 2500' before proceeding S of the 090° ADF bearing from KC LMM.
 %Circling or straight-in approaches to Runway 3, 35, and 36 not authorized when MKC weather sequence remarks indicate cloud height below authorized minimums.
 Circling not authorized E of airport in sector from 090° through 180°.
 @Reduction not authorized.
 MSA within 25 miles of facility: 090°-180°-3100'; 180°-270°-2600'; 270°-090°-2400'.

City, Kansas City; State, Mo.; Airport name, Municipal; Elev., 758'; Fac. Class., T-BVOR; Ident., RIS; Procedure No. TerVOR-21, Amdt. 3; Eff. date, 22 Oct. 66; Sup. Amdt. No. 2; Dated, 5 Oct. 63

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	
10-mile DME Fix, R 343°	10-mile DME Fix, R 306° (final)	Via 10-mile counterclockwise Arc.	1600	T-dn% C-dn S-dn-11 A-dn	300-1 500-1 500-1 800-2	300-1 500-1 500-1 800-2	200-1/2 500-1/2 500-1 800-2
10-mile DME Fix, R 306°	4-mile DME Fix, R 306°	Direct	556	DME minimums S-dn-11	DME equipment required.* 400-1 400-1		400-1

Procedure turn W side of crs, 306° Outbnd, 126° Inbnd, 1600' within 10 miles.
 Minimum altitude *4-mile DME Fix, 556'.
 Facility on airport; breakoff point to runway, 113°—0.8 mile.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of CEC VOR, turn right, climb to 2000' on R 161° within 15 miles.
 CAUTION: High terrain E.
 %Takeoff all runways. Climb on the CEC VOR, R 215° within 10 miles so as to cross the CEC VOR, at or above the following MCA's, N, V-27—1500'; NE, V-122—3000'; S, V-27, climb on crs satisfactory.
 MSA within 25 miles of facility: 000°-090°—7500'; 090°-180°—6200'; 180°-270°—1300'; 270°-360°—5300'.
 City, Crescent City; State, Calif.; Airport name, Jack McNamara; Elev., 56'; Fac. Class., L-BVORTAC; Ident., CEC; Procedure No. VOR/DME-1, Amdt. Orig.; Eff. date, 22 Oct. 66

10-mile DME Fix, R 161°	6-mile DME Fix, R 161° (final)	Direct	1500	T-dn% C-dn S-dn-35 A-dn	300-1 500-1 500-1 800-2	300-1 500-1 500-1 800-2	200-1/4 500-1 500-1/2 800-2
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Procedure turn not authorized.
 Minimum altitude over 10-mile DME Fix, R 161°, 3500'; over 6-mile DME Fix, R 161°, 1500'.
 Facility on airport; breakoff point to runway, 355°—0.1 mile.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 0 mile of the VOR, turn left, climb to 2000' on R 306° within 15 miles.
 CAUTION: High terrain E.
 %Takeoff all runways. Climb on the CEC VOR, R 215° within 10 miles so as to cross CEC VOR at or above the following MCA's. N, V-27—1500'; NE, V-122—3000'; S, V-27, climb on crs satisfactory.
 MSA within 25 miles of facility: 000°-090°—7500'; 090°-180°—6200'; 180°-270°—1300'; 270°-360°—5300'.
 City, Crescent City; State, Calif.; Airport name, Jack McNamara; Elev., 56'; Fac. Class., L-BVORTAC; Ident., CEC; Procedure No. VOR/DME-2, Amdt. Orig.; Eff. date, 22 Oct. 66

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

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
FOT VOR	SE crs ILS (final)	FOT, R 034°, 13.6 miles	3500	T-dn C-dn** S-dn-31 A-dn	300-1 500-1 200-1/2 800-2	300-1 500-1 200-1/2 800-2	200-1/2 500-2 200-1/2 800-2
SE crs, ILS	OM (final)	SE crs, ILS	#1800				
14-mile DME OFT, R 136°	Kneeland Int.	14-mile counterclockwise Arc.	5500				
Yager Int.	Kneeland Int.	SE crs, ILS	5500				
Kneeland Int.	OM (final)	SE crs, ILS	\$1800				

Procedure turn not authorized.
 Minimum altitude at glide slope interception Inbnd from FOT VOR, 3500'; from Kneeland Int, 5500'.
 Altitude of glide slope and distance to approach end of runway at OM, 1800'—4.7 miles; at MM, 400'—0.6 mile.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make a left-climbing turn, climb to 2000' on crs of 295° from the LMM to Trinidad Int.
 NOTES: (1) Procedure not authorized with any component of the ILS or airborne receiver inoperative except the approach lights. 300-1/2 required if approach lights are inoperative. (2) Back crs unusable.
 **CAUTION: All maneuvering W of airport. High terrain E.
 #Descent on glide slope required. Glide slope will be intercepted when crossing FOT, R 030°.
 \$Descent on glide slope required. Glide slope will be intercepted when crossing FOR, R 054°.
 City, Arcata-Eureka; State, Calif.; Airport name, Arcata; Elev., 217'; Fac. Class., ILS; Ident., I-ACV; Procedure No. ILS-31, Amdt. 11; Eff. date, 22 Oct. 66; Sup. Amdt. No 10. Dated, 21 Nov. 64

RULES AND REGULATIONS

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	
Blue Springs VOR	LOM	Direct	2600	T-dn*	300-1	300-1	300-1
Kansas City VOR	LOM	Direct	2600	C-dn%	700-1	700-1	700-1½
				A-dn	800-2	800-2	800-2

Radar available.
 Procedure turn W side of crs. 007° Outbnd, 187° Inbnd, 2600' within 10 miles.
 Minimum altitude over facility on final approach crs, 2600'.
 Minimum altitude at glide slope interception Inbnd, 2600'.
 Altitude of glide slope and distance to approach end of runway at LOM, 2558'—4.5 miles; at Bluff FM, 1458'—0.7 mile.
 Crs Bluff FM to airport, 223'.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing MK LOM or at Bluff FM, make right turn climbing to 2700' on a heading of 270°, intercept the STJ VOR, R 165°, turn N to Farley Int.
 * Unless radar vectored and the weather is below 1000-3½(a) Aircraft taking off SE, S, or SW and planned route is between 090° and 180°, intercept the RIS VOR, R 200° or MKC VOR, R 180°, climb to 2500' before proceeding on crs. (b) Aircraft taking off NW, N, or NE and planned route is between 090° and 180°, climb to 2500' before proceeding S of the 090° ADF bearing from KC LMM.
 * No reduction takeoff minimums except Runway 31.
 %Circling SE of airport from 090° clockwise to 180° not authorized.
 CAUTION: Numerous obstructions all quadrants.

City, Kansas City; State Kans.; Airport name, Fairfax Municipal; Elev., 746'; Fac. Class., ILS; Ident., I-MKC; Procedure No. ILS-22, Amdt. 7; Eff. date, 22 Oct. 66; Sup. Amdt. No. 6; Dated, 16 Oct. 65

MKC VOR	LOM	Direct	2600	T-dn*	300-1	300-1	300-1**
BSP VOR	LOM	Direct	2600	C-dn%	600-1	700-1	700-1½
				S-dn-18@#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
Minimums with glide slope inoperative when bluff fan marker received (cross fan marker no lower than 1458'):							
				C-dn	600-1	700-1	700-1½
				S-dn-18#	500-1	500-1	500-1

Radar available.
 Procedure turn W side of crs. 007° Outbnd, 187° Inbnd, 2600' within 10 miles.
 Minimum altitude at glide slope intercept Inbnd, 2600'.
 Altitude of glide slope and distance to approach end of runway at OM, 2558'—5.4 miles; at MM, 1030'—0.7 mile.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at KC LMM, make right turn climbing to 2700' on a heading of 270°, intercept the STJ VOR, R 165°, turn N to Farley Int.
 * AIR CARRIER NOTE: No reduction in takeoff minimums except Runway 36.
 **200-½ authorized Runway 36 only.
 %Circling or straight-in approaches to Runways 3, 35, and 36 not authorized when MKC weather sequence remarks indicate cloud height below authorized minimums.
 Circling not authorized E of airport in sector from 090° through 180°. @A approach lights inoperative—500-1; glide slope not utilized—700-1.
 #Reduction not authorized.
 * Unless radar vectored when weather is below 1000-3: (a) Aircraft taking off S or SW and planned route is between 090° and 180°, intercept the RIS VOR, R 210° or MKC VOR, R 190°, climb to 2500' before proceeding on crs. (b) Aircraft taking off N or NE and planned route is between 090° and 180°, climb to 2500' before proceeding S of the 090° ADF bearing from KC LMM.
 Localizer site 325' W of centerline. Approach crs of 187° intercepts Runway 18 centerline extended 1 mile from threshold.
 ILS unusable from MM Inbnd.
 CAUTION: Numerous obstructions all quadrants.

City, Kansas City; State, Mo.; Airport Name, Municipal; Elev., 758'; Fac. Class., ILS; Ident., I-MKC; Procedure No. ILS-18, Amdt. 8; Eff. date, 22 Oct. 66; Sup. Amdt. No. 7; Dated, 16 Oct. 65

Swamp Int	LOM	Direct	1,600	T-dn	300-1	300-1	200-½
Wilmington VOR	LOM	Direct	1,600	C-dn	500-1	500-1	500-1½
				S-dn-34*	300-½	300-½	300-½
				A-dn	600-2	600-2	600-2

Procedure turn W side of S crs. 163° Outbnd, 343° Inbnd, 1600' within 10 miles.
 Minimum altitude at glide slope interception Inbnd, 1500'.
 Altitude of glide slope and distance to approach end of runway at OM, 1405'—4.6 miles; at MM, 237'—0.6 mile.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing LOM, climb to 1600' on 343° crs from ILM LOM within 15 miles.
 *400-¾ required when glide slope not utilized. 400-¾ authorized, except for 4-engine turbojet aircraft, with operative ALS.
 Glide slope unusable below 231'.

City, Wilmington; State, N.C.; Airport name, New Hanover County; Elev., 31; Fac. Class., ILS; Ident., I-ILM; Procedure No. ILS-34, Amdt. 8; Eff. date, 22 Oct. 66; Sup. Amdt. No. 7; Dated, 17 July 65

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

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
000°	360°	0-25 miles	2600	T-dn* C-dn% S-dn-18@ A-dn	Precision approach		**300-1 700-1 1/2 400-1 800-2
					300-1 600-1 400-1 800-2	300-1 700-1 400-1 800-2	

Radar transition altitudes: All bearings and distances are from Kansas City Municipal Airport.
 If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make right turn climbing to 2700' on a heading of 270°, intercept the STJ VOR, R 165°, turn N to Farley Int.
 CAUTION: Numerous obstructions all quadrants.
 *AIR CARRIER NOTE: No reduction in takeoff minimums except Runway 36.
 **200-1/2 authorized Runway 36 only.
 †Unless radar vectored when weather is below 1000-3: (a) Aircraft taking off S or SW and planned route is between 090° and 180°, intercept the RIS VOR, R 210° or MKC VOR, R 190°, climb to 2500' before proceeding on crs. (b) Aircraft taking off N or NE and planned route is between 090° and 180°, climb to 2500' before proceeding S of the 090° ADF bearing from KC LMM.
 ‡2700' within 0-3 miles of 1664' tower, located 2.5 miles S of airport.
 §3000' within 0-3 miles of 2049' tower, located 2.7 miles SSE of airport.
 ¶2900' within 0-3 miles of 1946' tower, located 4 miles S of airport.
 % Circling or straight-in approaches to Runways 3, 35, and 36 not authorized when MKC weather sequence remarks indicate cloud height below authorized minimums.
 @ Circling not authorized E of airport in sector from 090° through 180°
 @ 500-1 required when approach lights inoperative. Reduction not authorized.
 City, Kansas City: State, Mo.; Airport name, Municipal; Elev., 758'; Fac. Class. and Ident., Kansas City Radar; Procedure No. 1, Amdt. 6; Eff. date, 22 Oct. 66; Sup. Amdt. No. 5; Dated, 5 Oct. 63

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, 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 September 15, 1966.

W. E. ROGERS,
 Acting Director, Flight Standards Service.

[F.R. Doc. 66-10406; Filed, Sept. 29, 1966; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-1106]

PART 13—PROHIBITED TRADE PRACTICES

E. J. Korvette, Inc., and Spartans Industries, Inc.

Subpart—Acquiring corporate stock or assets: § 13.5 Acquiring corporate stock or assets: 13.5-20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18) [Cease and desist order, E. J. Korvette, Inc., et al., New York, N.Y., Docket C-1106, Sept. 9, 1966.]

In the Matter of E. J. Korvette, Inc., a Corporation, and Spartans Industries, Inc., a Corporation

Consent order requiring the surviving corporation resulting from a proposed merger of the 1st and 17th nationally ranked discount department store chains, with headquarters in New York City, to divest 97 stores recently acquired by the

smaller chain and 43 percent interest owned by the larger chain in one of its New York competitors. The order also forbids the surviving corporation from acquiring any GMAF (General Merchandise, Apparel and Furniture) store for 10 years, without prior consent of the Federal Trade Commission, and limits the amount of apparel and hosiery which the corporation may supply its own retail outlets from its manufacturing facilities.

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

1. It is ordered, That the surviving corporation shall divest itself absolutely, in good faith, of all stock or any other interest, direct or indirect, through Schwabro Corp. or otherwise, in Alexander's Department Stores, Inc. ("Alexander's") and Retail Realty, Inc. ("Retail")

A. The surviving corporation shall make every reasonable effort to effectuate such divestiture within a period of three (3) years from the effective date of this order: Provided, however, That if divestiture has not been effected within said 3-year period, the Federal Trade Commission shall grant to the surviving corporation an opportunity to be heard before issuing any further order or orders which may be deemed appropriate. If at that time the surviving corporation

shows that it has made a good faith effort and that failure to effectuate the divestiture within the 3-year period cannot be attributed to delays by it, the Federal Trade Commission will grant an additional period of 2 years in which to complete the divestiture.

B. By such divestiture none of said interest in the stock of Alexander's and Retail shall be sold, directly or indirectly, to any person not approved as a purchaser by the Federal Trade Commission.

C. If the surviving corporation divests said interest in the stock of Alexander's and Retail to a new corporation, the stock of which is wholly owned by the surviving corporation, and if the surviving corporation then distributes all of the stock in said wholly owned new corporation to the stockholders of the surviving corporation, then paragraph I(B) of this order shall be inapplicable to the spin-off, and the following paragraph I(D) of this order shall take force and effect in its stead.

D. No person who is an officer or director of the surviving corporation shall at the same time be an officer or director of the new corporation. None of the following, or their legal representatives, shall own or control, directly or indirectly, more than one percent (1%) of the outstanding stock of the new corporation: (i) The Bassine Foundation, the

Kardell Corp., Charles C. Bassine and his family, as a group, (ii) Eugene Ferkauf and his family, as a group, (iii) Murray Sussman and his family, as a group, and (iv) any officer or director of the surviving corporation. Such persons or groups shall have nine (9) months following distribution of the stock of the new corporation within which to sell or dispose of any stock in the new corporation in excess of the foregoing one percent (1%) limitation, and the persons or groups named in (i), (ii), and (iii) above shall do so only to a person or persons approved by the Federal Trade Commission. As used herein the family of a person shall mean any descendant of the grandparents of such person or the spouse of any such descendant. If the surviving corporation shall apply to the Internal Revenue Service, prior to such distribution, for a tax ruling that the stockholders of the surviving corporation will not be required, notwithstanding the above provision of this order requiring the above named persons to sell or dispose of such stock, to recognize gain or loss with respect to such transaction under the Internal Revenue Code, and the Internal Revenue Service shall fail to issue a ruling to such effect within six (6) months after the date such application is made, then and in such event, the above named persons shall have three (3) months following the issuance of a ruling to such effect within which to sell or dispose of such stock but, until a ruling to such effect is issued, the above named persons shall not be required to sell or dispose of such stock in the new corporation, but such persons shall, so long as such persons own or control such shares, never cause or permit such shares to be voted at any meeting of the stockholders of the new corporation, except in a manner approved by the Federal Trade Commission, and shall forthwith deliver to the new corporation an instrument in writing, in a form approved by the Federal Trade Commission to this effect; *Provided further*, That if and when such stock is sold or disposed of, such sale or disposition shall be to persons approved by the Federal Trade Commission.

E. If the surviving corporation transfers said interest in Alexander's and Retail to a new corporation, the stock of which is wholly owned by the surviving corporation, and if the surviving corporation then markets all of the stock in said new corporation in a separate public offering, then paragraphs I(B), I(C), and I(D) of this order shall be inapplicable, and the following paragraph I(F) shall take force and effect in its stead.

F. No person who is an officer or director of the surviving corporation, or who owns or controls, directly or indirectly, more than one percent (1%) of the stock of the surviving corporation, shall be an officer or director of the new corporation described in paragraph I(E) of this order or shall own or control, directly or indirectly, more than one percent (1%) of the stock of the new corporation described in paragraph I(E) of this order. For the purposes of this paragraph I(F) of this order, the stock ownership of any person either in the surviving corporation

or the new corporation shall include the stock ownership of all members of his family. As used herein the family of a person shall mean any descendant of the grandparents of such person or the spouse of any such descendant.

G. If the surviving corporation is unable to dispose of said interest in Alexander's and Retail entirely for cash, nothing in this order shall be deemed to prohibit the surviving corporation from retaining, accepting and enforcing in good faith any security interest therein for the sole purpose of securing to the surviving corporation full payment of the price, with interest, at which the said interest is disposed of or sold: *Provided*, That such security arrangement shall be on terms and conditions approved by the Federal Trade Commission; *And further provided*, That if, after a good faith divestiture of the said interest, the buyer fails to perform his obligation and the surviving corporation regains ownership or control over said interest, the surviving corporation shall redigest itself of said interest within 1 year in the same manner as provided for herein.

II. *It is further ordered*, That the surviving corporation shall divest itself, absolutely, in good faith, of all its interest in the 93 self-service department stores now operated by Spartans and in the four self-service department stores presently planned to be opened by Spartans (hereafter the "acquired stores"), by divesting the acquired stores as one or more going businesses. The interest so divested shall include the right of at least one acquirer to use the name "Atlantic Thrift Center" in any retail business; and shall include the right of at least one acquirer to use the name "Spartans Department Store[s]" in any retail business for a period of 2 years but not in any corporate name. The surviving corporation shall not subsequent to the completion of such divestiture operate any retail stores as "Spartans" or "Atlantic Thrift Center" stores but the surviving corporation may, in any event, continue to use the word "Spartans" as part of its corporate title.

A. The surviving corporation shall have five (5) years from the effective date of this order to complete such divestiture. The surviving corporation shall make every reasonable effort to effectuate such divestiture by means of a transaction contemplated by paragraphs II(B) or II(E) of this order before it effectuates such divestiture by means of a transaction contemplated by paragraph II(C) of this order.

B. By such divestiture none of such interest in the acquired stores shall be sold, directly or indirectly, to any person not approved as a purchaser by the Federal Trade Commission.

C. If the surviving corporation divests said interest in the acquired stores to one or more new corporations, the stock of which is wholly owned by the surviving corporation, and if the surviving corporation then distributes all of the stock in said wholly owned new corporation[s] to the stockholders of the surviving corporation, then paragraph II(B) of this order shall be inapplicable to the

spin-off, and the following paragraph II(D) of this order shall take force and effect in its stead.

D. No person who is an officer or director of the surviving corporation shall at the same time be an officer or director of the new corporation[s]. None of the following, or their legal representatives, shall own or control, directly or indirectly, more than one percent (1%) of the outstanding stock of the new corporation; (i) the Bassine Foundation, the Kardell Corp., Charles C. Bassine and his family, as a group, (ii) Eugene Ferkauf and his family, as a group, (iii) Murray Sussman and his family, as a group, and (iv) any officer or director of the surviving corporation. Such persons or groups shall have nine (9) months following distribution of the stock of the new corporation within which to sell or dispose of any stock in the new corporation in excess of the foregoing one percent (1%) limitation, and the persons or groups named in (i), (ii), and (iii) above shall do so only to a person or persons approved by the Federal Trade Commission. As used herein the family of a person shall mean any descendant of the grandparents of such person or the spouse of any such descendant. If the surviving corporation shall apply to the Internal Revenue Service, prior to such distribution, for a tax ruling, that the stockholders of the surviving corporation will not be required, notwithstanding the above provision of this order requiring the above named persons to sell or dispose of such stock, to recognize gain or loss with respect to such transaction under the Internal Revenue Code, and the Internal Revenue Service shall fail to issue a ruling to such effect within six (6) months after the date such application is made, then and in such event, the above named persons shall have three (3) months following the issuance of a ruling to such effect within which to sell or dispose of such stock, but, until a ruling to such effect is issued, the above named persons shall not be required to sell or dispose of such stock in the new corporation[s], but such persons shall, so long as such persons own or control such shares, never cause or permit such shares to be voted at any meeting of the stockholders of the new corporation, except in a manner approved by the Federal Trade Commission, and shall forthwith deliver to the new corporation an instrument in writing, in a form approved by the Federal Trade Commission to this effect: *Provided further*, That, if and when such stock is sold or disposed of, such sale or disposition shall be to persons approved by the Federal Trade Commission.

E. If the surviving corporation transfers said interest in the acquired stores to a new corporation[s], the stock of which is wholly owned by the surviving corporation, and if the surviving corporation then markets all of the stock in said new corporation[s] in a separate public offering, then paragraphs II(B), II(C), and II(D) of this order shall be inapplicable, and the following paragraph II(F) shall take force and effect in its stead.

F. No person who is an officer or director of the surviving corporation, or who owns or controls, directly or indirectly, more than one percent (1%) of the stock of the surviving corporation, shall be an officer or director of the new corporation[s] described in paragraph II(E) of this order shall own or control, directly or indirectly, more than one percent (1%) of the stock of the new corporation[s] described in paragraph II(E) of this order. For the purposes of this paragraph II(F) of this order, the stock ownership of any person either in the surviving corporation or the new corporation shall include the stock ownership of all members of his family. As used herein the family of a person shall mean any descendant of the grandparents of such person or the spouse of any such descendant.

G. If the surviving corporation is unable to dispose of said interest in the acquired stores entirely for cash, nothing in this order shall be deemed to prohibit the surviving corporation from retaining, accepting and enforcing in good faith any security interest therein for the sole purpose of securing to the surviving corporation full payment of the price, with interest, at which the said interest is disposed of or sold: *Provided*, That such security arrangement shall be on terms and conditions approved by the Federal Trade Commission; *And further provided*, That if, after a good faith divestiture of the said interest, the buyer fails to perform his obligation and the surviving corporation regains ownership or control over said interest, the surviving corporation shall redvest itself of said interest within 1 year in the same manner as provided for herein.

H. Pending divestiture, the surviving corporation shall make every reasonable effort to maintain the acquired stores in good operating condition with such replacements and additions and such effective overall organization as may be necessary to divest them as viable competitive entities: *Provided, however*, That nothing contained herein shall be deemed to require the surviving corporation to continue to operate any store which is so unprofitable that sound business judgment requires its closing or which is rendered inoperative as a result of force majeure or other events beyond the control of the surviving corporation.

III. *It is further ordered*, That no method, plan, or agreement of divestiture to comply with this order shall be adopted or implemented save upon such terms and conditions as shall first be approved by the Federal Trade Commission.

IV. *It is further ordered*, That for a period of ten (10) years from the effective date of this order the surviving corporation shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, any department store or other GMAF store located within the United States without the prior approval of the Federal Trade Commission. Nothing contained herein shall restrict the right of the surviving corporation to open additional department stores or GMAF stores at any time through lawful internal expansion.

V. *It is further ordered*, That for a period of ten (10) years from the effective date of this order the surviving corporation shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, any enterprise manufacturing any apparel or hosiery, located in the United States, without the prior approval of the Federal Trade Commission. Nothing contained herein shall restrict the right of the surviving corporation to open apparel or hosiery manufacturing facilities at any time through lawful internal expansion.

VI. *It is further ordered*, That for a period of ten (10) years from the effective date of this order the surviving corporation shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, any wholesaler or importer of any apparel or hosiery products, located in the United States, without the prior approval of the Federal Trade Commission. Nothing contained herein shall restrict the right of the surviving corporation to open any such wholesale or importing operation at any time through lawful internal expansion.

VII. *It is further ordered*, That after the effective date of this order the surviving corporation shall cease and desist from supplying from its own manufacturing facilities (the "manufacturing facilities"), (i) during any calendar year for a period of 10 years from the effective date of this order more than thirty-three and one-third percent (33 $\frac{1}{3}$ %) of the total dollar volume of the total requirements for such year of the 42 promotional department stores operated by Korvette at or immediately prior to the date of merger of Spartans into Korvette and of any other department stores or GMAF stores opened by the surviving corporation after the effective date of such merger ("the Korvette Stores") for any or all products (whether or not manufactured by Spartans, the surviving corporation or any affiliate during the calendar year 1966) includible in currently prevailing Census Five Digit S.I.C. (Standard Industrial Classification) product classifications in which Spartans, the surviving corporation or any affiliate manufactured products in 1966 ("the apparel and hosiery products"), and (ii) during any calendar year prior to the divestiture of the acquired stores a percentage of the total dollar volume of the total requirements of the acquired stores for the calendar year 1966 for the apparel and hosiery products, which shall be so supplied by Spartans, the surviving corporation and such affiliate(s) during the calendar year 1966: *Provided*, (A) That if in any calendar year, the surviving corporation's total sales of the apparel and hosiery products to all customers, including the Korvette stores and the acquired stores (whether or not the latter have yet been divested), fall below the total sales by Spartans, the surviving corporation or any affiliate of the apparel and hosiery products during the calendar year 1966,

as adjusted by a percentage equal to the percentage change in the gross national product between the calendar year 1966 and the calendar year in question, then the surviving corporation may increase its supply of the apparel and hosiery products to the Korvette stores during the calendar year in question above the limitations hereinabove provided by an amount equal to the difference between the surviving corporation's total sales of the apparel and hosiery products in the year in question and the total sales of the apparel and hosiery products by Spartans, the surviving corporation and any affiliate during the calendar year 1966 as so adjusted; *And provided further, however*, (B) That this paragraph VII of this order shall be effective only for a period of ten (10) years following the effective date of this order and shall thereafter be deemed to have been vacated and shall be of no further force and effect, except that, upon application duly made upon written notice to the surviving corporation not less than 6 months nor more than 12 months prior to the date upon which this paragraph VII shall so be deemed to have been vacated and to be of no further force and effect, and after an opportunity to be heard, the Federal Trade Commission may enter a further order extending the effectiveness of this paragraph VII for an additional period of time not to exceed 10 years upon a showing and determination that the effect of failing so to extend the period during which this paragraph VII shall be effective may be substantially to lessen competition or to tend to create a monopoly in any line of commerce in any section of the country; *And provided further, however*, (C) That in the event that the period of time during which this paragraph VII shall be effective is so extended by such further order of the Federal Trade Commission, the surviving corporation shall have all rights of appeal from or review of such further order as exist for appeal from or review of any order of the Federal Trade Commission entered under and pursuant to section 7 of the Clayton Act and as exist for appeal from or review of any order of the Federal Trade Commission entered under and pursuant to section 5 of the Federal Trade Commission Act; *Provided, however*, That during the pendency of any such application for such a further order and of any appeal from or review of any such further order, whether during or after the first ten (10) year period contemplated by this paragraph 7, the limitations of this section on the extent to which the surviving corporation may supply its own retail facilities shall continue in full force and effect.

VIII. *It is further ordered*, That the surviving corporation, within sixty (60) days from the effective date of this order, and every ninety (90) days thereafter until it has fully complied with the provisions of this order, submit in writing to the Federal Trade Commission a report setting forth in detail the manner and form in which it intends to comply, is complying, and/or has complied with this order. All compliance reports shall

include, among other things which may from time to time be required:

A. The total quantity and dollar volume of the apparel and hosiery products, stated separately for each five-digit S.I.C. product classification, (1) manufactured and shipped by the surviving corporation, (2) received from all sources by the Korvette Stores and by the acquired stores separately, and (3) supplied by it to the Korvette Stores and to the acquired stores separately; all for the preceding calendar quarter. Each fourth quarter report shall also include a report for the entire preceding calendar year, including specifically such data for the entire calendar year 1966.

B. A summary of all contacts and negotiations with all persons who have or may have an interest in acquiring ownership of and control over the stock and assets to be divested under this order, the identity of all such persons, copies of all written communications to or from such persons, copies of any proposed or executed sales contracts, copies of any internal corporate documents discussing such divestiture, and copies of any proposed plan of divestiture.

IX. As used in this order, the word "person" shall include persons, firms, and corporations.

X. *It is further ordered*, That in the event after the date hereof the Federal Trade Commission, in any adjudicative or consent order proceeding involving a market extension acquisition of one or more department or other GMAF stores by a company which owns or operates one or more department stores, issues any order which imposes limitations less restrictive than the comparable provisions of paragraph IV of this order, then the Federal Trade Commission shall, on application of the surviving corporation, pursuant to Rule 3.28 of the Commission's rules of practice, reopen this proceeding in order to make whatever revisions, if any, are necessary and appropriate to bring the restrictions imposed on the surviving corporation in paragraph IV of this order into conformity with those imposed by such order.

XI. The effective date of this order shall be the date upon which Spartans is merged into Korvette.

Issued: September 9, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-10653; Filed, Sept. 29, 1966;
8:45 a.m.]

[Docket C-1105]

PART 13—PROHIBITED TRADE PRACTICES

May Department Stores Co.

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 7, 38 Stat. 731, as amended; 15

U.S.C. 18) [Cease and desist order, The May Department Stores Co., St. Louis, Mo., Docket C-1105, Sept. 9, 1966.]

In the Matter of The May Department Stores Company, a corporation

Consent order forbidding the Nation's sixth largest department store chain, with annual sales of \$943 million in 1965, from acquiring any department store or other GMAF (General Merchandise, Apparel and Furniture) store for 10 years, without the prior consent of the Federal Trade Commission.

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

I. *It is ordered*, That, for ten (10) years from the effective date of this order, respondent, The May Department Stores Co., shall cease and desist from acquiring, directly or indirectly, without first notifying the Federal Trade Commission and obtaining its consent, any department store or other GMAF store, or any interest in capital stock or other share capital, or any assets constituting a substantial part of all of the assets, of any concern engaged in the department store or other GMAF store business in the United States.

II. *It is further ordered*, That section I of this order shall terminate if the Federal Trade Commission, through trade regulation rules or other like non-adjudicative industrywide proceedings, issues rules or guide lines covering the subject matter of this order.

III. *It is further ordered*, That, in the event the Federal Trade Commission, in any adjudicative or consent order proceeding involving a market extension acquisition of one or more department or other GMAF stores by a company which owns or operates one or more department stores, issues any order which imposes limitations on future such market extension acquisitions less restrictive than the comparable provisions of this order, then the Federal Trade Commission shall, on application of respondent, pursuant to Rule 3.28 of the Commission's rules of practice, reopen this proceeding in order to make whatever revisions, if any, are necessary and appropriate to bring the restrictions imposed on respondent herein into conformity with those imposed by such order.

IV. *It is further ordered*, That, within sixty (60) days after service of this order, The May Department Stores Co. shall submit in writing to the Federal Trade Commission a report setting forth in detail the manner and form in which it has complied, is complying, and intends to comply, with the provisions of this order.

Issued: September 9, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-10654; Filed, Sept. 29, 1966;
8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

MISCELLANEOUS AMENDMENTS

In Part 200 in the Table of Contents the pertinent section heading is amended to read as follows:

Sec.
200.95 Field Office Chiefs of Operations and Assistants to the Directors.

In § 200.95 the heading thereof and the introductory text are amended and a new paragraph (bb) is added to read as follows:

§ 200.95 Field Office Chiefs of Operations and Assistants to the Directors.

To the position of Field Office Chief of Operations, and to each of them, and to the position of Field Office Assistant to the Director, and to each of them, there is delegated the following duties and functions:

(bb) To make the high cost determinations for the Federal National Mortgage Association prescribed in section 305(g) of the National Housing Act.

Section 200.98 is amended by designating the paragraph after the introductory text as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 200.98 Chief Underwriter and Deputy, Chief Mortgage Credit Examiner and Deputy, Chief Appraiser and Deputy.

(b) To make the high cost determinations for the Federal National Mortgage Association prescribed in section 305(g) of the National Housing Act.

(Sec. 2, 48 Stat. 1246, as amended; sec. 211, 52 Stat. 23, as amended; sec. 607, 55 Stat. 61, as amended; sec. 712, 62 Stat. 1281, as amended; sec. 907, 65 Stat. 301, as amended; sec. 807, 69 Stat. 651, as amended; 12 U.S.C. 1703, 1715b, 1742, 1747k, 1748f, 1750f)

Issued at Washington, D.C., September 26, 1966.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 66-10661; Filed, Sept. 29, 1966;
8:46 a.m.]

**Title 43—PUBLIC LANDS:
INTERIOR**

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4096]

[Misc-88701]

CALIFORNIA

Withdrawal for Protection of Stands of Redwoods on Public Lands

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

1. Subject to valid existing rights, the following described public lands, which

are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, for the protection of stands of redwoods:

MOUNT DIABLO MERIDIAN

- T. 9 N., R. 11 W.,
Sec. 26, S $\frac{1}{2}$ NW $\frac{1}{4}$.
- T. 9 N., R. 13 W.,
Sec. 9, NW $\frac{1}{4}$ NE $\frac{1}{4}$.
- T. 10 N., R. 14 W.,
Sec. 25, W $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 26, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 27, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 28, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$.
- T. 13 N., R. 15 W.,
Sec. 30, lots 6, 7, 13 and 14.
- T. 14 N., R. 15 W.,
Sec. 30, NE $\frac{1}{4}$.

- Sec.
T. 14 N., R. 16 W.,
Sec. 21, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 28, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
- T. 24 N., R. 18 W.,
Sec. 2, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
- T. 24 N., R. 19 W.,
Sec. 3, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described aggregate 880 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 26, 1966.

[F.R. Doc. 66-10657; Filed, Sept. 29, 1966; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 183]

LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

Shutdown, Abandonment and Plugging of Wells

Basis and Purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the Act of June 28, 1906 (34 Stat. 539-543) it is proposed to revise 25 CFR 183.81, to revoke §§ 183.82, 183.83, and 183.84, and to revise § 183.91 (a)(10) to conform therewith. The purpose of the revision and repeal of the cited sections is to simplify the regulations concerning shutdown, abandonment, and plugging of oil and gas wells and provide for payment of fees for the plugging of a well.

It is the policy of the Department of the Interior, wherever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment and repeal of certain sections to the Commissioner of Indian Affairs, Department of the Interior, Washington, D.C. 20242, within 30 days of publication of this notice in the FEDERAL REGISTER.

The proposed amendments in the cited rules are as follows:

1. Section 183.81 is revised to read as follows:

§ 183.81 Shutdown, abandonment, and plugging of wells.

No productive well shall be abandoned until its lack of capacity for further profitable production of oil or gas has been demonstrated to the satisfaction of the Superintendent. Lessee therefore shall not shut down, abandon, or otherwise discontinue the operation or use of any well without the written approval of the Superintendent or his designated representative. All applications for such approval shall be submitted to the Superintendent on forms furnished by him.

(a) Application for authority to shut down or discontinue use or operation of a well shall set forth justification therefor and probable duration, the means by which the well bore is to be protected, and the contemplated eventual disposition of the well. The method of conditioning such well shall be subject to the approval of the Inspector.

(b) Wells to be permanently abandoned shall be promptly plugged as prescribed by the Inspector. Applica-

tions to plug shall set forth reasons for plugging; a detailed statement of the proposed work including kind, location, and length of plugs (by depth), plans for mudding and cementing, testing, parting and removing casing; and any other pertinent information: *Provided*, The Superintendent, or his designated representative, may give oral permission and instructions pending receipt of a written application to plug a newly drilled hole. Lessee shall remit a fee of \$15 with each written application for authority to plug a well, such fee to be refunded if permission is not granted.

(c) Lessee shall plug and fill all dry or abandoned wells in a manner to confine the fluid in each formation bearing fresh water, oil, gas, and other minerals, and to protect it against invasion of fluids from other sources. Mud-laden fluid, cement, and other plugs shall be used to fill the hole from bottom to top: *Provided*, If a satisfactory agreement is reached between Lessee and the surface owner, subject to approval of the Superintendent, Lessee may condition the well for use as a fresh water well and shall so indicate on the plugging record. The manner in which plugging materials shall be introduced and the type of materials so used shall be subject to the approval of the Inspector. Within 10 days after plugging, Lessee shall file with the Superintendent a complete report of the plugging of each well. When any well is plugged and abandoned Lessee shall, within 90 days, clean up the premises around such well to the satisfaction of the Superintendent or his authorized representative: *Provided*, That the 90-day period may be extended a reasonable time in the discretion of the Superintendent.

(d) In event Lessee shall fail to plug properly any dry or abandoned well in accordance with these regulations, the Superintendent may, after 5 days' notice to the parties in interest, plug such well at the expense of Lessee or his surety plus an additional 25 percent to cover administrative costs.

§§ 183.82-183.84 [Revoked]

2. Sections 183.82, 183.83, and 183.84 are superseded by the amendment in item 1 above, and are revoked.

3. Section 183.91(a)(10) is revised to read as follows:

§ 183.91 Amount of penalties.

(a) * * *

(10) For failure to file plugging reports as required by § 183.81 and for failure to file reports, and remit royalties required by § 183.45, \$5 a day for the

first violation and \$10 a day for each violation thereafter.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

SEPTEMBER 26, 1966.

[F.R. Doc. 66-10656; Filed, Sept. 29, 1966; 8:45 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50-204]

RADIATION SAFETY AND HEALTH STANDARDS

Application in Alabama

The State of Alabama has recently entered into an agreement with the Atomic Energy Commission (31 F.R. 10644) pursuant to section 274(b) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021(b)). This agreement makes that State's program for control of radiation sources effective pursuant to 41 CFR 50-204.320(c)(1) (31 F.R. 1075) and eligible for a determination pursuant to 41 CFR 50-204.320(c)(2) that such program is currently compatible with the requirements of the Department of Labor's safety and health standards for Federal supply contracts (41 CFR Part 50-204).

This agreement brings into compliance with 41 CFR Part 50-204 any employer in Alabama who possesses or uses source material, byproduct material, or special nuclear material, as defined in the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), and has registered such sources with the State of Alabama, or is operating under a license issued by the State of Alabama, and in accordance with the requirements of Alabama's laws and regulations, insofar as his possession and use of such material is concerned, unless the Secretary of Labor after conference with the Atomic Energy Commission, shall determine that the State's program for control of these radiation sources is incompatible with the requirements of 41 CFR Part 50-204. No such determination has been made.

This agreement shall also be deemed to bring into compliance with 41 CFR Part 50-204 any employer who possesses or uses radiation sources other than source material, byproduct material, or special nuclear material, as defined in the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), insofar as his possession and use of such material is concerned, if he has registered such sources with the State of Alabama, or is

operating under a license issued by the State of Alabama, and if his operation is entirely in accordance with the requirements of Alabama's laws and regulations, if and when the State's program for control of these radiation sources is the subject of a currently effective determination by the Secretary of Labor that such program is compatible with the requirements of 41 CFR Part 50-204. I hereby propose to make such a determination.

I also propose to add the State of Alabama to the list of States set forth in 41 CFR 50-204.320(c) (1) and (2) (31 F.R. 1075).

Interested persons may submit written data, views or argument regarding this proposal by mailing them to the Director of the Bureau of Labor Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Washington, D.C. 20212, within 30 days after this notice is published in the FEDERAL REGISTER.

(Secs. 1, 4, 49 Stat. 2036, 2038; 41 U.S.C. 35, 38; sec. 7, 60 Stat. 241; 5 U.S.C. 1006)

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

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 66-10659; Filed, Sept. 29, 1966; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 984]

HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Control Percentages for 1966-67
Crop Year

Notice is hereby given of a proposal to establish, for the 1966-67 crop year, which began August 1, 1966, walnut control percentages as follows: District 1 (California), marketable percentage of 90 percent and surplus percentage of 10 percent; and District 2 (Oregon and Washington), marketable percentage of 95 percent and surplus percentage of 5 percent. The control percentages would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was recommended by the Walnut Control Board.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal 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 eight days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business (7 CFR 1.27(b)).

The 1966 orchard-run production is estimated at 176 million pounds. The proposed percentages would provide for (1) trade demand for inshell walnuts of 55 million pounds plus a year-end carryover of 15 million pounds, and (2) trade demand for shelled walnuts of 42 million pounds (kernel weight) plus a year-end carryover of 10 million pounds for the marketing year which began August 1, 1966. The trade demand area includes the United States, Puerto Rico, and the Canal Zone.

The proposal is as follows:

§ 984.214 Marketable and surplus percentages for walnuts during the 1966-67 marketing year.

The marketable and surplus percentages during the marketing year beginning August 1, 1966, shall be as follows:

	District 1	District 2
Marketable.....	90	95
Surplus.....	10	5

Dated: September 27, 1966.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 66-10689; Filed, Sept. 29, 1966; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. 1]

[Ex Parte No. MC 71]

MOTOR CARRIER RATES

Criteria To Be Used in Determining Compensatory Nature of Rates in Proceedings Involving Owner-Operators

Upon consideration of the record in the above-entitled proceeding, and of a request by Mr. James E. Wilson, General Counsel, Common Carrier Conference—Irrregular Route, for an extension of time to file representations; and good cause appearing:

It is ordered, That the time within which written representations may be filed be, and it is hereby, extended to December 12, 1966.

Dated at Washington, D.C., this 7th day of September A.D. 1966.

By the Commission, Chairman Bush.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10686; Filed, Sept. 29, 1966; 8:48 a.m.]

[49 CFR Parts 71-79]

[Docket No. 3666; Notice 73]

EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Transportation

SEPTEMBER 16, 1966.

Revision of the Commission's regulations, as proposed herein, is intended to update the cargo tank specification requirements consistent with the current state of the fabrication art and carrier operating procedures. The proposed changes would replace existing requirements contained in specifications MC 300, MC 302, MC 303, MC 304, MC 305, MC 310, and MC 311, with three new cargo tank specifications MC 306, MC 307, and MC 312.

These new specifications incorporate features intended to improve safety on the nation's highways, increase equipment operation flexibility, and more clearly define manufacturing certification procedures. This proposal specifically incorporates the following:

- (1) Updates construction material requirements.
- (2) Structural integrity requirements.
- (3) Updates and more clearly defines circumferential reinforcement requirements.
- (4) Defines accident protection requirements including:
 - (a) Apurtenance attachment,
 - (b) Rear bumper requirements,
 - (c) Overturn protection improvement,
 - (d) Piping protection (including shear section, guards, and minimum road clearance).
- (5) Certification (including multipurpose tank configurations, specification shortages, and multipurpose plate requirements.
- (6) Manhole cover requirements.
- (7) Venting requirements patterned after National Fire Protection Association standards.

The proposed new cargo tank specification requirement format is divided into four parts as follows:

- (1) § 78.340 General design and construction. This part includes those general specification requirements applicable to all new cargo tanks built in compliance with new specifications MC 306, MC 307, or MC 312.
- (2) § 78.341 Specification MC 306; cargo tanks. This new specification is intended to replace MC 300, MC 302, MC 303, and MC 305 specifications.
- (3) § 78.342 Specification MC 307; cargo tanks. This new specification is intended to replace MC 304 specification.
- (4) § 78.343 Specification MC 312; cargo tanks. This new specification is intended to replace MC 310 and MC 311 specifications.

This notice also includes proposed changes to § 73.33 "Qualification, maintenance, and use of cargo tanks" to accomplish the following:

- (1) Accommodate new specifications.
- (2) Define multipurpose use procedures.

(3) Establish appropriate "Grandfather" provisions for the continued use of "Authorized" cargo tanks.

(4) Establish special permit procedures for cargo tanks not included on the authorized specification list.

Important changes have also been made to § 77.824 "Retesting and Inspection of Cargo Tanks" to define the visual and hydrostatic retesting requirements for all new and existing cargo tanks.

Additionally appropriate amendments have been made to various sections in Part 73 to prescribe the use of the MC 306, 307, 312, cargo tanks; to discontinue the exemptions for private carriers from the regulations pertaining to cargo tank retest requirements and cargo tanks constructed prior to the year 1943; and to relocate certain exemptions from labeling and shipper certification requirements afforded private carriers in §§ 77.815 and 77.819.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before November 22, 1966. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Office of the Federal Register.

(62 Stat. 738, 74 Stat. 808; 18 U.S.C. 834)

By the Commission, Explosives and Other Dangerous Articles Board.

[SEAL]

H. NEIL GARSON,
Secretary.

PART 73—SHIPPERS

In the table of contents in Part 73, amend § 73.33 (29 F.R. 18668, Dec. 29, 1964) to read as follows:

Sec.
73.33 Cargo tank use authorization.

Cancel entire Note 1 following the bracketed paragraphs after the table of contents in Part 73 and immediately preceding § 73.1 (29 F.R. 18670, Dec. 29, 1964) presently reading as follows:

NOTE 1: Because of the present emergency and until further order of the Commission, the following regulations shall apply to transportation of flammable liquids by private carriers of property in interstate or foreign commerce:

All regulations heretofore applying to common or contract carriers by motor vehicle shall apply to such private carriers, except:

Cargo tanks of tank motor vehicles constructed previous to June 15, 1943, may be continued in service if maintained in safe operating condition and sufficiently frequent inspections are maintained to determine compliance with all requirements as specified in this note.

Any defect or deficiency, due to accident or otherwise, that is likely to cause serious hazard must be corrected before any such tank is continued in or returned to service; see however § 77.856 of this chapter.

Requirements applying to tests of tanks, and provisions for markers thereon except that indicating the flammable nature of the cargo, are waived.

Outages for shipments shall be those provided for by this part, except that filling of tanks to outage markers already incorporated in tanks, having due regard for safety in the transportation of the flammable liquids, need not be changed.

Section 77.815 of this chapter, labels, and § 77.819 of this chapter, certification of packages, of these regulations, need not be complied with by such private carriers, except as to packages transferred from one carrier to another.

Subpart A—Preparation of Articles for Transportation by Carriers by Rail Freight, Rail Express, Highway, or Water

In § 73.33 amend the heading; cancel paragraphs (a) through (j); redesignate paragraphs (k), (l), (m), (n), (o), (p), and (q), as paragraphs (e), (f), (g), (h), (i), (j), and (k) respectively; add new paragraphs (a), (b), (c), and (d); align the subparagraph references within paragraphs (k) (1), (5), (6), (7), (8), and (9), and (m) (9) consistent with the newly redesignated paragraphs; add new paragraph (e) heading (29 F.R. 18677, 18678, 18679, Dec. 29, 1964) to read as follows:

§ 73.33 Cargo tank use authorization.

(a) *General.* Every cargo tank (or compartment) used for the transportation of dangerous articles shall be an authorized container. Such authorized container shall comply with requirements as set forth in this section in addition to those regulations applicable for the transportation of the particular commodity.

(b) *Container authorization.* Cargo tank qualification as an authorized container includes compliance with applicable specifications MC 300, MC 301, MC 302, MC 303, MC 304, MC 305, MC 306, MC 307, MC 310, MC 311, MC 312, MC 330, or MC 331 plus current compliance with the retest provisions as required in § 77.824 of this chapter and marked accordingly.

(1) Cargo tanks constructed on or after (effective date of order) must be constructed in compliance with Specifications MC 306, MC 307, MC 312, or MC 331 (§ 78.341, § 78.342, § 78.343, or § 78.337 of this chapter).

(2) Continued use of existing cargo tanks constructed to Specifications MC 300, MC 302, MC 303, MC 304, MC 305, MC 310, MC 311, and MC 330 is authorized but new construction is not permitted after (effective date of order).

(3) Continued use of existing cargo tanks constructed to Specification MC 301 is authorized but new construction is not permitted after June 11, 1961.

(c) *Special permit authorization.* Every cargo tank which does not meet one or more of the authorized specifications as shown in paragraph (b) of this section may continue in or be placed in service only under the terms specifically prescribed by the Commission. In the event such special permit authorization

is desired, the carrier shall furnish those details concerning the design and construction of the tank motor vehicle and the cargo tank as seem necessary for the determination of its ability to transport the proposed commodity safely.

(d) *Multipurpose cargo tanks.* Multipurpose cargo tanks which have more than one compartment each of which meets the requirements qualifying them as different container types are authorized for use for applicable commodities.

(1) Multipurpose tanks which can be physically altered to qualify as containers to accommodate various commodities subject to these regulations or commodities not subject to these regulations are authorized if:

(i) All applicable provisions of these regulations which are required to qualify the container as acceptable for the commodity being transported are met.

(ii) The required physical alterations to convert from one container type to another are clearly indicated on or near the certification plate.

(e) *Cargo tanks used for the transportation of liquefied compressed gas.* * * *

Subpart C—Flammable Liquids; Definition and Preparation

In § 73.119 amend paragraphs (a) (17), (e) (3), (f) (5); cancel footnote 3 (29 F.R. 18702, Dec. 29, 1964) to read as follows:

§ 73.119 Flammable liquids not specifically provided for.

(a) * * *
(17) Specifications MC 300, MC 301, MC 302, MC 303, MC 304, MC 305, MC 306, or MC 307 (§ 78.341 or § 78.342 of this chapter). Tank motor vehicles. (Note 1 remains unchanged.)

(e) * * *
(3) Specifications MC 300, MC 301, MC 302, MC 303, MC 304, MC 305, MC 306, or MC 307 (§ 78.341 or § 78.342 of this chapter). Tank motor vehicles.

(f) * * *
(5) Specification MC 304 or MC 307 (§ 78.342 of this chapter). Tank motor vehicles.

In § 73.123 amend paragraph (a) (6) (29 F.R. 18705, Dec. 29, 1964) to read as follows:

§ 73.123 Ethyl chloride.

(a) * * *
(6) Specification MC 330 or MC 331 (§ 78.337 of this chapter). Tank motor vehicles.

In § 73.134 amend paragraph (a) (6) (30 F.R. 5744, April 23, 1965) to read as follows:

§ 73.134 Pyroforic liquids, n.o.s.

(a) * * *
(6) Specification MC 330 or MC 331 (§ 78.337 of this chapter). Tank motor vehicles having a minimum design pressure of 175 pounds per square inch.

Safety-relief devices must communicate with the vapor space when tanks are fully loaded.

In § 73.135 amend paragraph (a) (9) (29 F.R. 18708, Dec. 29, 1964) to read as follows:

§ 73.135 Dimethyl dichlorosilane, ethyl dichlorosilane, ethyl trichlorosilane, methyl trichlorosilane, trimethyl chlorosilane, and vinyl trichlorosilane.

(a) * * *
(9) Specifications MC 300, MC 303, MC 304, MC 306, or MC 307 of steel or stainless steel construction (§§ 78.341, 78.342 of this chapter). Tank motor vehicles.

In § 73.136 amend paragraph (a) (8) (29 F.R. 18708, Dec. 29, 1964) to read as follows:

§ 73.136 Methyl dichlorosilane and trichlorosilane.

(a) * * *
(8) Specification MC 330 or MC 331 (§ 78.337 of this chapter). Tank motor vehicles.

In § 73.141 amend paragraph (a) (8) (29 F.R. 18709, Dec. 29, 1964) to read as follows:

§ 73.141 Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures.

(a) * * *
(8) Specification MC 330 or MC 331 (§ 78.337 of this chapter). Tank motor vehicles.

In § 73.145 amend paragraph (a) (7); cancel footnote 1 (30 F.R. 5744, Apr. 23, 1965) (29 F.R. 18709, Dec. 29, 1964) to read as follows:

§ 73.145 Dimethylhydrazine, unsymmetrical, and methylhydrazine.

(a) * * *
(7) Specifications MC 300, MC 301, MC 302, MC 303, MC 304, MC 305, MC 306, MC 307, MC 310, MC 311, or MC 312 (§§ 78.341, 78.342, 78.343 of this chapter). Tank motor vehicles without bottom discharge outlets and equipped with steel safety valves of approved design. Authorized only for dimethylhydrazine, unsymmetrical.

In § 73.148 amend paragraph (a) (5) (29 F.R. 18709, Dec. 29, 1964) to read as follows:

§ 73.148 Monoethylamine.

(a) * * *
(5) Specification MC 304 or MC 307 (§ 78.342 of this chapter). Tank motor vehicles.

Subpart D—Flammable Solids and Oxidizing Materials; Definition and Preparation

In § 73.190 amend paragraph (b) (4) (29 F.R. 18717, Dec. 29, 1964) to read as follows:

§ 73.190 Phosphorus, white or yellow.

(b) * * *
(4) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles, without bottom outlet and with insulation at least 4 inches in thickness, except that 2 inches of insulation is authorized for tanks equipped with an exterior heating jacket. Interior heating coils are not authorized. The material must be immersed in water or be blanketed with an inert gas and be loaded at a temperature not exceeding 140° F. After unloading, the tank must be filled to its entire capacity with an inert gas or to its entire capacity with water having a temperature not exceeding 140° F.

In § 73.206 amend paragraph (c) (3) (29 F.R. 18719, Dec. 29, 1964) to read as follows:

§ 73.206 Sodium or potassium, metallic, sodium amide, sodium potassium alloys, sodium aluminum hydride, lithium metal, lithium silicon, lithium ferro silicon, lithium hydride, and lithium aluminum hydride.

(c) * * *
(3) Specification MC 330 or MC 331 (§ 78.337 of this chapter). Tank motor vehicles having a minimum design pressure of 150 pounds per square inch and having exterior coils fusion-welded to the tank shell and properly stress-relieved. Tanks must be equipped with safety valves having a set-to-discharge pressure not exceeding 150 pounds per square inch. The material must be in molten condition when loaded and solidified before being moved over a public highway. Outage must be 5 percent or more at a sodium temperature of 208° F.

In § 73.224 amend paragraph (a) (4) (29 F.R. 18723, Dec. 29, 1964) to read as follows:

§ 73.224 Cumene hydroperoxide, dicumyl peroxide, diisopropylbenzene hydroperoxide, paramethane hydroperoxide, and tertiary butylisopropyl benzene hydroperoxide.

(a) * * *
(4) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles. Authorized for paramethane hydroperoxide of strength not exceeding 60 percent in a nonvolatile solvent only.

Subpart E—Acids and Other Corrosive Liquids; Definition and Preparation

In § 72.247 amend paragraph (a) (12) (29 F.R. 18726, Dec. 29, 1964) to read as follows:

§ 73.247 Acetyl chloride, antimony pentachloride, benzoyl chloride, chromyl chloride, pyro sulfur chloride, silicon chloride, sulfur chloride (mono and di), sulfur chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.

(a) * * *

(12) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

In § 73.248 amend paragraph (a) (6) (29 F.R. 18727, Dec. 29, 1964) to read as follows:

§ 73.248 Acid sludge, sludge acid, spent sulfuric acid, or spent mixed acid.

(a) * * *
(6) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

In § 73.249 amend paragraph (a) (6) (29 F.R. 18727, Dec. 29, 1964) to read as follows:

§ 73.249 Alkaline corrosive liquids, n.o.s., alkaline caustic liquids, n.o.s., alkaline corrosive battery fluids, and sodium aluminate, liquid.

(a) * * *
(6) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

In § 73.252 amend paragraph (a) (4) (29 F.R. 18728, Dec. 29, 1964) to read as follows:

§ 73.252 Bromine.

(a) * * *
(4) Specifications MC 310 or MC 312 (§ 78.343 of this chapter). Tank motor vehicles. The tank must have a steel shell thickness of 3/8-inch minimum and must be lined with lead of at least 3/8-inch thickness. The water weight capacity of the tank must not be more than 5,100 pounds and the maximum quantity of liquid bromine loaded into the tank must not be more than 15,000 pounds or 300 percent of the water weight capacity of the tank, whichever quantity is the lesser. In no case shall the quantity loaded be less than 98 percent of the quantity the tank is authorized to carry.

In § 73.253 amend paragraph (a) (6) (29 F.R. 18728, Dec. 29, 1964) to read as follows:

§ 73.253 Chloroacetyl chloride.

(a) * * *
(6) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles having tanks fabricated from Type 316 stainless steel.

In § 73.254 amend paragraph (a) (5) (29 F.R. 18728, Dec. 29, 1964) to read as follows:

§ 73.254 Chlorosulfonic acid and mixtures of chlorosulfonic acid-sulfur trioxide.

(a) * * *
(5) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

In § 73.255 amend paragraph (a) (5) (29 F.R. 18728, Dec. 29, 1964) to read as follows:

§ 73.255 Dimethyl sulfate.

(a) * * *

(5) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

In § 73.257 amend paragraph (a) (4) (29 F.R. 18729, Dec. 29, 1964) to read as follows:

§ 73.257 Electrolyte (acid) or corrosive battery fluid.

(a) * * *

(4) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles, except that unlined tanks must not be used.

In § 73.262 amend paragraphs (a) (11) and (b) (4) (29 F.R. 18731, Dec. 29, 1964) to read as follows:

§ 73.262 Hydrobromic acid.

(a) * * *

(11) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles, rubber-lined.

(b) * * *

(4) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles, rubber-lined.

In § 73.263 amend paragraph (a) (10) (29 F.R. 18732, Dec. 29, 1964) to read as follows:

§ 73.263 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution inhibited, sodium chlorite solution (not exceeding 42 percent sodium chlorite), and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.

(a) * * *

(10) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles lined with rubber or equally acid-resistant material of equivalent strength and durability. Unlined Specifications MC 311 and MC 312 tank motor vehicles made from Type 304L stainless steel authorized for sodium chlorite solution not exceeding 42 percent sodium chlorite only.

In § 73.264 amend paragraph (a) (14) and (b) (3) (29 F.R. 18733, Dec. 29, 1964) to read as follows:

§ 73.264 Hydrofluoric acid.

(a) * * *

(14) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.
(Note 1 remains the same.)

(b) * * *

(3) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

In § 73.265 amend paragraph (b) (4) (29 F.R. 18734, Dec. 29, 1964) to read as follows:

§ 73.265 Hydrofluosilicic acid.

(b) * * *

(4) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles, lined with rubber.

In § 73.266 amend paragraph (f) (2) (29 F.R. 18735, Dec. 29, 1964) to read as follows:

§ 73.266 Hydrogen peroxide solution in water.

(f) * * *

(2) Specification MC 310 or MC 312 (§ 78.343 of this chapter). Tank motor vehicles. Tanks shall be welded construction of aluminum complying with Aluminum Association Nos. 1060, 1260, 5254, or 5652, and having a minimum wall thickness of one-half inch. They must be built to a design working pressure of not less than 40 p.s.i.g. and shall be designed so that internal surfaces may be effectively cleaned and passivated. All openings in the tank shall be located on top of tank. All valves and safety devices shall be provided with overturn protection and dust covers. The tank metal identification plate required shall be marked "ICC MC 310-H₂O₂" or "MC 312-AL-H₂O₂," as appropriate, and, in addition, the vehicle shall be clearly marked in letters not less than 1 inch high "FOR HYDROGEN PEROXIDE ONLY." Designs for venting and pressure relief devices must be approved by the Bureau of Explosives.

In § 73.267 amend paragraph (a) (7) (29 F.R. 18735, Dec. 29, 1964) to read as follows:

§ 73.267 Mixed acid (nitric and sulfuric acid) (nitrating acid).

(a) * * *

(7) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles. (See paragraph (b) of this section.)

In § 73.268 amend paragraph (b) (3) (29 F.R. 18736, Dec. 29, 1964) to read as follows:

§ 73.268 Nitric acid.

(b) * * *

(3) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

In § 73.271 amend paragraph (a) (8), (13), (14), and (15) (29 F.R. 18737, Dec. 29, 1964) to read as follows:

§ 73.271 Phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.

(a) * * *

(8) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles when tanks are lead-lined or nickel-lined. If nickel-lined, the lining shall comprise at least one thirty-

seconds of an inch of uncontaminated nickel at all points including rivets, welds, and other joints, and edges of tank plates.

(13) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles when tanks are clad with 20 percent Type 316 stainless steel. Authorized for phosphorus oxychloride only.

(14) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles made from Types 304, 316, or 347 stainless steels. Authorized for phosphorus trichloride only.

(15) Specification MC 311 or MC 312 (§ 78.343 of this chapter). Tank motor vehicles. Tank must be of solid nickel at least 99 percent pure and all cast metal parts of the tank in contact with the lading have a minimum nickel content of approximately 96.7 percent. Authorized for phosphorus oxychloride and phosphorus trichloride only.

In § 73.272 amend paragraphs (h) (2) and (i) (3) (29 F.R. 18738, Dec. 29, 1964) to read as follows:

§ 73.272 Sulfuric acid.

(h) * * *

(2) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

(i) * * *

(3) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles (rubber-lined).

In § 73.273 amend paragraph (a) (5) (29 F.R. 18739, Dec. 29, 1964) to read as follows:

§ 73.273 Sulfur trioxide, stabilized.

(a) * * *

(5) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles. Authorized only for stabilized sulfur trioxide. Tanks must be equipped with spring-relief safety valves. Tanks equipped with interior heater coils not permitted.

In § 73.276 amend paragraph (a) (6) (29 F.R. 18739, Dec. 29, 1964) to read as follows:

§ 73.276 Anhydrous hydrazine and hydrazine solution.

(a) * * *

(6) MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles having tanks of Type 304L or 347 stainless steel with molybdenum content not exceeding one-half of 1 percent. Vapor space in tank must be filled with nitrogen gas at atmospheric pressure.

In § 73.280 amend paragraph (a) (8) (29 F.R. 18740, Dec. 29, 1964) to read as follows:

§ 73.280 Allyl trichlorosilane, amyl trichlorosilane, butyl trichlorosilane, cyclohexenyl trichlorosilane, cyclohexyl trichlorosilane, diethyl dichlorosilane, diphenyl dichlorosilane, dodecyl trichlorosilane, ethyl phenyl dichlorosilane, hexadecyl trichlorosilane, hexyl trichlorosilane, nonyl trichlorosilane, octadecyl trichlorosilane, octyl trichlorosilane, phenyl trichlorosilane, and propyl trichlorosilane.

(a) * * *
(8) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles of steel or stainless steel construction.

In § 73.289 amend paragraph (a) (4) (29 F.R. 18741, Dec. 29, 1964) to read as follows:

§ 73.289 Formic acid and formic acid solutions.

(a) * * *
(4) Specifications MC 310, MC 311, and MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

In § 73.292 amend paragraph (a) (2); cancel footnote 2 (29 F.R. 18742, Dec. 29, 1964) to read as follows:

§ 73.292 Hexamethylene diamine solution.

(a) * * *
(2) Specifications MC 300, MC 301, MC 302, MC 303, MC 304, MC 305, MC 306, MC 307, MC 310, MC 311, or MC 312 (§§ 78.341, 78.342, 78.343 of this chapter). Tank motor vehicles.

In § 73.294 amend paragraph (a) (3) (29 F.R. 18742, Dec. 29, 1964) to read as follows:

§ 73.294 Monochloroacetic acid, liquid.

(a) * * *
(3) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles. Tanks to be fabricated from 99 percent pure nickel plates, Type 304 or 316 stainless steel, or be suitably lined.

In § 73.295 amend paragraph (a) (9) and (10) (29 F.R. 18742, Dec. 29, 1964) to read as follows:

§ 73.295 Benzyl chloride.

(a) * * *
(9) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles. Authorized for stabilized benzyl chloride only.

(10) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles fabricated from 99 percent pure nickel plates. All cast metal parts of the tank in contact with the lading must have a minimum nickel content of 96.7 percent. When shipped in unstabilized condition, the lading must be anhydrous and must be free from impurities such as iron.

In § 73.296 amend paragraph (a) (2) (29 F.R. 18742, Dec. 29, 1964) to read as follows:

§ 73.296 Di iso octyl acid phosphate.

(a) * * *
(2) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles.

In § 73.297 amend paragraph (a) (1) (29 F.R. 18742, Dec. 29, 1964) to read as follows:

§ 73.297 Titanium sulfate solution containing not more than 45% sulfuric acid.

(a) * * *
(1) Specifications MC 310, MC 311, or MC 312 (§ 78.343 of this chapter). Tank motor vehicles, rubber-lined.

Subpart G—Poisonous Articles; Definition and Preparation

In § 73.346 amend paragraph (a) (12); cancel footnote 2 (29 F.R. 18757, Dec. 29, 1964) to read as follows:

§ 73.346 Poisonous liquids not specifically provided for.

(a) * * *
(12) Specifications MC 300, MC 301, MC 302, MC 303, MC 304, MC 305, MC 306, MC 307, MC 310, MC 311, or MC 312 (§§ 78.341, 78.342, 78.343 of this chapter). Tank motor vehicles.

In § 73.347 amend paragraph (a) (3); cancel footnote 2 (29 F.R. 18757, Dec. 29, 1964) to read as follows:

§ 73.347 Aniline oil.

(a) * * *
(3) Specifications MC 300, MC 301, MC 302, MC 303, MC 305, or MC 306 (§ 78.341 of this chapter). Tank motor vehicles.

In § 73.352 amend paragraph (a) (5); cancel footnote 2 (29 F.R. 18758, Dec. 29, 1964) to read as follows:

§ 73.352 Liquid sodium or potassium cyanide.

(a) * * *
(5) Specifications MC 300, MC 301, MC 302, MC 303, MC 305, or MC 306 (§ 78.341 of this chapter). Tank motor vehicles.

In § 73.353 amend paragraph (e) (29 F.R. 18759, Dec. 29, 1964) to read as follows:

§ 73.353 Methyl bromide, liquid (bromomethane), mixtures of methyl bromide and ethylene dibromide, liquid, mixtures of methyl bromide and chloropicrin, liquid, or methyl bromide and nonflammable, non-liquefied compressed gas mixtures, liquid.

(e) Specification MC 330 or MC 331 (§ 78.337 of this chapter). Tank motor vehicles having a design pressure not less than 250 pounds per square inch equipped with an approved spring-relief safety valve. Outage must be sufficient to prevent tank from becoming entirely

filled with liquid at 130° F. Authorized for methyl bromide-ethylene dibromide mixture only.

In § 73.354 amend paragraph (a) (5) (29 F.R. 18759, Dec. 29, 1964) to read as follows:

§ 73.354 Motor fuel antiknock compound or tetraethyl lead.

(a) * * *
(5) Specifications MC 330 or MC 331 (§ 78.337 of this chapter) (see Note 1). Tank motor vehicles. Authorized for motor fuel antiknock compound only. (No change in Note 1.)

In § 73.369 amend paragraph (a) (14); cancel footnote 1 (31 F.R. 9073, July 1, 1966) to read as follows:

§ 73.369 Carbohic acid (phenol), not liquid.

(a) * * *
(14) Specifications MC 300, MC 301, MC 302, MC 303, MC 305, MC 306, MC 310, MC 311, or MC 312 (§§ 78.341, 78.343 of this chapter). Tank motor vehicles. (No change in (i).)

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

In the table of contents in Part 77, amend § 77.824 (29 F.R. 18795, Dec. 29, 1964) to read as follows:

Sec.
77.824 Retesting and inspection of cargo tanks.

Cancel entire Note 1 following the bracketed paragraphs after the table of contents in Part 77 and immediately preceding § 77.800 (29 F.R. 18796, Dec. 29, 1964) presently reading as follows:

NOTE 1: Because of the present emergency and until further order of the Commission, the following regulations shall apply to transportation of flammable liquids by private carriers of property in interstate or foreign commerce:

All regulations heretofore applying to common or contract carriers by motor vehicle shall apply to such private carriers, except:

Cargo-tanks of tank motor vehicles constructed previous to June 15, 1943, may be continued in service if maintained in safe operating condition and sufficiently frequent inspections are maintained to determine compliance with all requirements as specified in this Note.

Any defect or deficiency, due to accident or otherwise, that is likely to cause serious hazard must be corrected before any such tank is continued in or returned to service; see, however, § 77.856.

Requirements applying to tests of tanks, and provisions for markers thereon except that indicating the flammable nature of the cargo, are waived.

Outages for shipments shall be those provided for by Part 73 of this chapter, except that filling of tanks to outage markers already incorporated in tanks, having due regard for safety in the transportation of the flammable liquids, need not be changed.

Section 77.815, labels, and § 77.819, certification of packages, need not be complied with by such private carriers, except as to packages transferred from one carrier to another.

Subpart A—General Information and Regulations

In § 77.815 add paragraph (a) (1) (29 F.R. 18797, Dec. 29, 1964) to read as follows:

§ 77.815 Labels.

(a) * * *

(1) Such labels are not required for packages transported by the shipper except for packages which are to be re-shipped or transferred from one carrier to another carrier.

In § 77.819 add paragraph (a) (1) (29 F.R. 18798, Dec. 29, 1964) to read as follows:

§ 77.819 Certificate.

(a) * * *

(1) Shipper certification is not required for shipments to be transported by the shipper except for shipments which are to be reshipped or transferred from one carrier to another carrier.

In § 77.824 cancel paragraphs (a), (b), (c), (e), (f), (g), and (h); redesignate paragraph (d) as paragraph (e); add new paragraphs (a), (b), (c), (d), (f), and (g) (29 F.R. 18799, Dec. 29, 1964) to read as follows:

§ 77.824 Retesting and inspection of cargo tanks.

(a) *General.* In accordance with § 73.33 of this chapter (cargo tank use authorization) every cargo tank of more than 3,000 gallons capacity, or any compartment of a cargo tank to be authorized as a qualified container must fulfill the applicable requirements as set forth in this section.

(1) Every cargo tank whether constructed in accordance with ICC specifications or being operated as a novel tank under special permit authorization shall not continue in service unless it has successfully fulfilled the testing requirements as set forth in this section.

(b) *Visual inspection requirements.* Every cargo tank shall receive an external visual inspection at least once in every 2-year period. This inspection shall be made by a responsible and experienced inspector who shall record the condition of the items set forth below. The inspection record shall be approved and signed by an authorized representative of the owner or operator. The inspection report shall be retained in carrier's or owner's files for a period of 2 years after the date of inspection. Forms presently used by a carrier are acceptable providing they indicate compliance with the requirements of this section. Where insulation precludes external visual inspection, the cargo tank shall receive a visual internal inspection for corroded areas, defects in welds or tank sheets. If the tank is not equipped with a manhole which will permit this inspection, the tank shall be

hydrostatically retested as specified in paragraph (c) of this section. The tank shall not be placed in or returned to service if evidence of any unsafe condition is discovered and until such condition has been corrected. Inspection shall consist of the following items:

(1) The tank shall be inspected for: Corroded areas, bad dents, and defects in welds; defects in piping, valves, and gaskets; and other conditions, including leakage, which indicate weakness in the tank that might render it unsafe for transportation service.

(2) Devices for tightening manhole covers must be operative and leakage at manhole covers and gaskets must be corrected.

(3) All emergency devices and safety vents must be operative.

(4) Spring-loaded, safety-relief valves shall be removed from the cargo tank and tested.

(5) Valves and safety devices must be free from corrosion, distortion, and any damage which will prevent their normal operation.

(6) Missing or loose bolts or nuts on any flanged connection or blank flange must be replaced or tightened.

(7) Required markings on the tank shall be legible.

(8) The entire vehicle shall be inspected for and put in compliance with the Motor Carrier Safety Regulations (Part 193 of this chapter).

(c) *Hydrostatic testing requirements.* In addition to the visual inspection requirements as contained in paragraph (b) of this section, hydrostatic testing of cargo tanks (or compartments) is required to be conducted in accordance with the provisions contained in this paragraph to qualify as an authorized container if:

(1) The cargo tank has been out of service (transporting dangerous articles) 1 year or more.

(2) The cargo tank has been involved in an accident which may have been dented, torn or otherwise damaged so as to affect its product retention integrity.

(3) The shell of the cargo tank has been modified.

(4) The cargo tank is operating under the special permit authorization. Such tanks shall be hydrostatically tested once every calendar year and shall successfully fulfill the requirements set forth in this paragraph. No two such required tests shall be closer than 6 months.

(d) *Hydrostatic testing procedure.* Every cargo tank (or compartment) required to be hydrostatically tested in paragraph (c) of this section shall use the following procedure to determine the acceptability of the tank to retain product at design pressures.

(1) All closures shall be in place while the test is being made. During the test all relief devices shall be clamped, plugged or otherwise rendered inoperative. Immediately after the tests are completed such relief devices shall be returned to their operative condition.

(2) The cargo tank shall be completely filled (including domes if any) with water or other liquid having a similar viscosity. Pressure shall be applied in accordance with Chart I in subparagraph (3) of this paragraph. The pressure shall be gauged at the top of the tank. The tank shall hold the prescribed test pressure for at least 10 minutes. All tank valves piping and other accessories in communication with the lading shall be pressure tested and proved tight at the tank design pressure.

(3) If a cargo tank is compartmented each compartment shall be similarly tested with the adjacent compartment empty and at atmospheric pressure.

CHART I

Container type	Test pressure (p.s.i.g.)
MC 300, 301, 302, 303, 305, 306	3
MC 304, 307	1.25
MC 310, 311, 312	1.3
MC 330, 331	1.00

¹ Or 1½ times design pressure whichever is greater.

(4) Cargo tanks (or compartments) equipped with heating systems employing such media as steam or hot water under pressure for heating the contents of the container shall be tested with hydrostatic pressure and proved to be tight at 200 p.s.i.g. Systems employing flues for heating the container's contents shall be suitably tested to insure against product leakage into the flues or into the atmosphere.

(5) The requalification as an authorized container of cargo tanks (or compartments) required to be hydrostatically tested in accordance with paragraph (a) of this section shall be based on successfully retaining the applicable test pressure (see Chart I in subparagraph (3) of this paragraph) without leakage, undue distortion, excessive permanent expansion, evidence of impending failure or failure.

(i) Cargo tanks (or compartments) with heating systems shall successfully withstand hydrostatic pressure and examination contained in subparagraph (4) of this paragraph.

(ii) Such cargo tank (or compartment) shall not be returned to service as an authorized container until suitable repairs are made. The suitability of the repair shall be determined by the same method of test.

(f) *Special testing required by the Commission.* Upon the showing of probable cause of the necessity for retest, the Commission may, at its discretion, cause any cargo tank to be retested at any time in accordance with the requirements prescribed for its periodic retest.

(g) *Test date markings.* The date of the last test shall be painted on the tank in letters not less than 1¼ inches high, in legible colors near the metal certification plate. The date shall be followed by the letter "V" for visual and/or "H" for hydrostatic.

PART 78—SHIPPING CONTAINER SPECIFICATIONS

In the table of contents in Part 78, cancel §§ 78.321, 78.323, 78.324, 78.325, 78.326, 78.330, 78.331, and 78.336 (29 F.R. 18813, Dec. 29, 1964) which presently read as follows:

- Sec.
78.321 Specification MC 300; cargo tanks constructed of mild (open hearth, or blue annealed) steel, or combination of mild steel with high-tensile steel, or stainless steel, primarily for the transportation of flammable liquids, or poisonous liquids, class B.
- 78.323 Specification MC 302; cargo tanks constructed of welded aluminum alloy (ASTM B209-57T), primarily for the transportation of flammable liquids, or poisonous liquids, class B.
- 78.324 Specification MC 303; cargo tanks constructed of welded ferrous alloy (high-tensile steel) or stainless steel, primarily for the transportation of flammable liquids, or poisonous liquids, class B.
- 78.325 Specification MC 304; cargo tanks constructed of mild (open hearth or blue annealed) steel, welded ferrous alloy (high-tensile steel) or aluminum, primarily for the transportation of flammable liquids, or poisonous liquids, class B, having Reid (ASTM D-323) vapor pressures of 18 p.s.i.a., or more at 100° F. but less than those stated in § 78.300 of this chapter in defining compressed gases.
- 78.326 Specification MC 305; cargo tanks constructed of aluminum alloys for high-strength welded construction, primarily for the transportation of flammable liquids, or poisonous liquids, class B.
- 78.330 Specification MC 310; cargo tanks constructed of ferrous materials, primarily for the transportation of corrosive liquids.
- 78.331 Specification MC 311; cargo tanks constructed of ferrous metals or aluminum, primarily for the transportation of corrosive liquids.
- 78.336 Specification MC 330; cargo tanks constructed of steel, primarily for transportation of compressed gases.

In the table of contents in Part 78, add §§ 78.340, 78.341, 78.342, and 78.343 (29 F.R. 18813, Dec. 29, 1964) to read as follows:

- Sec.
78.340 General design and construction requirements applicable to specifications MC 306 (§ 78.341), MC 307 (§ 78.342), and MC 312 (§ 78.343) cargo tanks.
- 78.341 Specification MC 306; cargo tanks.
- 78.342 Specification MC 307; cargo tanks.
- 78.343 Specification MC 312; cargo tanks.

Subpart J—Specifications for Containers for Motor Vehicle Transportation

§§ 78.321, 78.323, 78.324, 78.325, 78.326, 78.330, 78.331, 78.336 [Canceled]

Cancel §§ 78.321, 78.323, 78.324, 78.325, 78.326, 78.330, 78.331, and 78.336 in their entirety (29 F.R. 18976 through 18995, Dec. 29, 1964).

Add § 78.340 (29 F.R. 18995, Dec. 29, 1964) to read as follows:

§ 78.340 General design and construction requirements applicable to specifications MC 306 (§ 78.341), MC 307 (§ 78.342), and MC 312 (§ 78.343) cargo tanks.

§ 78.340-1 Specification requirements for MC 306, MC 307 and MC 312 cargo tanks constructed on or after _____ for the bulk transportation of dangerous commodities.

The requirements contained in this section are considered an integral part of the specification requirements of each applicable specification as contained in §§ 78.341 (MC 306), 78.342 (MC 307), 78.343 (MC 312). All of these specification requirements are minimum requirements.

§ 78.340-2 General requirements.

(a) Every cargo tank shall be designed and constructed in accordance with the best known and available practices in addition to the other applicable cargo tank specification requirements.

(b) Those requirements relating to parts and accessories applicable to all motor vehicles engaged in interstate commerce as contained in Part 193 of this chapter are an integral part of this specification.

(c) Where applicable the additional requirements prescribed in Part 73 of this chapter to accommodate specific commodities are considered an integral part of these specifications.

(d) Multipurpose cargo tank:

(1) A single cargo tank may be divided into compartments of different specification construction. Each such compartment shall conform to specification requirements concerned.

(2) A single cargo tank may be physically altered to comply with another cargo tank specification in these regulations; or altered to accommodate a commodity not requiring an ICC specification tank.

§ 78.340-3 Material.

(a) All sheet and plate material for shell, heads, bulkheads and baffles for cargo tanks which are not required to be constructed in accordance with the ASME Code shall meet the following minimum applicable requirements:

(1) *Aluminum Alloys (AL)*. Only aluminum alloy material suitable for fusion welding and in compliance with one of the following ASTM specifications shall be used:

- ASTM B-209 Alloy 5052.
- ASTM B-209 Alloy 5086.
- ASTM B-209 Alloy 5154.
- ASTM B-209 Alloy 5254.
- ASTM B-209 Alloy 5454.
- ASTM B-209 Alloy 5652.

All heads, bulkheads, baffles, and ring stiffeners may use 0 temper (annealed) or stronger tempers. All shells shall be made of materials with properties equivalent to H32 or H34 tempers, except that lower ultimate strength tempers may be used if the minimum shell thicknesses in Table II is § 78.341-2, § 78.343-2, or

§ 78.343-2 are increased in inverse proportion to the lesser ultimate strength.

(2) *Steel*.

	Mild steel (MS)	High strength low alloy steel (HSLA)	Austenitic stainless steel (SS)
Yield point p.s.i.	25,000	45,000	25,000
Ultimate strength do	45,000	60,000	70,000
Elongation, 2-inch samples percent	20	25	30

§ 78.340-4 Structural integrity.

(a) *Maximum stress values*. The maximum calculated stress value shall not exceed 20 percent of the minimum ultimate strength of the material as authorized in § 78.340-3, except when ASME pressure vessel design requirements apply (see section VIII, American Society of Mechanical Engineers Boiler and Pressure Vessel Code, 1965 edition).

(b) *Loadings*. Cargo tanks shall be provided with additional structural elements as necessary to prevent resulting stresses in excess of those permitted in paragraph (a) of this section. Consideration shall be given to forces imposed by each of the following loads individually, and where applicable a vector summation of any combination thereof:

- (1) Dynamic loading under all product load configurations.
- (2) Internal pressure.
- (3) Superimposed loads such as operating equipment, insulation, linings, hose tubes, cabinets, and piping.
- (4) Reactions of supporting lugs and saddles or other supports.
- (5) Effect of temperature gradients resulting from product and ambient temperature extremes. Thermal coefficients of dissimilar materials where used should be accommodated.

§ 78.340-5 Joints.

(a) *Method of joining*. All joints between tank shells, heads, baffles (or baffle attaching rings), and bulkheads shall be welded in accordance with the requirements contained herein. Similarly when covers, vents, valves, piping, or their adaptors which can at any time be in contact with the lading are welded, such welds shall meet these provisions.

(b) *Strength of joints (Aluminum Alloy (AL))*. All welded aluminum alloy joints shall be made in accordance with recognized good practice, and the efficiency of a joint shall be not less than 85 percent of the properties of the adjacent material. Aluminum alloys shall be joined by an inert gas arc welding process using aluminum-magnesium type of filler metals which are consistent with the material suppliers recommendations.

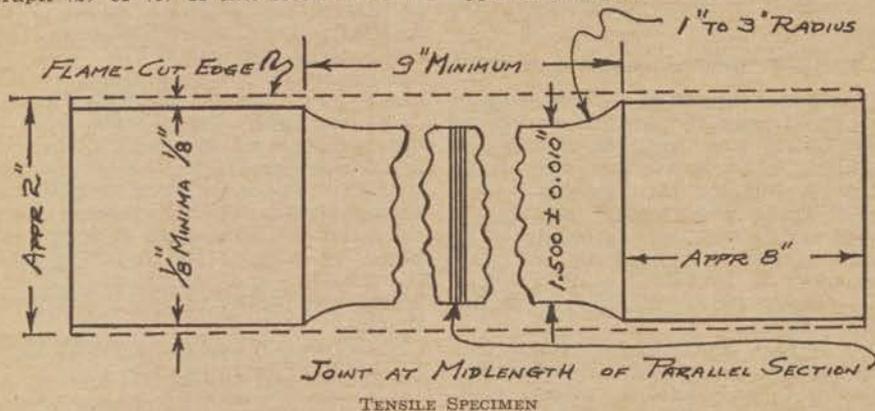
(c) *Strength of joints (Mild Steel (MS), High Strength Low Alloy (HSLA), Austenitic Stainless Steel (SS))*. Joints shall be welded in accordance with recognized good practice and the efficiency of any joint shall be not less than 85 percent of the mechanical properties of the adjacent metal in the tank.

(1) Combinations of mild steel (MS), high strength low alloy (HSLA) and/or

austenitic stainless steel (SS), may be used in the construction of a single tank, provided that each material, where used, shall comply with the minimum requirements specified in § 78.340-3(a) for the material used in the construction of that section of the tank. Whenever stainless steel sheets are used in combination with sheets of other types of steel, joints made by welding shall be formed by the use of stainless steel electrodes or filler rods and the stainless steel electrodes or filler rods used in the welding shall be suitable for use with the grade of stainless steel concerned, according to the recommendations of the manufacturer of the stainless steel electrodes or filler rods.

(d) *Compliance test.* Compliance with the requirements contained in paragraph (b) or (c) of this section for the

welded joints indicated in paragraph (a) of this section shall be determined by preparing from materials representative of those to be used in tanks subject to this specification and by the same technique of fabrication, 2 test specimens conforming to figure as shown below and testing them to failure in tension. One pair of test specimens may represent all the tanks to be made of the same combination of materials by the same technique of fabrication, and in the same shop, within 6 months after the tests on such samples have been completed. The butt welded specimens tested shall be considered qualifying other types or combinations of types of weld using the same filler material and welding process as long as parent metals are of the same types of material.



§ 78.340-6 Supports and anchoring.

(a) Cargo tanks with frames made integral with the tank as by welding, shall be provided with restraining devices to eliminate any relative motion between the tank and frame which may result from the stopping, starting or turning of the vehicle. Such restraining devices shall be readily accessible for inspection and maintenance; except that insulation and jacketing are permitted to cover the restraining devices.

(b) Any cargo tank designed and constructed so that it constitutes in whole or in part the structural member used in lieu of a frame, shall be supported in such a manner that the resulting stress levels in the cargo tank do not exceed those specified in § 78.340-4(a). The design calculations of the support elements shall include loadings imposed by stopping, starting and turning in addition to those imposed as indicated in § 78.340-4(b) using 20 percent of the minimum ultimate strength of the support material.

§ 78.340-7 Circumferential reinforcement.

(a) Tanks with shell thicknesses less than three-eighths of an inch shall in addition to the tank heads be circumferentially reinforced with either bulkheads, baffles, or ring stiffeners. It is permissible to use any combination of the aforementioned reinforcements in a single cargo tank.

(1) *Location.* Such reinforcement shall be located in such a manner that the maximum unreinforced portion of the shell be as specified in Table II of the applicable specification and in no case more than 60 inches. Additionally such circumferential reinforcement shall be located within 1 inch of points where discontinuity in longitudinal shell sheet alignment exceeds 10 degrees unless otherwise reinforced with structural members capable of maintaining shell stress levels permitted in § 78.340-4(a).

(b) *Baffles:* Baffles or baffle attaching rings if used as reinforcement members shall be circumferentially welded to the tank shell. The welding must not be less than 50 percent of the total circumference of the vessel and the maximum unwelded space on this joint shall not exceed 40 times the shell thickness.

(c) *Double bulkheads:* Tanks designed to transport different commodities which if combined during transit will cause a dangerous condition or evolution of heat or gas shall be provided with compartments separated by an air space. This air space shall be vented and be equipped with drainage facilities which shall be kept operative at all times.

(d) *Ring stiffeners:* Ring stiffeners when used to comply with this section shall be continuous around the circumference of the tank shell and shall have a section modulus about the neutral axis of the ring stiffener parallel to the shell at least equal to that determined by the following formula:

$$\frac{I}{C} (\text{Min}) = 0.00027 WL \text{ (MS, HSLA, and SS)}$$

$$\frac{I}{C} (\text{Min}) = 0.000467 WL \text{ (AL) Aluminum Alloy}$$

where:

$$\frac{C}{I} = \text{Section modulus (Inches)}^3$$

$$W = \text{Tank width or diameter (Inches)}$$

$$L = \text{Ring spacing (Inches); i.e., the maximum distance from the midpoint of the unsupported shell on one side of the ring stiffener to the midpoint of the unsupported shell on the opposite side of the ring stiffener.}$$

(1) If a ring stiffener is welded to the tank shell (with each circumferential weld not less than 50 percent of the total circumference of the vessel and the maximum unwelded space on this joint not exceeding 40 times the shell thickness) a portion of the shell may be considered as part of the ring section for purposes of computing the ring section modulus. The maximum portion of the shell to be used in these calculations is as follows:

Circumferential ring stiffener to tank shell welds	Distance between parallel circumferential ring stiffener to shell welds	Shell section credit
1	Less than 20t	20t
2	20t or more	20t + W
2		40t

Where:

t = Shell thickness;

W = Distance between parallel circumferential ring stiffener to shell welds.

(2) If configuration of internal or external ring stiffener encloses an air space, this air space shall be arranged for venting and be equipped with drainage facilities which shall be kept operative at all times.

§ 78.340-8 Accident damage protection.

(a) Unless protected in accordance with paragraph (b) or (c) of this section, the design, construction and/or installation of all cargo tank appurtenances whether required by the Commission's regulations or not, shall be such as to minimize the possibility of accident damage or failure of such appurtenances adversely affecting the product retention integrity of the tank.

(1) Attachment of appurtenances to structural members such as the upper coupler, suspension subframe, external ring stiffeners, rear bumper, and the overturn protection shall meet the provisions of this paragraph.

(2) All appurtenance attachments to shell or head material shall be made by means of mounting pads. Mounting pad thickness shall not be less than the required shell thickness. Each pad shall extend not less than 2 inches in each direction beyond the appurtenance attachment. Pad corner shall be rounded or otherwise prepared in such a manner as to not cause stress concentration.

(3) The strength of the appurtenance to mounting pad attachment shall be such that when a force is applied to the

appurtenance (as mounted and normally equipped) in any direction (except normal to the tank shell or within 45° thereof) such attachment shall fail completely without damage to the mounting pad to shell (or head) attachment which will adversely affect the product retention integrity of the tank.

(b) Rear bumpers: Every cargo tank shall be provided with a rear bumper to protect the tank and piping in the event of a rear end collision and minimize the possibility of any part of the colliding vehicle striking the tank. Except that the bumper shall be located at least 6 inches to the rear of any vehicle component which is used for loading or unloading purposes or may at any time contain lading while in transit dimensionally the bumper shall conform to § 193.86 of this title. Structurally the bumper shall be capable of successfully absorbing (no damage which will cause leakage of product) the impact of the fully loaded vehicle with a deceleration of 2 "g" using a factor of safety of two based on the ultimate strength of the bumper material as the calculation base. For purposes of these regulations such impact shall be considered applied horizontally (parallel to the ground) from any direction at an angle not exceeding 30° to the length of the vehicle.

(c) Overturn protection: All closures for filling, manhole or inspection openings shall be protected from damage which will result in leakage of lading in the event of overturning of the vehicle by being enclosed within the body of the tank or dome attached to the tank or by guards.

(1) When guards are required, they shall be designed and installed to withstand a vertical load of twice the weight of the loaded tank and a horizontal load in any direction equivalent to one-half the weight of the loaded tank. These design loads may be considered independently. Ultimate strength of the material shall be used as a calculation base. If more than one guard is used each shall carry its proportionate share of the load. If protection other than guards are considered the same design load criteria is applicable.

(2) Except for pressure actuated vents no overturn protection is required for nonoperating nozzles or fittings less than 5 inches in diameter (which do not contain product while in transit) that project a distance less than the fitting ID. This projected distance may be measured either from the shell or the top of an adjacent ring stiffener provided said stiffener is within 30 inches of the center of the nozzle or fitting.

(3) If the overturn protection is so constructed as to permit accumulation of liquid on the top of the tank, it shall be provided with drainage facilities directed to a safe point of discharge.

(d) Piping:

(1) Product discharge piping shall be provided with protection in such a manner as to reasonably assure against the accidental escape of contents. Such protection may be provided by:

(1) A shear section located outboard of each emergency valve seat and within 4 inches of the tank shell which will break under strain and leave the emergency valve seat and its attachment to the vessel and the valve head intact and capable of retaining product. The shear section shall be machined in such a manner as to abruptly reduce the wall thickness of the adjacent piping (or valve) material by at least 20 percent; or

(ii) By suitable guards capable of successfully absorbing a concentrated horizontal force of at least 8,000 pounds applied from any horizontal direction, without damage to the discharge piping which will adversely affect the product retention integrity of the discharge valve.

(2) Minimum road clearance: The minimum allowable road clearance of any cargo tank component or protection device located between any two axles on a vehicle or vehicle combination shall be at least one-half inch for each foot separating such axles and in no case less than 12 inches.

(3) Strength of piping, fittings, hose and hose couplings: Hose, piping, and fittings for tanks to be unloaded by pressure shall be designed for a bursting pressure of at least 100 p.s.i.g. and not less than four times the pressure to which, in any instance, it may be subjected in service by the action of any vehicle mounted pump or other device (not including safety relief valves), the action of which may be to subject certain portions of the tank piping and hose to pressures greater than the design pressure of the tank. Any coupling used on hose to make connections shall be designed for a working pressure not less than 20 percent in excess of the design pressure of the hose and shall be so designed that there will be no leakage when connected.

(4) Provision for expansion and vibration: Suitable provisions shall be made in every case to allow for and prevent damage due to expansion, contraction, jarring, and vibration of all pipe. Slip joints shall not be used for this purpose.

(5) Heater coils: Heater coils, when installed, shall be so constructed that the breaking-off of their external connections will not cause leakage of contents of tank.

(6) Gauging, loading, and air-inlet devices: Gauging, loading, and air-inlet devices, including their valves, shall be provided with adequate means for their secure closure, and means shall also be provided for the closing of pipe connections of valves.

§ 78.340-9 Pumps.

(a) Loading or unloading pumps mounted on tractor or trailer, if used, shall be provided with automatic means to prevent the pressure from exceeding the design pressure of the tank mounted equipment.

§ 78.340-10 Certification.

(a) Certification as required in paragraphs (b) and (c) of this section shall indicate that such cargo tank has been designed, constructed, and tested in ac-

cordance with the applicable specification MC 306, MC 307, or MC 312 (§ 78.341, § 78.342 or § 78.343).

(1) *Multipurpose tanks.* If a cargo tank is divided into compartments and each compartment is constructed in accordance with the requirements of a different MC specification, there shall be a metal plate required in paragraph (b) of this section, located on the right side, near the front of each compartment, in a place readily accessible for inspection. Details pertaining to the multipurpose configuration shall also be clearly indicated on the manufacturer's certificate required in paragraph (c) of this section.

(i) If a cargo tank is constructed in accordance with the requirements of one specification and may be physically altered to meet another cargo tank specification in this part; or physically altered to accommodate a commodity not requiring a specification tank, such alterations shall be clearly indicated on the manufacturer's certificate required in paragraph (c) of this section and the tank mounted multipurpose plate required in paragraph (b)(2) of this section.

(2) *Specification shortages.* If a cargo tank is manufactured which does not meet all of the applicable specification requirements, thereby requiring subsequent manufacturing involving the installation of additional components, parts, appurtenances or accessories, it is permissible for the original manufacturer to affix the metal certification plate required in paragraph (b) of this section. The specification requirements not complied with shall be indicated on the manufacturer's certificate required in paragraph (c) of this section. When the cargo tank is finally brought into complete compliance, the date such compliance is accomplished shall be stamped on the metal certification plate. The certificate shall indicate the pertinent details, date and concern (manufacturer or carrier) accomplishing complete compliance.

(3) *Removal of certification.* If as the result of accident or for any reason the cargo tank ceases to be in compliance with the applicable specification, the metal certification plate shall be removed or otherwise made illegible by the carrier. The details pertaining to action necessitating removal of certification shall be recorded on the certificate, dated, signed and such certificate shall be retained for 3 years by the vehicle owner.

(b) *Metal certification plate:* There shall be on every cargo tank (or tank compartment if constructed to different specification) a metal plate not subject to corrosion located on the right side, near the front, in a place readily accessible for inspection. Such plate shall be permanently affixed to the tank by means of soldering, brazing, welding, or other equally suitable means; and upon it shall be marked in characters of at least $\frac{3}{16}$ -inch high by stamping, embossing, or other means of forming letters into or on the metal of the plate itself, at least

the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

(1) If a cargo tank is to be physically altered to meet another specification (or to accommodate a commodity not requiring a specification tank) such combinations shall be indicated beside specification identification. Additionally the metal multipurpose plates required in subparagraph (2) of this paragraph are required.

Vehicle manufacturer
 Manufacturer's serial No.
 Specification identification¹ ICC MC 306; or MC 307; or MC 312
 Date of manufacture
 Original test date
 Certification date
 Design pressure p.s.i.g.
 Test pressure p.s.i.g.
 Head material
 Shell material
 Weld material
 Lining material
 Nominal tank capacity by compartment (front to rear) U.S. gal.
 Maximum product load lbs.
 Loading limits g.p.m. and/or p.s.i.g.
 Unloading limits g.p.m. and/or p.s.i.g.

¹The following material designations (or combinations thereof) must be added: Aluminum Alloy (AL); Mild Steel (MS); High Strength Low Alloy (HSLA); Austenitic Stainless Steel (SS). For example "ICC MC 306-AL" for cargo tanks made of aluminum. A multipurpose cargo tank example would be "Combination MC 306SS-307SS."

(2) Metal multipurpose plate: If a cargo tank is to be physically altered, metal multipurpose plates shall be mounted adjacent to the metal certification plate readily accessible for inspection. The mounting of the plates shall be such that only the plate identifying the applicable specification is legible at all times the cargo tank is in complete compliance with such specifications. The mounting of the plates (or plate assembly) shall be secured in such a manner as to be capable of retaining the plate when subjected to normal operating conditions. The same marking size and method used on the certification plate shall be used. The plate shall contain at least the information contained below:

SPECIFICATION IDENTIFICATION MC
 EQUIPMENT NECESSARY
 Vents: Quantity¹
 Pressure actuated
 Fusible
 Frangible
 Product discharge:
 Top
 Bottom
 Pressure unloading fitting
 Covers:
 Manhole
 Fill opening

¹The number required to meet applicable specification. If no physical change is required the letters NC shall follow the number required. If cargo tank is not so equipped the word "NONE" shall be inserted.

(1) *Color coding.* Those parts which must be changed or added to meet the applicable specification requirements and

the appropriate multipurpose plate shall be identified using the following colors:

MC 306..... RED
 MC 307..... GREEN
 MC 312..... YELLOW
 Nonspecification..... BLUE

Additionally those parts to be changed or added shall be stamped with the appropriate MC Specification No.

(c) *Manufacturer's certificate:* A certificate signed by a responsible official of the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such cargo tank is designed, constructed and tested in accordance and complies with the requirements contained in the applicable specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such cargo tank is employed by him plus one year. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of the specification by his own test, he shall similarly retain the test data.

Add § 78.341 (29 F.R. 18995, Dec. 29, 1964) to read as follows:

§ 78.341 Specification MC 306; cargo tanks.

§ 78.341-1 General requirements.

(a) Specification MC 306 consists of the General Design and Construction Requirements contained in § 78.340 in addition to the specific requirements contained in this section.

(b) *Design pressure:* The design pressure of each cargo tank shall be not less than that pressure exerted by the static head of the fully loaded tank in the upright position.

§ 78.341-2 Thickness of shells, heads, bulkheads, and baffles.

(a) *Material thickness.* The minimum thicknesses of tank material authorized in § 78.340-3 shall be predicated on not exceeding the maximum allowable stress level (78.340-4(a)) but in no case less than those indicated in Tables I and II below:

TABLE I—MINIMUM THICKNESS OF HEADS, BULKHEADS AND BAFFLES, MILD STEEL (MS), HIGH STRENGTH LOW ALLOY STEEL (HSLA), AUSTENITIC STAINLESS STEEL (SS), IN U.S. STANDARD GAUGE; ALUMINUM ALLOY (AL)—EXPRESSED IN DECIMALS OF AN INCH

Thickness.....	Volume capacity in gallons per inch											
	10 or less			Over 10 to 14			14 to 18			18 and over		
	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL
	14	15	0.096	13	14	0.109	12	13	0.130	11	12	0.151

TABLE II—MINIMUM THICKNESS OF SHELL SHEETS, MILD STEEL (MS), HIGH STRENGTH LOW ALLOY STEEL (HSLA), AUSTENITIC STAINLESS STEEL (SS) IN U.S. STANDARD GAUGE; ALUMINUM ALLOY (AL)—EXPRESSED IN DECIMALS OF AN INCH

Distance between bulkheads, baffles, or ring stiffeners		Volume capacity in gallons per inch												
		10 or less			over 10 to 14			14 to 18			18 and over			
		MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	
Maximum shell radius	Less than 70 inches	36 inches or less.....	14	16	0.087	14	16	0.087	14	15	0.096	13	14	0.109
		Over 36 inches to 54 inches.....	14	16	.087	14	15	.096	13	14	.109	12	13	.130
		54 inches through 60 inches.....	14	15	.096	13	14	.109	12	13	.130	11	12	.151
	70 inches or more, less than 90 inches	36 inches or less.....	14	16	.087	14	15	.096	13	14	.109	12	13	.130
		Over 36 inches to 54 inches.....	14	15	.096	13	14	.109	12	13	.130	11	12	.151
		54 inches through 60 inches.....	13	14	.109	12	13	.130	11	12	.151	10	11	.173
	90 inches or more, less than 126 inches	36 inches or less.....	14	15	.096	13	14	.109	12	13	.130	11	12	.151
		Over 36 inches to 54 inches.....	13	14	.109	12	13	.130	11	12	.151	10	11	.173
		54 inches through 60 inches.....	12	13	.130	11	12	.151	10	11	.173	9	10	.194
	126 inches or more	36 inches or less.....	13	14	.109	12	13	.130	11	12	.151	10	11	.173
		Over 36 inches to 54 inches.....	12	13	.130	11	12	.151	10	11	.173	9	10	.194
		54 inches through 60 inches.....	11	12	.151	10	11	.173	9	10	.194	8	9	.216

(1) *Product density.* The material thicknesses contained in Tables I and II are minimums based on a maximum 7.2 pounds per gallon product weight. If the tank is designed to haul products weighing more than 7.2 pounds per gallon, the gallon per inch value used to determine the minimum thickness of

heads, bulkheads, baffles or shell sheets shall be the actual section capacity required in gallons per inch multiplied by the actual product density in pounds per gallon divided by 7.2.

§ 78.341-3 Closures for fill openings and manholes.

(a) Each compartment in excess of 2,500 gallons capacity shall be accessible through a manhole of at least 11 x 15 inches. Manhole and/or fill opening covers shall be designed to provide secure closure of the openings. They shall have structural capability of withstanding internal fluid pressures of 9 p.s.i.g. without permanent deformation. Safety devices to prevent the manhole and/or fill cover from opening fully when internal pressure is present shall be provided.

§ 78.341-4 Vents.

(a) Each cargo tank compartment shall be provided with safety relief devices in accordance with the requirements contained in this paragraph. All of such devices shall communicate with the vapor space. Shutoff valves shall not be installed between the tank opening and any safety device. Safety relief devices shall be so mounted, shielded or drained as to eliminate the possibility of water collection, the freezing of which could impair the operation or discharge capability of the device.

(b) Normal venting: Each cargo tank compartment shall be provided with pressure and vacuum vents having a minimum through area of 0.44 square inch. All pressure vents shall be set to open at no more than 1 p.s.i.g. and all vacuum vents at no more than 6 ounces. Pressure and vacuum vents shall be designed to prevent loss of liquid through the vent under any condition of vehicle rollover attitude.

(c) Loading and unloading venting protection: If the tank is designed to be loaded or unloaded with the dome cover closed, the vent or vents as described in paragraph (b) of this subsection or additional vents shall limit the vacuum to 1 p.s.i. and the tank pressure to 3 p.s.i.g. based on maximum product transfer rate to be included on the metal certification plate § 78.340-10(b). Unless effective protection against overfilling is made, the pressure vent shall also have sufficient liquid capacity to prevent the pressure from exceeding 3 p.s.i.g. in case of accidental overfilling. This pressure vent may be pressure operated or interlocked with the tank loading device, and shall be designed to prevent loss of liquid through the vent under any condition of vehicle rollover attitude.

(d) Emergency venting for fire exposure:

(1) *Total capacity.* The total emergency venting capacity (cu. ft./hr.) of each cargo tank compartment shall be not less than that determined from Table III.

(2) *Pressure-actuated venting.* Each cargo tank compartment shall be equipped with pressure-actuated vent or vents set to open at not less than 3 p.s.i.g. and close when pressure drops to 3 p.s.i.g. or

below. The minimum venting capacity for pressure-actuated vents shall be 6,000 cubic feet of free air per hour (14.7 p.s.i.a. and 60° F.) from a tank pressure of 5 p.s.i.g. Pressure-actuated devices shall be designed so as to prevent leakage of liquid past the device in case of surge or vehicle upset but shall function in case of pressure rise under any condition of vehicle rollover attitude.

(3) *Fusible venting.* If the pressure-actuated venting required by subparagraph (2) of this paragraph does not provide the total venting capacity required by subparagraph (1) of this paragraph additional capacity shall be provided by adding fusible venting devices each having a minimum area of 1.25 square inches, such fusible elements shall be outside of the tank and not in contact with the tank lading. The fusible vent or vents shall be actuated by elements which operate at a temperature not exceeding 250° F. when the tank pressure is between 3 and 5 p.s.i.g.

TABLE III—MINIMUM EMERGENCY VENT CAPACITY IN CUBIC FEET; FREE AIR/HOUR (14.7 P.S.I.A. AND 60° F.)

Exposed area square feet	Cubic feet free air per hour	Exposed area square feet	Cubic feet free air per hour
20	15,800	275	214,300
30	23,700	300	225,100
40	31,600	350	245,700
50	39,500	400	265,000
60	47,400	450	283,200
70	55,300	500	300,600
80	63,300	550	317,300
90	71,200	600	333,300
100	79,100	650	348,800
120	94,900	700	363,700
140	110,700	750	378,200
160	126,500	800	392,200
180	142,300	850	405,900
200	158,100	900	419,300
225	191,300	950	432,300
250	203,100	1,000	445,000

NOTE 1: Interpolate for intermediate sizes.

(e) Flow testing and marking of vents: Each type and size of venting devices shall be flow tested in the ranges specified in the applicable preceding paragraphs. The actual rated flow capacity of the vent in cubic feet of free air per hour at the pressure in p.s.i.g. at which the flow capacity is determined shall be stamped on the device. The fusible vent or vents shall have their flow rating determined at 5 p.s.i.g. differential.

(1) These flow tests may be conducted by the manufacturer or may be delegated to a certified outside agency.

§ 78.341-5 Emergency flow control.

(a) Each product discharge opening shall be equipped with a self-closing shutoff valve, designed, installed, and protected in accordance with § 78.340-3(d) and operated so as to assure against the accidental escape of contents. These valves shall be located inside the tank or at a point outside the tank where the line enters or leaves the tank. The valve seat shall be located inside the tank or within the welded flange, its companion flange, nozzle, or coupling. Such product discharge valves (outflow) shall, in addition to normal means, be closed by (1) an automatic heat actuated means

which will become effective at a temperature not over 250° F., (2) a secondary closing means, remote from tank filling or discharge openings, for operation in event of fire or other accident.

§ 78.341-6 Gauging devices.

(a) No applicable provisions.

§ 78.341-7 Method of test.

(a) *Test for leaks.* Every cargo tank shall be tested by a minimum air or hydrostatic pressure at least equal to the tank design pressure of the § 78.341-1(b) applied to the whole tank and dome if it be noncompartmented. If compartmented each individual compartment shall be similarly tested with adjacent compartments empty and at atmospheric pressure. Air pressure, if used, shall be held for a period of at least five minutes during which the entire surface of all joints under pressure shall be coated with a solution of soap and water, heavy oil, or other material suitable for the purpose, foaming or bubbling of which indicates the presence of leaks. Hydrostatic pressure, if used, shall be done by using water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying pressure as prescribed above, gauged at the top of the tank, at which time all joints under pressure shall be inspected for the issuance of liquid to indicate leaks. All closures shall be in place while test by either method is made. During these tests, operative relief devices shall be clamped, plugged, or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished. Any leakage discovered by either of the methods above described, or by any other method, shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired, and the above described tests shall be continued until no leaks are discovered, before any cargo tank is put into service.

(b) *Test for distortion or failure.* Every cargo tank shall be tested by pressures prescribed in paragraph (a) of this section and shall withstand such pressure without undue distortion, evidence of impending failure, or failure. Failure to meet this requirement shall be deemed as sufficient cause for rejection under this specification. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be placed in or returned to service unless an adequate repair is made. The adequacy of the repair shall be determined by the same method of test.

Add § 78.342 (29 F.R. 18995, Dec. 29, 1964) to read as follows:

§ 78.342 Specification MC 307; cargo tanks.

§ 78.342-1 General requirements.

(a) Specification MC 307 consists of the General Design and Construction Requirements contained in § 78.340, in addition to the specific design requirements contained in this section.

(b) The design pressure (maximum allowable working pressure) of each cargo tank shall be not less than 25 p.s.i.g. For working pressures in excess of 50 p.s.i.g. the tank shall be designed in accordance with the requirements of section VIII of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, 1965 edition.

(c) Tanks shall be of circular cross-section.

§ 78.342-2 Thickness of shell, heads, bulkheads, and baffles.

(a) **Material thickness.** The minimum thicknesses of tank material authorized in § 78.340-3 shall be not less than those obtained by applying the following formulas nor less than those specified in Tables I and II below:

$$\text{Thickness of shell} = T_s = \frac{PD}{2SE_s}$$

$$\text{Thickness of heads} = T_h = \frac{0.885PL^*}{SE_h}$$

*For pressure on concave side only.

T_s = Minimum thickness of shell material, exclusive of allowance for corrosion or other loadings.

T_h = Minimum thickness of head material, after forming, exclusive of allowance for corrosion and other loadings.

P = Design pressure, pounds per square inch.

D = Inside diameter of shell, inches.

L = Inside crown radius of head, inches.

S = Maximum allowable stress value, pounds per square inch—equals one-fourth of specified minimum ultimate tensile strength (one-fourth of Aluminum Alloy's annealed minimum ultimate strength).

E_s = Lowest efficiency of any longitudinal joint in shell (85 per cent maximum).

E_h = Lowest efficiency of any joint in head (85 percent maximum).

(1) The knuckle radius of the head shall not be less than three times the material thickness. The straight flange shall not be less than three times the material thickness for butt-welded heads.

(2) For heads with pressure on the convex side, the material thickness as obtained by the above formula shall be increased by 67 percent unless such heads are adequately braced to prevent excessive distortion.

(b) **Corrosion allowance.** Vessels or part of vessels subject to thinning by corrosion, erosion or mechanical abrasion, shall have provision made to withstand 10 years of normal service by a suitable increase in the thickness of the material over that determined by the design formulas, or by using some other suitable method of protection. Material added for these purposes need not be of the same thickness for all parts of the vessel if different rates of attack are expected for the various parts.

prevent the manhole and/or fill cover from opening fully when internal pressure is present shall be provided.

§ 78.342-4 Vents.

(a) Each cargo tank compartment shall be provided with safety relief devices in accordance with the requirements contained in this paragraph. All of such devices shall communicate with the vapor space. Shutoff valves shall not be installed between the tank opening and any safety device. Safety relief devices shall be so mounted, shielded or drained as to eliminate the possibility of water collection, the freezing of which could impair the operation or discharge capability of the device.

(b) **Total capacity:** Every cargo tank compartment shall be provided with one or more devices with sufficient capacity to limit the tank internal pressure to a maximum of 130 percent of the tank design pressure. This total venting capacity shall be not less than that determined from table III, using the external surface of the cargo tank or tank compartment as the exposed area.

(c) **Pressure-actuated venting (spring loaded):** Every cargo tank compartment shall be equipped with pressure-actuated vent or vents set to open at not less than the tank design pressure. The minimum venting capacity for pressure actuated vents shall be 12,000 cubic feet of free air per hour (14.7 p.s.i.a. and 60° F.) per compartment or 12,000 cubic feet of free air per hour (14.7 p.s.i.a. and 60° F.) for each 350 square feet of exposed tank area, whichever is greater. This minimum capacity shall be measured at a pressure of 130 percent of the tank design pressure. Pressure actuated devices shall be designed to function in case of pressure rise when in any condition of roll over attitude. If pressure (maximum limits to be included on the metal certification plate § 78.340-10

(b) unloading devices are provided, the relief valve shall have sufficient capacity to limit the tank internal pressure to 130 percent of design pressure.

(d) **Fusible and frangible venting:** If the pressure-actuated venting required by paragraph (c) of this section does not provide the total venting capacity required by paragraph (b) of this section, additional capacity shall be provided by adding fusible and/or frangible venting devices. Fusible devices shall each have a minimum area of 1.25 square inches and shall be actuated by elements which operate at a temperature not exceeding 250° F. when the tank pressure is between the tank design pressure and 130 percent of the tank design pressure. Such fusible elements shall be outside of the tank and not in contact with the lading. The bursting pressure of frangible devices shall be not less than 130 percent nor more than 150 percent of the tank design pressure.

TABLE I—MINIMUM THICKNESS OF HEADS, BULKHEADS, AND BAFFLES. MILD STEEL (MS), HIGH STRENGTH LOW ALLOY (HSLA), AND AUSTENITIC STAINLESS STEEL (SS) EXPRESSED IN U.S. GAUGE; ALUMINUM ALLOY (AL) IN DECIMALS OF AN INCH

Thickness.....	Volume capacity of tank in gallons per inch																				
	10 or less			Over 10 to 14			14 to 18			18 to 22			22 to 26			26 to 30			30 and over		
	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL
	14	15	0.100	13	14	0.130	12	13	0.151	11	12	0.173	10	11	0.194	9	10	0.216	8	9	0.237

TABLE II—MINIMUM THICKNESS OF SHELL SHEETS. MILD STEEL (MS), HIGH STRENGTH LOW ALLOY (HSLA), AND AUSTENITIC STAINLESS STEEL (SS) EXPRESSED IN U.S. STANDARD GAUGE; ALUMINUM ALLOY (AL) IN DECIMALS OF AN INCH

Distance between bulkheads, baffles, or other shell stiffeners	Volume capacity of tank in gallons per inch																					
	10 or less			Over 10 to 14			14 to 18			18 to 22			22 to 26			26 to 30			30 and over			
	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	MS	HSLA, SS	AL	
Inches																						
36 or less.....	14	16	0.109	14	16	0.109	14	15	0.109	13	14	0.130	12	13	0.151	11	12	0.173	10	11	0.194	
Over 36 to 64.....	14	16	.109	14	15	.109	13	14	.130	12	13	.151	11	12	.173	10	11	.194	9	10	.216	
54 through 60.....	14	15	.109	13	14	.130	12	13	.151	11	12	.173	10	11	.194	9	10	.216	8	9	.237	

§ 78.342-3 Closures for manholes.

(a) Each compartment shall be accessible through a 15-inch minimum ID manhole. The manhole cover shall be designed to provide a secure closure of the manhole. All joints between manhole covers and their seats shall be made tight against leakage of vapor and liquid.

Gaskets, if used, shall be of suitable material not subject to attack by lading.

(1) Closures shall have structural capability of withstanding internal fluid pressures of 40 p.s.i.g. or one and one-half times the design pressure of the tank whichever is greater without permanent deformation. Safety devices to

TABLE III.—MINIMUM EMERGENCY VENT CAPACITY IN CUBIC FEET; FREE AIR/HOUR (14.7 P.S.I.A. AND 60° F.)

Exposed area square feet	Cubic feet free air per hour	Exposed area square feet	Cubic feet free air per hour
20	15,800	275	214,300
30	23,700	300	225,100
40	31,600	350	245,700
50	39,500	400	265,000
60	47,400	450	283,200
70	55,300	500	300,500
80	63,300	550	317,300
90	71,200	600	333,300
100	79,100	650	348,800
120	94,900	700	363,700
140	110,700	750	378,200
160	126,500	800	392,200
180	142,300	850	405,900
200	158,100	900	419,300
225	191,300	950	432,300
250	203,100	1,000	445,000

NOTE 1: Interpolate for intermediate sizes.

(e) Flow testing and marking of vents: Each type and size of venting devices shall be flow tested in the ranges specified in the applicable preceding paragraphs. The actual rated flow capacity of the vent in cubic feet of free air per hour at the pressure in p.s.i.g. at which the flow capacity is determined shall be stamped on the device.

(1) These flow tests may be conducted by the manufacturer, or may be delegated to a certified agency.

§ 78.342-5 Outlets.

(a) Each product discharge opening shall be equipped with a self-closing shut-off valve, designed, installed, and protected in accordance with § 78.340-8(d) and operated so as to assure against the accidental escape of contents. These valves shall be located inside the tank or within the welded flange, its companion flange, nozzle, or coupling. Such product discharge valves (outflow) shall, in addition to normal means, be closed by (1) an automatic heat actuated means which will become effective at a temperature not over 250° F., (2) a secondary closing means, remote from tank filling or discharge openings, for operation in event of fire or other accident.

(b) Vapor return lines, if used, may be equipped with an excess flow valve at the tank connection if a positive shutoff valve is provided between the excess-flow valve and the hose connection.

§ 78.342-6 Gauging devices.

(a) Gauge device design. Every tank compartment except tanks filled by weight, shall be equipped with one or more gauging devices which shall indicate accurately the maximum permitted liquid level in each compartment. Additional gauging devices may be installed but may not be used as primary controls for filling of cargo tanks at pressures above atmospheric. Acceptable gauging

devices for use at pressures above atmospheric are the rotary tube, the adjustable slip tube and the fixed length dip tube. Gauge glasses are not permitted to be placed on any cargo tank.

(b) Fixed level indicators. All liquid level gauging devices, except those on tanks provided with fixed maximum level indicators, shall be legibly and permanently marked in increments of not more than 20° F. to indicate the maximum levels to which the tank may be filled with liquid at temperatures above 20° F. In the event that it is impractical to put these markings on the gauging device, this information shall be marked on a suitable plate affixed to the tank in a location adjacent to the gauging device.

(c) Dip tubes. A fixed length dip tube gauging device, when used, shall consist of a dip pipe of small diameter equipped with a valve at the outer end, and extending into the tank to a specified fixed length. On horizontally mounted cylindrical tanks, the fixed length to which the tube extends into the tank shall be such that the device will function to indicate when the liquid reaches the maximum level permitted by the regulations in this part.

§ 78.342-7 Method of test.

(a) Test pressure. The standard test pressure for each required test shall be 40 p.s.i.g. or a minimum of 1.5 times design pressure whichever is greater.

(b) Method of test. Every cargo tank shall be tested by complete filling (including domes if any) with water or other liquid having a similar viscosity and applying a pressure of not less than the standard test pressure specified in paragraph (a) of this section. The pressure shall be gauged at the top of the tank. The tank shall hold the prescribed pressure for at least 10 minutes. All tank accessories shall be leakage tested after installation and proved tight at not less than the design pressure of the tank, except that hose used on such tanks may be tested either before or after installation. Failure to successfully meet the

test criteria shall be deemed evidence of failure to meet the requirements of this specification. Tanks failing to pass this test shall be suitably repaired. The suitability of the repair shall be determined by the same method of test.

(i) When divided into compartments. When the interior of the tank is divided into compartments, each compartment shall be tested as a separate tank with adjacent compartments empty and at atmospheric pressure.

Add § 78.343 (29 F.R. 18995 Dec. 29, 1964) to read as follows:

§ 78.343 Specification MC 312; cargo tanks.

§ 78.343-1 General requirements.

(a) Specification MC 312 consists of the General Design and Construction Requirements contained in § 78.340 in addition to the specific requirements contained in this section.

(b) Tank design: Cargo tanks built under this specification that are unloaded by pressure in excess of 15 p.s.i.g. shall be designed and constructed in accordance with and fulfill all requirements of the 1965 edition of section VIII of the American Society of Mechanical Engineers' Boiler and Pressure Vessel Code, no revisions. No tank shall have head, bulkhead, and baffle or shell thicknesses less than that specified in § 78.343-2, Tables I and II, nor shall the spacing of bulkheads, baffles or shell stiffeners exceed that specified in § 78.340-7.

(c) Design pressure shall be not less than pressure used for unloading.

§ 78.343-2 Thickness of shell, heads, bulkheads and baffles of noncode tanks.

(a) Material thickness. The minimum thicknesses of tank material authorized in § 78.340-3 shall be predicated on not exceeding the maximum allowable stress level § 78.340-4(a) but in no case less than those indicated in Tables I and II listed below, or the accompanying aluminum alloy formula:

TABLE I.—MINIMUM THICKNESS OF HEADS, BULKHEADS, AND BAFFLES. MILD STEEL (MS), HIGH STRENGTH LOW ALLOY STEEL (HSLA), AUSTENITIC STAINLESS STEEL (SS), IN U.S. STANDARD GAGE—UNLESS OTHERWISE EXPRESSED IN FRACTIONS OF AN INCH

Thickness.....	Volume capacity in gallons per inch											
	10 or less			Over 10 to 14			14 to 18			18 and over		
	Product weight in pounds per gallon at 60° F.											
	10lbs. and less	Over 10 to 13lbs.	13 to 16lbs.	10lbs. and less	Over 10 to 13lbs.	13 to 16lbs.	10lbs. and less	Over 10 to 13lbs.	13 to 16lbs.	10lbs. and less	Over 10 to 13lbs.	13 to 16lbs.
	12	10	8	10	8	3/16	9	3/16	3/4	8	3/4	3/4

TABLE II—MINIMUM THICKNESS OF SHELL SHEETS. MILD STEEL (MS), HIGH STRENGTH LOW ALLOY STEEL (HSLA), AUSTENITIC STAINLESS STEEL (SS) IN U.S. STANDARD GAUGE—UNLESS OTHERWISE EXPRESSED IN FRACTIONS OF AN INCH

Maximum shell radius	Distance between bulkheads, baffles, or ring stiffeners	Volume capacity in gallons per inch											
		10 or less			Over 10 to 14			14 to 18			18 and over		
		Product weight in pounds per gallon at 60° F.											
		10 lbs. and less	Over 10 to 13 lbs.	13 to 16 lbs.	10 lbs. and less	Over 10 to 13 lbs.	13 to 16 lbs.	10 lbs. and less	Over 10 to 13 lbs.	13 to 16 lbs.	10 lbs. and less	Over 10 to 13 lbs.	13 to 16 lbs.
Less than 70 inches	36 inches or less.....	12	10	8	12	10	8	12	10	8	10	8	3/16
	Over 36 inches to 54 inches.....	12	10	8	12	10	8	10	8	3/16	9	3/16	3/4
	54 inches through 60 inches.....	12	10	8	10	8	3/16	9	3/16	3/4	8	3/4	3/4
70 inches or more, less than 90 inches	36 inches or less.....	12	10	8	12	10	8	10	8	3/16	9	3/16	3/4
	36 inches to 54 inches.....	12	10	8	10	8	3/16	9	3/16	3/4	8	3/4	3/4
	54 inches through 60 inches.....	10	8	3/16	9	3/16	3/4	8	3/4	3/4	3/16	3/4	3/16
90 inches or more, less than 125 inches	36 inches or less.....	12	10	8	10	8	3/16	9	3/16	3/4	8	3/4	3/4
	36 inches to 54 inches.....	10	8	3/16	9	3/16	3/4	8	3/4	3/4	3/16	3/4	3/16
	54 inches through 60 inches.....	9	3/16	3/4	8	3/4	3/4	3/16	3/4	3/16	3/16	3/4	3/16
125 inches or more	36 inches or less.....	10	8	3/16	9	3/16	3/4	8	3/4	3/4	3/16	3/4	3/16
	36 inches to 54 inches.....	9	3/16	3/4	8	3/4	3/4	3/16	3/4	3/16	3/16	3/4	3/16
	54 inches through 60 inches.....	8	3/4	3/4	3/16	3/4	3/16	3/16	3/4	3/16	3/4	3/16	3/16

(1) Aluminum alloy formula.

Thickness of aluminum alloy materials=Steel thickness from Tables I and II × $\left(\frac{3 \times 10^7}{E}\right)^{1/2}$

where:

E = Modulus of elasticity of the material to be used.

(b) Lining. Except as provided in paragraph (c) of this section, cargo tanks shall be lined and the material used for lining each cargo tank subject to this specification shall be homogeneous, nonporous, impermeate when applied, not less elastic than the metal of the tank proper, and substantially immune to attack by the commodities to be transported therein. It shall be directly bonded or attached by other equally satisfactory means. Joints and seams in the lining shall be made by fusing the material together, or by other equally satisfactory means.

(c) Conditions under which tanks need not be lined. Tanks need not be lined as provided in paragraph (b) of this section, if:

(1) The material of the tank is substantially immune to attack by the materials to be transported therein; or,

(2) The material of the tank is thick enough to withstand 10 years normal service without being reduced at any point to less thickness than that specified in paragraph (a) of this section corresponding to its type;

(3) The chemical reaction between the material of the tank and the commodity to be transported therein is such as to allow the tank to be properly passivated or neutralized and if the tank is not frequently cleaned and not used in the transportation of other commodities.

§ 78.343-3 Closure for manholes.

(a) Each compartment shall be accessible through a 15-inch minimum inside diameter manhole. The manhole cover shall be designed to provide a secure closure of the manhole. All joints between manhole covers and their seats shall be made tight against leakage of vapor and liquid. Gaskets, if used, shall be of suitable material not subject to attack by the lading.

(1) The manhole cover shall have structural capability of withstanding internal fluid pressures equal to one and one-half times the design pressure of the tank and in no case less than 15 p.s.i.g. without permanent deformation. Safety devices to prevent the manhole and/or fill cover from opening fully when internal pressure is present shall be provided.

§ 78.343-4 Vents.

(a) Safety vent. Every cargo tank compartment shall be equipped with suitable pressure relief devices as required by the ASME Code, or shall be fitted with suitable rupture discs in lieu of mechanical pressure relief valves. Such discs shall be designed to rupture at not to exceed one and one-half times the design pressure of the tank. If air inlet devices are provided a relief valve shall have adequate capacity to limit tank pressure to 130 percent of design pressure at maximum inlet flow rate.

Such maximum limits to be included on the metal certification plate § 78.340-10 (b). Air inlet lines if permanently connected to an air source shall be equipped with a check valve. Shutoff valves between the tank and relief valve or rupture disc are prohibited.

§ 78.343-5 Outlets.

(a) Outlet construction. No cargo tank, except those used for shipments of sludge acid or alkaline corrosive liquids, shall have bottom discharge outlets; outlets leaving the cargo tank at or near the top but having the end of the outlet below the top liquid level shall not be considered as bottom outlets but such outlets shall be equipped with a shutoff valve as close as practical to the tank outlet and a shutoff valve, blank flange, or sealing cap at the discharge end of the outlet, and should not be moved with any of the contents in the line beyond the point where it leaves the cargo tank. The valve at the top of the tank shall be protected against damage in the event of overturn. Cargo tanks used for the transportation of sludge acid and/or alkaline corrosive liquids may be equipped with bottom outlets when the products to be transported are too viscous to be unloaded through a dome connection or top outlet.

(b) Bottom outlet construction. Outlets shall be metal, not subject to rapid deterioration by the lading and each shall be provided with a valve designed, installed, and protected in accordance with § 78.340-8(d) and operated so as to assure against escape of contents. These valves shall be located inside the tank or at a point outside the tank where the line enters or leaves the tank. The valve seat shall be located inside the tank or within the welded flange nozzle or coupling.

(1) A shutoff valve, blank flange or sealing cap at the discharge end of the piping is required.

(c) Bottom washout chambers. Cargo tanks may be equipped with bottom washout chambers. Bottom washout chambers shall be of metal not subject to rapid deterioration by the lading and shall be provided with a bolted flange closure at its lower end.

§ 78.343-6 Gauging devices.

(a) No applicable requirement.

§ 78.343-7 Method of test.

(a) Test for leaks. Every cargo tank shall be tested by completely filling the tank and dome with water or other liquid having a similar viscosity, the temperature of which shall not exceed 100° F. during the test, and applying a pressure of one and one-half times the design pressure but not less than 3 p.s.i.g. The pressure shall be gauged at the top of the tank. The tank shall hold the prescribed pressure for at least 10 minutes without failure, undue distortion, leakage or evidence of impending failure. All closures shall be in place while test is made. During these tests, operative

relief devices shall be clamped, plugged or otherwise rendered inoperative; such clamps, plugs, and similar devices shall be removed immediately after the test is finished.

(b) *Test for distortion or failure.* Every cargo tank shall be tested by the pressures prescribed in paragraph (a) of this section and shall withstand such pressures without undue distortion or other indication of impending failure. If there is undue distortion, or if failure impends or occurs, the cargo tank shall not be placed in or returned to service unless an adequate repair is made. The adequacy of the repair shall be determined by the same method of test.

(c) *Test of heating system.* After an interior heating system consisting of coil piping is installed, and before the tanks to which they are fitted are placed in service, the heating system shall be tested. Systems employing media such as steam or hot water under pressure for heating the contents of cargo tanks shall be tested with hydrostatic pressure and proved to be tight at 200 p.s.i.g.

(d) *When divided into compartments.* When the interior of the tank is divided into compartments, each compartment shall be tested as a separate tank.

[F.R. Doc. 66-10567; Filed, Sept. 29, 1966; 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX; ALLOCATION OF INCOME AND DEDUCTIONS AMONG TAXPAYERS AND DETERMINATION OF SOURCES OF INCOME

Notice of Proposed Rule Making

The proposed amendment to the regulations under section 482 relating to Allocation of Income and Deductions Among Taxpayers; Determination of Sources of Income was published in the FEDERAL REGISTER for August 2, 1966.

A public hearing on the provisions of this proposed amendment to the regulations will be held starting Wednesday, November 2, 1966, at 10 a.m., e.s.t., and continuing if necessary on November 3 and 4 to hear oral comments. The hearing will be held in Room 3313, Internal Revenue Building, 12th and Constitution Avenue NW., Washington, D.C.

Written comments on the proposed amendment submitted at any time prior

to or at the hearing will be considered before the final regulations are promulgated.

Persons who plan to attend the hearing are requested to notify the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by October 27, 1966, Telephone (Washington, D.C.—area code 202) 964-3935.

In order to provide an orderly schedule of appearances at a convenient time, it will be appreciated if all persons who desire an opportunity to present oral comments will so notify the Commissioner at the earliest practicable date, even if they expect to defer submission of their written comments until the hearing. It will also be appreciated if such persons will, where possible, indicate the specific sections of the amendment on which they plan to comment.

[SEAL]

Lester R. Uretz,
Chief Counsel.

By: JAMES F. DRING,
Director, Legislation and
Regulations Division.

[F.R. Doc. 66-10748; Filed, Sept. 29, 1966; 12:03 p.m.]

Notices

POST OFFICE DEPARTMENT

STANDBY INSTRUCTIONS FOR GUIDANCE DURING NATIONWIDE RAILROAD STRIKES

The following is an excerpt from Regional Letter No. 66-134, signed by the Assistant Postmaster General, Bureau of Operations on September 13, 1966:

II. General instructions. Shipments of second-, third-, and fourth-class mail addressed for delivery beyond the second parcel-post zone from the post office of origin will not be accepted. First-class and airmail will continue to be accepted without restrictions as to distance.

III. Special instructions—A. Second-class. Arrangements may be made by publishers of second-class and controlled circulation publications to ship at their own expense and risk copies of their publications for designated areas to other centrally located post offices for acceptance in the mails under the following conditions:

1. The publisher must continue to pay the postage for the full mailing at the post office where the publication officially has original or additional entry. There will be no change in the method of paying postage. The postage will be computed at the regular rates applicable from the official entry office. The mailer will get no rate advantage for transporting the copies at his expense to other mailing points.

2. The publisher will advise the postmaster at the office of entry of the special mailing points to which he desires to transport the publications and the approximate number of sacks for each special mailing point.

3. The special mailing points selected by a publisher must be first-class post offices which have facilities for handling the mail.

4. The copies transported to special mailing points must be for delivery at post offices not beyond the second parcel zone from the place of mailing.

5. When the post office of original or additional entry has a request from a publisher with the information specified herein, the arrangement should be approved by the postmaster and notification sent to the other post offices involved. Reports need not be submitted to the Department.

B. Third- and fourth-class. 1. Special arrangements will not be made for payment of postage on third- or fourth-class mail at one post office for acceptance at another. Metered or permit imprint mail must be accepted only at the post office shown in the meter postmark or permit imprint.

2. If third- or fourth-class mail is shipped by the mailer at his own expense and risk for mailing at another post office it will be accepted provided the mail is

addressed for delivery at a post office not beyond the second parcel post zone from the mailing office and the postage is paid by:

a. *Postage stamps affixed.* It is not required that they be purchased at the place of mailing. The use of precanceled stamps of the office where the mailer is located will be permissible. The requirement for overprinting in § 32.2(e) of Title 39, Code of Federal Regulations, is waived.

b. *Permit imprints of the office accepting the mail.* If the mailer does not have a permit at that office the required application and fee must be submitted.

c. *Meter stamps showing postmark of the accepting office.* Arrangements may be made for setting meters used in paying postage at another office under the procedures in § 33.3(b)(2) of Title 39, Code of Federal Regulations.

C. First-class. If postage is paid at the first-class rate on articles of the second-, third-, or fourth-class they will be accepted for mailing without distance limitation.

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

TIMOTHY J. MAY,
General Counsel.

SEPTEMBER 27, 1966.

[F.R. Doc. 66-10669; Filed, Sept. 29, 1966; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

SEPTEMBER 23, 1966.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. S38, for the withdrawal of the lands described below, from prospecting, location, entry, and purchase under the mining laws but not the mineral leasing laws, subject to valid existing claims.

The applicant desires the land for the Sanger Lake Campground Site.

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, U.S. Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, 650 Capitol Mall, Sacramento, Calif. 95814.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investiga-

tions 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, 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:

HUMBOLDT MERIDIAN, CALIFORNIA
SIX RIVERS NATIONAL FOREST
Sanger Lake Campground

T. 17 N., R. 5 E.,
Sec. 4, W $\frac{1}{2}$ W $\frac{1}{2}$ lot 4 (W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$);
Sec. 5, S $\frac{1}{2}$ lot 1 and S $\frac{1}{2}$ N $\frac{1}{2}$ lot 1
(S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, and
S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$).

The areas described aggregate approximately 40 acres in Del Norte County.

R. J. LITTEN,
Chief, Lands Adjudication Section.

[F.R. Doc. 66-10658; Filed, Sept. 29, 1966; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration UNITED STATES LINES CO.

Notice of Application

Notice is hereby given that United States Lines Co. has applied for an increase in the maximum number of sailings permitted with freight ships operating on its subsidized Trade Route No. 12 (U.S. Atlantic/Far East) Service from the present maximum of 55 to a new maximum of 81 sailings per year.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should by the close of business on October 13, 1966, notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the rules of

practice and procedure of the Maritime Subsidy Board/Maritime Administration.

In the event a hearing is ordered to be held on the application under section 605(c), the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such service, route, or line is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: September 28, 1966.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 66-10700; Filed, Sept. 29, 1966;
8:49 a.m.]

National Bureau of Standards NATIONAL BUREAU OF STANDARDS RADIO STATIONS

Standard Frequency and Time Broadcasts

In accordance with National Bureau of Standards policy of giving monthly notices regarding changes of phases in seconds pulses, notice is hereby given that there will be no change in the phase of seconds pulses emitted from radio station WWVB, Fort Collins, Colo., on November 1, 1966.

Notice is also hereby given that there will be no change in the phase of time pulses emitted from radio stations WWV, Greenbelt, Md., and WWVH, Maui, Hawaii, on November 1, 1966. These pulses at present occur at intervals which are longer than 1 second by 300 parts in 10¹⁰. This is due to the offset maintained in frequency, as coordinated by the Bureau International de l'Heure (BIH).

R. S. WALLEIGH,
Acting Director.

SEPTEMBER 22, 1966.

[F.R. Doc. 66-10646; Filed, Sept. 29, 1966;
8:45 a.m.]

Office of the Secretary ASSISTANT SECRETARY FOR ADMINISTRATION

Delegation of Authority

Pursuant to the authority delegated to the Assistant Secretary for Administration by Department Order 9, the

Director, Office of Administrative Services, is hereby designated as the Claims Officer authorized to settle and pay claims for damage to, or loss of, personal property incident to his service, under the provisions of Public Law 88-558 (31 U.S.C. 240 et seq.), filed by an employee (or his duly authorized representative) of the Office of the Secretary and constituent operating units reporting to the Under Secretary for Transportation.

Effective date. September 13, 1966.

DAVID R. BALDWIN,
*Assistant Secretary
for Administration.*

[F.R. Doc. 66-10647; Filed, Sept. 29, 1966;
8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17711]

LINEA AEREA NACIONAL—CHILE (LAN)

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on October 6, 1966, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Leslie G. Donahue.

Dated at Washington, D.C., September 27, 1966.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 66-10679; Filed, Sept. 29, 1966;
8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

CATV REPORT FORM

Issuance

SEPTEMBER 30, 1966.

The Commission has adopted and announces the availability of a form to be used by existing CATV operators for reporting information about their CATV systems. The form provides the vehicle for furnishing the essential data which the Commission indicated in its second report and order was necessary for properly verifying the dimensions of the industry.

Principally, the form is designed to identify the ownership and operational details of CATV systems and to develop the extent of CATV cross-ownership and of involvement with related communications services. The Commission is relieving smaller systems of the necessity for supplying detailed ownership information—if the total number of subscribers is less than 500 and the population of the community served is less than 5,000, only the first part of the report need be filed. It was originally contemplated that top-100 market systems would be required to submit a map show-

ing the location of cable lines as of February 15, 1966. The systems are now only obliged to retain in their files the information from which a map may be prepared, if needed.

Accompanying the form are full instructions and a list of the top-100 television markets. Copies of the reporting form have been sent to all CATV systems now on the Commission's mailing list. Additional copies are available at the Commission's offices in Washington, D.C. The return is due by November 1, 1966. Only an original of the form need be filed.

FEDERAL COMMUNICATIONS
COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10664; Filed, Sept. 29, 1966;
8:46 a.m.]

[Docket Nos. 16879-16881; FCC 66-843]

AUDUBON BROADCASTING CORP. ET AL.

Memorandum Opinion and Order Designating Applications for Con- solidated Hearing on Stated Issues

In re applications of Audubon Broadcasting Corp., Westwego, La.; Docket No. 16879, File No. BP-17113; Requests: 1540 kc, 500 w, Day; Holmes Broadcasting, Inc., Westwego, La.; Docket No. 16880, File No. BP-17114; Requests: 1540 kc, 500 w, Day; West Jefferson Broadcasting, Inc., Gretna, La.; Docket No. 16881, File No. BP-17115; Requests: 1540 kc, 500 w, Day; for construction permits; Audubon Broadcasting Corp., Westwego, La.; Requests: 1540 kc, 500 w, Day; for temporary authority to operate, using the facilities and equipment of former station KABE, Westwego, La.

1. The Commission has before it for consideration: The above captioned and described construction permit applications; a request by Audubon Broadcasting for special temporary authority to continue the operation of Station KABE, Westwego, La.; letters from counsel for Holmes Broadcasting, Inc. ("Holmes"), and West Jefferson Broadcasting, Inc. ("West Jefferson"), opposing Audubon's request; and related materials.

2. The Commission finds that, since simultaneous operation of any two of the construction permit proposals would result in mutually destructive interference, they are mutually exclusive and must be designated for hearing in a consolidated proceeding; and that, except as indicated by the issues set forth below, each of the applicants is qualified to construct and operate as proposed.

3. The Audubon application indicates that George A. Mayoral has an option to purchase the 43 percent stock interest of Cranford J. Vlosca, Audubon's president, by January 4, 1969. Mayoral is currently

¹ Accepted for filing on Apr. 13, 1966, by Commission adoption of Public Notice (FCC 66-334) which at the same time waived § 73.37(a) of the Commission's rules insofar as its provisions interfered with the applications' acceptance.

involved in a Commission proceeding (Docket Nos. 15139-15141) regarding the proposed revocation of the licenses for standard broadcast Station WKYN, San Juan, P.R., and FM broadcast Stations WFQM, San Juan, and WORA-FM, Mayaguez, P.R. At his own request, Mayoral has been recognized as an intervenor in that proceeding, has testified and presented witnesses in his own behalf, and has exercised the right of cross-examination.

4. In his initial decision and supplemental initial decision in that proceeding,² the Hearing Examiner has found that Mayoral, while station manager of WKYN, was responsible for numerous interceptions and delayed rebroadcasts by WKYN and its sister stations, WFQM (FM) and WORA-FM, of news broadcasts by the Armed Forces Radio Service, New York, despite explicit refusals of permission by the U.S. Department of Defense, and in such a manner as to camouflage the time lag and the unauthorized source; and that Mayoral compounded his previous malefactions by a series of wilful and deliberate denials and misrepresentations to the Commission, under oath, in an effort to conceal them.

5. For these reasons, an issue will be included herein to determine whether Mayoral possesses the requisite qualifications to be an officer, director, or stockholder of a broadcast licensee; and, in the light of the facts adduced with respect to these issues, whether Audubon Broadcasting Corp. possesses the requisite qualifications of a broadcast licensee. Mayoral is made a party, and the Hearing Examiner is bound by the Commission's ultimate findings and conclusions in the WKYN (AM) et al. license-revocation proceeding. An ordering clause is included providing that, in the event of a negative determination with respect to Mayoral's qualifications, and a grant of the Audubon application nonetheless, the construction permit shall contain a condition providing that Mayoral shall not become an officer, director, or stockholder of Audubon without prior Commission approval.

6. On February 1, 1966, Audubon Broadcasting Corp. requested that it "be granted Special Temporary Authority to continue operation of existing Station KABE at Westwego, La." Audubon based its request on § 1.542 of the Commission's rules. Station KABE is no longer in existence. Its call letters were deleted

² An initial decision of Hearing Examiner Forest L. McClenning (FCC 64D-90), released Dec. 21, 1964, included extensive findings of fact regarding Mayoral's conduct as a principal officer, director, stockholder, and managerial employee of one or more of the stations in question. On Mar. 31, 1965, the Commission adopted an order (FCC 65-257) granting a request by Mayoral (filed Feb. 26, 1965) that the hearing record be reopened, that he be recognized as an intervenor, and that additional evidence be accepted. Subsequently, the hearing was resumed and Mayoral exercised the rights accorded him in that order. On July 28, 1966, a supplemental initial decision (FCC 66D-42) was released, fully reaffirming the previous findings of fact regarding Mayoral's conduct.

and its license canceled on June 6, 1966. Apart from that fact, however, Audubon's reliance upon § 1.542 ("Application for Temporary Authorization") is clearly inappropriate. Recourse to that section is, by its express terms, available only to "a licensee or permittee of a broadcast station." Audubon is neither. Accordingly, its application for temporary authorization will be dismissed as patently defective.

In view of the foregoing: *It is ordered.* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the Audubon, Holmes, and West Jefferson proposals and the availability of other primary service to such areas and populations.

2. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

3. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b) which of the operations proposed in the above-captioned applications would better serve the public interest.

4. To determine whether George A. Mayoral possesses the requisite qualifications to be an officer, director, or stockholder of a broadcast licensee.

5. To determine, in the light of the evidence adduced with respect to Issue 4, whether Audubon Broadcasting Corp. possesses the requisite qualifications of a broadcast licensee.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

It is further ordered. That, in the event of both a negative determination with respect to the qualifications of George A. Mayoral, and a grant of the Audubon application nonetheless, the construction permit shall contain the following condition: George A. Mayoral shall not become an officer, director, or stockholder of Audubon Broadcasting Corp. without prior Commission approval.

It is further ordered. That George A. Mayoral is made a party to the proceeding.

It is further ordered. That, with respect to Issues 5 and 6, the Hearing Examiner shall be bound by the Commission's ultimate findings and conclusions in the proceeding in Docket Nos. 15139-15141.

It is further ordered. That, in the event of a grant of the Holmes application, the construction permit shall contain the following condition: Before program tests are authorized, sufficient measurement data shall be submitted to establish that the radiation is essentially 176 mv/m per kilowatt or 124.5 mv/m per 500 watts as proposed.

It is further ordered. That Audubon's request for temporary authority to continue operation of Station KABE, Westwego, La., is dismissed.

It is further ordered. That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered. That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: September 21, 1966.

Released: September 27, 1966.

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

[F.R. Doc. 66-10665; Filed, Sept. 29, 1966;
8:46 a.m.]

[Docket No. 16865; FCC 66M-1285]

VIDEO SERVICE CO.

Order Scheduling Hearing

In re applications of Video Service Co., Atlanta, Ga.; Docket No. 16865, File Nos. 1816/17-C1-P-66, CATV 100-101; for construction permits for new fixed (video) radio stations at Lafayette and Waynetown, Ind., (KSQ-36 and KSQ-37).

It is ordered. This 26th day of September 1966, that H. Gifford Irion shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on November 2, 1966, at 10 a.m.; and that a prehearing conference shall be held on October 10, 1966, commencing at 9 a.m.: *And, it is further ordered.* That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: September 27, 1966.

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

[F.R. Doc. 66-10666; Filed, Sept. 29, 1966;
8:46 a.m.]

[Docket No. 16865; FCC 66-808]

VIDEO SERVICE CO.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re applications of Video Service Co., Atlanta, Ga.; Docket No. 16865, File Nos.

1816/17-CL-P-66, CATV 100-101; for construction permits for new fixed (Video) radio stations at Lafayette and Waynetown, Ind. (KSQ-36 and KSQ-37).

1. The Commission has before it for consideration the above-captioned applications; a Petition for Reconsideration and Stay of Grant Without Hearing filed on June 10, 1966, by Midwest Television, Inc. (Midwest), licensee of Station WCIA (Ch. 3, CBS), Champaign, Ill.; a Petition for Declaratory Ruling and for Other Appropriate Relief filed on July 8, 1966, by Midwest; and responsive pleadings in connection therewith.¹

2. The applications, filed on September 21, 1965, requesting construction permits for new Fixed (Video) Point-to-Point Microwave Radio Stations to transmit the signal of Station WGN-TV (Channel 9, Indep.), Chicago, Ill., to Video Service's CATV customer, Danville Community Antenna System, Inc. (Community), in Danville, Ill., were announced as granted on May 16, 1966 (Public Notice C, Report 283, May 16, 1966). Subsequently, the petition for reconsideration and the petition for declaratory ruling were filed.

3. In its petitions, Midwest alleges that Danville, Ill., is part of the Champaign-Danville-Decatur-Springfield television market which is ranked 73d according to ARB net weekly circulation figures. It is within the predicted Grade A contour of television Station WICD (Channel 24, NBC) Danville (the auxiliary outlet of Station WICS, Springfield, Ill.). Midwest further alleges that Danville is beyond the predicted Grade B contour of Station WGN-TV and that the grant of the above applications was therefore contrary to §§ 21.712(k) and 74.1107 of the Commission's rules.² It therefore requests that the grant be reconsidered and revoked or, if not revoked, construction thereunder conditioned on Video Service's customer filing

a proper request under § 74.1107 and approval thereof by the Commission, and that the Commission issue a ruling that Video Service may not deliver the signal of Station WGN-TV to Community and Community may not lawfully supply to its subscribers microwave fed signals of WGN-TV unless it has first obtained permission from the Commission.

4. In its opposition to the petition for reconsideration, filed on June 23, 1966, Video Service concedes for purposes of this proceeding that Danville is part of the 73d ARB television market but contends that the signal of WGN-TV has been carried and supplied to its subscribers by Community since January 17, 1966, and is therefore "grandfathered" pursuant to § 74.1107(d) of the rules.³ Video Service contends that the purpose of the applications was only to improve the "quality" of the signal previously being received and not to bring in new signals.⁴ In its Reply, filed on July 5, 1966, Midwest alleges that the off-the-air signal of WGN-TV on the cable is virtually unwatchable at all times and that, in any event, a microwave license to deliver a distant signal to a CATV system cannot automatically be granted merely on a showing that the system was carrying the signal by off-the-air pickup prior to February 15, 1966. In support of its allegation that the signal is virtually unwatchable, Midwest submitted as attachments to its pleadings the affidavits of the assistant chief engineer of Station WCIA, two subscribers to the Danville system and three photographs of the WGN signal on the cable. The affidavits of the subscribers state that the WGN picture on the system is generally unviewable and of poor quality. In the opinion of the subscribers " * * * WGN is not really carried on the Danville Community Antenna System at all" and " * * * nothing is there most of the time."

5. In a response to Midwest's petition for declaratory ruling, filed on July 21, 1966, Community states that the Commission did not provide for an evaluation of quality as to the signals covered by the "grandfather" clause and that, such an evaluation, in any event, would present a virtually impossible task. Community goes on to allege that the general pattern of the WGN-TV picture on the cable is to deteriorate during the middle portion of the day and to be generally better and more readily viewable during the early and latter portions of the day;

³Section 74.1107(d) provides, in pertinent part: "The provisions of paragraphs (a) and (b) of this section shall not be applicable to any signals which were being supplied by a CATV system to its subscribers on Feb. 15, 1966, and pursuant to a franchise (where necessary) issued on or before that date; * * *

⁴Video Service also contends that Midwest has failed to comply with § 1.106 of the rules since it has not shown good cause for its failure to file a pregnant objection. However, without reaching the question of good cause, we find, pursuant to § 1.106(c)(3) of the rules, that consideration of the facts relied upon by Midwest are required in the public interest.

that WGN-TV signal has been received for several years in Danville directly off the air by residents and on at least one CATV system in the area; and that the signal intensity of the WGN-TV signal at Community's receiving antenna is sufficiently strong to provide a receivable and viewable picture well over 50 percent of the time. Community's response was accompanied by photographs of the WGN picture on the cable and affidavits from several subscribers stating that the WGN signal was usable and worthwhile a great percentage of the time. In its reply, Midwest repeats its contention that no generally usable WGN-TV picture is available on the cable. It states that Community has submitted no substantial support for its claim that the signal is generally viewable. More photographs are supplied in support of Midwest's claim that the signal is unwatchable. Finally, Midwest points out that Community carries a slide on the cable throughout the day at 2-minute intervals apologizing for the poor WGN-TV picture.

6. In granting the applications, the inclusion of Danville and Station WICD as part of the 73d television market was inadvertently overlooked. It is clearly part of the market and it is also clear that Danville is beyond the Grade B contour of Station WGN-TV. Accordingly, unless the WGN signal was being supplied to Community's subscribers on or prior to February 15, 1966, §§ 21.712(k) and 74.1107 of the rules preclude both Video Service from supplying the signal to Community via microwave and Community from supplying the signal to its subscribers, absent prior approval by the Commission pursuant to § 74.1107. While the photographs and other material submitted by the parties tend to support the allegations of the contending sides, they are in conflict. On the facts before us, we find that there is a substantial question whether the signal of WGN-TV is "grandfathered" on the Danville CATV system. Midwest's petition for reconsideration will, therefore, be granted so that this matter may be fully explored in a hearing.

7. We immediately wish to make it clear that we have no intent generally of making the quality of the signal carried on a CATV system on or prior to February 15, 1966, a determinant in deciding whether the particular signal is "grandfathered" within the meaning of § 74.1107(d) of the rules. As a matter of policy, applications to microwave a signal previously received off-the-air and viewable by subscribers will not be considered as proposals to provide new service nor will we so consider microwave applications which propose technical changes such as increased tower height, change of transmitter location equipment, or the path of the signal, etc. As we said in the second report and order (2 FCC 2d 725) at paragraph 148:

" * * * So far as the application of our major market distant signal policy, we do not intend to disrupt the existing situation, by withdrawing from any CATV subscriber any signal which he was receiving as of February 15, 1966, in the top-100 markets or

¹A Petition for Reconsideration was also filed on June 15, 1966, by United Video but was dismissed at the request of petitioner by letter of July 15, 1966.

²Section 21.712(k) provides: "No CATV system shall be provided with microwave service, either directly or indirectly, if the operation of such CATV system would be inconsistent with § 74.1107 of this chapter." Section 74.1107(a) provides: "No CATV system operating within the predicted Grade A contour of a television broadcast station in the 100 largest television markets shall extend the signal of a television broadcast station beyond the Grade B contour of that station, except upon a showing, approved by the Commission, that such extension would be consistent with the public interest, and specifically the establishment and healthy maintenance of television broadcast service in the area. Commission approval of a request to extend a signal in the foregoing circumstances will be granted where the Commission, after consideration of the request and all related materials in a full evidentiary hearing, determines that the requisite showing has been made. The market size shall be determined by the rating of the American Research Bureau, on the basis of the net weekly circulation for the most recent year."

which he is presently receiving in other markets.** Based on our experience, we regard such a withdrawal as impractical and, in any event, we note that we have not made any basic policy judgment which would warrant such undue disruption. We therefore shall "grandfather" all systems which were in operation upon February 15, 1966 (the release date of the above mentioned public notice), to the extent that such systems need not make the showing in § 74.1107 to continue to carry to subscribers signals beyond their Grade B contour, which were being supplied to those subscribers on that date. But any addition of a new distant signal on an existing system in the top-100 markets would come within the major market policy.

8. To sum up, there is a substantial question whether a viewable WGN-TV signal was being provided by the Danville CATV system to its subscribers prior to February 15, 1966. If the grant of a microwave application will, for the first time after February 15, 1966, make available a viewable beyond Grade B signal to subscribers, then logic and common-sense dictate that the signal is a "new" signal so far as the subscribers are concerned and its carriage is subject to the provisions of § 74.1107 (a) and (b) of the rules. A contrary interpretation would mean that a system could carry "snow" on one or more of its channels, claiming that it was receiving and carrying a distant television signal off-the-air, and that such signal was therefore "grandfathered." We do not interpret our rules to require that we reach this result. Accordingly, the prior grant of the subject applications will be vacated.

9. As of this date, understandably, neither Video Service nor Community has filed a request pursuant to § 74.1107. If issue 2 is answered in the negative, such a request would be necessary and, ordinarily, these applications would be placed in deferred status until such a request had been received and reached for action in the normal processing line. However, we do not think such a course should be followed here. Accordingly, we will treat the applications as a request, pursuant to § 74.1107, for permission to extend the signal of WGN-TV and provide it to Community's subscribers, and act upon it now. Since Danville is one of the major communities in the 73d market and there is UHF activity in the market, we think that a § 74.1107 hearing is necessary. Issues 3 to 6 will not become relevant, however, unless issue 2 is answered in the negative.

Accordingly, it is ordered, This 7th day of September 1966 that the petitions of Midwest Television, Inc., are granted to the extent indicated, and in all other respects, are denied.

It is further ordered, That pursuant to section 309 of the Communications Act of 1934, as amended, and § 1.106 of the rules, the prior grant of the subject applications is vacated and that, pursuant to §§ 21.712(k) and 74.1107 of the Commission's rules, the applications of Video Service Co. are designated for hearing, at a time and place to be specified

in a further order, upon the following issues:

1. To determine whether Danville Community Antenna System, Inc., began supplying, via an off-the-air pickup, the signal of Station WGN-TV, Chicago, Ill., to its subscribers in Danville, Ill., on or prior to February 15, 1966, and, if so, whether the signal so supplied has been generally viewable during substantial portions of the broadcast day.

2. To determine whether, in light of the evidence adduced with respect to issue No. 1, the signal of Station WGN-TV is "grandfathered" on the Danville CATV system, pursuant to § 74.1107(d) of the Commission's rules.

3. To determine the present and proposed penetration and extent of CATV service, including television signals carried, in the market area.

4. To determine effects of present and proposed CATV service in the market area on existing, proposed, and potential Champaign - Danville - Decatur - Springfield-Urbana television stations.

5. To determine the present policy and proposed future plans of Danville Community Antenna System, Inc., with respect to the initiation of pay-TV operations based upon or in connection with its CATV operations.

6. To determine whether, in light of the evidence adduced with respect to the foregoing issues, Video Service Co. should be authorized to deliver and Danville Community Antenna System, Inc., should be authorized to carry the signal of Station WGN-TV.

It is further ordered, That Danville Community Antenna System, Inc., Midwest Television, Inc., and the Chief, Broadcast Bureau, are made parties to this proceeding.

It is further ordered, That Danville Community Antenna System, Inc., shall have the burden of proceeding and the burden of proof with respect to issues 1 and 3-5.

It is further ordered, That, to avail itself of the opportunity to be heard, Video Service Co., Danville Community Antenna System, Inc., and Midwest Television, Inc., pursuant to § 1.221 (c) and (e) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate a written appearance stating their intention to appear on the date set for the hearing and present evidence on the issues specified in this order.

Released: September 26, 1966.

FEDERAL COMMUNICATIONS
COMMISSION,*

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-10667; Filed, Sept. 29, 1966;
8:46 a.m.]

* Commissioners Bartley, Wadsworth, and Johnson absent. Commissioner Loevinger's dissenting opinion filed as part of the original document.

FEDERAL RESERVE SYSTEM

HAWKEYE BANCORPORATION

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) (1) of the Bank Holding Company Act of 1956, as amended by Public Law 89-485, by Hawkeye Bancorporation, Red Oak, Iowa, for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of 51 percent of the voting shares of Houghton State Bank, Red Oak, Iowa.

Section 3(c) of the Act, as amended, provides that:

The Board shall not approve:

(1) Any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 23d day of September 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 66-10651; Filed, Sept. 29, 1966;
8:45 a.m.]

OTTO BREMER FOUNDATION AND OTTO BREMER CO.

Notice of Applications for Approval of Acquisition of Shares of Bank

Notice is hereby given that applications have been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a) (2) of the Bank Holding Company Act of 1956 (section 3(a) (3) of the Act, as amended by Public Law 89-485, which became effective July 1, 1966), by Otto Bremer Foundation and Otto Bremer Co., which are bank holding companies located in St. Paul, Minn., for the prior approval of

**Footnote omitted.

the Board of the acquisition by each of an additional 50 percent of the voting shares of Citizens State Bank, Rugby, N. Dak. Otto Bremer Foundation and Otto Bremer Co. now own or control, respectively, 49 percent and 46 percent of the bank's voting shares.

Section 3(c) of the Act, as amended, provides that:

The Board shall not approve:

(1) Any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Dated at Washington, D.C., this 23d day of September 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 66-10652; Filed, Sept. 29, 1966;
8:46 a.m.]

BANK OF COMMONWEALTH

Order Approving Acquisition of Bank's Assets

In the matter of the application of Bank of the Commonwealth for approval of acquisition of assets of Public Bank.

There has come before the Board of Governors, pursuant to the Bank Merger Act, as amended (12 U.S.C. 1828(c), Public Law 89-356), an application by Bank of the Commonwealth, Detroit, Mich., a State member bank of the Federal Reserve System, for the Board's prior approval of that bank's acquisition of assets and assumption of deposit liabilities of Public Bank, Detroit, Mich., and, as an incident thereto, Bank of the Commonwealth has applied, under section 9 of the Federal Reserve Act, for the Board's prior approval of the establishment by that bank of branches at the locations of the 11 offices of Public Bank.

Published notice of the proposed acquisition of assets and assumption of deposit liabilities and requests for reports on the competitive factors involved therein have been dispensed with as authorized by said Bank Merger Act.

Upon consideration of all relevant material in the light of the provision of said Act,

It is hereby ordered, For the reasons set forth in the Board's Statement¹ of this date, that said applications be and hereby are approved and that said acquisition of assets and assumption of deposit liabilities and establishment of branches may be consummated immediately, but not later than 3 months after the date of this order.

Dated at Washington, D.C., this 23d day of September 1966.

By order of the Board of Governors.²

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 66-10670; Filed, Sept. 29, 1966;
8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Reg.;
Temporary Reg. H-3]

REPORTING AND TRANSFERRING ELECTRICAL ACCOUNTING MACHINES LEASED BY GOVERNMENT

To heads of Federal agencies:

1. *Purpose.* This regulation provides guidance on the release and acquisition of electrical accounting machines which are leased by the Government from a supplier and provides a procedure for the reporting and acquisition of such machines.

2. *Definition.* Electrical accounting machines (EAM) are conventional punch card equipment such as punches, verifiers, sorters, collators, tabulators, calculators, etc.

3. *Applicability.* The provisions of this regulation are applicable to all electrical accounting machines when such machines are:

- Government-leased; or
- Leased by Government contractors under cost-reimbursement contracts and subcontracts when the total costs of such equipment are applied as a direct charge to such contracts (equipment used in performance of multiple contracts and the

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

² Voting for this action: Chairman Martin, and Governors Robertson, Shepardson, Daane, and Malsel. Absent and not voting: Governors Mitchell and Brimmer.

cost of which constitutes an indirect expense charged to overhead is excluded).

4. *Reporting.* Excess Government-leased EAM shall be reported by holding agencies to the appropriate GSA regional office shown below. This shall be accomplished by transmitting to the appropriate GSA regional office a copy of the equipment discontinuance notification to the supplier, together with the name, address, and telephone number of the person in the holding agency to contact. Line items with an acquisition cost of less than \$1,500 are not to be reported.

5. *Transfers.* a. Agencies desiring to acquire Government-leased EAM may contact one or more of the GSA regional offices shown below for advice on availability of such equipment. The GSA regional office will advise as to the availability of equipment, and furnish the name, address, and telephone number of the contact in the releasing activity. The acquiring agency will then arrange with the holding agency for transfer of the equipment and notify the supplier of the proposed action.

b. When a transfer is arranged, a copy of the correspondence confirming the transfer will be furnished by the transferee to the GSA regional office concerned, addressed as shown below. The acquiring agency will be responsible for rental charges of equipment while in transit.

c. The costs of care and handling of leased equipment prior to the release date designated by the holding agency, including movement and temporary storage, shall be borne by the holding agency. Costs incurred in the actual packing, preparation for shipment, loading, and transportation are the responsibility of the acquiring agency.

d. Agencies are responsible for determining that EAM equipment acquired through the procedures prescribed by this regulation meets the criteria for selection and acquisition of automatic data processing equipment contained in Bureau of the Budget Circular No. A-54.

6. *Related issuances.* Government-owned and Government-leased automatic data processing equipment will continue to be reported and transferred in accordance with Federal Property Management Regulations (FPMR) 101-43.313-5. Government-owned EAM will continue to be reported and transferred in accordance with FPMR 101-43.311 and 101-43.315.

7. *Effective date.* This regulation is effective immediately.

8. *Expiration date.* This regulation expires 6 months from issuance unless sooner revised or superseded.

Dated: September 26, 1966.

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

GSA region	GSA regional office contact	Area of responsibility
1	Joseph P. Mahoney, Regional Interagency ADPS Coordinator, General Services Administration, Post Office and Courthouse Building, Boston, Mass. 02109, Area Code 617, 223-2997.	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
2	William B. Klinger, Regional Interagency ADPS Coordinator, General Services Administration, 30 Church Street, New York, N. Y. 10007, Area Code 212, 264-8349.	Delaware, New Jersey, New York, Pennsylvania.
3	T. Fred Noble, Interregional ADPS Coordinator, Data Processing Coordination Staff, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, IDS Code 183, 4964, Area Code 202, 343-4964.	District of Columbia, Maryland, Virginia, West Virginia.
4	Edward D. Dancy, Jr., Acting Regional Interagency ADPS Coordinator, General Services Administration, 1776 Peachtree Street NW., Atlanta, Ga. 30309, Area Code 404, 526-5603.	Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee.
5	Anton G. Myse, Regional Interagency ADPS Coordinator, General Services Administration, U.S. Courthouse and Federal Building, 219 South Dearborn Street, Chicago, Ill. 60604, Area Code 312, 828-5406.	Illinois, Indiana, Kentucky, Michigan, Ohio, Wisconsin.
6	Thomas M. O'Donnell, Regional Interagency ADPS Coordinator, General Services Administration, Federal Building, 1500 East Rannister Road, Kansas City, Mo. 64131, Area Code 816, 361-7540.	Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.
7	Ralph Hoffman, Regional Interagency ADPS Coordinator, General Services Administration, 819 Taylor Street, Fort Worth, Tex. 76102, Area Code 817, 334-3421.	Arkansas, Louisiana, Oklahoma, Texas.
8	William S. Oen, Regional Interagency ADPS Coordinator, General Services Administration, Building 41, Denver Federal Center, Denver, Colo. 80225, Area Code 303, 233-8758.	Arizona, Colorado, New Mexico, Utah, Wyoming.
9	Julius O. Engmann, Regional Interagency ADPS Coordinator, General Services Administration, 49 Fourth Street, San Francisco, Calif. 94103, Area Code 415, 556-7877.	Nevada, California, Hawaii.
10	Donald Ross, Regional Interagency ADPS Coordinator, General Services Administration, Regional Headquarters Building, Auburn, Wash. 98002, Area Code 205, 833-5281.	Alaska, Idaho, Montana, Oregon, Washington.

[F.R. Doc. 66-10696; Filed, Sept. 29, 1966; 8:49 a.m.]

[Federal Property Management Regs.: Temporary Reg. A-4]

GOVERNMENT-WIDE AUTOMATIC DATA PROCESSING SHARING EXCHANGE PROGRAM

To heads of Federal agencies:

1. *Purpose.* This regulation (a) announces the establishment of the Central Automatic Data Processing Systems (ADPS) Sharing Exchange to provide ADP resources sharing services within the States of Maryland, Virginia, West Virginia, and the District of Columbia, and (b) amends the inventory reporting requirements for Federal ADP installations in this specific area as required by FPMR Temporary Regulation No. A-3, May 18, 1966. This regulation also furthers the objectives contained in the President's memorandum to the Heads of Departments and Agencies dated September 16, 1966, on the subject of Cost Reduction in Procurement, Supply, and Property Management.

2. *Background.* a. The Bureau of the Budget (BOB) prescribes policies in BOB Circular No. A-27, June 15, 1964, on the sharing of ADP resources in the Federal Government and charged the General Services Administration with the responsibility for this program on a nationwide basis, excluding the metropolitan area of Washington, D.C. The responsibility for this program in this metropolitan area was charged to the Department of Commerce (National Bureau of Standards (NBS)). NBS established and operated a Computer Sharing Exchange for this purpose.

b. The Bureau of the Budget, in Transmittal Memorandum No. 1, BOB Circular No. A-27, August 6, 1966, transferred the responsibility for this program in the metropolitan area of Washington, D.C. from the Department of Commerce (NBS) to GSA. The NBS Computer Sharing Exchange has been replaced by the Central ADPS Sharing Exchange

with geographic area of operations extended to the States of Maryland, Virginia, West Virginia, and the District of Columbia.

3. *Concept of the Central ADPS Sharing Exchange.* a. ADP sharing exchanges in the Government-wide ADP Sharing Exchange Program are currently operated:

(1) By Regional Interagency ADPS Coordinators assigned to GSA regional offices throughout the United States; and

(2) By selected ADP installations in areas where ADP resources are highly concentrated. These sharing exchanges are established by interagency agreements between GSA and cooperating Federal agencies and managed by personnel of the ADP installations involved. Technical supervision is provided by the GSA Regional Interagency ADPS Coordinators.

b. Since the highest concentration of Federal ADP resources is in the metropolitan area of Washington, D.C., the Central ADPS Sharing Exchange will serve as a model sharing exchange. The manpower resources of the Office of Automated Data Management Services, Federal Supply Service, will be used to develop standard operating procedures for all ADPS sharing exchanges in the Federal Government. The success of this effort is contingent upon the complete cooperation of Federal agencies as directed by the President in his Memorandum for the Heads of Departments and Agencies, June 28, 1966.

4. *Reporting requirements—*a. *Inventory of ADP resources.* Agencies are requested to notify all their ADP installations in the States of Maryland, Virginia, West Virginia, and the District of Columbia of the following inventory reporting requirements:

(1) *GSA Form 2068B, Computer Facilities on Hand.* The submission of this report is required of all ADP installations with electronic data processing

(EDP) equipment since the computer inventory data in the 1966 BOB inventory of ADP Equipment in the Federal Government does not contain all of the data required for the operation of a sharing exchange. ADP installations which submitted this report in accordance with FPMR Temporary Regulation No. A-3 are excluded from this inventory reporting requirement.

(2) *GSA Form 2068C, Punched Card Facilities.* The submission of this report is required only from those ADP installations that did not report as required by FPMR Temporary Regulation No. A-3.

(3) *Reports submission.* The required inventory reports should be submitted not later than November 1, 1966, to the:

Regional Interagency ADPS Coordinator (FT), General Services Administration, 18th and F Streets NW., Washington, D.C. 20405 (Telephone: Area Code 202, 343-4964; IDS Code 183, 4964).

b. *Listing of ADP installations.* Agencies are requested to provide GSA with a listing of all ADP installations in the States of Maryland, Virginia, West Virginia, and the District of Columbia. These listings will be used as checklists against the reports required in FPMR Temporary Regulation No. A-3. Complete mail addresses (including ZIP codes) are required. Listings should be submitted to the addressee in subparagraph 4a(3), above, not later than November 1, 1966.

5. *Sharing arrangements.* a. Negotiations for and reporting of sharing arrangements will be in accordance with FPMR 101-6.3 and 101.6-49, transmitted by FPMR Amendment No. A-6, dated July 27, 1965. Quarterly negative reports of sharing are required of ADP installations if no sharing arrangements are negotiated (see subpar. 4a of FPMR Temporary Reg. No. A-3).

b. Requests for assistance in arranging for ADP resource sharing in the States of Maryland, Virginia, West Virginia, and the District of Columbia should be directed to the:

Manager, Central ADPS Sharing Exchange (FT), General Services Administration, 18th and F Streets NW., Washington, D.C. 20405. (Telephone: Area Code 202, 343-4964; IDS Code 183, 4964)

c. Agencies are requested to notify all organizational elements located in the States of Maryland, Virginia, West Virginia, and the District of Columbia, as to the availabilities of these services, including those non-ADP activities with potential requirements.

6. *Availability of forms.* The reporting forms required by this regulation are obtainable from the addressee in paragraph 4a(3), above, by telephone, mail, or personal request.

7. *Effective date.* This regulation is effective immediately.

8. *Expiration date.* This regulation expires on November 30, 1966.

Dated: September 28, 1966.

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

[F.R. Doc. 66-10701; Filed, Sept. 29, 1966 8:49 a.m.]

[Federal Property Management Regs.;
Temporary Reg. E-1]

REPORTS RELATING TO IMPROVEMENT IN PROCUREMENT AND MANAGEMENT OF PROPERTY

To heads of Federal agencies:

1. *Purpose.* This regulation establishes reporting requirements in conformance with the President's memorandum of September 16, 1966, to heads of departments and agencies on the subject of Cost Reduction in Procurement, Supply, and Property Management.

2. *Background.* The President directed that special and sustained effort be made to improve the procurement and management of property and indicated specific areas for which there was apparent need for improvement together with objectives for reducing the cost of the Government supply and procurement operations. In addition, the President specifically directed the Secretary of Defense and the Administrator of General Services to, (1) take such actions as would achieve the same objective in connection with Government-wide improvements in procurement and supply management, (2) accelerate actions to standardize items and eliminate avoidable duplication and, (3) report the results of these efforts to achieve this objective to the President on February 1, 1967, and thereafter as appropriate. In this connection, GSA is developing material which will be promulgated in other appropriate issuances in the near future to provide for:

a. An effective system for redistributing Government property to places where it is needed most;

b. Criteria for reducing the number of items in the Government supply systems; and

c. Revised application of replacement standards to avoid procurement of replacements under standards heretofore applied.

3. *Applicability.* The provisions of this regulation are applicable to all executive agencies except the Department of Defense. The information required by this regulation will also be reported to the President on February 1, 1967, and thereafter as required.

4. *Exclusions.* The same exclusions applicable to the Supply Activity Report (see FPMR 101-25.48 and 101-25.49) are applicable to this report, e.g., inventories for supply operations valued at \$10,000, inventories for construction valued at \$100,000, inventories representing 30 days supply or less regardless of value, shop stocks, and items in use.

5. *Reporting requirements.* Each department and agency shall submit the data and information, and substantially in the format, shown in Attachment A, to GSA to be used for reporting to the President, the overall results and progress of civilian agencies' activities.

a. The report shall be submitted in an original and two copies to:

General Services Administration, Federal Supply Service, Supply Management Systems Division, Washington, D.C. 20405.

b. The initial report, covering the month of October 1966 shall be submitted to reach GSA by November 20, 1966. Monthly reports shall be submitted by the same calendar day, except that reports submitted subsequent to January 20, 1967, shall be on a quarterly basis. The first quarterly report shall cover the first 3 months of calendar year 1967 and be submitted to reach GSA by the 20th calendar day following the last day of March 1967. Thereafter quarterly reports shall be submitted to arrive at GSA by the 20th calendar day the month following the reporting period.

c. The department or agency submitting the report shall be so identified as well as a responsible official qualified to discuss any element on the report.

d. Agencies excluded from the reporting requirements set forth in paragraph 4, above, are requested to provide narrative reports by the dates indicated, setting forth accomplishments in consonance with the President's objective.

6. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER.

7. *Forms.* GSA Form 1473, Supply Activity Report, is required by Attachment A to this regulation, copies of which may be obtained from General Services Administration Region 3, Printing and Publications Division, Washington, D.C. 20407.

8. *Expiration date.* This regulation expires June 30, 1967, unless sooner rescinded or revised. As appropriate, material will be incorporated into the permanent Federal Property Management Regulations, Title 41, CFR.

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

SEPTEMBER 28, 1966.

ATTACHMENT A—FORMAT AND INSTRUCTIONS FOR REPORTING COST REDUCTIONS AND IMPROVEMENTS IN PROCUREMENT AND PROPERTY MANAGEMENT

The elements of information required by this report are designed primarily to permit agencies to identify problems and to take corrective actions more promptly. To achieve this purpose, agencies shall use the Supply Activity Report, GSA Form 1473, in the same manner as required by FPMR 101-25.48. However, this report will be submitted to reflect the totals only for lines 1 through 6 of Part I of the form. Breakdown by individual commodity groupings will not be required. A consolidated report on GSA Form 1473 should also be furnished for all individual Supply Activity Reports within the department or agency.

In addition to the Supply Activity Report, departments and agencies shall report data and information as indicated in this Attachment A. For convenience, these additional data and information have been identified as Parts V through IX and may be considered supplementing the Supply Activity Report. The reports for these parts should accompany, as attachments, the submission of the Supply Activity Reports. Instructions for entries for Parts V through IX are as follows:

PART V—ITEM REDUCTIONS

As of [enter last date of reporting period]

Number of items eliminated from inventory.....

Explanation of entries. Enter the total number of items eliminated from the supply inventories of the department or agency where items can be readily obtained from GSA or DOD supply sources, or from commercial sources.

PART VI—UTILIZATION AND REDISTRIBUTION

As of [enter last date of reporting period]

Category	Value	Line items
1. Utilized excess property.....		
2. Redistribution stock.....		
3. Equipment returned.....		
4. Equipment reported excess.....		

Explanation of entries.

1. The value for excess property (at current acquisition cost) drawn from declared Excess Property Listings and placed in use in lieu of new procurement shall be entered for the first category.

2. The value of redistributed stock used in lieu of new procurement shall be entered for the second category. This includes administrative supplies, generally object Class 26, and other items such as maintenance items, repair parts, and other items located in subsidiary stockrooms, or storage areas. (Such items should be sought and used wherever office administrative functions and services are performed, or on construction, research, maintenance, or other programs where items may be redistributed or shared in lieu of new procurement. Any such items in "standby" or "reserve" should be carefully reviewed in the light of the President's objective and redistributed wherever possible.)

3. Value of equipment (at current acquisition cost) returned to stock or placed in pools shall be entered for the third category. This is to also include equipment transfers within organizations of an agency provided the intent is to preclude new procurement.

4. Value of equipment reported as excess shall be entered for the fourth category. These entries are to be limited to generation of excess resulting from returning equipment or pooling reflected in the third category.

PART VII PROCUREMENT

As of [enter last date of reporting period]

Category	Value	Line items
Orders canceled.....		
Orders reduced.....		

Explanation of entries. Value of procurement orders canceled or reduced together with the number of line items associated therewith shall be entered in the appropriate blocks. This should include actions taken to reduce inventories or direct procurement compatible within minimum requirements without incurring penalty charge.

PART VIII—REPLACEMENT STANDARDS

Explanation of entries. Identify in narrative form any use or replacement standards adjusted to avoid procurement of replacements.

PART IX—GOVERNMENT CONTRACTORS

Explanation of entries. A narrative statement shall be included in this Part IX to indicate actions taken to improve property management by cost-type contractors during the reporting period. The following actions should be considered in this connection:

1. Require contractors to use Government-supply sources, including GSA depots and Federal Supply Schedules.
2. Review use of Government-furnished equipment under control of contractors is being fully utilized and withdraw any equipment not essential for contract performance.
3. Assure that Government-furnished materials and supplies in the hands of contractors is held to a minimum level needed for contract performance.

[F.R. Doc. 66-10702; Filed, Sept. 29, 1966; 8:49 a.m.]

[Federal Property Management Regs.;
Temporary Reg. E-2]

ELIMINATION OF ITEMS FROM SUPPLY SYSTEMS AND RESTRICTION ON PROCUREMENT OF SUCH ITEMS

To heads of Federal agencies:

1. **Purpose.** This regulation provides for the elimination of items which are not essential to agencies' program needs and requires the substitution of less expensive essential items, where practicable, in order to reduce acquisition and inventory costs, in conformance with the President's Memorandum of September 16, 1966, to the Heads of Departments and Agencies on the subject of Cost Reduction in Procurement, Supply, and Property Management.

2. **Background.** The President directed all Departments and Agencies to take action to reduce inventories and eliminate procurement of nonessential items with a view to reducing operating costs, and specifically directed the Secretary of Defense and the Administrator of General Services to accelerate efforts to reduce the number of items in the Government's supply systems by (1) establishing effective controls to prevent new items from entering the supply system unless they are essential, and (2) developing standards and requiring that standard items be used, and that items which have unnecessary nonstandard features are eliminated from the system.

3. **Applicability.** This regulation applies to all executive agencies. Other Federal agencies are encouraged to take advantage of cost reductions in consonance with the objectives of the President's program.

4. **Restrictions on procurement.** Agencies will take appropriate action to assure that items which are not essential to their program needs are not acquired. Acquisition of supplies and equipment from any source will be limited to those items which meet essential program needs at the lowest overall cost. In this connection, GSA is taking action to remove from its supply system a number of questionable items. The Commissioner, FSS, will periodically issue GSA Bulletins listing such items. After depletion of such items from GSA stock or elimination from Federal Supply Sched-

ules, approval by the Commissioner, FSS, will be required to procure such items, in the same manner as prescribed in FPMPR 101-26.301 for items similar to those available from GSA.

5. **Effective date.** This regulation is effective upon publication in the FEDERAL REGISTER.

6. **Expiration date.** This regulation will expire September 30, 1967, unless otherwise superseded.

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

SEPTEMBER 28, 1966.

[F.R. Doc. 66-10703; Filed, Sept. 29, 1966; 8:49 a.m.]

[Federal Property Management Regs.;
Temporary Reg. E-3]

MAXIMIZING USE OF LONG SUPPLY INVENTORIES

To heads of Federal agencies:

1. **Purpose.** This regulation establishes methods for redistributing and maximizing the use of long supply inventories in consonance with the President's Memorandum to Heads of Federal Departments and Agencies on the subject of Cost Reduction in Procurement, Supply, and Property Management.

2. **General.** The President's memorandum directed, in part, that GSA develop an effective system for the redistribution of Government property to the places where it is needed most. This regulation is designed to achieve that objective.

3. **Background.** Under the national supply system plan, commonly used, commercial type items generally will be procured and supplied to Federal executive civilian and military agencies either by DSA or GSA (or a civil agency when authorized by GSA), under an integrated supply management concept. It is expected, ultimately, that the extent of item duplication in the system will be minimal. Agencies generally will continue to procure and supply their own requirements for items peculiar to their programs, and military and weapons related commodities.

4. **Objectives.** The provisions of this regulation are in consonance with the objectives of the President's program of cost reduction in Government operations. By matching available resources with requirements before acquiring additional supplies, long supply stocks can be placed in use while demand for the item remains active; before obsolescence has developed; and within the shelf life period. The value of the inventory investment by the Government is, therefore, permitted to be maintained throughout the useful life of the inventory, insofar as reduction due to inventory loss is concerned.

5. **Definitions.** As used in this regulation the following terms have the meaning set forth below:

a. "Long Supply" means that increment of inventory which exceeds the stock level criteria established by the

inventory manager, but excludes quantities to be declared excess.

b. "Centrally managed" level means the Government activity first receiving material primarily from commercial sources, or otherwise, and storing for distribution within the agency or, as in the case of GSA or DSA, to other Government activities.

c. "Locally managed" level means the Government agency activity receiving and storing material for issue to users or consumers.

6. **Procedures for using items in long supply.** GSA shall consult with appropriate agency representatives for the purpose of developing implementing instructions which will provide for cross-servicing of long supply assets in consonance with the provisions of paragraphs 5 and 6.

a. **Centrally managed level.** Commodity managers of items stocked for issue at this level (Military Inventory Control Points, GSA, or other civil agency) will be kept informed of the long supply stock position of specific items at other centrally managed levels. The manager in need of supplies will initiate requests to other commodity managers for redistribution to designated consignees of quantities that can be utilized to preclude new procurement. These managers will also furnish specific items to the locally managed levels upon receipt of requisitions.

b. **Locally managed level.** The flow of supplies to this level from the centrally managed level is from designated supply sources only. Long supply quantities will be reported to the same designated supply source from which the item was received.

7. **Reporting items in long supply.** Reporting of items in long supply will be made only from locally managed levels to centrally managed levels.

a. The inventory manager at the centrally managed level will determine disposition of reported long supplies, and will direct shipment to supply facilities in need (or with indications of future need), or authorize retention for temporary periods of time.

b. Credit allowances for authorized disposition of stock in long supply will be determined by the centrally managed level and may be granted at various rates based on the quantities involved and degree of use effected.

c. Supplies not required by the centrally managed level or with no indications of future need will be determined excess and reported by the manager to the applicable GSA regional office in accordance with Part 101.43 of the Federal Property Management Regulations.

8. **Evaluation.** In order to assure effectiveness, the agency representatives shall evaluate, on a continuing basis, the provisions of this regulation and its application within the agency and shall apprise GSA of needed improvements in the techniques or methods for maximizing use of long supply inventories. At the end of a 6 months period, which is established for conducting tests with DOD activities in connection with com-

modify management, a determination will be made to codify this temporary regulation, as modified by experience, into permanent form.

9. *Effective date.* This regulation is effective with its publication in the FEDERAL REGISTER.

10. *Expiration date.* This regulation expires 9 months after publication in the FEDERAL REGISTER unless sooner rescinded by codification in the permanent regulations of GSA appearing in Title 41 CFR, Public Contracts and Property Management, or otherwise.

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

SEPTEMBER 28, 1966.

[F.R. Doc. 66-10704; Filed, Sept. 29, 1966;
8:49 a.m.]

[Federal Property Management Regs.;
Temporary Reg. E-4]

EQUIPMENT REPLACEMENT STANDARDS

To heads of Federal agencies:

1. *Purpose.* This regulation revises policy and establishes guidelines relating to replacement standards for equipment with an objective of reducing Federal expenditures pursuant to the President's memorandum of September 16, 1966, to Heads of Departments and Agencies on the subject of Cost Reduction in Procurement, Supply, and Property Management.

2. *Applicability.* The provisions of this regulation apply to all executive agencies. Other Federal agencies are encouraged to conform so that maximum benefits may be realized.

3. *Background.* The President's memorandum directed, in part, that GSA reexamine replacement standards for equipment and make necessary adjustments to curtail procurement of replacements. This has been interpreted to include use as well as replacement standards prescribed in the Federal Property Management Regulations (FPMR) together with those use or replacement standards developed for use by individual agencies.

4. *Restrictions and limitations.* Revised motor vehicle standards extending in the life of vehicles will be published in the near future. Agencies desiring to replace equipment covered by replacement standards published in FPMR 101-25.4 will adhere to FPMR 101-25.401 which requires executive agencies to retain items which are in usable and workable condition even though the standard permits replacement, provided the item can continue to be used or operated without excessive maintenance cost or substantial reduction in trade-in value. Replacement of office furniture and typewriters is further restricted by FPMR 101-25.104(b) either to usable excess, rehabilitated, or the least expensive line of new furniture determined to meet the requirement under the following circumstances, authority for which shall be fully documented in the agency file:

a. Where the agency determines that the item is not economically repairable.

b. Where reductions in office space occupancy are accomplished through use of more convenient or smaller size furniture and the space saved is required to meet program needs.

5. *Agency standards.* Agency use and replacement standards developed by agencies shall be reexamined and wherever possible such standards shall be adjusted to curtail procurement of replacement equipment. However, despite adjusted standards or those continued in existence, equipment shall be retained which is in usable and workable condition even though the standard permits replacement in the same manner as provided in FPMR 101-25.401.

6. *Review of equipment.* After complying with paragraph 5, above, agencies are directed to reexamine all office machines and equipment programed for replacement during this fiscal year 1967 and extend the replacement date wherever possible. In making a determination as to whether the useful life of equipment can be extended it should be expected that reasonable expenditures for maintenance and repair may be necessary and that such expenditures are preferable to replacement and in line with the President's memorandum and this regulation. The only equipment which shall be replaced after this review should be that which is necessary to avoid safety hazards or to avoid excessive maintenance and operating costs.

7. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER and should be implemented immediately to meet the provisions of FPMR Temporary Regulation E-1.

8. *Expiration date.* This regulation expires October 1, 1967, unless sooner amended or rescinded.

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

SEPTEMBER 28, 1966.

[F.R. Doc. 66-10705; Filed, Sept. 29, 1966;
8:49 a.m.]

[Federal Property Management Regs.;
Temporary Reg. E-5]

OBTAINING MAXIMUM USE QF SHELF LIFE MATERIALS

To heads of Federal agencies:

1. *Purpose.* This regulation provides policies and procedures for the identification, designation of useful life, and for the establishment of control procedures by executive agencies to minimize losses and insure maximum use of shelf life materials prior to deterioration.

2. *Background.* a. The report of the Subcommittee on Defense Procurement to the Joint Economic Committee, Congress of the United States, dated September 3, 1964, recommended that the General Services Administration and the Department of Defense set up a joint project to identify shelf life items in stock and used throughout the Government; and devise ways and means to reduce losses resulting from deterioration of these items. This regulation also

further the objectives of the President's memorandum to heads of Federal agencies on the subject of Cost Reduction in Procurement, Supply, and Property Management, dated September 16, 1966, with respect to effecting improvements in the redistribution of Government property.

b. A GSA/DOD agreement has been developed which provides for establishing control procedures and cross-servicing shelf life assets between DOD and GSA or between military and civil agencies. Under this agreement DOD will provide procedural guidelines for military activities and GSA will provide policy and procedural guidelines for civil agencies.

3. *Government-wide program objectives.* a. Identify shelf life assets in executive agency inventories, including those new items of supply to be placed in inventory which have a limited shelf life period.

b. Establish the shelf life period of such assets and procedures for controlling their procurement, storage, and issue.

c. Inspect or test certain types of shelf life materials prior to deterioration to determine if the shelf life period can be extended.

d. Conduct inventory management analyses to determine if shelf life stocks will be utilized prior to the expiration of the original or extended shelf life period, and if not, to arrange for transfer of any overages in sufficient time to permit usage prior to deterioration. When such transfer cannot be arranged, overages will be reported as excess to the needs of the holding activity and expedited utilization attempted under current utilization and disposal procedures.

4. *Scope.* The requirements of this regulation are applicable only to supply items with a shelf life of 36 months or less, and are applicable to all executive agencies except the Department of Defense. Agencies may, however, establish control procedures for items with a shelf life of over 36 months, if determined appropriate to the needs of their supply system.

5. *Standard shelf life codes.* a. Shelf life items will be identified by the use of a one digit standardized code which will provide for the use of uniform shelf life item periods by all agencies participating in the Federal Catalog System. Although procedures for the use of these standard codes within the Department of Defense and GSA supply systems are not expected to be finalized and implemented until early 1967 agencies shall utilize such codes at this time to avoid later conversion.

b. Standard codes for use in agency control procedures are as follows:

Shelf life period (months)	Code	Shelf life period (months)	Code
3	C	21	T
6	F	24	2
9	J	27	U
12	1	30	V
15	P	33	W
18	S	36	3

¹ Indicates figure one.

c. The Standardization Division, Federal Supply Service, General Services Administration, Washington, D.C. 20405, will, upon request, provide a listing of those items stocked in GSA supply depots which have a shelf life of 36 months or less.

d. Agencies shall determine the shelf life period code for all items purchased from other than GSA supply depots.

6. *Procurement of shelf life items by executive civil agencies.* a. Requirements determinations and procurement of shelf life items should take into consideration the assigned storage time period and the most appropriate contracting techniques for the particular type item involved, including existing specification requirements, industry practices, and storage and delivery procedures.

b. Procurement activities shall, whenever practicable, require manufacturers to mark the unit or container with the date of manufacture or production (month and year) and the batch number (when appropriate) on all shelf life items (36 months or less) purchased from other than GSA sources. Arrangements can be made when necessary for coded "date of manufacture."

c. Procurement activities shall also, whenever practicable, include a contractual requirement that material must be shipped or delivery made within a given number of months from the date of manufacture or production. "Age on delivery" requirements should not unduly restrict competition from trade levels other than manufacturers. The following guidelines are suggested as appropriate for most shelf life items:

Shelf life period	Age on delivery (months)
25 months or over.....	6
19 to 24 months.....	4
13 to 18 months.....	3
7 to 12 months.....	2
6 months or less.....	1

7. Controls and inspection procedures.

a. Shelf life items require special management controls and storage and issue procedures to assure use prior to deterioration. These controls and procedures will vary in accordance with the two types of shelf life items—those (Type I—Nonextendable) which have a definite storage life established by test and experience, and those (Type II—Extendable) which, upon inspection, still conform to the specification at the expiration of the assigned shelf life period and the expiration date can be extended for a reasonable period of time. Examples of Type I items would be certain drugs and medicines, while Type II includes items such as film, paint, and ink. It must be recognized in the establishment of agency controls that the determination of shelf life periods is not an exact science and that the initiation of this program may involve a period of trial and error before experience and variable storage conditions permit the determination of dependable shelf life periods for appropriate items in the various Government supply systems.

b. Agencies shall establish the necessary controls and procedures to identify shelf life items on their stock records (and other appropriate elements of their supply system), and to provide that such items are stored so as to assure that the oldest stock on hand is issued first.

c. Activities shall inspect Type II items remaining in stock prior to the expiration of the designated shelf life to determine if the expiration date can be extended. Such inspection shall be made at the time indicated in paragraph 9b below. If the material is found suitable for issue on the date of such inspection, the expiration date should be extended for a period equal to 50 percent of the original shelf life period. Material should be retested at the expiration of each extended period and extended again up to 50 percent of the original shelf life as long as it conforms to the applicable specification. Activities that are excluded from the reporting requirements of FPMR 101-25.48 and 49 (Supply Activity Report) are excluded from the inspection requirements of this paragraph.

d. Inspection is not required in those cases where the line item cost of the inventory item is under \$300. This line item cost may be exceeded to a limited degree if the extra costs of inspection or laboratory testing are significant.

8. *Packaging and marking.* a. To the extent practicable, agencies should assure that shelf life items are packaged so as to provide for a minimum depreciation and reduction of shelf life time periods.

b. When the original shelf life period of an item is extended, the package or container will need to be annotated with the new expiration date. Although no specific method is prescribed for accomplishing this purpose, GSA internal procedures provide for use of a preprinted label (on Type II depot stock items) as shown below.

9. *Reporting of excess stocks.* To provide for Government-wide utilization of shelf life materials prior to deterioration agencies shall:

a. Conduct inventory management analyses on each stocked item with a shelf life of 36 months or less, to determine if the quantity on hand will be issued prior to the expiration of the designated shelf life. This analysis shall be made at the following time:

Shelf life period	Date of analysis
18 to 36 months....	6 to 8 months prior to expiration.
12 to 18 months....	4 to 6 months prior to expiration.
6 to 12 months....	2 to 3 months prior to expiration.
Up to 6 months....	No analysis required, but special emphasis should be placed on good requirements determination and proper order quantity.

b. If Type II overages with a line item cost in excess of \$300 are indicated, the item shall be inspected to determine if the shelf life period can be extended. If extendable, the procedures prescribed in paragraph 7c above should be followed.

If no overage is indicated, no inspection is required at this time; however, such items should be reviewed again during the last month of the shelf life period. If, at such time, overages sufficient to warrant inspection are indicated, the previously stated inspection requirement procedures should be followed. Type I items are subject to inventory management analysis, but only for the purpose of determining indicated overages and expediting the utilization of such overages before the expiration date.

c. If an agency does not have an inspection capability and the quantity and dollar value of an indicated overage is sufficiently large to warrant special consideration, arrangements should be made for qualified inspection or laboratory testing to determine conformance with the applicable specification and extension of the shelf life period. Any overages that will not be issued during the extended shelf life period shall be disposed of under procedures outlined in the following paragraphs.

d. On Type II overages in excess of a line item cost of \$300, follow the appropriate procedure below:

(1) For items obtained from GSA supply depots, notify the appropriate GSA regional office by letter or telephone of the stock number and quantity of the overage and request instructions for return to GSA stock. If GSA's stock position and other conditions permit such return, the material will be accepted and full credit made on the basis of the original requisition price, with transportation to be paid by the holding activity. Normally, at least 6 months remaining shelf life is necessary on returns for credit to permit reissue and use.

(2) For items obtained from GSA supply depots, but not accepted for return to GSA stock, and for items obtained from other than GSA supply depots, agencies shall, if an item is reportable in accordance with the reporting requirements set forth in § 101-43.4901 of the Federal Property Management Regulations (41 CFR), prepare a Standard Form 120 and transmit it to the Property Management and Disposal Service in the appropriate GSA regional office. GSA will provide expedited screening among other Federal agencies. If an item is not reportable in accordance with the above mentioned reporting criteria, it shall be held for a period of at least 15 calendar days; during this period executive agencies shall make reasonable efforts to obtain utilization among Federal agencies. The availability of nonreportable property may also be made known to GSA Area Utilization Officers for screening among other Federal agencies.

(3) With respect to reportable property, a Surplus Release Date will be established by GSA normally 60 days after receipt of a Standard Form 120 in the regional office. However, the Surplus Release Date may be shortened or extended when consistent with utilization objectives and with the remaining useful shelf life. With respect to nonreport-

able property, the Surplus Release Date will be established by the holding agency.

(4) At the close of business on the Surplus Release Date property will become surplus.

(5) Reportable and nonreportable property, upon becoming surplus, will be made available for donation program screening for a period of 15 days in accordance with Part 101-44 of the Federal Property Management Regulations (41 CFR).

(6) If no transfer is requested during the Federal utilization screening period, and no donation is requested during the donation screening period, at the termination of the donation screening period the property will be assigned for sale, abandonment, or destruction in accordance with Part 101-45 of the Federal Property Management Regulations (41 CFR).

10. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER.

11. *Expiration date.* This document expires 180 days after publication in the FEDERAL REGISTER. Prior to expiration these policies and procedures, subject to modification based on agency experience and comment, will be incorporated in the permanent Federal Property Management Regulations, Title 41 CFR.

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

SEPTEMBER 28, 1966.

[F.R. Doc. 66-10706; Filed, Sept. 29, 1966;
8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2607, etc.]

BECKMAN INSTRUMENTS, INC.,
ET AL.

Notice of Applications for Unlisted Trading Privileges and of Oppor- tunity for Hearing

SEPTEMBER 23, 1966.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File
Beckman Instruments, Inc.	7-2607
Continental Telephone Corp.	7-2609
The Glidden Co.	7-2610
Schlumberger, Ltd.	7-2611
Swingline, Inc.	7-2612

Upon receipt of a request, on or before October 8, 1966, from any interested person, the Commission will determine

whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-10671; Filed, Sept. 29, 1966;
8:47 a.m.]

[811-1362]

CENTRAL FLORIDA INVESTMENTS, INC.

Notice of Application for Order De- claring Company Has Ceased To Be an Investment Company

SEPTEMBER 26, 1966.

Notice is hereby given that Central Florida Investments, Inc. ("applicant"), 125 South Court, Orlando, Fla., licensed as a small business investment company under the Small Business Investment Act of 1958 and registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order declaring that applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein.

Applicant represents that it has nineteen shareholders, that no company owns as much as 10 percent of its voting securities and that it is not making nor does it presently intend to make a public offering of its securities.

Section 3(c)(1) of the Act provides that any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities is not an investment company within the meaning of the Act.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking of effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 12, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Central Florida Investments, Inc., at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued by the Commission upon the basis of information stated in said application, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion.

It is ordered, That the Secretary of the Commission shall send a copy of this Notice by certified mail to the Director, Office of Investment Assistance, Small Business Administration, Washington, D.C. 20416.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-10672; Filed, Sept. 29, 1966;
8:47 a.m.]

[File No. 70-4368]

GENERAL PUBLIC UTILITIES CORP.

Supplemental Notice of Filing of Posteffective Amendment Propos- ing Additional Cash Capital Con- tribution to Subsidiary Company

SEPTEMBER 23, 1966.

Notice is hereby given that General Public Utilities Corp. ("GPU"), 80 Pine Street, New York, N.Y. 10005, a registered holding company, has filed with this Commission a posteffective amendment to its declaration in this proceeding pursuant to section 12(b) of the Public Utility Holding Company Act of 1935 ("Act"), and Rule 45 promulgated thereunder. All interested persons are referred to the said posteffective amendment, which is summarized below, for a complete statement of the proposed transaction.

By order dated April 28, 1966 (Holding Company Act Release No. 15457), this Commission authorized GPU to make cash capital contributions during 1966 to certain of its subsidiary companies, including \$20,000,000 to Jersey Central Power & Light Co. ("JCP&L"). GPU now proposes to make an additional con-

NOTICES

tribution of \$2,000,000 to JCP&L which, like the prior contribution, will be applied by JCP&L to the cost of its 1966 construction program, estimated at \$73,600,000.

Notice is further given that any interested person may, not later than October 17, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-10673; Filed, Sept. 29, 1966;
8:47 a.m.]

[File No. 1-3782]

GREAT AMERICAN INDUSTRIES, INC.

Order Suspending Trading

SEPTEMBER 23, 1966.

The common stock, 10 cents par value, of Great American Industries, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and the 6 percent cumulative preferred stock, Series A, \$10 par value, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for

the period September 26, 1966, through October 5, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-10674; Filed, Sept. 29, 1966;
8:47 a.m.]

[811-1225]

INVESTORS INTER-CONTINENTAL FUND, INC.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

SEPTEMBER 23, 1966.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") for an order of the Commission declaring that Investors Inter-Continental Fund, Inc. ("applicant"), c/o Investors Diversified Services, Inc., Eighth and Marquette Streets, Minneapolis, Minn., a Nevada corporation and a management, open-end, diversified investment company registered under the Act, has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of applicant's representations, which are summarized below.

Applicant represents that on May 16, 1966, its shares were exchanged for shares of Investors Variable Payment Fund, Inc. ("Variable"), on the basis of the relative net asset value per share of the two companies. Applicant also represents that it has no assets, has no securities outstanding, and that all known liabilities of applicant are now vested in Variable.

Notice is further given that any interested person may, not later than October 12, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application

shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-10675; Filed, Sept. 29, 1966;
8:47 a.m.]

[File No. 70-4407]

MIDDLE SOUTH UTILITIES, INC., AND LOUISIANA POWER & LIGHT CO.

Notice of Proposed Acquisition of Common Stock of Nonassociated Company and Related Transactions

SEPTEMBER 26, 1966.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 280 Park Avenue, New York, N.Y. 10017, a registered holding company, and its public-utility subsidiary company, Louisiana Power & Light Co. ("Louisiana"), 142 Delaronde Street, New Orleans, La. 70114, have filed with this Commission a joint application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act"), regarding the proposed acquisition by Louisiana of all the outstanding common stock of Peoples Utilities, Inc. ("Peoples"), a nonassociate electric utility company, and other transactions set forth below. Applicants-declarants have designated sections 6, 7, 9, 10, and 12(f) of the Act and Rule 50(a) (3) thereunder as applicable to the proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Middle South is solely a holding company, and its electric utility subsidiary companies, including Louisiana, provide electric service to about 993,000 customers in the States of Arkansas, Mississippi, and Louisiana. As of June 30, 1966, Middle South had consolidated assets, less related valuation reserves, of \$1,160,923,881, and for the 12 months then ended its consolidated operating revenues amounted to \$291,258,650.

Louisiana, all of whose common stock is owned by Middle South, provides electric service in the northern and eastern part of the State of Louisiana. As of June 30, 1966, Louisiana's total assets, less related valuation reserves, amounted to \$318,160,673. For the 12 months then ended its operating revenues amounted to \$81,901,558.

Peoples distributes electricity to about 5,000 customers in the eastern part of Louisiana. Its service area is adjacent to that of Louisiana, and the electric facilities of both companies are interconnected. As of June 30, 1966, Peoples net utility plant, including construction work in progress, amounted to \$5,337,974. For the 12 months then ended, Peoples had

gross revenues of \$1,248,194 and a net income deficit of \$114,457. For the calendar year 1965 Peoples had gross operating revenues of \$1,341,554 and net income of \$101,724. In September 1965, Peoples' properties suffered severe hurricane damage and part of its transmission lines have not been restored. Since August 1, 1966, Peoples' operations have been conducted by Louisiana pursuant to an agreement approved by the Louisiana Public Service Commission.

Louisiana proposes to acquire all of the issued and outstanding common stock of Peoples, which is owned by four persons, pursuant to an agreement, dated July 22, 1966. The agreement is stated to have been reached at arms-length bargaining. In exchange Middle South will issue to the Peoples shareholders 60,000 shares of its common stock, \$5 par value per share. In turn Louisiana will issue to Middle South 68,000 shares of Louisiana's no par value common stock. Middle South and Louisiana will record their respective investments at \$1,435,079, the underlying book value of the Peoples' common stock at July 31, 1966, the closing date under the agreement. At the date of the agreement the closing market price of Middle South common stock on the New York Stock Exchange was \$24 per share, and the 60,000 shares of the Middle South common stock then had an aggregate market value of \$1,440,000.

It also proposed that after consummation of the proposed acquisition, Peoples will issue to Louisiana its demand note or notes bearing interest at the prime rate (currently 6 percent) for unsecured loans prevailing from time to time. The demand note or notes will be in an amount sufficient to retire all of Peoples' outstanding indebtedness at principal plus interest and the applicable redemption premiums. At June 30, 1966, Peoples had outstanding \$2,257,500 principal amount of long term debt, all held by one institutional investor which has agreed to a reduction of \$50,000 in the aggregate redemption premiums, if redeemed prior to October 31, 1966. At the same date Peoples had outstanding bank loans in the aggregate amount of \$975,000.

The amended application-declaration states that within approximately 1 year from the date of the acquisition of the Peoples common stock, it is expected that Peoples will be liquidated or merged into Louisiana. Upon such liquidation or merger, Louisiana expects to put into effect its substantially lower average rates throughout the area presently serviced by Peoples.

The amended application-declaration also states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Estimates of fees and expenses to be incurred in connection with the proposed transactions are to be filed by further amendment.

Notice is further given that any interested person may, not later than October 17, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons

for such request, and the issues of fact or law raised by said amended application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at their respective above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the amended application-declaration, as filed or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-10676; Filed, Sept. 29, 1966;
8:47 a.m.]

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

SEPTEMBER 23, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5% percent Industrial Development Revenue Bonds of Pinal County Development Association due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended this order to be effective for the period September 26, 1966, through October 5, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-10677; Filed, Sept. 29, 1966;
8:47 a.m.]

UNDERWATER STORAGE, INC.

Order Suspending Trading

SEPTEMBER 23, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc. otherwise than on a national securities exchange is required in the public interest for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period September 26, 1966, through October 5, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 66-10678; Filed, Sept. 29, 1966;
8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1419]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 27, 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-69021. By order of September 22, 1966, the Transfer Board approved the transfer to "O Z" Trucking & Rigging Corp., Lake Success, N.Y., of the operating rights in permit No. MC-112576, issued November 23, 1959, to Howard Ousey, Joseph Ousey, and Kenneth Ousey, doing business as "O Z" Trucking & Rigging Co., Cambria Heights, N.Y., authorizing the transportation, over irregular routes, of safes, vaults, and parts of the foregoing described commodities, between points in Connecticut, New York, New Jersey, and Pennsylvania within 100 miles of New York, N.Y., including New York, N.Y. Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, New York, N.Y. 11432, attorney for applicants.

No. MC-FC-69048. By order of September 22, 1966, the Transfer Board approved the transfer to Fries Towing, Inc., Brookline, Mass., of the operating rights in certificate No. MC-100458 issued September 28, 1959, to Frank W. Gropman, doing business as Fries Towing, Brighton, Mass., authorizing the transportation, of: Disabled motor vehicles, between points in Massachusetts, Maine, New Hampshire, Vermont, Connecticut, Rhode Island, and New York. Louis M. Gropman, 31 Milk Street, Boston, Mass. 02109, attorney for applicants.

No. MC-FC-69054. By order of September 22, 1966, the Transfer Board

approved the transfer to Malvin J. Parham, doing business as West Transfer Co., Asheville, N.C., of the operating rights in permits Nos. MC-103335 and MC-103335 (Sub-No. 1) issued Feb. 16, 1951, and July 14, 1955, to Charles W. West, doing business as West Transfer Co., Asheville, N.C., authorizing the transportation of: Class A and B explosives, and blasting supplies, serving points in Georgia, South Carolina, Tennessee, and North Carolina. Robert R. Williams, Jr., 4 South Pack Square, Asheville, N.C., attorney for applicants.

No. MC-FC-69066. By order of September 22, 1966, the Transfer Board approved the transfer to J. Myron Williams, Inc., Vaughnsville, Ohio, the certificate of registration No. MC-121337 (Sub-No. 1) issued July 19, 1965, to J. Myron Williams, Vaughnsville, Ohio, evidencing a right to engage in interstate or foreign commerce transporting, property from and to Vaughnsville, Ohio, and an 8-mile radius. Earl N. Merwin, 85 Gay Street, Columbus, Ohio 43215, attorney for applicants.

No. MC-FC-69090. By order of September 22, 1966, the Transfer Board approved the transfer to Louis F. DuFresne, doing business as Dano's Express, Adams Center, N.Y., of certificate of registration No. MC-99890 (Sub-No. 1) issued December 19, 1963, to Francis N. Besaw, doing business as Dano's Express, Adams Center, N.Y., authorizing the transportation of: General commodities, between points in New York State. Robert R. Hrabshak, 314 Woolworth Building, Watertown, N.Y., attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10680; Filed, Sept. 29, 1966;
8:48 a.m.]

[Notice 260]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 27, 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 40719 (Sub-No. 4 TA), filed September 23, 1966. Applicant: R. A. PAYNE, ROY PAYNE, and TROY PAYNE, doing business as PAYNE FREIGHT LINES, 104½ Adams, Post Office Box 562, Mount Ayr, Iowa. Applicant's representative: Stephen Robinson, 412 Equitable Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, serving Lorimor, Iowa, as an off-route point in connection with certificate in MC 40719, for 180 days. Supporting shippers: Criss Food Store, Lorimor Variety, Williams Ceramics, Watkins Products, Eginore Fertilizer, Allan L. Kirkhart, South Side Garage, Corsbie Auto, Coffee Cup Cafe, Walton Feed & Service, Community Oil Co., HiWay DX Service Station & Cafe, Paxton Service, Roseman Feed & Mill, Dusenbuy Hardware, Electric Motor & Pump Repair, and James W. Allender, D. O., all of Lorimor, Iowa. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 59583 (Sub-No. 108 TA), filed September 23, 1966. Applicant: THE MASON & DIXON LINES, INCORPORATED, Post Office Box 969, Eastman Road, Kingsport, Tenn. 37662. Applicant's representative: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. 37662. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading). Serving the plantsite of the Tennessee Valley Authority located on the north bank of the Tennessee River at Brown's Ferry near Athens, Ala., as an off-route point in connection with applicant's presently authorized operation between Nashville, Tenn., and Birmingham, Ala., for 180 days. Supporting shipper: Tennessee Valley Authority, Chattanooga, Tenn. 37401. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

No. MC 111383 (Sub-No. 18 TA), filed September 23, 1966. Applicant: BRASWELL MOTOR FREIGHT LINES, INC., 301 Reynolds Street, Post Office Box 9518, El Paso, Tex. 79946. Applicant's representative: Bob W. Fleming, Post Office Box 1966, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (with usual exceptions), serving the plantsite of Magna America Corp. at Raymond, Miss., located approximately 14 miles southwest of Jackson, Miss.,

over Mississippi Highway 467 and 18, as an off-route point in connection with applicant's authorized regular-route operations, for 180 days. Supporting shipper: Carsten R. Wegelin, General Traffic Manager, Magna American Corp., Interstate Highway 75, Evendale, Cincinnati, Ohio 45215. Send protests to: Jerry R. Murphy, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 109 U.S. Courthouse Building, Albuquerque, N. Mex. 87101.

No. MC 115331 (Sub-No. 208 TA), filed September 23, 1966. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers, bags, or packages, from points in Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, to El Paso, Ill., for 180 days. Supporting shipper: Chevron Chemical Co., Post Office Box 282, Ortho Way, Fort Madison, Iowa 52627, J. L. Roye, Traffic Representative. Send protests to: J. P. Werthmann, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 3248-B, 1520 Market Street, St. Louis, Mo. 63103.

No. MC 128598 TA, filed September 21, 1966. Applicant: BEVARD BROTHERS, INC., 4714 St. Barnabas Road SE., Silver Hill, Md. 20031. Applicant's representative: Francis J. Ortman, National Press Building, Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, from points in Prince Georges County, Md., to points in Arlington, Fairfax (except Herndon), Loudoun, and Prince William Counties, Va., Alexandria, Fairfax, and Falls Church, Va., and Washington, D.C. Restricted to the accounts of Silver Hill Sand & Gravel Co. of Silver Hill, Md., and Inland Materials, Inc., of Clinton, Md., for 180 days. Supporting shippers: Inland Materials, Inc., 7401 Kirby Road, Clinton, Md., and Silver Hill Sand & Gravel Co., 4600 St. Barnabas Road SE., Silver Hill, Md. 20031. Send protests to: Robert D. Caldwell, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 12th and Constitution Avenue NW., Room 1220, Washington, D.C. 20423.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10681; Filed, Sept. 29, 1966;
8:48 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

SEPTEMBER 27, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40723—Class and commodity rates from and to Gibbons, Miss. Filed by O. W. South, Jr., agent (No. A4946), for interested rail carriers. Rates on property moving on class and commodity rates, between Gibbons, Miss., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10682; Filed, Sept. 29, 1966;
8:48 a.m.]

[Notice 10122]

STANDARD TIME ZONE
INVESTIGATION

SEPTEMBER 12, 1966.

Notice is hereby given that the South Bend-Mishawaka Area Chamber of Commerce, Warren G. Wheeler, Jr., Chairman of the Board, Sherland Building, South Bend, Ind., has filed a petition with the Interstate Commerce Commission praying that the Commission enter an order reopening the above-entitled proceeding to the extent that St. Joseph County be included in the U.S. eastern time zone as defined by order of June 6, 1961 (26 F.R. 5394).

Any person interested in this matter who desires to actively participate in this proceeding may, on or before November 1, 1966, advise the Commission whether he supports or opposes the relief sought. An original and six copies of such reply must be filed with the Commission and must show service of two copies upon petitioner at the above address.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10683; Filed, Sept. 29, 1966;
8:48 a.m.]

[No. 34736]

CANAVERAL PORT AUTHORITY,
ET AL.

Freight Rates and Charges

Canaveral Port Authority, et al. v. The Ahnapee and Western Railway Company, et al.

It appearing, that on April 27, 1966, a complaint was filed in the above-entitled proceeding naming certain railroads as defendants and alleging that their freight rates and charges published and maintained for the transportation of export and/or import traffic, both carload and less-than-carload, between affected inland territory, on the one hand, and, on the other, the complainants' ports located along the southeast Florida coast and the competing ports on the Gulf including Tampa, and other

South Atlantic ports, are in violation of sections 1, 3, and 15(a) of the Interstate Commerce Act, and in conflict with the purposes of the National Transportation Policy;

And it further appearing, that upon consideration of the record in this proceeding, and having determined that this proceeding is of such a nature as to require the adoption of special procedure, and for good cause appearing:

It is ordered, That:

(1) Complainants and all interested parties in support thereof shall file with the Commission on or before November 1, 1966, prepared testimony, in writing, including all exhibits thereto, and, at the same time, serve a copy of such prepared testimony and exhibits upon all parties on the service list which will be prepared after October 20, 1966;

(2) Defendants and all interested parties in support thereof shall file with the Commission on or before January 4, 1967, their prepared testimony, in writing, including all exhibits thereto, and, at the same time, serve a copy of such prepared testimony and exhibits upon all parties on the service list;

(3) Complainants shall file their prepared rebuttal testimony on or before February 15, 1967, and, at the same time, serve a copy upon all parties on the service list;

(4) Defendants desiring to cross-examine complainants' witnesses who have submitted prepared testimony must give notice, in writing, of such request to affiant and his counsel, if any, with a copy to the hearing examiner on or before January 4, 1967; likewise, complainants must give notice of their desire to cross-examine defendants' witnesses on or before February 15, 1967; and defendants must give such notice to cross-examine complainants' rebuttal witnesses on or before February 28, 1967. Failure of any witness to appear at the hearing for cross-examination, shall be considered good cause for the rejection of his prepared testimony;

(5) The prepared testimony of any witness not called for cross-examination, shall be received in evidence without the attendance of the witness being required at the hearing, if a hearing is held;

(6) Anyone desiring to become a party of record and to participate in this proceeding, and to receive and/or serve copies of the prepared evidence to be filed in accordance with the procedure set forth herein, should file a petition to intervene on or before October 20, 1966; otherwise, any interested person may appear at a hearing, if a hearing is held, and request permission of the hearing examiner to become a party to the proceeding;

(7) As soon as practicable after October 20, 1966, a service list of all interested parties participating in the proceeding will be prepared and served;

(8) This proceeding be, and it is hereby, referred to Hearing Examiner Charles

W. Bennett for hearing commencing March 6, 1967, if cross-examination is requested, at 9:30 o'clock a.m., U.S. standard time, at the Dupont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, Fla., and for recommendation of an appropriate order thereon, accompanied by the reasons therefor;

(9) An original with the affidavit and signature in ink, together with two copies of all prepared testimony, shall be filed with the Commission;

(10) Evidence presented which fails to conform to the above-outlined procedure shall be good cause for the rejection of such evidence as part of the record in this proceeding.

And it is further ordered, That a copy of this order be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

Dated at Washington, D.C., this 19th day of September A.D. 1966.

By the Commission, Commissioner Brown.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10684; Filed, Sept. 29, 1966;
8:48 a.m.]

[3d Rev. S.O. 562; Pfahler's ICC Order 207,
Amdt. 2]

FRANKFORT & CINCINNATI
RAILROAD CO.

Diversion or Rerouting of Traffic

Upon further consideration of Pfahler's ICC Order No. 207 (Frankfort & Cincinnati Railroad Co.) and good cause appearing therefor:

It is ordered, That:

Pfahler's ICC Order No. 207 be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date. This order shall expire at 11:59 p.m., November 30, 1966, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., September 30, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 27, 1966.

INTERSTATE COMMERCE
COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 66-10685; Filed, Sept. 29, 1966;
8:48 a.m.]

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