FEDERAL REGISTER

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Pages 13071–13108

Agencies in this issue—

The President
Air Force Department
Commerce Department
Commodity Credit Corporation
Consumer and Marketing Service
Customs Bureau
Federal Aviation Agency
Federal Maritime Commission
Federal Power Commission
Federal Trade Commission
Fish and Wildlife Service
Housing and Urban Development Department
Immigration and Naturalization Service
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Interstate Commerce Commission
Land Management Bureau
Maritime Administration
National Park Service
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State Department
Veterans Administration
Wage and Hour Division

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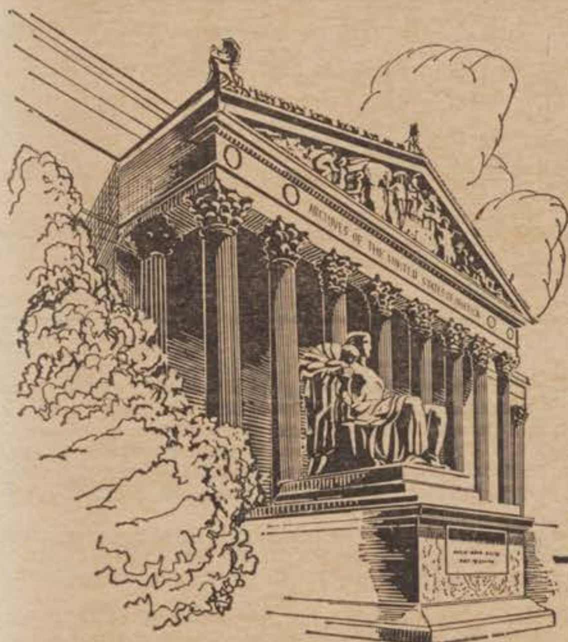

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Title 3—THE PRESIDENT

Executive Order 11309

AMENDING EXECUTIVE ORDER NO. 11215, RELATING TO THE PRESIDENT'S COMMISSION ON THE PATENT SYSTEM

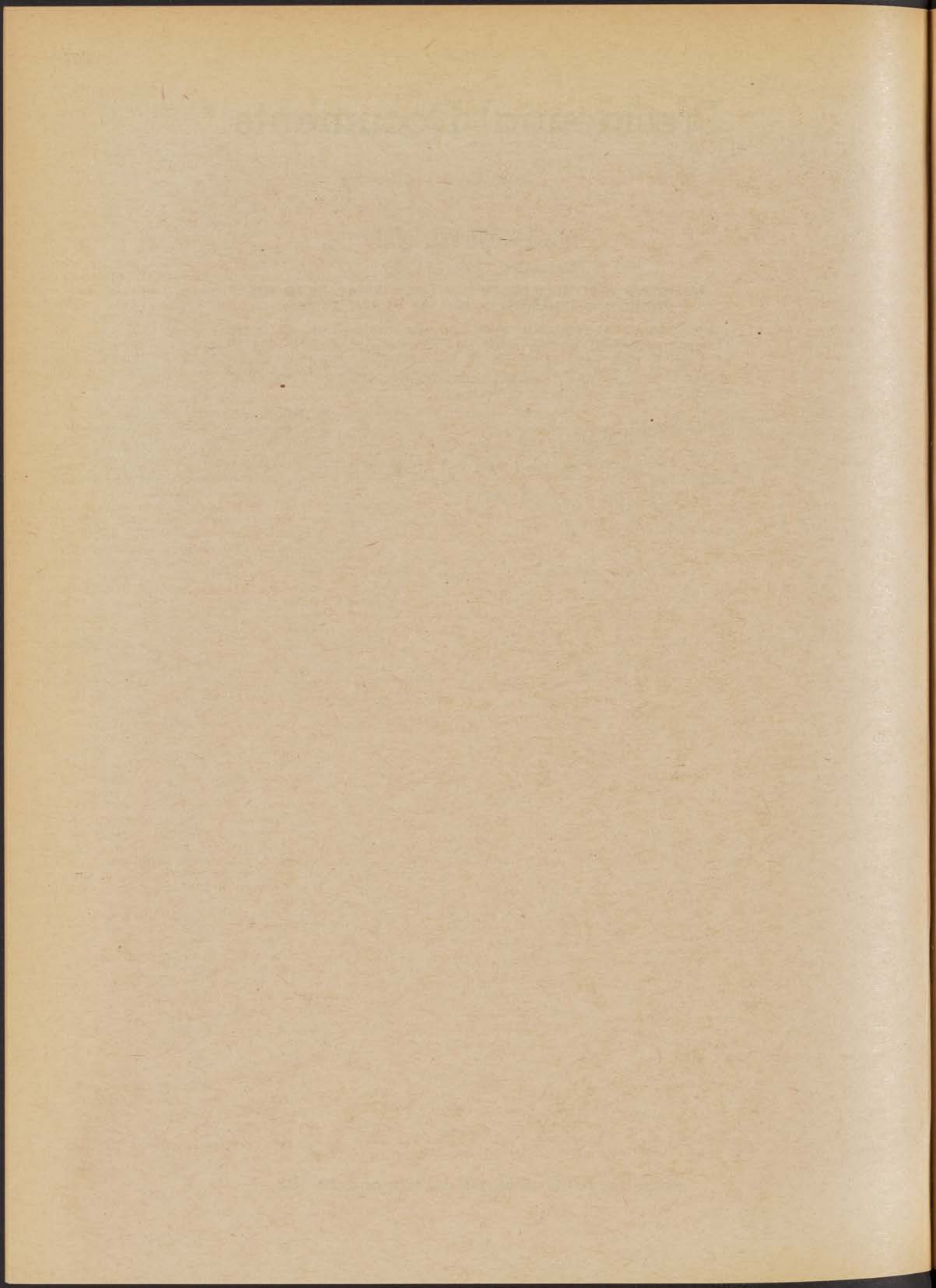
By virtue of the authority vested in me as President of the United States, it is ordered that Section 4(a) of Executive Order No. 11215 [1] of April 8, 1965, entitled "Establishing the President's Commission on the Patent System", is hereby amended by deleting "18 months" and inserting in lieu thereof "20 months".

LYNDON B. JOHNSON

THE WHITE HOUSE,
October 6, 1966.

[F.R. Doc. 66-11030; Filed, Oct. 6, 1966; 1:15 p.m.]

[1] 3 CFR, 1965 Supp., p. 123; 30 F.R. 4661.



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Title 7—AGRICULTURE

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

[Valencia Orange Reg. 182]

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

Limitation of Handling

§ 908.482 Valencia Orange Regulation 182.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 6, 1966.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., October 9, 1966, and ending at 12:01 a.m., P.s.t., October 16, 1966, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 400,000 cartons;
(iii) District 3: Unlimited movement.

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

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

Dated: October 7, 1966.

F. L. SOUTHERLAND,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 66–11074; Filed, Oct. 7, 1966; 11:42 a.m.]

[Lemon Reg. 235]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.535 Lemon Regulation 235.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 910, as amended), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such lemons as will provide, in the interest of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held, the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 4, 1966.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m. P.s.t., October 9, 1966, and ending at 12:01 a.m., P.s.t., October 16, 1966, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 106,950 cartons;
(iii) District 3: 89,886 cartons.

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

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

Dated: October 6, 1966.

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

[F.R. Doc. 66–11022; Filed, Oct. 7, 1966; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Support Regs., 1966 Crop Oat Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1966 Crop Oat Loan and Purchase Program

Correction

In F.R. Doc. 66-7411 appearing on page 9337 in the issue of Friday, July 8, 1966, in § 1421.2665 in the third column under the heading "Wisconsin", the rate per bushel for Burnett which now reads ".60" should read ".59".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7329; Amdt. 121-22]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Operation of Certain Aircraft

The purpose of this amendment to § 121.161(b) of the Federal Aviation Regulations is to permit the operation of Martin 404 and Convair Model 240 (CV-240), 580 (CV-580), 600 (CV-600), and 640 (CV-640) airplanes in extended overwater operations without being certificated or approved as adequate for ditching under the airworthiness requirements of Part 25.

This amendment is based on a notice of proposed rule making (Notice No. 66-17) issued on April 27, 1966, and published in the FEDERAL REGISTER on May 3, 1966 (31 F.R. 6592). Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all matter presented.

The comments generally supported the proposal in the notice which applied to the Martin 404 and CV-240 airplanes only. Two comments suggested inclusion of the CV-600, representing a conversion of the CV-240D to turbopropeller power through use of Rolls Royce engines and Dowty Rotal propellers; the CV-640, representing a conversion of the CV-340/440D to turbopropeller power in the same manner; and the CV-580, representing a conversion of the CV-340/440 to turbopropeller through use of Allison engines and Aeroproducts propellers. These comments pointed out that the conversions of the CV-240, CV-340, and CV-440 airplanes to turbopropeller power would not adversely affect the ditching characteristics of the basic model type since the external configuration of these airplanes, which would play a significant role in determining the ditching characteristics of the airplanes, remained substantially the same.

The Agency agrees that the conversion of the CV-240, CV-340, and CV-440 airplanes to turbopropeller power without substantial changes to the external configuration of the basic model type does not alter the ditching characteristics of the basic model type. Therefore, the CV-580, CV-600, and CV-640 airplanes in addition to the CV-240 and Martin 404 airplanes (as proposed in the notice) have been included with the DC-3, C-46, CV-340, and CV-440 airplanes as exceptions to the requirement of § 121.161(b) that land airplanes operated under Part 121 in extended overwater operations be certificated or approved as adequate for ditching under the ditching provisions of Part 25.

Since inclusion of the CV-580, CV-600, and CV-640 airplanes within the scope of this amendment represents a minor change, I find that notice and public procedure relating to this aspect of the amendment are unnecessary.

In consideration of the foregoing and for the reasons stated in Notice No. 66-17, § 121.161(b) of the Federal Aviation Regulations is amended effective November 7, 1966, to read as follows:

§ 121.161 Airplane limitations: type of route.

* * * * *

(b) No certificate holder may operate a land airplane (other than a DC-3, C-46, CV-240, CV-340, CV-440, CV-580, CV-600, CV-640, or Martin 404) in an extended overwater operation unless it is certificated or approved as adequate for ditching under the ditching provisions of Part 25 of this chapter.

(Secs. 313(a), 601, and 604 of the Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, and 1424)

Issued in Washington, D.C., on October 3, 1966.

D. D. THOMAS,
Acting Administrator.

[F.R. Doc. 66-10955; Filed, Oct. 7, 1966; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C-1111]

PART 13—PROHIBITED TRADE PRACTICES

American Bakeries Co.

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, American Bakeries Co., Chicago, Ill., Docket C-1111, Sept. 14, 1966]

Consent order prohibiting one of the nation's largest wholesale baking companies with headquarters in Chicago from acquiring any domestic producer or seller of bakery products for the next 10 years without prior approval 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 date this order becomes final, respondent shall cease and desist from acquiring, directly or indirectly, without the prior approval of the Federal Trade Commission, any part of the share capital or other assets of any firm, partnership, or corporation engaged in the production or sale of bakery products (U.S. Bureau of Census SIC Codes 2051 and 2052) in the United States.

II. *It is further ordered*, That respondent shall, within sixty (60) days after the date of service of this order, submit in writing to the Federal Trade Commission a report setting forth in detail the manner and form in which respondent intends to comply, is complying or has complied with this order.

Issued: September 14, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-10972; Filed, Oct. 7, 1966; 8:47 a.m.]

[Docket C-1113]

PART 13—PROHIBITED TRADE PRACTICES

Lu Mar Fashions, Inc., et al.

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act; 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfair or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act; 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 69f, 68) [Cease and desist order, Lu Mar Fashions, Inc., et al., New York, N.Y., Docket C-1113, Sept. 19, 1966]

In the Matter of Lu Mar Fashions, Inc., a Corporation, and Louis Marangione and William Gordon, Individually and as Officers of Said Corporation

Consent order requiring a New York City clothing manufacturer to cease misbranding its fur and wool products and falsely invoicing its fur products.

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

It is ordered, That respondents Lu Mar Fashions, Inc., a corporation, and its officers, and Louis Marangione and Wil-

liam Gordon, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product; or in connection with the manufacture for sale, sale, advertising, offering for sale, transportation, or distribution, of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as the terms "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and in figures plainly legible all of the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Failing to set forth the term "natural" as part of the information required to be disclosed on labels under the Fur Products Labeling Act and the rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

3. Failing to set forth on labels the item number or mark assigned to each such fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices, as the term "invoice" is defined in the Fur Products Labeling Act, showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 5(b) (1) of the Fur Products Labeling Act.

2. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Failing to set forth the term "natural" as part of the information required to be disclosed on invoices under the Fur Products Labeling Act and rules and regulations promulgated thereunder to describe fur products which are not pointed, bleached, dyed, tip-dyed, or otherwise artificially colored.

4. Failing to set forth on invoices the item number or mark assigned to each such fur product.

It is further ordered, That respondents Lu Mar Fashions, Inc., a corporation, and its officers, and Louis Marangione and William Gordon, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution, or delivery for shipment or shipment in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

Misbranding wool products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

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

Issued: September 19, 1966.

By the Commission.

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

[F.R. Doc. 66-10973; Filed, Oct. 7, 1966; 8:47 a.m.]

[Docket C-1112]

PART 13—PROHIBITED TRADE PRACTICES

Philip Morris Originals, Ltd., et al.

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-80 Textile Fiber Products Identification Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1255 *Manufacture or preparation;* § 13.1325 *Source or origin:* 13.1325-70 Place: 13.1325-70(a) Domestic product as imported. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2-5, 54 Stat. 1128-1130, 72 Stat. 1717; 15 U.S.C. 45, 68, 70) [Cease and desist order, Philip Morris Originals, Ltd., et al., New York, N.Y., Docket C-1112, Sept. 19, 1966]

In the Matter of Philip Morris Originals, Ltd., a Corporation, and Saul Devorkin, Individually and as an Officer of the Aforesaid Corporation, and Philip Morris Devorkin, Individually and as Manager and Principal Stockholder of Said Corporation

Consent order requiring a New York City manufacturer of men's slacks to cease misbranding and falsely guaranteeing its wool and textile fiber products.

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

It is ordered, That respondents Philip Morris Originals, Ltd., a corporation, and its officers, and Saul Devorkin, individually and as an officer of said corporation, and Philip Morris Devorkin, individually and as manager and principal stockholder of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution, or delivery for shipment or shipment in commerce, of men's slacks composed in whole or in part of wool, or other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding wool products by:

A. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying any such wool product as to the character or amount of constituent fibers included therein.

B. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying any such wool product as to the country of origin of such wool product.

C. Setting forth on labels affixed to any such wool product such terms as "Creazione Italiane" and "DEL'ORSO di ROMA," or any words, terms, depictions, or symbols of similar import, connoting Italian origin when such wool product is not of Italian origin.

D. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying any such wool product as to the method of manufacture of such wool product.

E. Setting forth on labels affixed to any such wool product such terms as "Hand Needled," or any words, terms, depictions, or symbols of similar import, connoting the product to be substantially hand-sewn, when such wool product is not substantially hand-sewn or hand stitched.

F. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying any such wool product as to the construction or composition of such wool product.

G. Setting forth on labels affixed to any such product such terms as "genuine Raeford 2/80's 2 Ply—80's quality," or any words, terms, depictions, or symbols of similar import, connoting two-ply construction or composition, when such wool product is not of a two-ply construction or composition.

H. Failing to securely affix to, or place on, each such wool product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

I. Failing to set forth the common generic name of fibers in naming such fibers in the required information on stamps, tags, labels, or other means of identification attached to wool products.

It is ordered, That respondents Philip Morris Originals, Ltd., a corporation, and its officers, and Saul Devorkin, individually and as an officer of said corporation, and Philip Morris Devorkin, individually and as manager and principal stockholder of said corporation, and re-

spondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from furnishing a false guaranty that any textile fiber product is not misbranded or falsely invoiced.

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

Issued: September 19, 1966.

By the Commission.

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

[F.R. Doc. 66-10974; Filed, Oct. 7, 1966; 8:47 a.m.]

[Docket C-1110]

PART 13—PROHIBITED TRADE PRACTICES

Winn-Dixie Stores, Inc.

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Cease and desist order, Winn-Dixie Stores, Inc., Jacksonville, Fla., Docket C-1110, Sept. 14, 1966]

Consent order prohibiting the seventh largest ranked national retail grocery chain store with headquarters in Jacksonville, Fla., from acquiring any retail food or grocery stores in the United States for a period of ten (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:

It is ordered, That for ten (10) years from the effective date of this order, respondent shall not, without the prior approval of the Federal Trade Commission, make any acquisition, directly or indirectly, of any retail food or grocery stores in the United States.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has compiled with the order to cease and desist as set forth herein.

Issued: September 14, 1966.

By the Commission.

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

[F.R. Doc. 66-10975; Filed, Oct. 7, 1966; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 66-212]

PART 1—GENERAL PROVISIONS

Ports of Entry

Correction

In F.R. Doc. 66-10804 appearing in the issue for Wednesday, October 5, 1966, at page 12938, the word "ports" in the first line of the second paragraph, should read "parts".

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.540]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER IMMIGRATION AND NATIONALITY ACT, AS AMENDED

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Miscellaneous Amendments

Parts 41 and 42, Chapter I, Title 22 of the Code of Federal Regulations are hereby amended in the following respects and to make necessary editorial changes. Section 41.114 is being amended to authorize consular officers to waive personal appearance requirements for certain airmen. Section 41.120 is being amended to provide for the revalidation in the United States of certain nonimmigrant visas for a period not to exceed 48 months from the date of issuance of the original visa, regardless of the date of expiration.

1. Section 41.114 is amended to read as follows:

§ 41.114 Personal appearance.

(a) Except as otherwise provided in this section, every alien seeking a nonimmigrant visa shall be required to apply in person before a consular officer. The requirement of personal appearance may be waived in the discretion of the consular officer in the case of any alien who is:

(1) A child under 14 years of age,

(2) Within a class of nonimmigrants classifiable under the visa symbols A-1, A-2, A-3, C-2, C-3, G-1, G-2, G-3, G-4, G-5, NATO-1, NATO-2, NATO-3, NATO-4, NATO-5, NATO-6, or NATO-7,

(3) An applicant for a diplomatic or official visa,

(4) An applicant for a nonimmigrant visa under the provisions of section 101 (a)(15)(B) of the Act,

(5) Within a class of nonimmigrants classifiable under the visa symbols C-1, H-1, or I,

(6) Within a class of nonimmigrants classifiable under the visa symbol J-1, who qualifies as a leader in a field of specialized knowledge or skill and who is the recipient of a U.S. Government grant, and the spouse and children of such an alien who qualify for J-2 classification,

(7) An airman applying for a nonimmigrant visa under the provisions of section 101(a)(15)(D) of the Act if the application is supported by a letter from the employing carrier certifying that the applicant is employed as an airman and the consular officer is satisfied in the individual case that the personal appearance of the alien is not necessary to a determination of his eligibility to receive a visa, or,

(8) A nonimmigrant in any category in whose case the principal officer or, at a diplomatic mission, the Chief of Mission, or the Deputy Chief of Mission, the Counselor for Consular Affairs, or the Supervising Consul General determines that a waiver of personal appearance in the individual case is warranted in the national interest or because of unusual circumstances, including hardship to the visa applicant.

(b) In the categories described in subparagraphs (2) and (3) of paragraph (a) of this section the filing of a visa application by the applicant may be waived in the discretion of the consular officer. In cases in which personal appearance is waived pursuant to paragraph (a)(8) of this section the filing of a visa application by the applicant may be waived in the discretion of the consular officer in hardship, emergency or national interest cases. In any case in which personal appearance is waived pursuant to any other subparagraph of paragraph (a) of this section, application for a visa shall be made on either Form FS-257 or Form FS-257a as determined to be appropriate by the consular officer.

2. Paragraph (a) of § 41.115 is amended to read as follows:

§ 41.115 Application forms.

(a) *Aliens required to execute applications.* Every alien applying for a nonimmigrant visa shall make application therefor on Form FS-257 (Application for Nonimmigrant Visa and Alien Registration) or Form FS-257a (see definition of Form FS-257 contained in § 41.1) unless personal appearance is waived and submission of the application form by the applicant is not required pursuant to § 41.114(b) or unless there is a Form FS-257 available at the consular office which can be appropriately amended to bring the application up to date. In cases in which the filing of the visa application is waived, the consular officer shall prepare a Form FS-257 on behalf of the applicant from the data available

in the passport or other documents submitted. In the case of an alien under 16 years of age, or one physically incapable of making an application, the application may be made by the alien's parent or guardian, or, if the alien has no parent or guardian, by any person having legal custody of, or a legitimate interest in, the alien.

* * * * *

3. Section 41.117 is amended to read as follows:

§ 41.117 Signature.

When personal appearance is required, Form FS-257 shall be signed by or on behalf of the applicant in the presence of the consular officer. The application shall be verified by the applicant before the consular officer who shall then sign the Form FS-257. If personal appearance is waived, and the submission of an application form by the alien is required, the form shall be signed by the applicant. If the filing of an application form is also waived, the consular officer shall so indicate on the Form FS-257 prepared on behalf of the applicant.

4. Paragraph (b)(2) of § 41.120 is amended to read as follows:

§ 41.120 Authority to issue visas.

* * * * *

(b) *Issuance or revalidation in the United States for certain other nonimmigrants.* * * *

(2) The Director of the Visa Office of the Department and such other officers of the Department as he may designate are authorized, in their discretion, to revalidate F, H, and J visas, including diplomatic visas, for qualified aliens in the United States who intend, after a temporary absence, to reenter the United States in the nonimmigrant status specified in their visas, regardless of the expiration date of the original visa, provided the revalidation does not extend its validity for more than 48 months from the date the original visa was issued.

* * * * *

5. Paragraph (c)(1) of § 41.124 is amended to read as follows:

§ 41.124 Procedure in issuing visas.

* * * * *

(c) *Form of visa stamp.* (1) The nonimmigrant visa stamp shall be in the form prescribed by the Department. It shall contain the following data: (i) The number of the visa; (ii) the title and location of the issuing office; (iii) the classification of the visa; (iv) the date of issuance; (v) the expiration date; (vi) the number of applications for admission for which it is valid; (vii) the name(s) of the person(s) to whom issued; (viii) the fee, if any, or the word "Gratis"; and (ix) the signature and title of the issuing officer.

* * * * *

6. Section 42.110 is amended to read as follows:

§ 42.110 Place of application.

Every alien applying for an immigrant visa shall make application at a U.S. consular office in the consular district in which he has his residence, except that the consular officer shall accept an application for an immigrant visa from an alien having no residence in the consular district if the alien is physically present therein, and may, in his discretion, or at the direction of the Department, accept applications from aliens who are neither residents of, nor physically present in, the consular district. An alien residing temporarily in the United States is considered to be a resident of the consular district of his last residence abroad.

Effective date. The amendments to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

PHILIP B. HEYMANN,
Acting Administrator, Bureau of Security and Consular Affairs.

SEPTEMBER 28, 1966.

[F.R. Doc. 66-10998; Filed, Oct. 7, 1966; 8:49 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

PART 5—RENT SUPPLEMENT PAYMENTS

Eligible Housing Owner

In § 5.15 paragraph (d) is amended to read as follows:

§ 5.15 Eligible housing owner.

* * * * *

(d) Where the project is to be insured under section 221(d)(3) of the National Housing Act and is to be located in a community in which a workable program was required and was in effect at an earlier date (at which time a loan or grant was made under title I of the Housing Act of 1949 or under the United States Housing Act of 1937), the workable program requirement of paragraph (c)(1) of this section must be met and the requirements of paragraph (c)(2) of this section shall not be applicable.

(Sec. 101(g), P.L. 89-117, 79 Stat. 453)

Effective as of the 8th day of October 1966.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

ROBERT C. WEAVER,
Secretary of Housing and Urban Development.

[F.R. Doc. 66-10986; Filed, Oct. 7, 1966; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER F—AIRCRAFT

PART 855—USE OF AIR FORCE INSTALLATIONS BY OTHER THAN U.S. DEPARTMENT OF DEFENSE AIRCRAFT

Part 855 is revised to read as follows:

Sec.
855.1 Purpose.
855.2 Definitions.
855.3 Policy.
855.4 Types of civil aircraft use.
855.5 Emergency landing at an Air Force installation.
855.6 Processing violations of this part.
855.7 How to request the use of an Air Force installation.
855.8 Who has approving authority.
855.9 Processing procedure of the approving authority.
855.10 Cooperation with customs, immigration, health, and other local authorities.
855.11 Aviation fuel and oil purchases.
855.12 Supply and service charges.
855.13 Insurance requirements.
855.14 Cancellation or suspension of the landing permit (AF Form 181).
855.15 Landing, parking, and storage fees.
855.16 Joint use of an Air Force installation by a community.

AUTHORITY: The provisions of this Part 855 issued under sec. 8012, 70A Stat. 488, secs. 1107, 1108, 72 Stat. 798; 10 U.S.C. 8012, 49 U.S.C. 1507, 1508.

SOURCE: AFR 55-20, May 16, 1966.

§ 855.1 Purpose.

This part establishes the responsibilities and describes the procedures for the use of Air Force installations by aircraft other than U.S. Department of Defense aircraft.

§ 855.2 Definitions.

The terms used in this part are explained as follows:

(a) *Installation.* An officially defined area of real property, operated by the U.S. Air Force as an airfield facility, which:

(1) The U.S. Air Force controls; or

(2) HQ USAF has designated as an Air Force installation; or

(3) The U.S. Air Force utilizes in a foreign country by agreement or by right of occupation.

(b) *Civil aviation.* All flying activity by civil aircraft including:

(1) *Commercial aviation.* Transportation by aircraft of passengers or cargo for hire; this includes both regularly scheduled and nonscheduled (i.e., one-time or irregular) flights.

(2) *General aviation.* All types of civil aviation not involving the transportation of passengers or cargo for hire.

(c) *Weather alternate use.* Use of an Air Force installation for a weather alternate in accordance with Federal Aviation or other pertinent regulations.

(d) *Scheduled use.* Use of an Air Force installation on a scheduled or regularly recurring basis by an air carrier certificated by the Civil Aeronautics

Board to provide passenger and cargo service to a community or area.

(e) *Civil aircraft.* Domestic or foreign aircraft of any national registry operated by private individuals or corporations, and foreign government-owned aircraft operated for commercial purposes.

(1) *Contract aircraft.* Civil aircraft operated under charter or other contract to any U.S. Government department or agency.

(2) *Leased aircraft.* U.S. Government-owned aircraft delivered by the Government to a lessee subject to terms and conditions prescribed in an agreement which does not limit the lessee's use of the aircraft to Government business or performance of Government contracts.

(f) *Government aircraft.* Aircraft owned, operated by or on behalf of, or controlled by any department or agency of either the United States or a foreign government (except a foreign government-owned aircraft operated for commercial purposes). Aircraft owned by any department, agency, or political subdivision of a State of the United States when the State, county, or municipality has sole responsibility for operating the aircraft.

(1) *Military aircraft.* Aircraft used in the military services of any government.

(2) *Loaned aircraft.* U.S. Government-owned aircraft delivered gratuitously by any DOD agency to another Government agency or to a USAF Aero Club.

(3) *Bailed aircraft.* U.S. Government-owned aircraft delivered by the Government to a Government contractor for a specific purpose directly related to a Government contract.

(4) *Foreign government aircraft.* Foreign military and other foreign government-owned aircraft which are not being operated commercially.

(g) *User.* An individual or corporation operating civil aircraft. A user will be named on the AF Form 180, Hold Harmless Agreement; the AF Form 181, Civil Aircraft Landing Permit; and the AF Form 203, Certificate of Insurance. The user named on each of the above forms must be the same.

(h) *Hold Harmless Agreement.* An agreement on AF Form 180 executed by the user which releases the U.S. Government from all liabilities incurred in connection with civil aircraft use of Air Force installations. Unless this form is already on file with the approving authority, it is submitted with the AF Form 181.

(i) *Civil Aircraft Landing Permit.* An application on AF Form 181 completed by the user and submitted to an approving authority at least 30 days prior to the first intended landing. Upon approval, the user is authorized to use Air Force installations in accordance with the terms of the permit and this part.

(j) *Certificate of Insurance.* A certificate on AF Form 203 executed by an insurance company which is in consonance with this part and evidences the amount of aircraft liability insurance carried by the user. Unless a valid certificate is on file with the approving authority, it is submitted with the AF Form 181.

(k) *Joint use installation.* An Air Force installation where civil aircraft use of the runways and taxiways is authorized by a specific agreement between the Air Force and a community (see § 855.16) or between the U.S. Government authorities and foreign government authorities. The civil aircraft terminal, parking, and servicing facilities are established and controlled by the community or its agent and are normally located in a civil area separate from the military. Civil aircraft normally are restricted to the civil parking and terminal areas at joint use installations, except for those aircraft on official business or under contract to the U.S. Government.

(l) *Technical use.* Use of an Air Force installation, under other than emergency conditions, by civil aircraft for servicing or obtaining supplies. The servicing and supplies must be obtained from civil sources (see AFR 67-53 (Selling Aviation Fuel and Oil for Contract, Charter, and Civil Aircraft) for purchase of petroleum, oil, and lubricants).

(m) *Authorized supplier.* A commercial petroleum company doing business in the United States which has an agreement with the Air Force to guarantee payment for aviation fuel and oil furnished by the Air Force to civil aircraft (see AFR 67-53).

(n) *Official business.* Business, in the interest of the U.S. Government, which personnel aboard an aircraft must transact with U.S. Government personnel, units, or organizations at or near the Air Force installation concerned. (The use of an Air Force installation by transient aircraft to petition for U.S. Government business or to obtain clearance, servicing, or other items pertaining to itinerant operations is not considered official business.)

§ 855.3 Policy.

Except for those users declaring an inflight emergency (see § 855.5), civil and foreign government aircraft may not land at any Air Force installation or use the Air Force area of a joint use installation other than in exceptional circumstances. In an exceptional circumstance landing may be authorized, provided permission from the Air Force is obtained in the form of an approved AF Form 181 or an approved "Foreign Government Aircraft Landing Request." Air Force installations are established and facilities, personnel, and materiel are maintained at such installations only to the extent necessary to support the Air Force mission and the needs of national defense. Consequently, the Air Force cannot authorize the use of its installations for other than official business unless an exceptional reason exists for granting such authorization and unless, in addition, the Air Force finds, in its sole discretion, that the requested use will be compatible with current and programed military activities at the installation after considering security, volume, and type of military flights, availability of supplies, maintenance services, crash protection, and any other pertinent factors, such as international agreements or arrangements. When a request for use of an Air Force installation has been approved, the approving authority or the installation commander, providing advance notice where practicable, may suspend the authorization or require a change in the proposed time of landing or takeoff, if such suspension or flight plan revision is deemed necessary, to prevent interference with military activities at the installation. Air Force authority applies only to the use of Air Force installations; the installation commander is responsible for and authorized to exercise administrative and security control over both the aircraft and passengers while on his installation.

(a) *Civil aircraft.* Domestic or foreign civil aircraft will normally not be permitted to use an Air Force installation unless an official requirement exists for the aircraft or its passengers to be at the installation and a written authorization permits such use. Use of an Air Force installation for other than official business will require full justification and will be acted upon only under exceptional circumstances. Where the requested use is for other than official business, the request from the prospective user must include an explanation of why a civil airfield cannot be used; mere convenience is not sufficient reason to justify authorization to use an Air Force installation. Except for certain joint use Air Force installations, Air Force installations are not appropriate for technical use and requests for such use will normally not be approved. The Air Force is not obligated to permit civil aircraft to use Air Force installations or the Air Force area of a joint use installation except in the performance of Air Force contracts which specify landings and use of the facilities at named installations; consequently, an approving authority receiving an AF Form 181 may disapprove and return the request form without further action. Landing clearance granted by a tower does not nullify the requirements of this part; except for those users declaring an inflight emergency, an approved AF Form 181 or other written authorization must be aboard the aircraft before making any landing at an Air Force installation and will be presented upon demand. The types of civil aircraft use that may be considered are described in § 855.4.

(b) *Foreign government aircraft.* Foreign government aircraft are not required to submit AF Forms 180, 181, and 203 to request permission to land at an Air Force installation. Instead, and except for a declared inflight emergency, such aircraft must submit in advance a written request to HQ USAF (AFNICBB) Washington, D.C. 20330. (For procedure, see § 855.7(b).) Diplomatic clearance must be obtained as explained in paragraph (c)(1) of this section.

(c) *All aircraft.* Except for an inflight emergency, all aircraft must have a UHF or VHF two-way radio capable of voice communication with the control tower, and the associated approach con-

trol facilities, on the air-ground frequencies assigned to the Air Force installation being utilized. Authorization to use an Air Force installation under the provisions of this part extends only to the landing, taxiing, and normal parking of the aircraft and does not represent, or take the place of:

(1) *Diplomatic clearance.* Diplomatic clearance must be obtained through the proper channels from the United States and from each of the other foreign countries which is to be overflown or in which a landing is to be made.

(2) *Authorization to use real property.* Requests for such use must be submitted according to the procedure outlined in AFR 87-3 (Granting Temporary Use of Real Property).

(d) *International operations.* Civil aircraft performing scheduled or nonscheduled international flights, whether for commercial or noncommercial purposes, will normally not be permitted to use Air Force installations unless they are performing under a U.S. Government contract or providing charter service for a U.S. Government contractor where use of the installation is necessary. Where the Air Force has designated an installation for use by air carriers of countries that are members of the International Civil Aviation Organization (ICAO), or has authorized the use of a specific installation by civil aircraft engaged in a specified type of international operation, the Air Force will normally authorize other civil aircraft registered in ICAO countries (or, in the case of aircraft performing scheduled flights, registered in countries which are parties to the International Air Services Transit Agreement) to use the same installation for similar international operations, provided that the prospective user has obtained all necessary authorization from the authorities responsible for civil aviation, has complied with all the requirements of this part and other applicable laws and regulations of the United States, and that the prospective use is not inconsistent with national defense interests.

§ 855.4 **Types of civil aircraft use.**

This section defines, but does not limit, the types of use of Air Force installations by civil aircraft which the Air Force may act on, but only if the Air Force has determined, in its sole discretion, that the requested use will be compatible with the current and programed military activities at the installation. The types of use are:

(a) *U.S. Government contract.* An air carrier may be permitted to use an Air Force installation when the carrier is operating under an agreement with any U.S. Government agency or at the request of an authorized Air Force contracting or transportation officer, i.e., under a charter or other contract with the Military Traffic Management and Terminal Service (MTMTS) or Military Airlift Command (MAC). However, in addition:

(1) An official U.S. Government document (e.g., a certificate of operations, U.S. Government bill of lading, cargo manifest, transportation request, or MAC Form 8—see para. 3, AFR 67-53) must be presented with the approved AF Form 181 to substantiate that the use is a bona fide U.S. Government charter/contract operation.

(2) Loading, enroute, and terminal stops at Air Force installations will be used only for the on-and-off loading of Government passengers and cargo, unless the contract, charter, or MAC Form 8 expressly permits landing for another purpose.

(b) *Scheduled air carrier.* Scheduled and weather alternate use are the only two types of scheduled air carrier use recognized by the Air Force. Each use is permitted as follows:

(1) Scheduled use, where authorized, is that regular scheduled air carrier service to a community or area for the purpose of on-or-off loading passengers and cargo (see § 855.16 on joint use).

(2) Weather alternate use, when authorized, permits the diversion to and actual use of an Air Force installation only when unforecast weather conditions require the aircraft to change from its original to the alternate destination while in flight. Aircraft may not be dispatched from a point of departure to an approved weather alternate.

(c) *Nonscheduled air carrier.* Air taxi and charter service are the only two types of nonscheduled air carrier use recognized by the Air Force. Each use is permitted as follows:

(1) Air taxi service must be sanctioned by a written agreement with the installation commander concerned who is also the approving authority for the AF Form 181. Only official passengers and cargo may be carried (see par. 304011, AFM 75-2 (Military Traffic Management Regulation)).

(2) Charter service is that air transport service rendered to an individual or corporation where part or all of the capacity of the aircraft is chartered for transportation on official business as authorized by the installation commander or in the performance of a specific Government contract. The aircraft may be used to transport the contractor's supplies and personnel needed to perform the specific contract; but, the aircraft cannot be used for daily transportation of employees in competition with public transportation. The individual(s) or corporation(s) chartering such service must submit a letter of justification addressed to the approving authority specifying the name of the chartered air carrier and how use of the Air Force installation will facilitate the official business or contract performance. Upon approval, the installation may be used only when providing transport service to the individual or corporation having official business; such stops at authorized Air Force installations will be used for the on- and off-loading of official business passengers and cargo only, unless other written authorization expressly permits use for private commercial charter passengers and cargo. In Item 7 of AF Form 181 the prospective user must list each installation to be visited with its applicable contract numbers, name(s) of chartering individual or corporation, description of work to be performed, period of use, and any other pertinent details.

(d) *Civil Air Patrol.* Aircraft owned by either the Civil Air Patrol (CAP) or its members are considered civil aircraft and must comply with this part. Such aircraft, when operated by CAP members, may be permitted to use designated Air Force installations in connection with CAP activities. (Aircraft under lease or contractual agreement with the U.S. Government and operated by USAF-CAP liaison officers on official business are considered DOD aircraft and not required to submit AF Forms 180, 181, and 203.)

(e) *Government personnel.* Aircraft privately owned, or leased, and operated by military personnel on active duty or retired, members of the Air National Guard (ANG) or Air Force Reserve (AFRes), and civil employees of the U.S. Government may be granted permission to use an Air Force installation on official business. Active duty military personnel may use an Air Force installation for private, non-revenue-producing purposes. Retired military personnel may use an Air Force installation for those activities authorized to them by law. None of these aircraft may carry passengers or cargo for revenue producing purposes.

(f) *Non-Government personnel.* Aircraft which are privately owned and noncommercially operated by other than U.S. Government personnel for purposes of interest to the U.S. Government not involving transportation of passengers or cargo for hire may be authorized the use of an Air Force installation as follows:

(1) By an individual or corporation for transportation on official business as authorized by the installation commander (e.g., in connection with sales or service representation to authorized military agents such as the exchange, commissary, or contracting officer) or in the performance of a specific Government contract at specified Air Force installations. The aircraft may be used to transport the contractor's supplies and personnel needed to perform the specific contract, but the aircraft cannot be used for daily transportation of employees in competition with public transportation. In item 7 of the AF Form 181 the prospective user must list each installation to be visited with its applicable contract number(s), description of work to be performed, duration of use, and any other pertinent details.

(2) By a manufacturer (or others) to demonstrate or to show civil aircraft or installed equipment to official representatives of the U.S. Government who have a procurement interest, who have approval or certification responsibility for the aircraft or equipment, and who have requested the demonstration or showing.

(g) *Other.* In appropriate circumstances civil aircraft may be considered for use of an Air Force installation for such purposes as: FAA certification, testing, developmental testing, aircrew training, technical use, ferrying aircraft, non-

scheduled charter operations where the aircraft is used for purposes unrelated to any U.S. Government contract, and various other special uses. However,

(1) The request must be thoroughly substantiated.

(2) Ample reasons must be furnished to the approving authority as to why a civil airfield cannot be used.

(3) In item 7 of AF Form 181, the prospective user must list each requested installation to include its applicable purpose, justification, period of use, and any other pertinent details deemed necessary for consideration.

§ 855.5 Emergency landing at an Air Force installation.

Any aircraft involved in an inflight emergency that endangers the safety of its passengers and aircraft may land at an Air Force installation. Advance authorization or an approved AF Form 181 is not required. However, to avoid interference with military operations, the aircraft should land at a civil airfield if the pilot has time to select a landing place. After an emergency landing:

(a) The appropriate USAF authority may use any method or means to clear the aircraft or wreckage from the runway. Consistent with actual national defense requirements, care will be taken to preclude unnecessary damage in removing the aircraft or wreckage.

(b) The user will be billed for all costs to the Government that result from the emergency landing. No landing fee will be charged, but the charges will include the labor, material, parts, use of equipment, tools, etc., for:

(1) Spreading foam on the runway before landing.

(2) Damage to runway, lights, navigation aids, etc.

(3) Rescue, crash, and fire control.

(4) Movement and storage of aircraft.

(5) Performance of minor maintenance.

(c) The base operations officer will provide the base accounting and finance officer with all the necessary data to show what costs were incurred by the U.S. Government as a result of the civil aircraft emergency (see Part 812, Subchapter B of this chapter for guidance in determining costs).

(d) The base accounting and finance officer will prepare the bill of charges and collect payment therefor.

(e) The pilot or his employer will file a complete narrative report of the emergency with the installation commander. If there are no survivors to prepare this report, the base operations officer will use the most reliable information available to prepare it. A copy of the report will be forwarded to HQ USAF (AFOAPDA), Washington, D.C. 20330.

(f) The aircraft operator, before taking off, must complete AF Forms 180 and 181 to cover the takeoff, if the aircraft is to be flown from the installation. (AF Form 203 is not required.)

(g) The installation commander will review and distribute the completed AF Form 181 as directed in § 855.9 (he need not complete the entries to be filled in by the approving authority); he will also report the circumstances of the landing to:

(1) The General Aviation District Office of the Federal Aviation Agency, if the installation is in the United States or its possessions.

(2) The appropriate USAF authority, such as an air attache, if the installation is within a foreign country.

§ 855.6 Processing violations of this part.

Any aircraft that lands at an Air Force installation without obtaining prior permission from an approving authority, except in a bona fide emergency, is in violation of this part. Civil aircraft landing in violation of this part will have to pay the penalty fee prescribed in § 855.15(a) and will probably experience delays while authorization for departure is obtained pursuant to this part. Before the aircraft is authorized to depart, the installation commander must ensure full compliance with this part by doing the following.

(a) Inform the aircraft operator of the provisions of this part.

(b) Require the aircraft operator (or owner), before takeoff, to pay all fees and charges and to comply with the following procedure:

(1) Execute AF Forms 180 and 181; in item 7 of AF Form 181 explain the reason for the landing. In lieu of submitting an AF Form 203, evidence of sufficient insurance must be furnished by the insurer to include waiver of any right of subrogation against the United States and that such insurance applies to the liability assumed by the insured under the AF Form 180.

(2) When it appears that the violation may have been deliberate, or is a repeated violation, departure authorization must be obtained from HQ USAF as prescribed in § 855.7.

(c) If the violation is processed at the installation, the installation commander will review and distribute the completed AF Form 181 as directed in § 855.9 (he need not complete the entries to be filled in by the approval authority); he will also report the circumstances of the landing to:

(1) The General Aviation District Office of the Federal Aviation Agency, if the installation is in the United States or its possessions.

(2) The appropriate Air Force authority, such as an air attache, if the installation is within a foreign country.

§ 855.7 How to request the use of an Air Force installation.

The prospective user should obtain a copy of this part and the required forms (the "Foreign Government Aircraft Landing Request" is not a printed form but should be prepared by the foreign government) from any Air Force installation or approving authority and should review them before preparing the required documents for submission.

(NOTE: See paragraph (c) of this section for those users who are exempt from submitting AF Forms 180, 181, and 203.)

Prospective civil and foreign government users of an Air Force installation must apply for authorization as follows:

(a) Prospective civil aircraft users will:

(1) Complete, sign, and forward only 1 copy of AF Form 180 to the approving authority. When the user is a corporation, the "Certificate" of acknowledgment on AF Form 180 must be completed and signed by a second official of the corporation (other than the one executing the Hold Harmless Agreement) to certify the signature of the first official. As necessary, the Air Force also may require that the "Certificate" of acknowledgment be authenticated by an appropriately designed third official. Once the completed and signed AF Form 180, Hold Harmless Agreement, has been accepted by an approving authority, it is valid until obsolete and need not be resubmitted with future requests to the same approving authority.

(2) Prepare and sign a separate set (5 copies) of the user's portion of AF Form 181 for each type of use requested. The user should insure that all entries conform to the requirements of this part. Once the AF Form 181 has been approved and distributed, no further entries or amendments can be made. New requirements must be submitted on a new set of AF Forms 181, but may include the old listings.

(3) Have the insurer or his authorized agent complete, sign, and forward the original of AF Form 203 to HQ USAF (AFOAPDA), Washington, D.C. 20330. All coverages will be stated in U.S. dollars (see § 855.13 for required minimum coverage). When the approving authority is other than HQ USAF, a signed carbon copy of the original AF Form 203 will be submitted with the AF Forms 181 to that approving authority. Once an AF Form 203 is on file with an approving authority, it is valid until insurance expiration date and may be used by that approving authority as a basis for his action upon any subsequent AF Forms 181 submitted for approval. If necessary, insurance companies may reproduce the AF Form 203; however, reproductions or photostats of the completed form are NOT acceptable.

(4) Forward the completed forms direct to the appropriate approving authority (see § 855.8) at least 30 days prior to first intended landing in order to provide the approving authority with sufficient time for review and processing (i.e., to insure that the request, Certificate of Insurance, and Hold Harmless Agreement are valid and to notify the appropriate installations and commands).

(b) Prospective foreign government aircraft users: Foreign government aircraft are not required to submit AF Forms 180, 181, and 203 to request permission to land at an Air Force installation. Instead, the foreign government must:

(1) Complete and forward a written request through its air attache to HQ USAF (AFNICBB), Washington, D.C. 20330, at least 10 days prior to first in-

tended landing. (All Latin American countries are authorized to submit their requests for use of an Air Force installation in the Canal Zone or CONUS direct to USAFSO, APO New York 09825.)

(2) Submit a request for diplomatic clearance to the Department of State, where flight to U.S. territory is desired, unless flight in U.S. airspace is already authorized by an appropriate agreement. (Among the countries with which the United States has such agreements are: Costa Rica, Dominican Republic, Guatemala, Nicaragua, and Honduras. Certain government aircraft of these countries may use Air Force installations in accordance with existing Bilateral Military Air Transit Agreements.)

(3) Submit a request for diplomatic clearance to each appropriate foreign country which is to be overflown or in which a landing is to be made in addition to obtaining U.S. Air Force landing approval (where use of an Air Force installation in a foreign country is desired).

(c) Aircraft exempt from submitting AF Forms 180, 181, and 203: In addition to foreign government aircraft, certain other aircraft are permitted to use Air Force installations without completing AF Forms 180, 181, and 203. They are:

(1) Aircraft owned and operated by:

(i) An agency of the U.S. Government outside the Department of Defense.

(ii) USAF Aero Clubs established in accordance with Part 861 of this subchapter.

(iii) Aero Clubs of the other military services which are organized as a sundry fund activity and operated as an instrumentality of the U.S. Government.

(iv) A State, county, or municipality when use is in connection with the official business of the owner.

(2) Civil aircraft under lease or contractual agreement to:

(i) The U.S. Government and operated by employees of a U.S. Government agency outside the Department of Defense (e.g., the Federal Aviation Agency) on official business.

(ii) The Civil Air Patrol and operated by a USAF–CAP liaison officer on official Air Force business.

(3) Bailed aircraft, provided the contract under which the aircraft is bailed specifies that the U.S. Government is the insurer for liability.

§ 855.8 Who has approving authority.

The authority to approve and to disapprove the AF Form 181 and the "Foreign Government Aircraft Landing Permit" is delegated without right of redelegation to:

(a) *HQ USAF*—(1) *Directorate of Aerospace Programs* (*AFOAP*). HQ USAF (AFOAPDA) will act on any request for civil aircraft to use Air Force installations but specifically reserves to itself exclusive approving authority on requests for:

(i) U.S. Government contract use.

(ii) Scheduled or weather alternate use by any scheduled air carrier.

(iii) Use of more than one installation. (Except for air taxi service, a user submitting an application to an installation commander for approval must have interests at only the one Air Force installation.)

(iv) Use for commercial training, testing, or certification purposes.

(v) One-time use for on-and-off loading passangers or cargo not justified for performance of a U.S. Government contact or other official Government business.

(vi) Continuous use (i.e., for more than a 5-day period) by general aviation or by a nonscheduled commercial air carrier (except that an installation commander has sole authority to approve air taxi service).

(vii) Use on international flights (i.e., where the aircraft operates for a part of its journey, with or without landing, in the air space of a country other than the country where the installation is located.

(viii) Use by a foreign civil aircraft of an Air Force installation located in the United States or in a foreign country other than the country of aircraft registry.

(ix) Any other use not specifically delegated to a lower echelon for processing action.

(2) *Assistant Chief of Staff, Intelligence* (*AFNIN*). HQ USAF (AFNICBB) will act on all requests for use of an Air Force installation by a foreign government aircraft except, as stated in paragraph (d) of this section, Commander, USAF Southern Command, has authority to approve certain requests from Latin American countries.

(b) *Major command*. The major commander may act only on requests for civil aircraft to use an installation under his control, provided an authorized supplier is not to be shown in Item 20 of AF Form 180 and, additionally, that the aircraft are operating on domestic flights performed entirely within the airspace of the country where the Air Force installation is located and do not involve flight through international airspace; and provided further, that the request for use is not specifically reserved to HQ USAF for approval and is one or more of the following:

(1) Directly connected with official Government business.

(2) Use in accordance with the provisions governing use by the Civil Air Patrol, Government personnel, and non-Government personnel on official business.

(3) A one-time request to make not more than eight landings during a 5-day period if the use is in connection with community or U.S. Government interests and no adequate civil airport is available. (However, such a request may not be approved under this category if an identical request has been approved in the previous 90 days.)

(4) A request for a civil aircraft to land at an installation under his control when use is:

(i) By a civil aircraft either owned or personally chartered by the President, Vice President, or a past President of the United States; the head of any Federal department or agency; or a Member of Congress.

NOTE: Compliance with this part is required whether use is for official or personal business. If time does not permit processing of the request prior to arrival at the installation, AF Forms 180, 181, and 203 must be complete immediately after aircraft arrival. Landing, parking, and storing fees will be collected when use is not for official business purposes, e.g., political campaigning is not considered official business. Requests by or for Members of Congress will be reported to the Director of Legislative Liaison (SAF–LL) in accordance with provisions of AFR 11–7 (Air Force Relations With Congress).

(ii) By a civil aircraft either owned or personally chartered by a presidential or vice-presidential candidate of a major party. Approval is contingent upon the presence of a presidential or vice-presidential candidate aboard the aircraft. Normal fees will be charged as prescribed in this part.

NOTE: To reduce conflict with U.S. statutes and Air Force operational requirements and to provide expeditious handling of aircraft carrying major party presidential and vice-presidential candidates, the following guidance applies: Minimum official (base officials) welcoming party, no special facilities need be provided, no plans should be approved for on-base political speeches, and no official transportation should be provided for unauthorized (press, local populace, etc.) personnel.

(c) *Commander, Alaskan Air Command*. In addition to the uses that may be approved by a major commander, he may act on occasional use of the various airstrip type installations under his control, without restriction as to type of use, provided such use does not interfere with the Air Force mission and does not involve the use of any Air Force supplies, equipment, or facilities except a landing strip.

(d) *Commander, USAF Southern Command*. In addition to the uses that may be approved by a major commander, he may act on a request from any Latin American country for its military aircraft, or other government-owned aircraft, not engaged in commercial operations, to use Air Force installations under his control and in the CONUS. Prior clearance for use of CONUS installations must be obtained, either formally or informally, from the installation commander concerned before issuing the landing authorization. Concurrent with obtaining clearance from the installation commander, informal notification of period of use and petroleum, oil, and lubricants (POL) billing instructions may be furnished; this information will be repeated in the landing authorization message. USAFSO will insure that all authorizations are consistent with current directives.

(e) *Air Force installation commander*. The installation commander may act on requests for civil aircraft to use only his installation for the same uses that may be approved by a major commander. The flights covered by AF Form 181 approved by an installation commander must be domestic flights performed entirely within the airspace of the country where the Air Force installation is located and must not involve flight through international airspace; and pro-

vided further, that the type of use requested is not specifically reserved to HQ USAF for approval. A request for a foreign civil aircraft to use his installation, where the installation is located in a country other than that of aircraft registry, will be forwarded to HQ USAF (AFOAPDA), Washington, D.C. 20330.

(f) *USAF air attache.* The air attache must refer all requests direct to HQ USAF (AFOAPDA), Washington, D.C. 20330, except that he may act on a request for a civil aircraft one-time operation at an Air Force installation located within the country to which he is accredited, provided that:

(1) The aircraft is registered in that country.

(2) The landing is in connection with official interests of either that country or the U.S. Government.

(3) There is no adequate civil airport available.

(4) The request is a one-time request for not more than eight landings during a 5-day period.

(5) At least 90 days have elapsed since a similar 5-day request was approved.

§ 855.9 Processing procedure of the approving authority.

Upon receiving a request for the use of an Air Force installation, the approving authority will:

(a) Determine the availability of the installation and its capability to accommodate the type of use requested.

(b) Insure that the prospective civil aircraft user has a valid AF Form 180 and AF Form 203 on file at his approving level (this should be determined prior to completion of the approval section of the AF Form 181, if the request is to be approved).

(c) Determine the validity of the request and, if the request is to be approved, insure that all entries on the AF Form 181 conform to the requirements of this part. Approve the AF Form 181 (with or without stating any conditions or limitations that may be appropriate) by completing all items in the section reserved for the approving authority. Important items to check on AF Form 181 and AF Form 203 are:

(1) "Period of Use" "Thru" date and Landing Permit expiration date indicated on AF Form 181 must agree. (An "Indefinite" period of use or expiration date is not acceptable.)

(2) The "Period of Use" may not exceed 18 months. If the insurance is the limiting factor, landing permit expiration date in Item 17 of AF Form 181 must be 1 day prior to insurance coverage expiration date indicated in item 4C of AF Form 203.

(3) Type of use checked—one only.

(4) The amount of insurance indicated on the AF Form 203 must be stated in U.S. dollars and must be adequate for the type of use requested and for the passenger capacity and gross takeoff weight of the aircraft being operated.

(5) Items 1 through 23 of the landing permit must be filled with either the proper information, dashes, or X-ed out. Incorrect entries must be corrected to conform to the requirements of this part.

(6) If approving action is by an installation commander, and Item 20 on AF Form 181 is to indicate an authorized supplier, one copy of the "authorized supplier letter" will be retained and the original and second copy will be forwarded to HQ USAF (AFOAPDA), Washington, D.C. 20330.

(d) Disapprove the request if it is determined not to be valid or if it does not comply with the requirements of this part. A request may be disapproved:

(1) If there is incompatibility with or priority of Air Force operations.

(2) If the use would interfere with current operations, security, or ground safety.

(3) If adequate civil facilities are available in the proximity of the Air Force installation requested for use.

(4) If the civil user has not fully complied with the requirements of this part.

(e) HQ USAF (AFNICBB) will assign an aircraft landing number (ALAN) to each request approved for foreign government aircraft and will notify Air Force installations, major commands, Air Staff offices, and HQ USAF (AFOAPDA) by message.

(f) Distribute the approved AF Form 181 and transmit the message granting foreign government aircraft clearance prior to the first intended landing, when possible, as follows:

(1) Original copy to HQ USAF (AFOAPDA), Wash., D.C. 20330. (If an installation commander has accepted an "authorized supplier letter," 1 copy of the letter is retained for file at the installation; the original and second copy are forwarded to HQ USAF (AFOAPDA), Wash., D.C. 20330.)

(2) Return 2 copies to the user.

(3) Send one copy to the appropriate major commands. (Those landing permits approved by HQ USAF for U.S. Government contract use will be distributed as follows: When approved for "All USAF Installations in CONUS," a copy will be sent to all CONUS Air Commands and MTMTS; when approved for "All USAF Installations in the Western Hemisphere," a copy will be sent to each CONUS Air Command, MTMTS, PACAF, AAC, and USAFSO; when approved for "All USAF Installations—Worldwide," a copy will be sent to each major command and MTMTS. Major commands may make further distribution to appropriate installations. Those landing permits approved by HQ USAF for other types of use requiring "All USAF Installations in CONUS," or "Worldwide," will be distributed to the appropriate major commands who may make further distribution to their appropriate installations.)

(4) Send one copy to each installation approved for use.

(5) Retain one copy for file.

§ 855.10 Cooperation with customs, immigration, health, and other local authorities.

The installation commander will cooperate with the local customs, immigration, health, and other public authorities when it is deemed necessary in connection with the arrival or departure of an aircraft. Each appropriate installation will establish mutually acceptable procedures for the handling of aircraft. The Air Force will not grant clearance for takeoff until all requirements have been met. The user of an Air Force installation will:

(a) Comply with all laws and regulations administered by the public authorities.

(b) Pay all fees, charges for overtime services, and any other costs associated with the administration of such laws.

§ 855.11 Aviation fuel and oil purchases.

Air Force aviation fuel and oil may be purchased by the users of an Air Force installation as follows:

(a) Civil aircraft may purchase fuel and oil in accordance with AFR 67-53 and Part Three, Volume I, AFM 67-1 (USAF Supply Manual). Those aircraft operators desiring to purchase fuel on credit by the "authorized supplier" method must submit an "authorized supplier letter" as prescribed in AFR 67-53. Three signed copies of the letter should be submitted with AF Forms 181 to the approving authority. The approving authority will enter the name and address of the "authorized supplier" and the geographical area of coverage in item 20 of AF Form 181. Only HQ USAF and an installation commander may accept an authorized supplier letter.

(b) Foreign government aircraft may purchase fuel and oil only as authorized by separate agreement or as stated in the approved landing request.

(c) Aero club aircraft may purchase fuel and oil in accordance with AFR 67-147 (Sale of Aviation Fuels and Oils to Air Force Aero Clubs).

§ 855.12 Supply and service charges.

Charges for supplies and services furnished will be as prescribed in paragraph 28, Chapter 4, Volume II, AFM 67-1. For official business, communications service may be provided at no cost to the U.S. Government or on a reimbursable basis where additional charges accrue to the U.S. Government for such service. Communications service normally will not be provided for unofficial business.

§ 855.13 Insurance requirements.

Except for those aircraft specified in paragraph (g) of this section, each civil aircraft that is permitted to use an Air Force installation is required to carry the minimum coverage prescribed in this section. (Effective Nov. 16, 1967, the amounts stated within the parentheses in this section are the required minimum coverages.) All coverages on AF Form 203 must be stated in U.S. dollars. The policy must be carried at the expense of the civil aircraft owner or operator and with a company acceptable to the U.S. Air Force.

(a) Privately owned commercially operated aircraft used for cargo carrying only and aircraft being flight-tested or ferried without passengers will be insured for:

(1) *Bodily injury liability (excluding passengers).* At least $50,000 ($100,000) for each person in any one accident with

at least $500,000 ($1,000,000) for each accident.

(2) *Property damage liability.* At least $500,000 ($1,000,000) for each accident.

(b) Privately owned commercially operated aircraft used for passenger carrying and privately owned noncommercially operated aircraft of 12,500 pounds or more certified maximum gross takeoff weight will be insured for:

(1) *Bodily injury liability (excluding passengers).* At least $50,000 ($100,000) for each person in any one accident with at least $500,000 ($1,000,000) for each accident.

(2) *Property damage liability.* At least $500,000 ($1,000,000) for each accident.

(3) *Passenger liability.* At least $50,000 ($100,000) for each passenger, with a minimum for each accident determined as follows: multiply the minimum for each passenger, $50,000 ($100,000), by the next highest whole number resulting from taking 75 percent of the total number of passenger seats (exclusive of crew seats). For example: The minimum passenger coverage for each accident for an aircraft with 94 passenger seats is computed: 94×0.75=70.5—next highest whole number resulting is 71. Therefore, 71×$50,000=$3,550,000 (71×$100,000=$7,100,000).

(c) Privately owned noncommercially operated aircraft of less than 12,500 pounds will be insured for:

(1) *Bodily injury liability (excluding passengers).* At least $50,000 ($100,000) for each person in any one accident with at least $200,000 ($500,000) for each accident.

(2) *Property damage liability.* At least $150,000 ($500,000) for each accident.

(3) *Passenger liability.* At least $50,000 ($100,000) for each passenger, with a minimum for each accident determined by multiplying the minimum for each passenger, $50,000 ($100,000), by the total number of passenger seats (exclusive of crew seats).

(d) Aircraft insured for a single limit of liability must have coverage equal to or greater than the combined required minimums for bodily injury, property damage, and passenger liability for the type of use requested and for the passenger capacity and gross takeoff weight of the aircraft being operated. For example: The minimum single limit of liability acceptable for an aircraft operating as described in paragraph (b) of this section is: $500,000+$500,000+$3,550,000=$4,550,000 ($1,000,000+$1,000,000+$7,100,000=$9,100,000).

(e) Aircraft insured by a combination of primary and excess policies must have combined coverage equal to or greater than the required minimums for bodily injury, property damage, and passenger liability, for the type of use and for the passenger capacity and gross takeoff weight of the aircraft.

(f) Each policy must specifically provide that:

(1) The insurer waives any right of subrogation the insurer may have against the United States by reason of any payment under the policy for damage or injury which might arise out of or in connection with the insured's use of any Air Force installation or facility.

(2) The insurance afforded by the policy applies to the liability assumed by the insured under AF Form 180, Hold Harmless Agreement.

(3) If the insurer cancels or reduces the amount of insurance afforded under the listed policy, the insurer shall send written notice of the cancellation or reduction to HQ USAF (AFOAPDA), Washington, D.C. 20330, by registered mail at least 30 days in advance of the effective date of cancellation; the policy must state that any cancellation or reduction will not be effective until at least 30 days after such notice is sent, regardless of the effective date specified therein.

(4) If the insured requests cancellation or reduction, the insurer shall notify HQ USAF (AFOAPDA), Washington, D.C. 20330, immediately upon receipt of such request.

(g) Aircraft exempt from carrying the required insurance coverage are:

(1) Foreign government aircraft.

(2) Aircraft owned and operated by States, counties, or municipalities of the United States.

(3) Aircraft owned and operated by an Air Force Aero Club established in accordance with Part 861 of this subchapter.

(4) Aircraft owned and operated by Aero Clubs of other U.S. military services which are organized as sundry fund activities and operated as instrumentalities of the U.S. Government.

(5) Bailed aircraft, provided the contract under which the aircraft is bailed specifies that insurance is not required.

§ 855.14 Cancellation or suspension of the landing permit (AF Form 181).

(a) *Cancellation.* If HQ USAF (AFOAPDA) receives cancellation notice of either the user's insurance or authorized supplier letter of credit guarantee, or if the user fails to comply with the terms of the AF Form 181 or of any applicable regulations, all current AF Forms 181 for that user will be canceled. A canceled AF Form 181 cannot be reinstated; a new request must be submitted for approval (as explained in § 855.7).

NOTE: If an installation commander has reason to believe that use of a landing permit is not in connection with official Government business or in consonance with the reason(s) given on the AF Form 181 to justify the use of his installation, he should immediately notify HQ USAF (AFOAPDA), giving the name of the user, the identification number of the permit, and citing the circumstances of the use.

(b) *Suspension.* The approving authority (or the installation commander) may suspend an approved AF Form 181 when military activities or any other requirement at an Air Force installation become such that the authorized use would temporarily be inconsistent with Air Force or national defense interests. The Air Force will seek particularly to avoid such a suspension in the case of aircraft authorized to use an Air Force installation in connection with official government business or for scheduled air carrier use. In all cases, suspensions will be lifted as quickly as possible; however, a suspension will not have the effect of extending the expiration date of an approved AF Form 181. Consequently, as a result of a suspension, if use of an Air Force installation is desired beyond the specified expiration date of the AF Form 181, a new set of AF Forms 181 must be submitted for approval.

§ 855.15 Landing, parking, and storage fees.

The base operations officer, acting for the installation commander, will collect fees from all users (see exemptions in par. (d) of this section) and will remit all fees, with supporting documentation, to the base accounting and finance officer each workday. All fees due will be collected at the time of use unless a prior agreement between the user and the installation commander specifies otherwise.

(a) *Penalty landing fee.* If an aircraft lands at an Air Force installation without obtaining prior permission (except for a bona fide emergency landing), a penalty landing fee will be charged to cover the additional expenses incurred due to special handling and processing. The penalty landing fee will be the greater of the following amounts:

(1) For aircraft weighing 12,500 pounds or less, triple the normal landing fee or $200.

(2) For aircraft weighing more than 12,500 pounds, triple the normal landing fee or $500.

(b) *Normal landing fee.* The normal landing fee is based on the frequency of operation (touch-and-go or full-stop landings) and on the aircraft maximum authorized gross takeoff weight, to the nearest 1,000 pounds. The maximum gross takeoff weight may be determined either from Item 11E of AF Form 181 or from the "Airplane Flight Manual" carried aboard each aircraft. If the weight cannot be determined, it should be estimated. Landing fees outside the CONUS normally will be the same as those at the nearest suitable civil airport within the same country; however, when the rates shown in the following table are higher, they will be charged. All active and inactive Air Force installations will charge the following normal landing fees:

Landings per month per user	*Charge per landing*
First 90	Inside CONUS — 0.15/1,000 pounds or any portion thereof with a minimum of $2.50. Outside CONUS—0.25/1,000 pounds or any portion thereof with a minimum of $5.00.
Next 90	Inside CONUS — 0.10/1,000 pounds or any portion thereof with a minimum of $1.75. Outside CONUS—0.20/1,000 pounds or any portion thereof with a minimum of $4.00.

Landings per month per user	Charge per landing
After first 180..	Inside CONUS — 0.05/1,000 pounds or any portion thereof with a minimum of $1.00. Outside CONUS—0.15/1,000 pounds or any portion thereof with a minimum of $3.00.

(c) *Parking and storing fees.* Parking and storing fees are based on the gross weight of the aircraft and the amount of time spent on the ground. An installation commander may limit the amount of time an aircraft is permitted to remain at his installation. Aircraft owned and noncommercially operated by active duty military personnel may be permitted free storage when facilities are available and it will not interfere with military requirements. All parking and storing will be nonexclusive, and either emergency, temporary, or intermittent. Parking and storing fees are:

(1) *Outside a hangar.* Charges begin 6 hours after the aircraft lands. The rate is 10 cents per 1,000 pounds for each 24-hour period or fraction thereof, with a minimum charge of $1 per aircraft.

(2) *Inside a hangar.* Charges begin as soon as the aircraft is placed inside the hangar. The rate is 20 cents per 1,000 pounds for each 24-hour period or fraction thereof, with a minimum charge of $3 per aircraft.

(d) *Exemptions.* Aircraft exempt from landing, parking, and storing fees are:

(1) All Government aircraft except that foreign government aircraft will be charged fees if their government charges similar fees for U.S. Government aircraft.

(2) Aircraft being produced under a contract of the U.S. Government.

(3) Any contract aircraft or other civil aircraft which is authorized to use the installation on official Government business.

(4) Aircraft employed to train operators in the use of ground control approach, instrument landing systems, et al., provided full-stop or touch-and-go landings are not performed.

(5) Aircraft owned and operated by a USAF Aero Club established under Part 861 of this subchapter.

(6) Aircraft owned and operated by an Aero Club of the other U.S. military services which is organized as a sundry fund activity and operated as an instrumentality of the U.S. Government.

(7) Aircraft privately owned, or leased, and operated by military and auxiliary personnel (CAP, AFRes, ANG, AFROTC) on active duty or retired, provided the aircraft is not used for commercial purposes.

§ 855.16 Joint use of an Air Force installation by a community.

Requests for joint use of an Air Force installation by any civil commercial or general aviation activities on a continuing basis (including scheduled commercial use) are accepted only from authorized community representatives (e.g., mayor, city council, airport committee) and are considered and evaluated on an individual basis. Such requests should be addressed to the installation commander concerned. The installation commander is not authorized to make even a tentative decision on such a request; however, he will forward the request with his comments through military channels to HQ USAF (AFOAP), Washington, D.C. 20330. Approval of a joint use request can be granted only by HQ USAF.

(a) A request for joint use must include the following information:

(1) Type and number of aircraft to be located on the installation;

(2) An estimate of the number of scheduled air carrier operations annually over a 5-year period (if applicable); and

(3) An estimate of the number of general aviation aircraft operations annually over a 5-year period (if applicable).

(b) In evaluating the request, the Air Force will consider all of the following factors:

(1) The current and programed military activities at the installation (giving consideration to security, availability of supplies and maintenance services, volume, and type of military traffic, crash protection, and any other pertinent factors) and the extent to which the proposed civil use might detract from the installation capability to meet national defense needs.

(2) Availability of public airports to accommodate the current and future civil aviation requirements of the community and the practicality of constructing or expanding a public airport.

(3) The availability of sufficient land for civil facilities in an area separate from the Air Force facilities.

NOTE: If the community does not already own the land needed, the necessary land must be acquired either by purchase at no expense to the Government, or from land that is excess to Air Force needs. The availability of excess Air Force installation land may be requested through the Federal Aviation Agency and the General Services Administration (see 50 App. U.S.C. 1622(g)).

(4) Whether the community would acquire, construct, and maintain all necessary facilities for civil aviation operation, e.g., a terminal building, parking ramp, taxiways, and, if appropriate, a civil runway.

(5) Whether the community would reimburse the Government a proportionate share of the costs for maintenance and operation of the runway and other utilized facilities.

(c) If the request for joint use seems sufficiently meritorious to warrant such action, the Air Force will forward the request to the Federal Aviation Agency for appropriate review. In addition, when a scheduled commercial air carrier use is involved, the Air Force will forward the request to the Civil Aeronautics Board for review.

(d) If the request for joint use is approved, HQ USAF will negotiate and conclude the agreement on behalf of the Air Force. The joint use agreement will state the extent to which the provisions of this part will apply to all civil use authorized.

By order of the Secretary of the Air Force.

LUCIEN M. FERGUSON,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[F.R. Doc. 66-10954; Filed, Oct. 7, 1966; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 3—ADJUDICATION

Subpart E—Waiver of Overpayments

WAIVER OF OVERPAYMENTS; FRAUD

In § 3.1902(b), subparagraph (7) is amended to read as follows:

§ 3.1902 "Overpayments."

* * * * *

(b) * * *

(7) Overpayments due to forfeiture of benefits, except that where forfeiture was based on fraud, any portion of the overpayment which was not due to fraud may be waived.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective September 1, 1966.

Approved: September 27, 1966.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 66-10987; Filed, Oct. 7, 1966; 8:48 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Benton Lake National Wildlife Refuge, Mont.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER. The limited time ensuing from the date of the adoption of the Federal migratory game bird regulations to and including the establishment of State hunting seasons makes it impracticable to give public notice of proposed rule making.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

MONTANA

BENTON LAKE NATIONAL WILDLIFE REFUGE

The public hunting of ducks, coots, geese, and gallinules on Benton Lake National Wildlife Refuge, Mont., is permitted from October 8, 1966, through January 5, 1967, inclusive, but only on the area designated by signs as open to hunting. The 2,350 acre public hunting area is designated on maps available at refuge headquarters, Great Falls, Mont., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting shall be in accordance with applicable State and Federal regulations and subject to the following special condition:

(1) Hunters shall report at such designated checking stations as may be established when entering or leaving the public hunting area.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 5, 1967.

ABRAM V. TUNISON,
Deputy Director.

OCTOBER 6, 1966.

[F.R. Doc. 66-11056; Filed, Oct. 7, 1966; 9:30 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 994]

[Docket No. AO-359]

PECANS OF DOMESTIC PRODUCTION

Decision With Respect to Proposed Marketing Agreement and Order

Pursuant to the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), hereinafter referred to as the "act," this decision with respect to a proposed marketing agreement and order regulating the handling of domestically produced pecans is issued.

The recommended decision, based on record evidence adduced at the hearing pursuant to notice thereof (31 F.R. 8021) and after consideration of briefs thereafter submitted, was filed August 9, 1966, with the Hearing Clerk, U.S. Department of Agriculture. Notice of the filing of the recommended decision, affording opportunity through September 9, 1966, to file written exceptions was published August 12, 1966, in the FEDERAL REGISTER (31 F.R. 10747). No exceptions to the recommended decision were filed with the Hearing Clerk.

Hearing record evidence both by proponents in justification of, and by opponents in opposition to, a marketing agreement and order for pecans of domestic production, as set forth in the hearing notice and later modifications thereof proposed during the hearing, was carefully analyzed and considered together with the recommended decision.

The material issues, findings and conclusions, and rulings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 66-8798; 31 F.R. 10747) are hereby approved and adopted as set forth below.

Preliminary statement. A public hearing was held to consider a proposed marketing agreement and order for pecans of domestic production pursuant to notice thereof which was published in the FEDERAL REGISTER of June 7, 1966 (31 F.R. 8021). The notice set forth the proposed marketing agreement and order which was submitted by the Federated Pecan Growers' Associations of the United States which represents pecan growers in most of the pecan producing States. The hearing, pursuant to the above notice was held in Albany, Ga., June 23 and 24, 1966, continued in Jackson, Miss., June 27, 1966, and in Dallas, Tex., on June 30 and July 1, 1966.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared policy of the act;

(3) The specific terms and provisions of a proposed marketing agreement and order.

Findings and conclusions. On hearing record evidence, the following facts are found:

Hearing sessions were held at three locations in the pecan producing areas, beginning at Albany, Ga., then continuing at Jackson, Miss., and concluding at Dallas, Tex. Numerous witnesses testified for the record. The record shows a broad coverage of the proposals in the notice of hearing. However, there is substantial variation in the views of the witnesses who testified. These views ranged from strong support to strong opposition with various modifications among the different witnesses. The evidence shows a rather wide divergence of opinion among substantial numbers of leaders within the pecan industry on the proposed program.

The evidence of the hearing does not permit recommendation of a sound, workable marketing agreement and order of the general nature proposed. This is particularly true on domestic quality regulation and collection of assessments. Of these two matters, proponent witnesses from different States within the production area, favored different provisions. In addition, the evidence indicates a lack of such industry demand and support at this time as will assure the support and cooperation required to make operation of a program of this type and scope feasible. Therefore, it is concluded that a marketing order program should not be recommended on the basis of this record. Hence, there is no need for further findings or conclusions on issues which relate to Federal jurisdiction, need, or the particular terms and provisions of a proposed regulatory program.

Rulings on briefs of interested parties. At the conclusion of the hearing, the Presiding Officer fixed July 22, 1966, as the latest day on which interested parties could file with the Hearing Clerk, U.S. Department of Agriculture, briefs with respect to the testimony presented in evidence at the hearing, and the findings and conclusions to be drawn therefrom.

Briefs were filed within the specified time by the following:

Western Irrigated Pecan Growers' Association, Las Cruces, N. Mex.
National Pecan Shellers and Processors Association, Chicago, Ill.
Tom Gist, Jr., Vice President, Eastern Arkansas, Pecan Growers Association, Helena, Ark.

Each brief was carefully considered along with the record evidence in reaching the findings and conclusions herein set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with those contained herein, the requests to make such findings or to reach such conclusions are denied.

In view of the aforesaid findings and conclusions, a marketing agreement should not be entered into and an order should not be issued at this time for regulating the handling of domestically produced pecans. This decision shall be published in the FEDERAL REGISTER and there shall be no further action in this proceeding.

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

Dated: October 5, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66-11001; Filed, Oct. 7, 1966; 8:49 a.m.]

[7 CFR Part 1005]

[Docket No. AO-177-A27]

MILK IN TRI-STATE MARKETING AREA

Notice of Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Tri-State marketing area, which was issued September 27, 1966 (31 F.R. 12845), is hereby extended to October 7, 1966.

Signed at Washington, D.C., on October 4, 1966.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66-10984; Filed, Oct. 7, 1966; 8:48 a.m.]

[7 CFR Part 1069]

[Docket No. AO 153-A12]

MILK IN DULUTH-SUPERIOR MARKETING AREA

Notice of Extension of Time for Filing Briefs

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing briefs, proposed findings and conclusions on the record of the public hearing held August 10-11, 1966, at Duluth, Minn., with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Duluth-Superior marketing area, pursuant to notice thereof issued July 25, 1966 (31 F.R. 10131), is hereby extended to October 15, 1966.

Signed at Washington, D.C., on October 5, 1966.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66-10985; Filed, Oct. 7, 1966; 8:48 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

The notice of hearing on the proposed amendment to the regulations under sections 482 and 861 of the Code relating to the Allocation of Income and Deductions Among Taxpayers as published in the FEDERAL REGISTER for September 30, 1966 (31 F.R. 12809), is hereby withdrawn.

The public hearing on this amendment as originally scheduled for November 2, 3, and 4 has been rescheduled and will be held starting Monday, November 14, 1966, at 10 a.m., e.s.t., and continuing if necessary on November 15 and 16 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 November 9, 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. Further, it is requested that the oral comments be presented to the extent practicable on an industry- or association-wide basis.

LESTER R. URETZ,
Chief Counsel.

By: JAMES F. DRING,
Director, Legislation and Regulations Division.

[F.R. Doc. 66-11073; Filed, Oct. 7, 1966; 11:24 a.m.]

Notices

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

Ports of Entry; Point Roberts, Wash.

Effective upon publication in the FEDERAL REGISTER, the following amendment to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, Dec. 8, 1954), as amended, is prescribed:

"Point Roberts, Wash.," of District No. 12—Seattle, Wash., of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of section 1.51 *Field Service* is amended to read: "*Point Roberts, Wash."

Dated: October 4, 1966.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 66-10979; Filed, Oct. 7, 1966; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 155]

ARIZONA

Notice of Proposed Classification of Public Lands for Retention for Multiple Use Management

OCTOBER 3, 1966.

In F.R. Doc. 66-10073, appearing on page 12065 of the issue of September 15, 1966, the following change should be made:

The land description in T. 24 N., R. 19 W., is amended to include secs. 22, 23, 24, 25, 26, and 27.

FRED J. WEILER,
State Director.

[F.R. Doc. 66-10990; Filed, Oct. 7, 1966; 8:48 a.m.]

[A 156]

ARIZONA

Notice of Proposed Classification of Public Lands for Retention for Multiple Use Management

OCTOBER 3, 1966.

In F.R. Doc. 66-10074, appearing on pages 12065 and 12066 of the issue of September 15, 1966, the following change should be made:

The sections in T. 16½ N., R. 18 W., are changed to secs. 19, 20, and 30.

FRED J. WEILER,
State Director.

[F.R. Doc. 66-10991; Filed, Oct. 7, 1966; 8:48 a.m.]

EASTERN STATES OFFICE

Notice of New Location

Notice is hereby given that effective October 17, 1966, the Eastern States Office of the Bureau of Land Management, including the Eastern States Land Office, will be located at 7981 Eastern Avenue, Silver Spring, Md. 20910.

On and after this date all matters required to be filed with the Eastern States Land Office should be sent to the above address. For a period of 60 days after publication of this notice in the FEDERAL REGISTER any such filings transmitted by mail or by telegram will also be accepted at the Bureau of Land Management, Department of the Interior, 19th and E Streets NW., Washington, D.C. 20240.

At the conclusion of the 60-day period above provided such filings with the Eastern States Land Office will be accepted only at the Silver Spring, Md., address. Necessary revisions will be made to appropriate sections of Title 43 of the Code of Federal Regulations as soon as practicable.

EUGENE V. ZUMWALT,
Acting Director.

OCTOBER 6, 1966.

[F.R. Doc. 66-11057; Filed, Oct. 7, 1966; 9:48 a.m.]

Fish and Wildlife Service

[Docket No. G-376]

JAMES O. RUSSELL, JR.

Notice of Loan Application

James O. Russell, Jr., Star Route, Box 5, Brownsville, Tex. 78520, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 67-foot steel vessel to engage in the fishery for all commercial species of shrimp.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

WILLIAM M. TERRY,
Acting Director, Bureau of Commercial Fisheries.

OCTOBER 4, 1966.

[F.R. Doc. 66-10951; Filed, Oct. 7, 1966; 8:45 a.m.]

MASTER HULL POLICIES

Intent To Request Proposals

Under the terms of the mortgages utilized in connection with loans to commercial fishermen authorized in section 4 of the Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742c), a mortgagor is required to obtain, among other things, hull insurance satisfactory to the Secretary of the Interior. Some of the basic requirements as respects the hull insurance coverage are that (a) the United States of America be the sole loss payee; (b) the vessel be insured for its full commercial value but in no event less than 110 percent of the outstanding balance of the note secured by the mortgage; and (c) the policy contain satisfactory Inchmaree and Breach of Warranty Clauses.

In the past, as a service to our borrowers and to potential borrowers, the Bureau of Commercial Fisheries has notified the interested public that the Commercial Fishermen's Inter-Insurance Exchange had a Master Hull Policy which, both in form and substance, met the requirements of our mortgage. This notice was merely informational and did not require the utilization of said Master Hull Policy. This Master Hull Policy expires on January 1, 1967.

The Bureau of Commercial Fisheries, in fulfilling its obligations under the Fish and Wildlife Act of 1956, as amended, desires to again notify the interested public of the existence of any Master Hull Policies which may be available to commercial fishing vessel owners or operators whose vessels serve as collateral for fisheries loans. The name of any qualified insurance company submitting a Master Hull Policy, found acceptable for use in connection with the Bureau's lending program, will be placed in an informational release along with the applicable premium charges. While this release will be distributed to the interested public there will be no compulsion that a borrower utilize any Master Hull Policy listed in such release.

Notice is hereby given of the intent to issue a request for such proposals. Interested persons may submit written comments, suggestions, or objections

with respect to the proposed request to the Director, Bureau of Commercial Fisheries, Department of the Interior, Washington, D.C. 20240, by November 1, 1966.

WILLIAM M. TERRY,
Acting Director, Bureau of Commercial Fisheries.

OCTOBER 4, 1966.

[F.R. Doc. 66-10952; Filed Oct. 7, 1966; 8:45 a.m.]

National Park Service

[Order 3]

CERTAIN DESIGNATED OFFICIALS; BIGHORN CANYON RECREATION AREA

Delegation of Authority Regarding Execution of Contracts and Purchase Orders for Supplies, Equipment, or Services

SECTION 1. *Administrative Assistant.* The Administrative Assistant may execute and approve contracts not in excess of $10,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

SEC. 2. *Supervisory Park Ranger (North District Park Ranger) and Supervisory Park Ranger (South District Park Ranger).* The Supervisory Park Ranger (North District Park Ranger) and the Supervisory Park Ranger (South District Park Ranger) may execute and approve contracts not in excess of $2,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

SEC. 3. *Revocation.* This order supersedes Order No. 2, Bighorn Canyon Recreation Area, published May 18, 1966 (31 F.R. 7251).

(National Park Service Order No. 34 (31 F.R. 4255); 39 Stat. 535; 16 U.S.C., sec. 2. Midwest Region Order No. 4 (31 F.R. 5769))

Dated: September 18, 1966.

JOSEPH C. RUMBURG, Jr.,
Superintendent, Bighorn Canyon Recreation Area.

[F.R. Doc. 66-10976; Filed, Oct. 7, 1966; 8:47 a.m.]

[Order 1]

ASSISTANT SUPERINTENDENT, ADMINISTRATIVE OFFICER, GENERAL SUPPLY ASSISTANT; CANYONLANDS NATIONAL PARK

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

1. Assistant Superintendent and Administrative Officer. The Assistant Superintendent and Administrative Officer may execute and approve contracts not in excess of $50,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

2. General Supply Assistant. The General Supply Assistant may execute and approve contracts not in excess of $2,500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

3. The authorities stated herein are applicable to Canyonlands National Park in its entire jurisdiction, including Arches and Natural Bridges National Monuments and the National Park Service Office of State Coordination, Salt Lake City, Utah.

4. Revocation. This order supersedes Arches National Monument Order No. 1, published April 26, 1963.

(National Park Service Order No. 34 (31 F.R. 4255); 39 Stat. 535; 16 U.S.C., sec. 2; Southwest Region Order No. 4 (31 F.R. 8134))

BATES E. WILSON,
Superintendent, Canyonlands National Park, Arches and Natural Bridges National Monuments.

[F.R. Doc. 66-10977; Filed, Oct. 7, 1966; 8:47 a.m.]

[Order 2]

ADMINISTRATIVE ASSISTANT, GENERAL SUPPLY ASSISTANT; CARLSBAD CAVERNS NATIONAL PARK

Delegation of Authority

SECTION 1. *Administrative Assistant.* The Administrative Assistant may execute and approve contracts not in excess of $25,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriations.

SEC. 2. *General Supply Assistant.* The General Supply Assistant may execute and approve contracts not in excess of $2,500 for supplies, equipment, and services in conformity with applicable regulations and statutory authority and subject to the availability of appropriations.

SEC. 3. *Revocation.* This order supersedes Order No. 1 filed March 26, 1959 (F.R. Doc. 59-2579).

(National Park Service Order No. 34 (31 F.R. 4255); 39 Stat. 535; 16 U.S.C., sec. 2; Southwest Region Order No. 4 (31 F.R. 8134))

PHILIP F. VAN CLEAVE,
Acting Superintendent, Carlsbad Caverns National Park.

SEPTEMBER 14, 1966.

[F.R. Doc. 66-10978; Filed, Oct. 7, 1966; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File Nos. 22-46, 22-53]

ELECTRICAL AGENCIES LTD. AND F. GEVIRTZMAN

Order Terminating Indefinite Denial Order

In the matter of Electrical Agencies (London) Ltd. and F. Gevirtzman, Managing Director; 15 Percy Street, Tottenham Court Road, London, W. 1, England; Respondents; File Nos. 22-46, 22-53.

On May 1, 1953 (18 F.R. 2659), the Office of International Trade, Predecessor of the Bureau of International Commerce, entered an order against the above respondents denying them, for an indefinite period, all privileges of participating in exportations from the United States, for failure to answer interrogatories served under authority of the Export Control Act of 1949, and without giving reasons for such failure.

The respondents have petitioned for relief from the denial order and the matter was referred to the Compliance Commissioner for consideration. The Compliance Commissioner has found that adequate reasons have now been given for failure to answer the interrogatories and that good cause for terminating the denial order has been shown. He has recommended that an order be entered terminating the denial order. I concur in the Compliance Commissioner's finding and adopt his recommendation.

Accordingly, it is ordered, That the said order of May 1, 1953, be and is hereby terminated and the respondents' export privileges are restored.

Dated: October 3, 1966.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 66-10950; Filed, Oct. 7, 1966; 8:45 a.m.]

Maritime Administration

[Docket No. S-200]

AMERICAN EXPORT ISBRANDTSEN LINES, INC.

Notice of Application

Notice is hereby given that American Export Isbrandtsen Lines, Inc., has filed application dated August 2, 1966, for written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, to permit a gas turbine roll-on/roll-off ship, to be owned and operated by its related companies under a long-term charter to Military Sea Transportation Service, to be used from time to time in domestic intercoastal and coastwise service during the period of such charter, as directed by the Military Sea Transportation Service or the Department of Defense.

Interested parties may inspect this application in the Office of Government Aid, Maritime Administration, Room 4077, GAO Building, 441 G Street NW., Washington, D.C.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or submit a written statement with reference to the application must, before the close of business on October 24, 1966, make such submission or notify the Secretary, Maritime Subsidy Board/Maritime Administration in writing, in triplicate, and file petition for leave to intervene which shall state clearly and concisely the grounds

of interest, and the alleged facts relied on for relief. Notwithstanding anything in § 201.78 of the rules of practice and procedure, Maritime Subsidy Board/Maritime Administration (46 CFR 201.78) petitions for leave to intervene received after the close of business October 24, 1966, will not be granted in this proceeding.

If no petitions for leave to intervene are received within the specified time, or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions are received from parties with standing to be heard on the application, a hearing will be held October 26, 1966 at 10 a.m., in Room 4519, General Accounting Office Building, 441 G Street NW., Washington, D.C. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service or (b) would be prejudicial to the objects and policy of the Act.

Dated: October 5, 1966.

By order of Maritime Subsidy Board/Maritime Administration.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 66-10988; Filed, Oct. 7, 1966; 8:48 a.m.]

DELTA STEAMSHIP LINES, INC.

Notice of Application

Notice is hereby given that Delta Steamship Lines, Inc., has applied for permission to provide service without prior approval of the Maritime Administration between U.S. ports in the Gulf of Mexico and Barbados, British West Indies, with freight ships operating in its subsidized service on Trade Route No. 14 between U.S. Atlantic ports and ports on the West Coast of Africa. This company may presently provide service with these ships between U.S. ports in the Gulf of Mexico and the West Indies but only with the prior approval of the Maritime Administration.

Any person, firm, or corporation having any interest in such application and desiring a hearing under section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should by the close of business on October 24, 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: October 5, 1966.

By order of the Maritime Subsidy Board.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 66-10989; Filed, Oct. 7, 1966; 8:48 a.m.]

Office of the Secretary

INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Advance Notice of Proposed Rule Making

The Secretary of Commerce is now developing the initial Federal motor vehicle safety standards contemplated by section 103(h), first sentence, of the National Traffic and Motor Vehicle Safety Act of 1966, 80 Stat. 718 (the Act).

This advance notice of proposed rule making solicits suggestions, opinions, and proposals that interested persons believe the Secretary should consider in promulgating the initial Federal Motor Vehicle Safety Standards pursuant to the Act. Among the definitions in the Act that are most pertinent to the comments solicited herein are:

"Motor vehicle safety" means the performance of motor vehicles or motor vehicle equipment in such a manner that the public is protected against unreasonable risk of accidents occurring as a result of the design, construction, or performance of motor vehicles and is also protected against unreasonable risk of death or injury to persons in the event accidents do occur, and includes nonoperational safety of such vehicles.

"Motor vehicle safety standards" means a minimum standard for motor vehicle performance, or motor vehicle equipment performance, which is practicable, which meets the need for motor vehicle safety and which provides objective criteria.

"Motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails.

"Motor vehicle equipment" means any system, part, or component of a motor vehicle as originally manufactured or any similar part or component manufactured or sold for replacement or improvement of such system, part, or component or as an accessory, or addition to the motor vehicle.

The Act provides in section 201 of Title II that in all standards for pneumatic tires established under Title I, the Secretary shall require that tires subject thereto be permanently and conspicuously labeled with appropriate safety information. Comments on these tire matters are also invited.

The law requires that the initial Federal Motor Vehicle Safety Standards be based upon existing safety standards. The Secretary has tentatively decided that the existing safety standards he will consider include, among others, the regulations prescribed by the General Services Administration for vehicles purchased by the Federal Government (41 CFR Subpart 101-29.3), the regulations on parts and accessories necessary for safe operation of certain vehicles issued by the Interstate Commerce Commission (49 CFR Part 193), and the trade conference rules prescribed by the Federal Trade Commission for the rubber tire industry (16 CFR Part 115). Comments are invited on any other existing safety standards that interested persons believe the Secretary should consider as well.

All communications must be addressed to the Secretary of Commerce, U.S. Department of Commerce, Washington, D.C. 20230, and transmitted to him in twenty (20) legible copies. All communications received on or before November 1, 1966, will be considered. All communications received will be available both before and after the closing date for examination by interested persons.

After further consideration and in light of the comments received hereon and other material data, a notice of rulemaking will be issued, in conformity with section 4(a) of the Administrative Procedure Act, proposing the initial motor vehicle safety standards to be adopted by the Secretary. Further comments will be received on that notice at that time.

This action is taken under the authority of section 119 of the National Traffic and Motor Vehicle Safety Act of 1966, 80 Stat. 718.

Issued in Washington, D.C., on October 6, 1966.

JOHN T. CONNOR,
Secretary of Commerce.

[F.R. Doc. 66-11028; Filed, Oct. 7, 1966; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

[Docket No. 66-52]

NEW YORK FREIGHT BUREAU ET AL.

Notice of Intent and Order To Show Cause

By declaratory order served this date,[1] we decided that:

[1] In the matter of the petition of New York Freight Bureau (Hong Kong) for a declaratory order.

1. States Marine Lines' telegram protest of March 1, 1966, filed prior to approval of Agreement 5700-8 operated to withdraw Agreement 5700-8 from the Commission's consideration.

2. Our order of May 13, 1966, which approved Agreement 5700-8 in part, was void ab initio since said agreement was not properly before the Commission for approval.

3. Agreements 5700-6 and 5700-7 have been withdrawn prior to approval.

4. That Agreement 5700-4 as approved on July 29, 1960, is presently in full force and effect and constitutes the basic agreement under which the New York Freight Bureau (Hong Kong) is permitted to operate.

5. Agreement 5700-4 does not satisfy the requirements of section 15 and General Orders 7 and 9 promulgated thereunder, in that it does not contain a system of self-policing and does not meet the required criteria for admission, withdrawal, and expulsion of members.

The members of the New York Freight Bureau (Hong Kong) were able to agree upon amendments to this conference agreement which would satisfy the requirements of General Orders 7 and 9. Agreements 5700-6 and 5700-7 received the unanimous support of all the Bureau members. Similarly, Agreement 5700-8 was approved unanimously by the Bureau. Nevertheless, States Marine Lines has chosen to withdraw from these amended agreements prior to approval, thereby removing them from the Commission's consideration.

There are only two courses of action now open to the Commission. The first would be to withdraw approval of Agreement 5700-4. Unless satisfactory self-policing and membership provisions are added to the agreement, this course is clearly necessary under section 15.

The second would be to modify Agreement 5700-4 by adding amendments which would give the conference an adequate system of self-policing and proper provisions for the admission, withdrawal, and expulsion.

Under section 15, we are empowered "by order, after notice and hearing," to modify or disapprove any agreement found to be in violation of the Act.

Accordingly, the members of the New York Freight Bureau (Hong Kong) are hereby notified, pursuant to our authority under section 15 of the Shipping Act, 1916, that we intend to modify Agreement 5700-4 by deleting subparagraphs 10(b), 10(c), 10(d), and 10(e) and by adding new paragraphs 12 through 16, as set forth in the Appendix A below.

We see no need for the taking of evidence in this proceeding since no genuine issues of material fact are presented. The modifications to Agreement No. 5700-4, which the Commission proposes to make as specified in this notice, have twice been considered and "approved" by the Commission as satisfying the requirements of section 15 and General Orders 7 and 9. Should any of the parties to this proceeding consider that there are disputed issues of fact which are relevant to this proceeding, such facts shall be specified with particularity by means of affidavits setting forth such facts, together with a statement of their relevance to the issue in question. Should any other parties dispute these facts by a similar affidavit, the disputed issues of fact, if relevant, will be set down for an evidentiary hearing.

Now therefore, pursuant to sections 15 and 22 of the Shipping Act, 1916, as amended,

It is ordered, That the common carriers by water designated in Appendix B hereto show cause why Agreement No. 5700-4 should not be amended in the manner proposed in this notice or, in the alternative, why approval of Agreement No. 5700-4 should not be withdrawn on the grounds that:

1. It fails to provide reasonable and equal terms and conditions for admission and readmission to conference membership of other qualified carriers in the trade, or fails to provide that any member may withdraw from membership upon reasonable notice without penalty for such withdrawal, as required by section 15 of the Act and General Order 9; and

2. Fails to contain provisions for adequate policing of the obligations under it, as required by section 15 of the Shipping Act, 1916, and General Order 7 of the Federal Maritime Commission promulgated thereunder.

It is further ordered, That this proceeding shall be limited to the submission of affidavits and memoranda and oral argument. The affidavits of fact and memoranda of law shall be filed by respondents no later than close of business October 18, 1966, replies thereto shall be filed by Hearing Counsel and interveners, if any, no later than close of business October 28, 1966. An original and 15 copies of affidavits of fact, memoranda of law, and replies are to be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Copies of any papers filed with the Secretary should also be served upon all parties hereto. Oral argument, if granted, will be heard at a date and time to be announced later.

It is further ordered, That the carriers indicated in Appendix B are hereby made respondents in this proceeding;

It is further ordered, That this order be published in the FEDERAL REGISTER and a copy of such order be served upon each respondent.

Persons other than respondents and Hearing Counsel who desire to become a party to this proceeding shall file a petition for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure no later than the close of business October 11, 1966, with a copy to respondents.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX A

12. Copies of the minutes of all meetings, including meetings of the committees authorized to také final action as well as those of the conference shall be promptly furnished to the Federal Maritime Commission. These minutes shall be authenticated by the Chairman/Secretary or other duly authorized New York Freight Bureau (Hong Kong) official.

13. *Faithful Performance: Bond.*

As a guarantee of faithful performance hereunder, and of prompt payment of any liquidated damages which may accrue against them or of any award or judgment which may be rendered against them hereunder, the parties hereto agree to deposit with the New York Freight Bureau Chairman/Secretary the sum of US$30,000 (thirty thousand) or its equivalent in Hong Kong currency or a confirmed irrevocable letter of credit, in such form as may be approved by the New York Freight Bureau, in the aforesaid sum of US$30,000 (thirty thousand) or it equivalent in Hong Kong currency established by a bank being a member of the Honk Kong Exchange Banks Association and which is acceptable to the New York Freight Bureau, providing that it may be drawn upon by draft signed in the name of the New York Freight Bureau by the Chairman/Secretary and by the authorized representatives of any two Member Lines and payable to the New York Freight Bureau to which there shall be attached a certificate signed by the Chairman/Secretary to the effect that there has been assessed or adjudged against the party who shall have deposited the said letter of credit a penalty or penalties in the amount of the said draft. Such depositing party undertakes and agrees in the event of the payment of the said draft to cause a new letter of credit in the sum of US$30,000 (thirty thousand) or its equivalent in Hong Kong currency, similar in its terms, to be issued immediately in replacement for that upon which the draft has been made. Among other such provisions as the New York Freight Bureau may require, the New York Freight Bureau may insist upon provisions in such letter of credit which will render it most certain that payment must be made by the bank immediately upon the compliance by the Chairman/Secretary with the aforesaid conditions.

14. *Self-Policing System.*

It is hereby agreed and declared by and between the parties hereto that:

(a) A report shall immediately be made in writing to the Chairman/Secretary in respect of any information which appears to such party hereto to be reasonably reliable of the commission by any other party hereto of a violation of this Agreement.

(b) A report shall immediately be made in writing to the Chairman/Secretary in respect of any information which such party hereto shall have received from any shipper or from any other source considered to be reliable that any party hereto has committed a violation of this Agreement.

(c) It shall be the duty of the Chairman/Secretary to investigate immediately all such reports submitted by parties hereto in addition to any such reports in writing he may receive direct from shippers or from any other source considered to be reliable, for which purpose the Chairman/Secretary shall hereby be authorized to engage the services of such qualified persons as he may consider necessary for a thorough and complete investigation to be made.

(d) It shall also be the duty of the Chairman/Secretary to ascertain, on his own initiative, whether or not the parties hereto have strictly complied with the terms of this Agreement, the provisions incorporated in the New York Freight Bureau tariff and all other decisions regularly and properly made by the parties hereto and, in the event that there is any reason to believe that there has been a violation of any of the aforesaid obligations, he shall file a complaint with respect thereto as above provided.

(e) The Chairman/Secretary shall be furnished such pertinent records of the parties hereto, their agents, subagents, affiliates, subsidiaries, freight brokers, compradores and/or Chinese Freight Agents, wherever located, as may be required in the enforcement of this Agreement and the decisions of the New York Freight Bureau, and the failure of any party hereto either on their own behalf or the aforementioned additional parties shall constitute a violation of this Agreement.

(f) Upon the completion of such investigations, the Chairman/Secretary shall lay before the membership his written report thereon, and such report shall include all relevant particulars thereto other than the identity of the party hereto or other person from whom the report originated.

(g) Such written reports shall constitute and are hereafter referred to as complaints. A copy thereof shall be furnished to the accused party not less than 20 days prior to the time that the matter is submitted to a vote of the parties as provided in subparagraph (h), of the paragraph.

(h) All such complaints shall be submitted to a vote of the parties hereto other than the party charged with the violation, after giving the party charged in the respective complaint an opportunity to adduce evidence in its defense. If the parties hereto, other than the party so charged shall, by a three-fourths affirmative vote of all parties entitled to vote, determine that the violation or violations alleged in the complaint have been proved, the party charged with the violation or violations shall be subject to liquidated damages as hereinafter provided in respect of each and every violation so proved; but if the party accused is dissatisfied with the decision reached as aforesaid, such party shall have the right to appeal, it being incumbent upon the accused party to make any such appeal within 10 days following the aforementioned determination. In which event the question of violation shall be left to the determination of a majority of three arbitrators, one arbitrator to be nominated by the accused, the second by a three-fourths affirmative vote of the remaining parties, and the third arbitrator to be nominated by the arbitrators so chosen, it being incumbent upon the parties concerned to nominate the first and second arbitrators within 30 days of the appeal being made by the accused party. In the event the accused party does not appoint an arbitrator within the said 30 days, the accused party will thereby forfeit its right to appeal. Such arbitrations shall take place in Hong Kong and any decision so arrived at shall be binding and final, and the parties hereto agree that such decision shall be equivalent to a legal judgment given by the highest court of law, and the parties to this Agreement hereby waive and abandon every right to take any legal action to obtain a review or reversal of the decision so made.

However, it shall not be a breach of this agreement for any line to refer any matter arbitrated to the Federal Maritime Commission for a decision as to whether or not the matter arbitrated was within the jurisdiction of the arbitrators in the terms of this agreement; or, as to whether or not any decision rendered constitutes a modification of this agreement.

(i) Inasmuch as it will be impossible to ascertain or measure the amount of damages which the parties hereto will suffer by reason of the breach of this Agreement, the parties hereto expressly agree that the damages suffered thereby by each party hereto shall be assessed on the basis of a three-fourths majority vote as above provided but that, in any event, such damages shall be subject to the undernoted maxima, exclusive of any arbitration costs which may accrue to the accused party:

(*i*) First offence—Up to a maximum of US$10,000.00 or its equivalent in H.K. currency.

(*ii*) Second offence—Up to a maximum of US$15,000.00 or its equivalent in H.K. currency.

(*iii*) Third offence—Up to a maximum of US$20,000.00 or its equivalent in H.K. currency.

(*iv*) Fourth and any subsequent offences—Up to a maximum of US$30,000.00 or its equivalent in H.K. currency.

(j) The Chairman/Secretary shall notify in writing the party against whom a violation shall have been found of the decision against it and the amount of liquidated damages which shall have been assessed against it. In the absence of any appeal by such notified party in accordance with the provisions of Article 14(h) hereof, the party thus notified shall pay the amount of such liquidated damages within a period of ten (10) days. In the event that it shall fail or refuse to make such payment within said period, the other parties may have resort to the performance bond which such party shall have deposited in accordance with the provisions contained in Article 13 of this Agreement; and each party hereto hereby authorizes the Chairman/Secretary, in case that a decision shall be made against it, to the effect that it has violated this Agreement, and in case liquidated damages are assessed against it and it shall fail to pay said damages within the period of ten (10) days after such notice has been given to it by the Chairman/Secretary, to pay the amount of said liquidated damages to the other parties hereto from the cash which it shall have deposited or, if its performance bond shall be by way of a confirmed irrevocable letter of credit, to draw upon the letter of credit and pay the amount of such liquidated damages to the other parties from the proceeds thereof, such payments to the other parties being on a pro rata basis. The costs incurred in arbitration proceedings shall be dealt with in the award.

(k) It is hereby agreed and declared by and between the parties hereto that each party hereto shall be fully responsible for the acts and omissions of its parent companies, agents, subagents, affiliates, subsidiaries, freight brokers, compradores, and/or Chinese Freight Agents, and an act done or omitted to be done by an agent, subagent, affiliate, subsidiary, freight broker, compradore, and/or Chinese Freight Agent, which would constitute a violation of this Agreement, if done or omitted to be done by the party itself, shall for all purposes hereof, constitute a violation of this Agreement by such party, for which such party shall be liable for damages in the same amount as if it had done or omitted the said act.

(l) In the event of the termination of this Agreement or the expulsion or voluntary withdrawal of any of the parties hereto, the performance bond deposited by the parties concerned shall be returned to them, together with accrued interest, but only after any complaints which may be pending against the parties concerned at the time of its expulsion or withdrawal or at the time of the termination of this Agreement, as the case may be, have been satisfied.

15. *Admission to Membership.*

(a) Any common carrier by water which has been regularly engaged as a common carrier in the trade covered by this Agreement, or who furnishes evidence of ability and intention in good faith to institute and maintain such a common carrier service between ports within the scope of this Agreement, and who evidences an ability and intention in good faith to abide by all the terms and conditions of this Agreement, may hereafter become a party to the New York Freight Bureau, promptly following written application to the New York Freight Bureau for membership, such application to set forth evidence demonstrating compliance with the foregoing requirements, by affixing its signature hereto, or to a counterpart hereof, and by payment to the New York Freight Bureau of any outstanding financial obligation arising from prior membership of the New York Freight Bureau, and by posting with the New York Freight Bureau security for faithful performance of its obligations as provided in Article 13 hereof.

(b) Every application for membership shall be acted upon promptly.

(c) No carrier which has complied with the conditions set forth in paragraph (a) of this article, shall be denied admission or readmission to membership.

(d) Prompt notice of admission to membership shall be furnished to the Federal Maritime Commission and no admission shall be effective prior to the postmark date of such notice.

(e) Advice of any denial of admission to membership, together with a statement of the reasons therefor, shall be furnished promptly to the Federal Maritime Commission.

16. *Withdrawal and Expulsion of Membership.*

(a) Any party may withdraw from the Conference without penalty by giving at least sixty (60) days' written notice of intention to withdraw to the Conference: *Provided, however,* That action taken by the Conference to compel the payment of outstanding financial obligations by the resigning Member shall not be construed as a penalty for withdrawal.

(b) Notice of withdrawal of any party shall be furnished promptly to the Federal Maritime Commission.

(c) No party may be expelled against its will from this Conference except for failure to maintain a common carrier service between the ports within the scope of this Agreement, or for failure to abide by all the terms and conditions of this Agreement.

(d) No expulsion shall become effective until a detailed statement setting forth the reason or reasons therefor has been furnished to the expelled Member and a copy of such notification submitted to the Federal Maritime Commission.

APPENDIX B

New York Freight Bureau, Hong Kong, D. Parker, Chairman/Secretary, P & O Building, Des Voeux Road Central, Hong Kong, British Crown Colony.

American President Lines, Ltd., 29 Broadway, New York, N.Y. 10006.

Barber-Wilhelmsen Line—Joint Service, c/o Barber Steamship Line, Inc., 17 Battery Place, New York, N.Y. 10004.

Blue Sea Line, c/o Funch, Edye & Co., 25 Broadway, New York, N.Y. 10004.

Central Gulf Steamship Corp., 1 Whitehall Street, New York, N.Y. 10004.

Japan Line, Ltd., c/o A. L. Burbank & Co., Ltd., 120 Wall Street, New York, N.Y. 10005.

Kawasaki Kisen Kaisha, Ltd., c/o Kerr Steamship Co., 51 Broad Street, New York, N.Y. 10004.

Lykes Bros. Steamship Co., Inc., 17 Battery Place, New York, N.Y. 10004.

Marchessini Lines, c/o P. D. Marchessini & Co., Inc., 26 Broadway, New York, N.Y. 10004.

Maritime Co. of the Philippines, Inc., c/o Furness, Withy & Co., Ltd., 34 Whitehall Street, New York, N.Y. 10004.

Mitsui O.S.K. Lines, Ltd., 17 Battery Place, New York, N.Y. 10004.

Moller-Maersk Lines, A.P., c/o Moller Steamship Co., Inc., 67 Broad Street, New York, N.Y. 10004.

Nedlloyd Lines, Inc., 25 Broadway, New York, N.Y. 10004.

Nippon Yusen Kaisha, Ltd., 25 Broadway, New York, N.Y. 10004.

States Marine Lines—Joint Service, c/o States Marine-Isthmian Agency, Inc., 90 Broad Street, New York, N.Y. 10004.
United Philippine Lines, Inc., c/o Stockard Shipping Co., Inc., 17 Battery Place, New York, N.Y. 10004.
United States Lines Co. (American Pioneer Line), 1 Broadway, New York, N.Y. 10004.
Yamashita-Shinnihon Steamship Co., Ltd., c/o Texas Transport & Terminal Co., Inc., 52 Broadway, New York, N.Y. 10004.

[F.R. Doc. 66-10993; Filed, Oct. 7, 1966; 8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), and Administrative Order No. 579 (28 F.R. 11524) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as indicated.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize ten percent of the total number of factory production workers except as otherwise indicated.

The Arrow Co., 2022 Murphy Avenue, SW., Atlanta, Ga.; 10-1-66 to 9-30-67 (men's shirts).

Michael Berkowitz Co., Inc., Uniontown, Pa.; 9-12-66 to 9-11-67 (men's, ladies', and children's pajamas).

Big Ace Corp., 355 Oneta Street, Athens, Ga.; 9-13-66 to 9-12-67 (overalls and dungarees).

Bryan Infants' Wear, Inc., 6907 East 14th Street, Tulsa, Okla.; 9-29-66 to 9-28-67; 10 learners (infants' wear).

Continental Manufacturing Co., Knoxville, Iowa; 9-20-66 to 9-19-67 (single pants).

Continental Manufacturing Co., Oskaloosa, Iowa; 9-20-66 to 9-19-67 (single pants).

D & D Shirt Co., 1801 Newport Avenue, Northampton, Pa.; 9-14-66 to 9-13-67 (men's shirts and ladies' blouses).

Elder Manufacturing Co., Sainte Genevieve, Mo.; 9-19-66 to 9-18-67 (boys' shirts).

Fairmont Manufacturing Co., Inc., Post Office Box 625, Fairmont, N.C.; 9-14-66 to 9-13-67; 10 learners (ladies' nightgowns, pajamas, etc.).

Gregg-Harriet Shirt Co., Broad Street, Exmore, Va.; 9-16-66 to 9-15-67 (men's shirts).

Higginsville Garment Co., Inc., Higginsville, Mo.; 10-1-66 to 9-30-67 (ladies' uniforms).

Janmark, Inc., Post Office Box 8, Highway 111 North, Albertson, N.C.; 9-20-66 to 9-19-67; 10 learners (girls' outerwear jackets).

Johnson Garment Corp., Marshfield, Wis.; 9-14-66 to 9-13-67; 8 learners (men's outerwear jackets).

Laurel Industrial Garment Manufacturing Co., Post Office Box 2397, Laurel, Miss.; 9-20-66 to 9-19-67 (men's shirts).

Logan Manufacturing Co., Johnson and Spring Streets, Russellville, Ky.; 9-24-66 to 9-23-67 (work pants).

Miller Manufacturing Co., Inc., 928 Virginia Street, Joplin, Mo.; 9-27-66 to 9-26-67 (trousers and shirts).

Morehead City Garment Co., Inc., Morehead City, N.C.; 9-13-66 to 9-12-67 (men's shirts).

Pella Manufacturing Corp., 707 East Third Street, Pella, Iowa; 9-19-66 to 9-18-67; 10 learners (work clothes).

Prescott Manufacturing Corp., Prescott, Ark.; 9-15-66 to 9-14-67 (men's and boys' pajamas).

Ridgely Manufacturing Co., Ridgely, Tenn.; 9-14-66 to 9-13-67 (outerwear jackets).

Roydon Wear, Inc., McRae, Ga.; 9-12-66 to 9-11-67 (boys' trousers and shorts).

Salley Manufacturing Co., Post Office Box 516, Salley, S.C.; 9-12-66 to 9-11-67 (ladies' slacks and shorts).

Levi Strauss & Co., Denison Branch, Highway 84 West, Post Office Box 328, Denison, Tex.; 9-27-66 to 9-26-67 (men's and boys' slacks).

Sun-Flo Sportswear, 219 Arch Street, Nanticoke, Pa.; 9-18-66 to 9-17-67; 10 learners (ladies' blouses).

Toll Gate Garment Co., Inc., Hamilton, Ala.; 10-1-66 to 9-30-67 (men's and boys' shirts).

Westmoreland Manufacturing Co., Westmoreland, Tenn.; 9-21-66 to 9-20-67 (ladies' blouses).

Wilcox Garment Co., Inc., Rochelle, Ga.; 9-15-66 to 9-14-67 (men's and boys' shirts).

Winston Uniform Corp., Highway 278 East, Box 296, Double Springs, Ala.; 9-19-66 to 9-18-67 (men's coveralls, trousers, and outerwear jackets).

The following plant expansion certificate was issued authorizing the number of learners indicated.

Michael Berkowitz Co., Inc., Uniontown, Pa.; 9-12-66 to 3-11-67; 45 learners (men's, ladies', and children's pajamas).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.80 to 522.85)

Bayuk Cigars, Inc., Morgan Street, Selma, Ala.; 9-29-66 to 9-28-67; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.40 to 522.43, as amended)

Excel Hosiery Mills, Inc., 203-205 Hart Street, Union, S.C.; 9-17-66 to 9-16-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

East Tennessee Undergarment Co., Inc., New Johnson City Highway, Post Office Box 111, Elizabethton, Tenn.; 9-12-66 to 3-11-67; 40 learners for plant expansion purposes (ladies' and children's nylon and rayon undergarments).

East Tennessee Undergarment Co., Inc., New Johnson City Highway, Post Office Box 111, Elizabethton, Tenn.; 9-21-66 to 9-20-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' and children's nylon and rayon undergarments).

Junior Form Lingerie Corp., 428 Morris Avenue, Boswell, Pa.; 9-13-66 to 9-12-67; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.9, as amended).

The following learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number of learners authorized to be employed, are indicated.

Puritana Manufacturing Corp., Apartado 8, Aguas Buenas, P.R.; 8-18-66 to 8-17-67; 39 learners for normal labor turnover purposes in the occupations of: (1) Knitting, for a cleaning period of 480 hours at the rates of 88 cents an hour for the first 240 hours and $1.03 an hour for the remaining 240 hours; and (2) machine stitching, pressing, each for a learning period of 320 hours at the rates of 88 cents an hour for the first 160 hours and $1.03 an hour for the remaining 160 hours (full-fashioned sweaters and shirts).

The following student-worker certificate was issued pursuant to the regulations applicable to the employment of student-workers (29 CFR 527.1 to 527.9). The effective and expiration dates, occupations, wage rates, number of student-workers, and learning periods for the certificate issued under Part 527 are as indicated below:

Oak Park Academy, Nevada, Iowa; 9-8-66 to 8-31-67; authorizing the employment of: (1) 10 student-workers in the printing industry in the occupations of compositor, pressman, and related skilled and semiskilled occupations including incidental clerical work in the shop, for a learning period of 1,000 hours at the rates of $1.10 an hour for the first 500 hours and $1.15 an hour for the remaining 500 hours; and (2) 20 student-workers in the broom manufacturing industry in the occupations of broom maker, stitcher, and related skilled and semiskilled occupations, for a learning period of 360 hours at the rates of $1.10 an hour for the first 180 hours and $1.15 an hour for the remaining 180 hours (replacement certificate).

The student-worker certificate was issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificates, as interpreted and applied by Part 527.

Each learner certificate has been issued upon the representations of the employer, which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The

certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528.

Signed at Washington, D.C., this 30th day of September 1966.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 66-10980; Filed, Oct. 7, 1966; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2613]

GENERAL PRECISION EQUIPMENT CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 3, 1966.

In the matter of application of the Pacific Coast Stock Exchange, for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

General Precision Equipment Corp., File 7-2613.

Upon receipt of a request, on or before October 18, 1966, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-10941; Filed, Oct. 7, 1966; 8:47 a.m.]

[File Nos. 7-2615—7-2617]

SHERATON CORPORATION OF AMERICA ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

OCTOBER 3, 1966.

In the matter of applications of the Philadelphia-Baltimore-Washington 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
Sheraton Corporation of America	7-2615
Bourns, Inc	7-2616
Scientific Data Systems, Inc	7-2617

Upon receipt of a request, on or before October 18, 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. 66-10982; Filed, Oct. 7, 1966; 8:48 a.m.]

[File No. 70-4418]

CONSOLIDATED NATURAL GAS CO.

Charter Amendment Relating to Stock Split and Order Authorizing Solicitation of Proxies

OCTOBER 4, 1966.

Notice is hereby given that Consolidated Natural Gas Co. ("Consolidated"), 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, has filed a declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

Consolidated proposes to amend its Certificate of Incorporation to increase and reclassify its authorized capital stock from 9,500,000 shares, par value $10 per share ("old shares"), to 20,000,000 shares, par value $8 per share ("new shares"), and to issue and distribute to its stockholders one additional new share for each of the 9,056,808 old shares presently outstanding. After the reclassification, the outstanding certificates for old shares will evidence a like number of new shares. To give effect to the foregoing transactions, the aggregate par value of the capital stock will be increased from $90,568,080 to $144,908,928 by the transfer of $54,340,848 from the capital surplus account to the capital stock account. It is stated that the proposed reclassification and issue of the additional shares of capital stock will result in a wider distribution and a broader market for such stock.

The proposed amendment of the Certificate of Incorporation will require the affirmative vote of the holders of a majority of Consolidated's outstanding capital stock, and Consolidated proposes to solicit proxies with respect thereto for use at a special meeting of stockholders to be held on December 2, 1966. The solicitation material and the form of proxy have been filed pursuant to Rule 62 under the Act, and Consolidated has requested that the declaration under Rule 62 be accelerated so as to become effective on or before October 4, 1966.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions are estimated at $175,000, including $23,000 charges of the transfer agent in connection with the solicitation of proxies and the special meeting of stockholders, $90,000 fees and expenses of the transfer agent in issuing additional certificates, $7,000 fees of registrar, $23,000 New York Stock Exchange listing fee, and $7,500 charges of the system service company, at cost.

Notice is further given that any interested person may, not later than November 1, 1966, request in writing that a hearing be held in connection with the proposed amendment of the Articles of Incorporation and the issuance of additional shares of capital stock, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration, as amended, 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 person-

ally or by mail (air mail 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 or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

It appearing to the Commission that Consolidated's request for acceleration of the effectiveness of its declaration, as amended, under Rule 62 should be granted:

It is ordered, That the declaration, as amended, filed pursuant to Rule 62 regarding the proxy solicitation be, and the same hereby is, permitted to become effective forthwith.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-10992; Filed, Oct. 7, 1966; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 265]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 5, 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 108207 (Sub-No. 208 TA), filed September 30, 1966. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham, General Traffic Manager, 318 Cadiz Street, Post Office Box 5888, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine and salad dressing*, from Memphis, Tenn., to points in Mississippi on and north of U.S. Highway 80, for 180 days. Supporting shipper: Anderson, Clayton & Co. Foods Division, Post Office Box 35, Dallas, Tex. 75221. Send protests to: E. K. Willis, Jr., District Supervisor, Interstate Commerce, Bureau of Operations and Compliance, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 123393 (Sub-No. 167 TA), filed October 3, 1966. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale, Box 948, Commercial Station, Springfield, Mo. 65803. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods, and pies* not baked, and *agricultural commodities*, the transportation of which is partially exempt under the provisions of section 203(b)(6) of the Interstate Act if transported in vehicles not used in carrying any other property when moving in the same vehicle at the same time with foodstuffs from Turlock, Calif., and named origin points in Missouri, and when moving in vehicles equipped with mechanical refrigerating and heating units, (1) from Turlock, Calif., to points in Washington, Oregon, Idaho, Montana, Nevada, Utah, Wyoming, Colorado, Nebraska, Arizona, New Mexico, and Texas, (2) from Carrollton, Macon, Marshall, Milan, Moberly, St. Joseph, Sedalia, Mo., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, West Virginia, Virginia, Delaware, Maryland, Pennsylvania, and the District of Columbia, for 180 days. Supporting shipper: Banquet Canning Co., Division of F. M. Stamper Co., 1221 Locust Street, St. Louis, Mo. 63103. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 125708 (Sub-No. 62 TA), filed October 3, 1966. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosoted poles and lumber*, from Meridian, Miss., to Tremont, Ill., for 180 days. Supporting shipper: Moss-American, Inc., Security Building, St. Louis, Mo. 63102. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 476, 325 West Adams Street, Springfield, Ill. 62704.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-10996; Filed, Oct. 7, 1966; 8:49 a.m.]

ORGANIZATION OF DIVISIONS AND BOARDS

Assignment of Duties

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 19th day of September 1966.

Section 17 of the Interstate Commerce Act, as amended (49 U.S.C. 17), and other provisions of law being under consideration with a view to reassigning uncontested revocations of water carrier and freight forwarder authorities to the Temporary Authorities Board:

It is ordered, That the "Organization Minutes of the Interstate Commerce Commission relating to the Organization of Division and Boards and Assignment of Work," issue of July 27, 1965, as amended (30 F.R. 11189, 12559, 13302; 31 F.R. 242, 4762, 9529, 12693), be further amended as follows:

1. Under the heading Assignment of Duties to Division, paragraphs (o) and (t) of Item 4.2 are amended to read as follows:

4.2 Division One—Operating Rights Division.

* * * * *

(o) Section 212(a) (including sec. 204 (c) when pertinent thereto), relating to suspension, change, and revocation of certificates, permits, and licenses except determination of uncontested revocation proceedings which have not involved the taking of testimony at a public hearing unless certified to the Division by the Temporary Authorities Board.

* * * * *

(t) Sections 303(l), 309, and 310, relating to certificates of public convenience and necessity and permits; section 311(a), relating to temporary authorities, when certified to the Division by the Temporary Authorities Board; section 312(a), relating to revocation of certificates and permits except determination of uncontested proceedings which have not involved the taking of testimony at a public hearing unless certified to the Division by the Temporary Authorities Board; section 410 (a) to (f), inclusive, section 410 (h) and (i), relating to permits, except matters assigned to and determined by an Operating Rights Board pursuant to Item 7.11(a)(1) or the Temporary Authorities Board pursuant to Item 7.4(c).

* * * * *

2. Under the heading Assignments to Boards, Item 7.4(c) is amended to read as follows:

7.4 *Temporary Authorities Board:*

* * * * *

(c) Determination of uncontested motor carrier, broker, water carrier, and freight forwarder revocation proceedings under sections 212(a), 312a, and 410(f) which have not involved the taking of testimony at a public hearing.

* * * * *

By the Commission.

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

[F.R. Doc. 66-10997; Filed, Oct. 7, 1966; 8:49 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 5, 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. 40730—*Chlorine from Calvert, Ky.* Filed by O. W. South, Jr., agent (No. A4948), for interested rail carriers. Rates on chlorine, in tank carloads, from Calvert, Ky., to Charlotte and Chemway, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 107 to Southern Freight Association, agent, tariff ICC S-484.

FSA No. 40731—*Cinders to points in southern territory.* Filed by Southwestern Freight Bureau, agent (No. B-8910), for interested rail carriers. Rates on cinders, clay, or shale, in carloads, from Arkalite and Edmondson, Ark., also Alexandria, La., to points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 113 to Southwestern Freight Bureau, agent, tariff ICC 4565.

FSA No. 40732—*Stone to points in western trunkline territory.* Filed by Western Trunk Line Committee, agent (No. A-2473), for interested rail carriers. Rates on stone, broken, crushed, or ground, in carloads, from Antonito and McClintock, Colo., to points in western trunkline territory.

Grounds for relief—Market competition.

Tariff—Supplement 28 to Western Trunk Line Committee, agent, tariff ICC A-4530.

By the Commission.

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

[F.R. Doc. 66-10995; Filed, Oct. 7, 1966; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-6378, etc.]

KERR-McGEE CORP. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

SEPTEMBER 29, 1966.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 21, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no protest or petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: *Provided, however,* That pursuant to § 2.56, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-6378 D 9-19-66	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102 (partial abandonment).	Colorado Interstate Gas Co., Keyes Field, Cimarron County, Okla.	Uneconomical	--------
G-8789 C 9-16-66	Colorado Oil & Gas Corp., Post Office Box 749, Denver, Colo. 80201.	Colorado Interstate Gas Co., Greenwood Field, Morton County, Kans.	[1] 15.0	14.65
G-16218 D 8-23-66	Gulf Oil Corp. (Operator), et al., Post Office Box 1589, Tulsa, Okla. 74102.	Transwestern Pipeline Co., acreage in Harper County, Okla.	Uneconomical	--------
G-18977 C 9-20-66	do	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[2] 18.2	14.65
G-19200 D 9-19-66	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Southern Natural Gas Co., Hub Field, Marion County, Miss.	Assigned	--------
G-20223 E 8-12-66	George R. Brown (successor to Herman Brown Estate), c/o J. L. Bianchi, attorney, 1201 San Jacinto Bldg., Houston, Tex. 77002.	El Paso Natural Gas Co., Headlee Field, Ector County, Tex.	[3] 10.0408	14.65
CI61-262 C 9-22-66	Hamilton Brothers, Ltd., 1517 Denver Club Bldg., Denver, Colo. 80202.	Colorado Interstate Gas Co., Greenwood Field, Morton County, Kans.	[4] 17.0	14.65
CI61-276 D 9-15-66	Amax Petroleum Corp., 507 Enterprise Bldg., Tulsa, Okla. 74103 (partial abandonment).	Lone Star Gas Co., South Alma Field, Stephens County, Okla.	Decline in pressure	--------
CI61-295 E 9-14-66	Robert Lindholm, et al. (successor to United Penn Oil & Gas Co.), 504 Broadway, Gary, Ind. 46401.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	25.0	15.325
CI61-843 E 9-14-66	do	Consolidated Gas Supply Corp., Court House District, Lewis County, W. Va.	25.0	15.325

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI61-1348 E 9-14-66	do	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	25.0	15.325
CI64-90 E 9-16-66	W. & J. Oil and Gas Producers (successor to Parker Petroleum), c/o Harry A. Jones, agent, Route 2, Cairo, W. Va. 26337.	Consolidated Gas Supply Corp., Grant District, Ritchie County, W. Va.	25.0	15.325
CI64-423 C 9-16-66	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	Transwestern Pipeline Co., acreage in Beaver County, Okla.	[5] 19.5	14.65
CI64-1066 D 9-22-66	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001 (partial abandonment).	United Gas Pipe Line Co., Emma Haynes Field, Goliad County, Tex.	([6])	--------
CI65-1321 E 9-16-66	Hugh K. Spencer (successor to Tuscarora Oil & Gas Corp., et al.), West Union, W. Va. 26456.	Consolidated Gas Supply Corp., Grant District, Doddridge County, W. Va.	25.0	15.325
CI66-1330 9-15-66 [7]	Humble Oil & Refining Co. (Operator), et al., Post Office Box 2180, Houston, Tex. 77001.	United Fuel Gas Co., Longview Field, Franklin Parish, La.	17.5	15.025
CI67-206 A 8-22-66	Pauley Petroleum Inc.,[8] 10,000 Santa Monica Blvd., Los Angeles, Calif. 90067.	El Paso Natural Gas Co., Cotton Draw Unit Area, Lea and Eddy Counties, N. Mex.	16.58	14.65
CI67-320 A 9-15-66	Oil Industries Associates, 9307 Mercer Dr., Dallas, Tex. 75228.	Equitable Gas Co., Clay District, Ritchie County, W. Va.	25.0	15.325
CI67-321 (G-2999) F 9-15-66	Coastal States Gas Producing Co. (successor to Champlin Petroleum Co., et al.), Post Office Drawer 521, Corpus Christi, Tex. 78403.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., El Ebanito Field, Starr County, Tex.	15.0	14.65
CI67-322 A 9-16-66	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	Panhandle Eastern Pipe Line Co., McQuiddy Ranch Area, Hemphill County, Tex.	[1] 17.0	14.65
CI67-323 (CI63-96) F 9-16-66	Pan American Petroleum Corp. (successor to Global Oils, Inc., et al.), Post Office Box 591, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Woodward Gas Area, Major County, Okla.	15.0	14.65
CI67-324 A 9-19-66	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Northwest Lovedale Field, Harper and Woods Counties, Okla.	([9])	14.65
CI67-325 A 9-19-66	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., Keyes Field, Cimarron County, Okla.	[1] 17.0	14.65
CI67-326 A 9-19-66	Gulf Oil Corp	Panhandle Eastern Pipe Line Co., Feldman Douglas Field, Hemphill County, Tex.	[10] 20.4	14.65
CI67-327 A 9-19-66	Quaker State Oil Refining Corp., Post Office Box 337, Bradford, Pa. 16701.	United Fuel Gas Co., Jefferson District, Lincoln County, W. Va.	20.0	15.325
CI67-328 A 9-19-66	Bentsen-Whittington Oil Co., et al., 301 First National Bank Bldg., McAllen, Tex. 78501.	Texas Eastern Transmission Corp., East Goree Field, Bee County, Tex.	12.0	14.73
CI67-329 A 9-12-66	John A. Hairford, Post Office Box 594, Hooker, Okla. 73945.	Kansas-Nebraska Natural Gas Co., Inc., Hugoton-Kansas Gas Field, Finney County, Kans.	12.0	14.65
CI67-330 A 9-16-66	Edwin L. Cox, 3800 First National Bank Bldg., Dallas, Tex. 75202.	Panhandle Eastern Pipe Line Co., acreage in Morton County, Kans.	[1] [11] 16.0	14.65
CI67-332 A 9-21-66	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Kinta Field (Moffett Area), Sequoyah County, Okla.	15.0	14.65
CI67-334 A 9-21-66	W. C. McBride, Inc., 25 North Brentwood Blvd., Clayton, Mo. 63105.	Michigan Wisconsin Pipe Line Co., Northwest Lovedale Area, Harper County, Okla.	[1] 17.0	14.65
CI67-335 A 9-22-66	Union Oil Company of California (Operator), et al., Union Oil Center, Los Angeles, Calif. 90017.	Panhandle Eastern Pipe Line Co., Northeast Selling Field, Dewey County, Okla.	[1] 17.0	14.65
CI67-336 B 9-19-66	MPS Production Co. (Operator), et al., c/o Vinson, Elkins, Weems & Searls, 2100 First City National Bank Bldg., Houston, Tex. 77002.	Texas Gas Transmission Corp., South Bell City Field, Calcasieu Parish, La.	Depleted	--------
CI67-337 A 9-20-66	MAPCO Production Co., 800 Oil Center Bldg., Tulsa, Okla. 74119.	Western Gas Service Co., Wide-A-Wake Field, Seward County, Kans.	16.0	14.65
CI67-338 A 9-22-66	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	Natural Gas Pipeline Company of America, Chitwood (Shallow) Field, Grady County, Okla.	15.0	14.65

[1] Subject to upward and downward B.t.u. adjustment.
[2] Includes 1.2 cents upward B.t.u. adjustment.
[3] Rate increase to 17.2295 cents per Mcf suspended in Docket No. RI60-82.
[4] Less downward B.t.u. adjustment to 14.144 cents per Mcf.
[5] Effective rate subject to refund in Docket No. RI66-284. Applicant requests that sales from the additional acreage be subject to the same refund obligation.
[6] Abandons service insofar as the Emma Haynes Lease which has expired.
[7] Amendment to certificate filed to include interest of co-owners.
[8] By letter filed Sept. 14, 1966, Applicant agreed to accept permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 468-A.
[9] 17.0 cents per Mcf, plus B.t.u. adjustment for production from acreage in Harper County; 15.0 cents per Mcf, plus B.t.u. adjustment for production from acreage in Woods County.
[10] Subject to upward and downward B.t.u. adjustment. Includes 3.4 cents upward adjustment.
[11] Less 0.95 cent downward B.t.u. adjustment.

[F.R. Doc. 66-10911; Filed, Oct. 7, 1966; 8:45 a.m.]

[Docket No. CP67-83]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

OCTOBER 3, 1966.

Take notice that on September 26, 1966, Arkansas Louisiana Gas Co. (Applicant), Post Office Box 1734, Shreveport, La. 71102, filed in Docket No. CP67-83 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations under the Act for a certificate of public convenience and necessity authorizing the construction during the calendar year 1967 and the operation of transportation facilities for the purposes of making direct sales of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to utilize the facilities for direct sales to diverse customers within its distribution area. The application states further that the maximum delivery to any one customer will not exceed 100,000 Mcf annually and will not be used for boiler fuel purposes, as defined by § 157.7(c)(9) of the Commission's regulations under the Natural Gas Act.

The total estimated cost of the proposed construction will not exceed $300,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 31, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10956; Filed, Oct. 7, 1966; 8:45 a.m.]

[Project No. 2338]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Place of Hearing

SEPTEMBER 30, 1966.

Notice is hereby given that the hearing scheduled to be held on November 14, 1966, by order issued June 3, 1966, in the above-designated project, shall commence at 10 a.m., e.s.t., in the Corinthian Room of the Park Sheraton International Hotel, located at 870 Seventh Avenue (Seventh Avenue and 56th Street), in the city of New York, N.Y.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10957; Filed, Oct. 7, 1966; 8:45 a.m.]

[Project No. 2590]

CONSOLIDATED WATER POWER CO.

Notice of Application for License for Constructed Project

SEPTEMBER 30, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Consolidated Water Power Co. (correspondence to: F. E. Husting, Assistant Secretary, Consolidated Water Power Co., Wisconsin Rapids, Wis. 54494), for constructed Project No. 2590, known as the Wisconsin River Division Project, located on the Wisconsin River in the town of Linwood, village of Whiting, in Portage County, Wis.

The existing project consists of: (1) A dam consisting of the following six sections: (a) a 255-foot long grinder-building substructure; (b) a 16.5-foot long powerhouse substructure; (c) a 108-foot long spillway section with crest at elevation 1,070.02 (U.S.G.S. datum); (d) a 484-foot long section having 20 taintor gates, each 20 feet wide; (3) a 338-foot long section of concrete gravity wall backed by a compacted sand-fill dike; and (f) a 555-foot long section of compacted sand-fill dike (about 1,756 feet in total length); (2) a reservoir of 76 acres with normal elevation 1,070.02 feet, and reaching upstream approximately 3 miles to the tailrace of applicant's licensed Stevens Point Project No. 2110; (3) a powerhouse integral with the dam, housing an 1,800 kw electric generator and a turbine; (4) a grinder building integral with the dam, housing the nine project turbines (three rated at 530 hp., three at 700 hp., and three at 800 hp.) utilized for hydromechanical power; and (5) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is November 9, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10958; Filed, Oct. 7, 1966; 8:45 a.m.]

[Docket No. CI65-974, etc.]

MAXWELL HERRING DRILLING CORP., ET AL.

Order Consolidating Orders To Show Cause and Setting Procedures

OCTOBER 3, 1966.

George Despot, agent (Operator), et al., Docket No. CI65-974; Maxwell Herring Drilling Corp. (Operator), et al., Docket No. CI65-1176; Skelly Oil Co., Docket No. CI66-468; Phillips Petroleum Co., Docket No. CI66-500; International Helium, Inc. (Operator), et al., Docket No. CI66-564; J. W. Baton (Operator), et al., Docket No. CI66-1169; W. R. Hughey Operating Co., agent (Operator), et al., Docket No. CI66-1170; Robbins Petroleum Corp. (Operator), et al., Docket No. CI66-1208; B. Reagan McLemore, et al., Docket No. CI66-1220; Trice Production Co. (Operator), et al., Docket No. CI66-1228; Phillips Petroleum Co., Docket No. CI66-498; Texaco, Inc., Docket Nos. CI66-536, CI66-537; Humble Oil & Refining Co., Docket No. CI66-591; Phillips Petroleum Co., Docket No. CI66-1038; Northern Pump Co. (Operator), et al., Docket No. CI66-1124; Forest Oil Corp. (Operator), et al., Docket No. CI66-1159; Forest Oil Corp., Docket No. CI66-1160; Gulf Oil Corp., Docket No. CI66-68; Mobil Oil Corp., Docket Nos. CI65-1227, CI67-338; Texaco, Inc. (Operator), et al., Docket No. CI67-170; J. C. Trahan, Drilling Contractor, Inc. (Operator), et al., Docket No. CI67-132; Gulf Oil Corp., Docket No. G-16141; Continental Oil Co., Docket No. CI66-1099; Union Texas Petroleum, a division of Allied Chemical Corp., et al., Docket No. CI66-1167; Mobil Oil Corp., Docket No. CI67-364; Sinclair Oil & Gas Co., Docket No. CI67-365.

On September 14, 1966, orders to show cause were issued separately by the Commission in the following proceedings:

(a) Socony Mobil Oil Co., Inc., Docket No. CI65-1227, and

(b) George Despot, agent (Operator), et al., Dockets Nos. CI65-974, et al.

The latter proceeding (i.e., George Despot, agent (Operator), et al.) represents a consolidation of 20 dockets involving common questions of law and fact.

It appears that Docket No. CI65-1227 involves essentially the same issues of law and fact as the consolidated dockets captioned George Despot, agent (operator), et al., Docket Nos. CI65-974, et al., i.e., that in all of the above-mentioned dockets the Commission has not authorized the sales of gas for compressor fuel or other purported intrastate use and that under the holding of the Supreme Court in California *v.* Lo Vaca Gathering Co., 379 U.S. 366 they appear to be jurisdictional sales.

Docket Nos. CI67-338 and CI67-170 involve applications for certificates to sell natural gas pursuant to new contracts rededicating acreage from which sales were previously made without authorization from the Commission on the purported ground that such sales were nonjurisdictional. Docket No. CI67-132 involves an application to sell gas to Lone Star Gas Co. similar to certain sales already consolidated in George Despot, et al., Docket Nos. CI65-974, et al. Docket No. G-16141 involves an amended letter agreement which now dedicates acreage to jurisdictional sales from which previous sales have been made without Commission authorization. Docket Nos. CI66-1099, CI67-364, and CI67-365 involve sales to El Paso similar to the sales to Lone Star previously consolidated in George Despot, agent (operator), et al., Docket Nos. CI65-974, et al., i.e., sales restricted by contract for intrastate use but commingled with gas purchased from other producers and transported to points outside the State. It is apparent that all of the above sales, with some minor variation in the facts, are nevertheless jurisdictional sales under the holding of the Supreme Court in California *v.* Lo Vaca Gathering Co., supra.

Consequently, in order to avoid unnecessary duplication of a trial record on substantially the same issues it would be in the public interest to consolidate the above dockets including the already issued order to show cause in Docket No. CI65-1227 and to provide uniform procedures for presentation of evidence and dates of hearing.

The Commission finds:

(1) It is appropriate and in the public interest that the above-captioned matters be consolidated for hearing and decision as hereinafter ordered.

(2) The expeditious disposition of these proceedings may be effectuated by providing a uniform procedure for prehearing conference and dates of public hearing.

The Commission orders:

(A) Docket Nos. CI65-1227, CI67-338, CI67-170, CI67-132, G-16141, CI66-1099, CI66-1167, CI67-364, and CI67-365 are hereby consolidated with Docket Nos. CI65-974, et al. for the purposes of hearing and decision.

(B) The prehearing conference provided for on October 26, 1966, in paragraph (D) of the order to show cause captioned George Despot, agent (operator), et al., Docket Nos. CI65-974, et al., as well as the other procedures in that order shall also apply to the following companies:

	Docket Nos.
Mobil Oil Corp	CI65-1227, CI67-338
Texaco Inc. (Operator), et al	CI67-170
J. C. Trahan, Drilling Contractor, Inc. (Operator), et al	CI67-132
Gulf Oil Corp	G-16141
Continental Oil Co	CI66-1099
Union Texas Petroleum, a division of Allied Chemical Corp., et al	CI66-1167
Mobil Oil Corp	CI67-364
Sinclair Oil & Gas Co	CI67-365

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-10959; Filed, Oct. 7, 1966; 8:45 a.m.]

[Docket No. CP67-80]

GRANITE STATE GAS TRANSMISSION, INC.

Notice of Application

SEPTEMBER 30, 1966.

Take notice that on September 23, 1966, Granite State Gas transmission, Inc. (Applicant), 66 Market Street, Portsmouth, N.H. 03802, filed in Docket No. CP67-80 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transmission and delivery facilities for the sale and delivery of natural gas to Allied New Hampshire Gas Co. (Allied), an existing customer of Applicant, and authorizing an increase in maximum daily deliveries to Allied, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to construct and operate a tap and meter station on its main transmission line in Rockingham County, N.H., in the vicinity of East Kingston, N.H., in order to establish a new delivery point for sales to Allied. Natural gas delivered through these new delivery points will be distributed and resold by Allied in the towns of East Kingston, Kensington, and Hampton Falls, N.H., as recently authorized by the Public Utilities Commission of New Hampshire. Applicant further seeks authority to operate a tap and meter station which was constructed without the Federal Power Commission's certification in August 1966, near Plaistow, N.H., for delivery also to Allied.

The application also states that Applicant requests authority to increase maximum day deliveries to Allied from 3,570 Mcf per day to 3,855 Mcf per day, beginning with the 1966-1967 winter season. The third year annual natural gas requirements of Plaistow and East Kingston delivery stations are 23,560 Mcf and 41,640 Mcf, respectively at 14.73 p.s.i.a.

The total estimated cost of the new facilities is $20,187, which cost will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure 18 CFR (1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 27, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-10960; Filed, Oct. 7, 1966; 8:45 a.m.]

[Docket No. CP 67-76]

HOME GAS CO.

Notice of Application

SEPTEMBER 30, 1966.

Take notice that on September 22, 1966, Home Gas Co. (Applicant), 800 Union Trust Building, Pittsburgh, Pa. 15219, filed in Docket No. CP 67-76 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities in Cattaraugus County, N.Y., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate 4.0 miles of 12-inch pipeline from the Pennsylvania-New York State line in the town of Allegheny to a point in the town of Olean, all in Cattaraugus County, N.Y. Applicant states that the purpose of the proposed construction is to provide the facilities required for increased off peak sales at Olean, N.Y. Applicant further states that higher pressures are required to make such sales and it is not economical to upgrade existing facilities which in the future will be used as reserve facilities to be operated for limited periods.

The estimated total cost of the proposed facilities is $260,000 which Applicant proposes to finance through the issuance and sale of promissory notes and/or common stock to Applicant's parent company, The Columbia Gas System, Inc.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 26, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-10961; Filed, Oct. 7, 1966; 8:46 a.m.]

[Docket No. RI66-319]

HYDE CARBON BLACK CO.

Order Amending Order Accepting Superseding Contract, Providing for Hearing on and Suspension of Proposed Change in Rate To Permit Substitute Rate Filing, and Making Rate Effective Subject to Refund

SEPTEMBER 30, 1966.

On February 24, 1966, Hyde Carbon Black Co. (Hyde) filed with the Commission a proposed renegotiated contract and a related rate increase[1] from 25.0 cents to 27.5 cents per Mcf at 15.025 p.s.i.a. for a sale of gas to The Sylvania Corp. in Elk County, Pa. The renegotiated contract superseded a contract dated December 1, 1948, on file with the Commission as Hyde's FPC Gas Rate Schedule No. 1, and provides the basis for the proposed rate change. The Commission by order issued on March 29, 1966, accepted for filing Hyde's superseding contract to be effective as of April 1, 1966, and suspended Hyde's rate increase and deferred the use thereof for 5 months until September 1, 1966, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act. Hyde's suspended rate increase has not been placed in effect.

On August 31, 1966, Hyde submitted a letter agreement dated April 25, 1966,[2] and a notice of change in rate proposing a rate increase from 25.0 cents to 27.0 cents per Mcf, amounting to $800 annually, which amends the presently suspended rate increase from 25.0 cents to 27.5 cents per Mcf suspended in Docket

[1] Designated as Supp. No. 1 to Hyde's FPC Gas Rate Schedule No. 2.

[2] Designated as Supp. No. 2 to Hyde's FPC Gas Rate Schedule No. 2.

No. RI66-319 until September 1, 1966. The proposed amended notice of change in rate has been designated as Supplement No. 3 to Hyde's FPC Gas Rate Schedule No. 2. Under the substitute filing, the estimated annual amount of the increase to The Sylvania Corp. would be reduced from $1,000 to $800.

No formal price ceilings have been announced by the Commission for the Pennsylvania area. However, the proposed rate may be unjust and unreasonable. Since Hyde's proposed change is in effect a reduction in a rate that has already been suspended for 5 months to September 1, 1966, we conclude that it would be in the public interest to accept for filing Hyde's proposed superseding rate of 27.0 cents per Mcf and permit such rate to be collected subject to refund in Docket No. RI66-319 effective as of September 1, 1966, the proposed effective date.

The Commission finds: Good cause exists for amending the Commission's order issued on March 29, 1966, in Docket No. RI66-319, to the extent hereinafter provided.

The Commission orders:

(A) The suspension order issued on March 29, 1966, in Docket No. RI66-319, is amended only so far as to permit the 27.0 cents per Mcf rate contained in Supplement No. 3 to Hyde's FPC Gas Rate Schedule No. 2 to be filed to supersede the 27.5 cents per Mcf rate provided in Supplement No. 1 to Hyde's FPC Gas Rate Schedule No. 2, subject to the suspension proceeding in Docket No. RI66-319. The suspension period for such substitute rate filing to terminate concurrently with the suspension period (Sept. 1, 1966) presently in effect in said docket.

(B) Supplement No. 3 to Hyde's FPC Gas Rate Schedule No. 2 shall become effective subject to refund as of September 1, 1966, in the manner prescribed by the Natural Gas Act if within 20 days from the date of the issuance of this order, Hyde shall execute and file under Docket No. RI66-319, with the Secretary of the Commission, its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Hyde is advised to the contrary within 15 days from the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Hyde's Letter Agreement dated April 25, 1966, which provides for the 27.0 cents per Mcf rate, designated as Supplement No. 2 to Hyde's FPC Gas Rate Schedule No. 2, is accepted for filing as a contract amendment and not as a notice of change in rate. Such contract amendment is permitted to become effective as of June 12, 1966, the date of expiration of the statutory notice.

(D) In all other respects, the order issued by the Commission on March 29, 1966, in Docket No. RI66-319, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary*.

[F.R. Doc. 66-10962; Filed, Oct. 7, 1966; 8:46 a.m.]

[Docket No. CP67-82]

KENTUCKY GAS TRANSMISSION CORP.

Notice of Application

SEPTEMBER 30, 1966.

Take notice that on September 26, 1966, Kentucky Gas Transmission Corp. (Applicant), Post Office Box 1273, Charleston, W. Va. 25325, filed in Docket No. CP67-82 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of facilities for the sale and delivery of natural gas to Columbia Gas of Kentucky, Inc. (Columbia of Kentucky) for resale and distribution, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically requests authority to construct and operate a tap, measuring, and regulating facilities on its 20-inch gas transmission line in Boyd County, Ky., for the wholesale sale of natural gas to Columbia of Kentucky which will distribute and sell the gas in the town of Cannonsburg and environs in Boyd County.

The estimated third year annual and peak day deliveries through the new facilities are 26,000 Mcf and 270 Mcf respectively.

The total estimated cost of the new facilities is $8,400 which cost will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 31, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE, *Secretary*.

[F.R. Doc. 66-10963; Filed, Oct. 7, 1966; 8:46 a.m.]

[Docket No. CP67-79]

NORTHERN NATURAL GAS CO.

Notice of Application

SEPTEMBER 30, 1966.

Take notice that on September 23, 1966, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP67-79 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the merger of its wholly owned subsidiary Northern Natural Gas Pipeline Co. (Pipeline Company), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that on June 30, 1961, Applicant purchased all of the outstanding securities of Pioneer Gathering System, Inc. and since that date has been operating such company as a wholly owned subsidiary under the name of Northern Natural Gas Pipeline Co. Applicant now plans to turn over all the common stock of Pipeline Company in exchange for all of the assets of such company. After completing the transfer the common stock of Pipeline Company will be canceled.

The application further states that upon dissolution of Pipeline Company, Applicant will continue to render through the facilities now owned by Pipeline Company all services now rendered or contemplated by Pipeline Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 27, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10969; Filed Oct. 7, 1966; 8:46 a.m.]

[Docket No. CP67-78]

TENNESSEE GAS PIPELINE CO.

Notice of Application

SEPTEMBER 30, 1966.

Take notice that on September 23, 1966, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP67-78 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a new delivery point for one of its existing customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate a new delivery point in Highland Township, Elk County, Pa., on its pipeline system for delivery of natural gas to Manufacturers Light & Heat Co., which construction will consist of a side valve and the required metering facilities.

The estimated cost of construction of the proposed facilities is $24,713, which cost will be financed from current operating funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 27, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10965; Filed, Oct. 7, 1966; 8:46 a.m.]

[Docket No. CP67-84]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

OCTOBER 3, 1966.

Take notice that on September 27, 1966, Texas Eastern Transmission Corp. (Applicant), Post Office Box 2521, Houston, Tex. 77001, filed in Docket No. CP67-84 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the Regulations under the Act for a certificate of public convenience and necessity authorizing the construction and operation of certain gas transmission facilities during the calendar year 1967, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate gas transmission facilities at various points along its transmission lines in order to take into its system increased quantities of natural gas from producers along its facilities.

The total cost of the facilities is estimated not to be in excess of $2,000,000 and no single project will cost in excess of $500,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 31, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10966; Filed, Oct. 7, 1966; 8:46 a.m.]

[Docket No. CP64-34]

TRANSWESTERN PIPELINE CO.

Notice of Petition To Amend

SEPTEMBER 30, 1966.

Take notice that on September 26, 1966, Transwestern Pipeline Co. (Petitioner), Post Office Box 1502, Houston, Tex. 77001, filed in Docket No. CP64-34 a petition to amend further the order issued in the said docket on December 4, 1964, by authorizing increased deliveries of natural gas to Pacific Lighting Service & Supply Co. (Pacific Lighting), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

By the order issued December 16, 1963, in the instant proceeding, the Commission granted Petitioner a limited term certificate of public convenience and necessity authorizing Petitioner to sell and deliver to Pacific Lighting up to 410,000 Mcf of natural gas per day on an annual basis with a maximum daily demand quantity of 410,000 per day for a period ending November 1, 1965, or upon commencement of new service as might be ordered by the Commission.

By the amending order issued in said docket on December 4, 1964, Petitioner was authorized to provide for the sale and delivery of 430,000 Mcf per day on an annual average basis, and the period of the authorization was extended from November 1, 1965, to December 31, 1965. By the amending order issued December 27, 1965, Petitioner was further authorized to sell and deliver up to 440,000 Mcf per day on an annual average basis with the maximum daily demand obligation of 430,000 Mcf, and the period of authorization was extended through December 31, 1966.

Specifically, Petitioner requests the following:

(1) That authorization to sell and deliver gas to Pacific Lighting be increased to 460,000 Mcf per day on an annual average basis.

(2) That the term of the certificate be extended from December 31, 1966, to the date of commencement of any new service resulting from the order accompanying Opinion No. 500 issued July 26, 1966, in Docket Nos. CP63-204, et al.

(3) That effective January 1, 1967 Petitioner's maximum daily demand obligation be increased to 460,000 Mcf when border delivery pressure is reduced to 620 p.s.i.g.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 28, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10967; Filed, Oct. 7, 1966; 8:45 a.m.]

[Docket No. CP67-81]

TRANSWESTERN PIPELINE CO.

Notice of Application

SEPTEMBER 30, 1966.

Take notice that on September 26, 1966, Transwestern Pipeline Co. (Applicant), Post Office Box 1502, Houston, Tex. 77001, filed in Docket No. CP67-81

an application pursuant to section 7(c) of the Natural Gas Act for certificate of public convenience and necessity authorizing the construction and operation of facilities in Texas and New Mexico for the transportation and sale in interstate commerce of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to install, operate, and maintain 8 miles of 36-inch loop line and 8 miles of 30-inch loop line along the West Texas lateral. The application states that these facilities will provide approximately 25,000 Mcf per day additional capacity for deliveries from Applicant's Compressor Station WT-2 to Roswell, N. Mex.

The estimated total cost of construction of these facilities is $2,613,000 which cost will initially be financed out of funds made available from company operations and may be refinanced at a later date.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before October 28, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to interevene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10968; Filed Oct. 7, 1966; 8:46 a.m.]

[Docket No. CP67-77]

VOLUNTEER NATURAL GAS CO. AND EAST TENNESSEE NATURAL GAS CO.

Notice of Application

SEPTEMBER 30, 1966.

Take notice that on September 22, 1966, Volunteer Natural Gas Co. (Applicant), 334 East Main Street, Johnson City, Tenn. 37602, filed in Docket No. CP67-77 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing East Tennessee Natural Gas Co. (Respondent) to establish physical connection with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale in Gray, Tenn., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks a physical connection of its proposed facilities near Gray, Tenn., with the existing 8⅝-inch lateral of Respondent in Washington County, Tenn. It is contemplated that Respondent would tap its line and provide a regulating and metering station, as provided by its existing tariff.

The estimated third year annual and peak day requirements of service to Gray, Tenn. are 43,622 Mcf and 506 Mcf respectively, at 14.73 p.s.i.a.

Applicant estimates that the total cost of the proposed construction is $10,525, which will be financed from cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before October 26, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10969; Filed, Oct. 7, 1966; 8:46 a.m.]

[Docket Nos. RI67-73, etc.]

TIDEWATER OIL CO., ET AL.

Order Permitting Rate Filing, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

SEPTEMBER 30, 1966.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI67-73	Tidewater Oil Co., Post Office Box 1404, Houston, Tex. 77001, Attn: A. M. Mouser, Manager, Gas Utilization Department.	102	3	Michigan Wisconsin Pipe Line Co., (Lacassine Refuge Field, Cameron Parish, La.) (Southern Louisiana).	$1,030	9-9-66	[2] 10-10-66	3-10-67	[4] [5] 19.75	[3] [4] [5] 20.00	
RI67-74	Shell Oil Co., 50 West 50th St., New York, N.Y. 10020, Attn: F. C. Sweat, Manager Gas Utilization.	180	3	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., (West Cameron Block 192 Field, Offshore Louisiana).	13,200	9-9-66	[2] 11- 1-66	4- 1-67	23.40	[4] [7] 23.55	RI65-475.
	Shell Oil Co.	263	3	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (Chalkley Field, Cameron Parish, La.) (Southern Louisiana).	26,158	9-9-66	[2] 11- 1-66	4- 1-67	[6] 22.8333	[4] [8] [9] 23.55	RI65-652.

[2] The stated effective date is the effective date proposed by Respondent.
[3] "Fractured" rate increase which represents a portion of the 2.5 cents periodic increase contractually due Apr. 1, 1962. Settlement provides for 1.0 cent maximum rate filing.
[4] Pressure base is 15.025 p.s.i.a.
[5] Inclusive of 1.5 cents per Mcf tax reimbursement.
[6] Settlement rate pursuant to Commission order issued June 15, 1962, amended July 11, 1962, in Docket Nos. G-13310, et al.
[7] "Fractured" rate increase which represents a portion of the 2.0 cents periodic increase contractually due Nov. 1, 1966.
[8] "Fractured" rate increase which represents a portion of the 1.0 cent periodic increase contractually due Nov. 1, 1966.
[9] Includes 1.21667 cents tax reimbursement.

The sale related to Shell Oil Co.'s (Shell) rate increase contained in Supplement No. 3 to Shell's FPC Gas Rate Schedule No. 263 was initially made under a temporary certificate containing a Condition (2) provision prohibiting changes in the initial rate unless ordered in the related certificate proceeding, Docket No. CI62-625. Shell requests waiver of such condition inasmuch as 3 years have elapsed since Shell initiated service under its temporary certificate. Shell's Docket No. CI62-625 is included in the South Louisiana "in-line" certificate proceeding, Opinion No. 436, which is currently involved in a judicial review proceeding. Condition (2) provision contained in the temporary certificate was previously waived by the Commission with respect to the last rate increase filing made by Shell under this rate

schedule on June 1, 1965. Under the circumstances, we believe it would be in the public interest to again waive Condition (2) in Shell's temporary certificate issued January 17, 1962, in Docket No. CI62-625, to permit Shell's proposed notice of change in rate (Supplement No. 3 to Shell's FPC Gas Rate Schedule No. 263) to be filed as hereinafter ordered.

Shell and Tidewater Oil Co.'s proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR Ch. I, Pt. 2, § 2.56).

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause exists for waiving Condition (2) in the temporary certificate issued in Docket No. CI62-625 with respect to Shell's notice of change, designated as Supplement No. 3 to Shell's FPC Gas Rate Schedule No. 263, and that such notice of change be permitted to be filed as hereinafter ordered.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon public hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Condition (2) in the temporary certificate issued in Docket No. CI62-625 is hereby waived with respect to Shell's notice of change, designated as Supplement No. 3 to Shell's FPC Gas Rate Schedule No. 263, and such rate change is permitted to be filed.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated rate supplements.

(C) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before November 9, 1966.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-10971; Filed, Oct. 7, 1966; 8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 591]

NEW JERSEY

Declaration of Disaster Area

Whereas, it has been reported that during the month of September 1966, because of the effects of certain disasters, damage resulted to residences and business property located in the city of Elizabeth in the State of New Jersey;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid city and areas adjacent thereto, suffered damage or destruction resulting from flooding and accompanying conditions occurring on or about September 22, 1966.

Office: Small Business Administration Regional Office, 10 Commerce Court, Newark, N.J. 07102.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to March 31, 1967.

BERNARD L. BOUTIN,
Administrator.

SEPTEMBER 26, 1966.

[F.R. Doc. 66-10983; Filed, Oct. 7, 1966; 8:48 a.m.]

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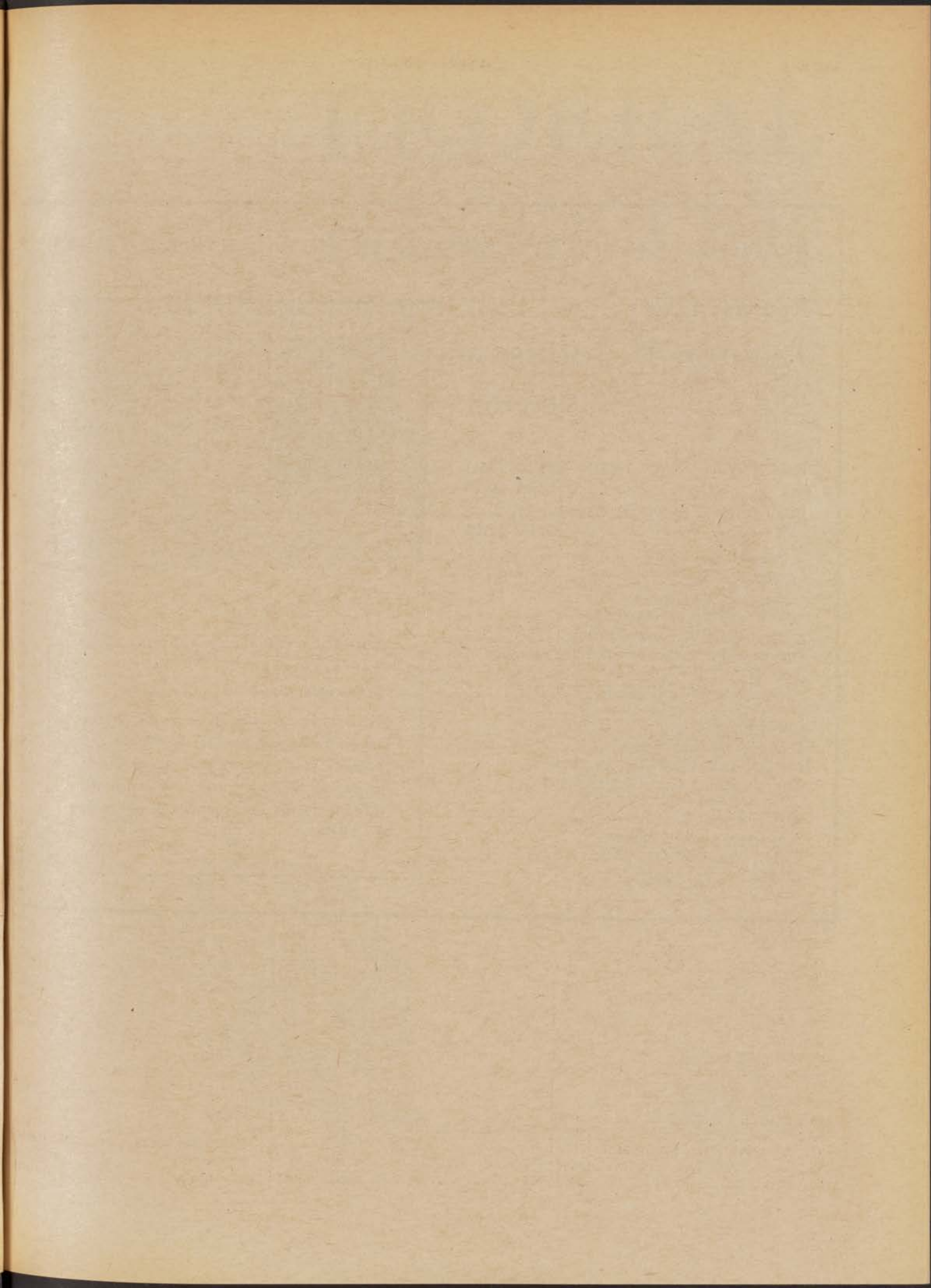

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