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Agencies in this issue—

Agency for International Development
Agricultural Stabilization and
Conservation Service
Civil Aeronautics Board
Commerce Department
Consumer and Marketing Service
Customs Bureau
Federal Communications Commission
Federal Housing Administration
Federal Maritime Commission
Federal Power Commission
Federal Trade Commission
Food and Drug Administration
Interagency Textile Administrative
Committee
Interior Department
Interstate Commerce Commission
Land Management Bureau
Narcotics Bureau
National Park Service
Post Office Department
Securities and Exchange Commission
Tax Court of the United States
Treasury Department

Detailed list of Contents appears inside.



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Contents

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices

- Pan American Development Foundation, Inc.; registration as voluntary foreign aid agency..... 469

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

- Sugar, domestic beet; allotment areas and/or proportionate shares, 1966:
- Arizona..... 445
 - California..... 441
 - Maine..... 444
 - New Mexico..... 439
 - North Dakota..... 443
 - Ohio..... 440

AGRICULTURE DEPARTMENT

See Agricultural Stabilization and Conservation Service; Consumer and Marketing Service.

CIVIL AERONAUTICS BOARD

Proposed Rule Making

- Priority rules, denied boarding compensation tariffs and reports on unaccommodated passengers..... 459

COMMERCE DEPARTMENT

Notices

- Producers of watches and watch movements in Virgin Islands, Guam, and American Samoa; hearing on allocation of quotas..... 471

CONSUMER AND MARKETING SERVICE

Rules and Regulations

- Milk in Massachusetts-Rhode Island marketing area; order suspending certain provisions..... 446

Proposed Rule Making

- Milk in Duluth-Superior marketing area; recommended decision..... 458
- Seeds..... 454

Notices

- Market agencies at Union Stock Yards, Chicago, Ill.; petition for modification of rate order..... 470

CUSTOMS BUREAU

Rules and Regulations

- Liability for duties; informal entries..... 448

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

- Station identification of television auxiliary broadcast stations; correction..... 452

Proposed Rule Making

Domestic public radio services other than maritime mobile; extension of time for comments:

- License periods..... 464
- Separation between assignable frequencies..... 464

FM broadcast stations; table of assignments..... 464

Notices

Canadian broadcast stations; changes, proposed changes, and corrections in assignments..... 473

Hearings, etc.:

- Cosmos Broadcasting Corp. (WSFA-TV)..... 473
- Cosmos Cablevision Corp. and Aiken Cablevision, Inc..... 473
- Gulf South Broadcasters and Bayou Broadcasting Co..... 474
- Schafer, Paul C..... 474
- Ultravision Broadcasting Co. and Courier Cable Co., Inc..... 473

FEDERAL HOUSING ADMINISTRATION

Rules and Regulations

- Multifamily housing mortgage insurance; adjusted premium and termination charges..... 449

FEDERAL MARITIME COMMISSION

Notices

- United States Lines Co. and Moore McCormack Lines; agreement filed for approval..... 472

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:

- Cabot Corp. et al..... 474
- Ferguson, Bill, et al..... 475
- Miller, Forrest B., et al..... 476

FEDERAL TRADE COMMISSION

Rules and Regulations

- Prohibited trade practices:
- Delco Carpets, Inc., and Delco Carpet Mills, Inc..... 446
 - Hollywood Novelty Co., Inc., et al..... 447
 - Titus Pacific Corp. et al..... 447
 - Youngstown Carpet Guild Distributors Co. et al..... 448

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

- Cobalt preparations intended for use by man..... 449
- Soda water, canned; stannous chloride as optional chemical preservative..... 449

Notices

- Fellows-Testagar; order refusing approval of supplemental new-drug application..... 472

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Housing Administration.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

Notices

- Certain cotton textiles; ITAC actions..... 474

INTERIOR DEPARTMENT

See also Land Management Bureau; National Park Service.

Notices

- Commissioner, Federal Water Pollution Control Administration; delegation of authority..... 469
- Producers of watches and watch movements in Virgin Islands, Guam, and American Samoa; hearing on allocation of quotas; cross reference..... 470

INTERSTATE COMMERCE COMMISSION

Notices

- Fourth section applications for relief..... 477
- Motor carriers of property; applications..... 477

LAND MANAGEMENT BUREAU

Rules and Regulations

- Public land orders:
- Arizona; revocation of air navigation site withdrawal..... 452
 - Oklahoma; restoration of lands to ownership of Kiowa, Comanche, and Apache tribes..... 452

Notices

- Chief, Division of Administration, Boise District, Idaho; redelegation of authority..... 469

NARCOTICS BUREAU

Notices

- Deputy Commissioner et al.; delegation of functions..... 469

NATIONAL PARK SERVICE

Notices

- Blue Ridge Parkway; intention to issue concession permits..... 469

(Continued on next page)

POST OFFICE DEPARTMENT

Rules and Regulations	
Fourth-Class mail; miscellaneous amendments	450

SECURITIES AND EXCHANGE COMMISSION**Notices**

Southern Co. et al.; proposed issuance and sale of stock	476
--	-----

STATE DEPARTMENT

See Agency for International Development.

TAX COURT OF THE UNITED STATES

Rules and Regulations	
Practice; initiation of case, petition, fees, and forms	450

TREASURY DEPARTMENT

See also Customs Bureau; Narcotics Bureau.

Rules and Regulations	
Claims collection	452

List of CFR Parts Affected

(Codification Guide)

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1967, and specifies how they are affected.

7 CFR

850 (6 documents) ... 439-441, 443-445	
1001	446

PROPOSED RULES:

201	454
1069	458

14 CFR**PROPOSED RULES:**

221	459
250	459

16 CFR

13 (4 documents)	446-448
------------------------	---------

19 CFR

8	448
---------	-----

21 CFR

3	449
31	449

24 CFR

207	449
-----------	-----

26 CFR

701	450
-----------	-----

31 CFR

5	452
---------	-----

39 CFR

135	450
-----------	-----

43 CFR**PUBLIC LAND ORDERS:**

4149	452
4150	452

47 CFR

74	452
----------	-----

PROPOSED RULES:

21 (2 documents)	464
73	464

Rules and Regulations

Title 7—AGRICULTURE

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

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

New Mexico Farm Proportionate Shares for 1966 Crop

Pursuant to the provisions of § 850.170 (30 P.R. 15403), the Agricultural Stabilization and Conservation New Mexico State Committee has issued the bases and procedures for establishing individual farm shares for the 1966 sugarbeet crop from acreage allocated and from any unused acreage redistributed to New Mexico. Copies of these bases and procedures are available for public inspection at the office of such Committee at Room 4406, Federal Building, 517 Gold Avenue SW., Albuquerque, N. Mex. These bases and procedures incorporate the following:

§ 850.192 New Mexico.

(a) *Allotment area.* In the establishment of individual farm shares, the State shall be deemed to be one allotment area.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from the State allocation as follows: 0.5 acres for appeals and 18.5 acres for adjustments in initial shares. Pursuant to § 850.173, a set-aside of acreage was not made for new producers.

(c) *Requests for proportionate shares.* A request for each farm share shall be filed at the local ASCS county office on Form SU-100, Request for Sugarbeet Proportionate Share, under the conditions, and on or before the closing date for such filing, as provided in § 850.172. However, requests for shares may be accepted after such date and shares may be established if the State committee determines that in any such case the farm operator was prevented from filing a completed Form SU-100 by such date because of illness or other reason beyond his control, and requests may be accepted generally by the State committee after such date if acreage is available within the area allotment.

(d) *Establishment of individual proportionate shares for old-producer farms.—(1) Farm bases.* The 1965-crop formula provided that a farm base would be established at 100 percent of the 1964 accredited acreage of the farm. The resultant farm bases were adjusted pro-rata to the State allocation less the appropriate set asides to determine the initial shares. Such initial shares, subject to adjustment, became the established 1965-crop shares. For a 1966-

crop farm, the 1966-crop farm base shall be the 1965-crop established share as adjusted by appeal. The 1966-crop farm base for a farm that is constituted differently than the 1965-crop farm and for a farm with an accredited acreage record in the base period 1962 through 1964 but for which a 1965-crop share was not established shall be determined pursuant to the applicable provisions of § 850.174.

(2) *Initial proportionate shares.* The total of individual farm bases for old-producer farms, as established pursuant to this paragraph, is equal to the State allocation minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial shares shall be established from the farm bases as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages, and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases, the State allocation less the prescribed set-asides and the total of the initial shares established in accordance with the preceding part of this subparagraph but not to exceed the acreage requested for each farm. Notwithstanding the foregoing provisions of this subparagraph (2) no farm share shall be established at a level less than 25 acres unless a lesser amount is requested. The proration factor shall be 1.000.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage in excess of requested acreages, adjustments shall be made in initial shares for old producers so as to establish a share for each farm which is fair and equitable as compared with shares for all other farms in the area by taking into consideration increased 1965-crop plantings because of acreages unused by other growers, availability and suitability of land, area of available fields, crop rotation practices, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(e) *Establishment of individual proportionate shares for new-producer farms.* Pursuant to § 850.170, the State Committee determined that a 25-acre share is the minimum acreage which is economically feasible to plant. As provided in § 850.173, a set-aside for new producers is not required when the minimum acreage for a new-producer share is in excess of the minimum acreage required to be set aside. Accordingly, no set-aside was made for new-producer shares.

(f) *Adjustments under appeals.* Within the acreage set aside for appeals or reserved to correct errors, or avail-

able as unused acreage, adjustments in shares shall be made as determined under the provisions of Part 891 of this chapter following a request for reconsideration or an appeal filed in accordance with Part 780 of this title.

(g) *Adjustments because of redistribution of unused acreage.* Any acreage determined by the State committee during the 1966-crop season as available from underplanting or failure to plant or proportionate share acreage released by an operator prior to May 1, 1966, and approved by the county committee pursuant to Part 895 of this chapter and unused acreages from other sources shall be distributed to farms in the State whereon additional acreage may be used. Such distribution shall take into consideration the size of the initial share established for the farm, and the factors considered in adjusting initial shares as stated in paragraph (d) (3) of this section. The unused or unallotted acreage distributed to a farm shall not exceed the acreage that can be used on the farm. No acreage will be redistributed after August 31, 1966.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the share established for his farm on Form SU-103, Notice of Farm Proportionate Share—1966 Sugarbeet Crop, even if the acreage established is "none". In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals, or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted share on a Form SU-103 marked "revised".

(i) *Redetermination of proportionate share.* The share determined for any farm which is subdivided into, combined with, or becomes a part of another farm or farms shall be redetermined as provided in § 850.184.

(j) *Farms receiving commitments of acreage from the national reserve.* Proportionate shares for farms receiving commitments of acreage from the national sugarbeet acreage reserve shall be established in accordance with the provisions of §§ 850.168 to 850.187 and 851.1 of this chapter.

(k) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of §§ 850.168 to 850.187.

STATEMENT OF BASES AND CONSIDERATIONS

This action sets forth the bases and procedures established by the Agricultural Stabilization and Conservation New Mexico State Committee for determining farm proportionate shares in New Mexico for the 1966 crop of sugarbeets.

New Mexico is deemed to be one allotment area. Informal relationships are maintained with grower and processor representatives. In establishing shares

for old producers, the factors of "past production" and "ability to produce" sugarbeets are measured by establishing 1966 farm bases equal to the 1965 established share, as adjusted by appeal, for a farm constituted the same as in 1965, and in other cases in accordance with the same formula used in establishing an initial share for the 1965 crop. Inasmuch as the acreage required to be set aside for the establishment of shares for new-producer farms was considerably less than that established by the State committee as a minimum economic unit (25 acres), no new-producer shares were established.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugarbeets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Dated: December 27, 1966.

PAUL WOOFTER,
Chairman, Agricultural Stabilization and Conservation
New Mexico State Committee.

Approved: January 11, 1967.

RAY FITZGERALD,
Deputy Administrator,
State and County Operations.

[F.R. Doc. 67-526; Filed, Jan. 16, 1967;
8:48 a.m.]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Ohio Allotment Areas and Farm Proportionate Shares for 1966 Crop

Pursuant to the provisions of § 850.170 (30 F.R. 15403), the Agricultural Stabilization and Conservation Ohio State Committee has issued the bases and procedures for dividing the State into allotment areas and establishing individual farm shares for the 1966 sugarbeet crop from acreage allocated and from any unused acreage redistributed to Ohio. Copies of these bases and procedures are available for public inspection at the office of such Committee at 202 Old Federal Building, Columbus, Ohio, and at the offices of the Agricultural Stabilization and Conservation Committees in the sugarbeet producing counties of Ohio. These bases and procedures incorporate the following:

§ 850.202 Ohio.

(a) *Allotment areas.* Ohio shall be divided into two allotment areas as served by beet sugar companies. These areas shall be designated as Northern Ohio and Buckeye. Acreage allotments of 20,819 acres and 8,803 acres, respectively, are established for these areas on the basis of a formula giving 30 percent weighting to the average accredited acre-

age for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage for the crop year 1964 for each area as a measure of "past production" and "ability to produce" sugarbeets, with pro rata adjustments to the State allocation. In addition to the acreage established above, 350 acres are made available to farms in the Buckeye area in accordance with the provisions of paragraph (c) of § 850.169.

(b) *Set-aside of acreage.* Set-asides of acreage shall be made from area allotments as follows: Northern Ohio area—320 acres for new-producer farms including farms operated by students as educational test plots, 104 acres for appeals and 729 acres for adjustments in initial shares; Buckeye area—140 acres for new-producer farms including farms operated by students as educational test plots, 44 acres for appeals and 308 acres for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm share shall be filed at the local ASCS county office on Form SU-100, Request for Sugarbeet Proportionate Share, under the conditions, and on or before closing date for such filing as provided in § 850.172. However, requests for shares may be accepted after such date and shares may be established if the State committee determines that in any such case the farm operator was prevented from filing a completed Form SU-100 by such date because of illness or other reasons beyond his control, and requests may be accepted generally by the State committee after such date if acreage is available within the area allotment.

(d) *Establishment of individual shares for old-producer farms—(1) Farm bases.* The 1965-crop formula provided that a farm base would be determined on the basis of a formula giving 20 percent weighting to the average accredited acreage of the farm for the crop year 1962, 30 percent for the crop year 1963 and 50 percent weighting to the accredited acreage record for the crop year 1964. The resultant farm bases were adjusted pro rata to the area allotment less the appropriate set asides to determine the initial share. Such initial shares, subject to adjustments, became the established 1965-crop shares. For a 1966-crop old-producer farm that is constituted the same as the 1965-crop farm, the 1966-crop farm base shall be the 1965-crop established share, as adjusted by appeal. The 1966-crop farm base for a farm that is constituted differently than the 1965-crop farm and for a farm with an accredited acreage record in the period 1962 through 1964 but for which a 1965 share was not established shall be determined pursuant to the applicable provisions of § 850.174.

(2) *Initial proportionate shares.* For the Northern Ohio area, the total of farm bases for old-producer farms as established pursuant to this paragraph, is less than the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial shares shall be established from the farm bases as follows: For farms for which the respective requested acreages

are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages, and for all other farms, initial shares shall be computed by prorating to such farms, in accordance with their respective bases, the area allotment less the prescribed set-asides and the total of the initial shares established in accordance with the preceding part of this subparagraph, but not to exceed the acreage requested for each farm. For the Buckeye area, the total of individual farm bases for old-producer farms, as established pursuant to this paragraph, exceeds the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial shares shall be established from the farm bases by prorating to the farms in accordance with their respective bases, but not in excess of their requests, the area allotment less such set-asides. Notwithstanding the foregoing provisions of this subparagraph (2) no farm share shall be established at a level less than 20 acres unless a lesser amount is requested. The proration factor for each area shall be as follows: Northern Ohio—1.0027; Buckeye—0.9639.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage in excess of requested acreages, adjustments shall be made in initial shares for old producers so as to establish a share for each farm which is fair and equitable as compared with shares for all other farms in the area by taking into consideration increased 1965-crop plantings because of acreages unused by other growers, availability and suitability of land, area of available fields, crop rotation practices, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities and the production experience of the operator.

(e) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new producers and any other acreage that the State committee determines shall be used for that purpose, shares shall be established in an equitable manner for farms to be operated during the 1966-crop year by new producers. The State committee has determined that a 20-acre share is the minimum acreage which is economically feasible to plant as a new-producer farm share in each area. Distribution of the acreage set aside for new producers will be made on the basis of an entire allotment area. In determining whether a farm for which a request is filed for a new-producer share may qualify for such a share, and to assist in establishing new-producer shares which are fair and equitable as to relative size among qualified farms, the county committee, subject to review by the State committee, shall rate each farm as provided in § 850.180 by taking into consideration availability and suitability of land, adequacy of drainage, the production experience of the operator, and the availability of production and marketing facilities and shall establish

new-producer farm shares as provided therein.

(f) *Adjustments under appeals.* Within the acreage set aside for appeals or reserved to correct errors, or available as unused acreage, adjustments in shares shall be made as determined under the provisions of Part 891 of this chapter following a request for reconsideration or an appeal filed in accordance with Part 760 of this title.

(g) *Adjustments because of redistribution of unused acreage.* Any acreage determined by the State committee during the 1966-crop season as available from underplanting or failure to plant or proportionate share acreage released by an operator prior to June 3, 1966, and approved by the county committee pursuant to Part 895 of this chapter and unused acreages from other sources shall be distributed to farms in the State whereon additional acreage may be used. Such distribution shall take into consideration the size of the initial share established for the farm, and the factors considered in adjusting initial shares as stated in paragraph (d) (3) of this section. The unused or unallotted acreage distributed to a farm shall not exceed the acreage that can be used on the farm. No acreage will be redistributed after August 19, 1966.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the share established for his farm on Form SU-103, Notice of Farm Proportionate Share—1966 Sugarbeet Crop, even if the share established is "none." In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted share on a Form SU-103 marked "revised."

(i) *Redetermination of proportionate share.* The share determined for any farm which is subdivided or becomes a part of another farm or farms shall be redetermined as provided in § 850.184.

(j) *Single plant reserve acreage.* Shares for farms from acreage allocated for single nonaffiliated factories shall be determined in accordance with the provisions of § 850.187.

(k) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of §§ 850.168 to 850.187.

STATEMENT OF BASES AND CONSIDERATIONS

This action sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Ohio State Committee for determining farm shares in Ohio for the 1966 crop of sugarbeets.

Ohio is divided into two allotment areas. The northern Ohio area consists of the entire counties of Hancock, Lucas, Ottawa, Sandusky, and Wood. It also includes farms located in Putnam and Henry Counties which are included in such area as hereafter provided. The Buckeye Area consists of the entire

counties of Defiance, Mercer, and Van Wert and farms in Putnam and Henry Counties which are included in such area as hereafter provided. For purposes of identifying allotment area acreage for establishing 1966-crop proportionate shares, an old-producer farm located in Putnam or Henry County shall be included in the allotment area served by the beet sugar company that contracted for the sugarbeet crops on the farm during the base period, and a new-producer farm located in Putnam and Henry Counties shall be included in the allotment area served by the beet sugar company that contracts for the 1966 crop on such farm. Informal relationships are maintained with grower and processor representatives. In establishing shares for old producers, the factors of "past production" and "ability to produce" sugarbeets are measured by establishing 1966 farm bases equal to the 1965 established share as adjusted by appeal, for the farm operated by such old producers and in other cases in accordance with the same formula which was used in establishing a share for a 1965-crop farm.

Farm shares for new producers are established as provided in § 850.180. Twenty-acre shares are determined to be minimum economic units for new-producer farms.

The bases and procedures for making adjustments in initial shares and for adjusting shares subsequently because of unused acreage are designed to provide a fair and equitable share for each farm of the total acreage of sugarbeets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Dated: December 28, 1966.

DWIGHT WISE,
Chairman, Agricultural Stabilization and Conservation
Ohio State Committee.

Approved: January 11, 1967.

RAY FITZGERALD,
Deputy Administrator,
State and County Operations.

[F.R. Doc. 67-528; Filed, Jan. 16, 1967;
8:48 a.m.]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

California Allotment Areas and Farm Proportionate Shares for 1966 Crop

Pursuant to the provisions of § 850.170 (30 F.R. 15403), the Agricultural Stabilization and Conservation California State Committee has issued the bases and procedures for dividing the State into allotment areas and establishing individual farm shares for the 1966 sugarbeet crop from acreage allocated and from any unused acreage redistributed to California. Copies of these bases and procedures are available for public inspection at the office of such Committee at 2020 Milvia

St., Berkeley, Calif., and at the offices of the Agricultural Stabilization and Conservation Committees in the sugarbeet producing counties of California. These bases and procedures incorporate the following:

§ 850.205 California.

(a) *Allotment areas.* California shall be divided into two allotment areas. These areas shall be designated as the "Northern" area and the "Southern" area. Acreage allotments of 263,029 and 58,916 acres, respectively, are established for these areas by applying a formula giving a 30 percent weighting to the average accredited acreage for the first 2 years in the base period and a 70 percent weighting to the last year in the base period for each area as a measure of "past production" and "ability to produce" sugarbeets, with pro rata adjustments to the State allocation. The base period shall be the crop years 1962, 1963, and 1964 except that the base period for any farm in the Mendota locality to which a commitment was made pursuant to Part 851 of this chapter shall be 1963, 1964, and 1965.

(b) *Set-aside of acreage.* Set-asides of acreage shall be made from area allotments as follows: Northern area—2,630 acres for new-producer farms including farms operated by students as educational test plots, 1,315 acres for appeals and 5,260 acres for adjustments in initial shares; southern area—589 acres for new-producer farms including farms operated by students as educational test plots, 295 acres for appeals and 1,178 acres for adjustments in initial shares.

(c) *Requests for proportionate shares.* A request for each farm share shall be filed at the local ASCS County Office on Form SU-100. Request for Sugarbeet Proportionate Share, under the conditions, and on or before the closing date for such filing, as provided in § 850.172. If a preliminary request for a tentative farm share is filed, a fully-completed Form SU-100 shall be filed by February 15, 1966, for the northern area and by May 24, 1966, for the southern area. However, requests for shares may be accepted after such dates and shares may be established if the State committee determines that in any such case the farm operator was prevented from filing a completed Form SU-100 by such dates because of illness or other reasons beyond his control, and requests may be accepted generally by the State committee after such date if acreage is available within the area allotment.

(d) *Establishment of individual shares for old-producer farms—(1) Farm bases.* The 1965-crop formula provided that a farm base would be the largest of (i) the result of adding 30 percent of the average of the personal accredited acreage record of the operator for the crop years 1962 and 1963 and 70 percent of such personal accredited acreage record for the crop year 1964, (ii) the result of dividing by three the total of such personal accredited acreage record for the crop years 1962, 1963, and 1964, (iii) the result of adding 30 percent of the average of the landowner's share of the accredited

acres on the farm for the crop years 1962 and 1963 and 70 percent of the landowner's share of the accredited acreage on the farm for the crop year 1964 or, (iv) the result of dividing by three the landowner's share of the accredited acreages on the farm for the crop years 1962, 1963, and 1964. The resultant farm bases were adjusted pro rata to the area allotment less the appropriate set asides to determine the initial share. Such initial shares, subject to adjustments, became the established 1965-crop shares. Notwithstanding the foregoing provisions of this subparagraph, in the Mendota locality, shares for farms receiving a commitment of acreage from the national reserve were established in accordance with the applicable provisions of Parts 850 and 851 of this chapter. For a 1966-crop old-producer farm that is constituted the same as the 1965-crop farm, the 1966-crop farm base shall be the 1965-crop established share, as adjusted by appeal. The 1966-crop farm base for a farm that is constituted differently than the 1965-crop farm and for a farm with an accredited acreage record in the period 1962 through 1964 but for which a 1965 share was not established shall be determined pursuant to the applicable provisions of § 850.174.

(2) *Initial proportionate shares.* For the northern area, the total of farm bases for old-producer farms as established pursuant to this paragraph, is less than the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial shares shall be established from the farm bases as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages, and for all other farms, initial shares shall be computed by prorating to such farms, in accordance with their respective bases, the area allotment less the prescribed set-asides and the total of the initial shares established in accordance with the preceding part of this subparagraph, but not to exceed the acreage requested for each farm. The proration factor for the northern area shall be 1.0340. For the southern area, the total of individual farm bases for old-producer farms, as established pursuant to this paragraph, exceeds the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial shares shall be established from the farm bases by prorating to the farms in accordance with their respective bases, but not in excess of their requests, the area allotment less such set-asides. The proration factor for the southern area shall be 0.9528.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage of initial shares in excess of requested acreages in each allotment area, adjustments shall be made in initial shares for old producers so as to establish a share for each farm which is fair and

equitable as compared with shares for all other farms in the area by taking into consideration increased 1965-crop plantings because of acreages unused by other growers, availability and suitability of land, area of available fields, crop rotation practices, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(e) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new-producers in each allotment area, and any other unused acreage that the State committee determines shall be used for that purpose, shares shall be established for farms to be operated during the 1966-crop year by new producers and for farms operated by students as test plots. The State committee has determined that a 25-acre share is the minimum acreage which is economically feasible to plant as a new-producer farm share. Distribution of acreage for establishing new-producer shares will be made on the basis of an entire allotment area. In determining whether a farm for which a request is filed for a new-producer share may qualify for such a share, and to assist in establishing new-producer shares which are fair and equitable as to relative size among qualified farms, the county committee, subject to review by the State committee, shall rate each farm as provided in § 850.180 by taking into consideration availability and suitability of land, adequacy of drainage, the production experience of the operator, and the availability of production and marketing facilities. The State committee shall establish new-producer farm shares as provided therein.

(f) *Adjustments under appeals.* Within the acreage set-aside for appeals or reserved to correct errors, or available as unused acreage, adjustments in shares shall be made as determined under the provisions of Part 891 of this chapter following a request for reconsideration or an appeal filed in accordance with Part 780 of this title.

(g) *Adjustments because of redistribution of unused acreage.* Any acreage determined by the State committee during the 1966-crop season as available from underplanting or failure to plant or proportionate share acreage released prior to September 30, 1966, in the northern area and December 30 in the southern area by an operator and approved by the county committee pursuant to Part 895 of this chapter and unused acreages from other sources shall be distributed to farms in the State whereon additional acreage may be used. Such distribution shall take into consideration the size of the initial share established for the farm, and the factors considered in adjusting initial shares as stated in paragraph (d) (3) of this section. The unused or unallotted acreage distributed to a farm shall not exceed the acreage that can be used on the farm. No acreage will be redistributed after October 1, 1966, in the

northern area and after July 1, 1967, in the southern area.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the share established for his farm on Form SU-103, Notice of Farm Proportionate Share—1966 Sugarbeet Crop, even if the share established is "none." In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted share on a Form SU-103 marked "revised." For each tentative share which is established, the person filing the request for such share shall be notified on a Form SU-103-B specifying that such tentative share does not constitute a farm share for the purpose of payment under the Sugar Act of 1948, as amended.

(i) *Redetermination of proportionate share.* The share determined for any farm which is subdivided or becomes a part of another farm or farms shall be redetermined as provided in § 850.184.

(j) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of §§ 850.168 to 850.187.

STATEMENT OF BASES AND CONSIDERATIONS

This action sets forth the bases and procedures established by the Agricultural Stabilization and Conservation California State Committee for determining farm shares in California for the 1966 crop of sugarbeets.

California is divided into two allotment areas. The southern area consists of the entire counties of Imperial, San Diego, Riverside, Orange, and San Bernardino and that portion of Los Angeles County lying south of the San Gabriel Mountains. The northern area consists of the remainder of Los Angeles County and all other sugarbeet producing counties not included above.

Informal relationships are maintained with grower and processor representatives. In establishing shares for old-producer farms, the factors of "past production" and "ability to produce" sugarbeets are measured by establishing farm bases equal to the 1965 initial share for a farm constituted the same as in 1965, and in other cases in accordance with the same formula which was used in establishing an initial share for the 1965 crop.

Farm shares for new producers are established as provided in § 850.180. Twenty-five-acre shares are determined to be minimum economic units for new-producer farms.

The basis and procedures for making adjustments in initial shares and for adjusting shares subsequently because of unused acreage are designed to provide a fair and equitable share for each farm of the total acreage of sugarbeets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Dated: December 28, 1966.

MERLE MENSINGER,
Chairman, Agricultural Stabilization and Conservation
California State Committee.

Approved: January 11, 1967.

RAY FITZGERALD,
Deputy Administrator,
State and County Operations.

[P.R. Doc. 67-524; Filed, Jan. 16, 1967;
8:47 a.m.]

**PART 850—DOMESTIC BEET SUGAR
PRODUCING AREA**

**North Dakota Allotment Areas and
Farm Proportionate Shares for 1966
Crop**

Pursuant to the provisions of § 850.170 (30 P.R. 15403), the Agricultural Stabilization and Conservation North Dakota State Committee has issued the bases and procedures for dividing the State into allotment areas and establishing individual farm shares for the 1966 sugarbeet crop from acreage allocated and from any unused acreage redistributed to North Dakota. Copies of these bases and procedures are available for public inspection at the office of such Committee at 15 South 21st Street, Fargo, N. Dak., and at the offices of the Agricultural Stabilization and Conservation Committees in the sugarbeet producing counties of North Dakota. These bases and procedures incorporate the following:

§ 850.207 North Dakota.

(a) *Allotment areas.* North Dakota shall be divided into two allotment areas as served by two beet sugar companies. These areas shall be designated as the eastern area and the western area. Acreage allotments of 41,950 and 6,973 acres, respectively, are established for these areas on the basis of a formula giving 30 percent weighting to the average accredited acreage for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage for the crop year 1964 for each area as a measure of "past production" and "ability to produce" sugarbeets, with pro rata adjustments to the State allocation.

(b) *Set-asides of acreage.* Set-asides of acreage shall be made from area allotments as follows: Eastern area—250 acres for new producers, 210 acres for appeals and 210 acres for adjustments in initial shares; western area—70 acres for new producers, 35 acres for appeals and 35 acres for adjustments in initial shares. The set-asides in both areas for new producers include acreage for farms operated by students as educational test plots.

(c) *Requests for proportionate shares.* A request for each farm share shall be filed at the local ASCS county office on Form SU-100, Request for Sugarbeet Proportionate Share, under the conditions, and on or before the closing date

for such filing as provided in § 850.172. If a preliminary request for a tentative farm share is filed, as provided in § 850.172, a fully completed Form SU-100 shall be filed by March 31, 1966. However, requests for shares may be accepted after such dates and shares may be established if the State committee determines that in any such case the farm operator was prevented from filing a completed Form SU-100 by such dates because of illness or other reasons beyond his control, and requests may be accepted generally by the State committee after such date if acreage is available within the area allotment.

(d) *Establishment of individual proportionate shares for old-producer farms—(1) Farm bases—(i) Western area.* The 1965-crop formula provided that a farm base would be determined on the basis of the results of a formula giving a 30 percent weighting to the average accredited acreage for the farm for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage for the farm for the crop year 1964. The resultant farm bases were adjusted pro rata to the area allotment less appropriate set asides to determine the initial shares. Such initial shares, subject to adjustment became the established 1965-crop shares. For a 1966-crop farm constituted the same as in 1965 the 1966-crop farm base shall be the 1965-crop established share as adjusted by appeal. The 1966-crop farm base for a farm that is constituted differently than the 1965-crop farm and for a farm or a farm operator with an accredited acreage record in the base period 1962 through 1964 but for which a 1965-crop share was not established shall be determined pursuant to the applicable provisions of § 850.174.

(ii) *Eastern area.* The 1965-crop formula provided that a farm base would be determined on the basis of the larger of the results of a formula giving a 30 percent weighting to the average accredited acreage for the farm for the crop years 1962 and 1963 and 70 percent weighting to the accredited acreage for the farm for the crop year 1964 or the results of a formula giving a 30 percent weighting to the average of the 1962 and 1963 crops personal accredited acreage record within the area of the 1965-crop operator of the farm and a 70 percent weighting to such operator's personal production record within the area for the crop year 1964. The 1962-64 accredited acreage record for the farm was limited to the landowner's share of the crops if a former tenant on such farm was given credit for personal history acquired on such farm during such 3-year period for the purpose of computing a share for another farm he would be operating in 1965. The landowner's share of sugarbeet acreage grown on cash rented land was deemed to be zero. The resultant farm bases were adjusted pro rata to the area allotment less appropriate set-asides to determine the initial shares. Such initial shares, subject to adjustment, became the established shares. For a 1966-crop farm constituted the same as in 1965 the 1966-

crop farm base shall be the 1965-crop established share as adjusted by appeal. The 1966-crop farm base for a farm that is constituted differently than the 1965-crop farm and for a farm or a farm operator with an accredited acreage record in the base period 1962 through 1964 but for which a 1965-crop share was not established shall be determined pursuant to the applicable provisions of § 850.174.

(2) *Initial proportionate shares.* For each area, the total of individual farm bases for old producer farms, as established pursuant to this paragraph, exceeds the area allotment minus the set-asides of acreage established under paragraph (b) of this section. Accordingly, initial shares shall be established from the farm bases by prorating to the farms in accordance with their respective bases, but not in excess of their requests, the area allotment less such set-asides. The proration factor for each area shall be as follows: Eastern area—0.9891; western area—0.9960.

(3) *Adjustments in initial shares.* Within the acreage available from the set-aside for adjustments, and from acreage in excess of requested acreages, adjustments shall be made in initial shares for old producers so as to establish a share for each farm which is fair and equitable as compared with shares for all other farms in the area by taking into consideration increased 1965-crop plantings because of acreages unused by other growers, availability and suitability of land, area of available fields, crop rotation practices, availability of irrigation water, adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(e) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new producers and any other acreage that the State committee determines shall be used for that purpose, shares shall be established in an equitable manner for farms to be operated during the 1966-crop year by new producers. The State committee has determined that a 50-acre share in the eastern area and a 35-acre share in the western area are the minimum acreages which are economically feasible to plant as a new-producer farm share. Distribution of the acreage set aside for new producers will be made on the basis of an entire allotment area. In determining whether a farm for which a request is filed for a new-producer share may qualify for such a share, and to assist in establishing new-producer shares which are fair and equitable as to relative size among qualified farms, the county committee, subject to review by the State committee, shall rate each farm as provided in § 850.180 by taking into consideration availability and suitability of land, adequacy of drainage, the production experience of the operator, and the availability of production and marketing facilities and shall establish new-producer farm shares as provided therein.

(f) *Adjustments under appeals.* Within the acreage set aside for appeals or reserved to correct errors, or available as unused acreage, adjustments in shares shall be made as determined under the provisions of Part 891 of this chapter following a request for reconsideration or an appeal filed in accordance with Part 780 of this title.

(g) *Adjustments because of redistribution of unused acreage.* Any acreage determined by the State committee during the 1966-crop season as available from underplanting or failure to plant or proportionate share acreage released by an operator prior to June 30, 1966 and approved by the county committee pursuant to Part 895 of this chapter and unused acreages from other sources shall be distributed to farms in the State whereon additional acreage may be used. Such distribution shall take into consideration the size of the initial share established for the farm, and the factors considered in adjusting initial shares as stated in (d)(3) of this section. The unused or unallotted acreage distributed to a farm shall not exceed the acreage that can be used on the farm. No acreage will be redistributed after August 15, 1966.

(h) *Notification of farm operators.* The farm operator shall be notified concerning the share established for his farm on Form SU-103, Notice of Farm Proportionate Share—1966 Sugarbeet Crop, even if the acreage established is "none." In each case of approved adjustment, whether resulting from the release of acreage, the redistribution of unused acreage, appeals or the reconstitution of the farm, the farm operator shall be notified regarding the adjusted share on a Form SU-103 marked "revised." For each tentative share which is established, the person filing the request for such share shall be notified on a Form SU-103-B specifying that such tentative share does not constitute a farm share for the purpose of payment under the Sugar Act of 1948, as amended.

(i) *Redetermination of proportionate share.* The share determined for any farm which is subdivided into, combined with, or becomes a part of another farm or farms shall be redetermined as provided in § 850.184.

(j) *Farms receiving commitments of acreage from the national reserve.* Proportionate shares for farms receiving commitments of acreage from the national sugarbeet acreage reserve shall be established in accordance with the provisions of §§ 850.168 to 850.187 and 851.1 of this chapter.

(k) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of §§ 850.168 to 850.187.

STATEMENT OF BASES AND CONSIDERATIONS

This action sets forth the bases and procedures established by the Agricultural Stabilization and Conservation North Dakota State Committee for determining farm shares in North Dakota for the 1966 crop of sugarbeets.

North Dakota is divided into two areas. The western area consists of Burleigh, Foster, McLean, McKenzie, Oliver, and Williams Counties. The eastern area consists of Cass, Grand Forks, Pembina, Richland, Steele, Traill, and Walsh Counties. Informal relationships are maintained with grower and processor representatives. In establishing a proportionate share for an old producer farm in the western area, the factors of "past production" and "ability to produce" sugarbeets are measured by applying a formula to the 1962-64 acreage history of the farm. In the eastern area, such factors are measured by applying a formula to the 1962-64 personal accredited acreage record of the operator of the farm or to the accredited acreage record for the farm for such 3-year period, whichever is the more favorable.

Farm shares for new producers are established as provided in § 850.180. Fifty-acre shares in the eastern area and 35-acre shares in the western area are determined to be economic units for new-producer farms.

The bases and procedures for making adjustments in initial proportionate shares and for adjusting shares subsequently because of unused acreage and appeals are designed to provide a fair and equitable proportionate share for each farm of the total acreage of sugarbeets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Dated: December 28, 1966.

ARTHUR GRONHOV,
Chairman, Agricultural Stabilization and Conservation
North Dakota State Committee.

Approved: January 11, 1967.

RAY FITZGERALD,
Deputy Administrator,
State and County Operations.

[P.R. Doc. 67-527; Filed, Jan. 16, 1967;
8:48 a.m.]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

Maine Farm Proportionate Shares for 1966 Crop

Pursuant to the provisions of § 850.170 (30 P.R. 15403), the Agricultural Stabilization and Conservation Maine State Committee has issued the bases and procedures for establishing proportionate shares for individual farms for the 1966 sugarbeet crop from acreage committed to Maine pursuant to Parts 850 and 851 of this chapter. Copies of these bases and procedures are available for public inspection at the office of such committee at Grove Street, University of Maine Campus, Orono, Maine and at the offices of the Agricultural Stabilization and Conservation Committees in the sugarbeet producing counties of Maine. The

bases and procedures incorporate the following:

§ 850.208 Maine.

(a) *Allotment area.* In the establishment of individual farm shares the State shall be one allotment area.

(b) *Set-asides of acreage.* Set asides of acreage were not required under the provisions of § 850.173.

(c) *Requests for proportionate shares.* A request for each farm share shall be filed at the local ASCS county office on Form SU-100, Requests for Sugarbeet Proportionate Share, under the conditions, and on or before the closing date for such filing, as provided in § 850.172. However, requests for shares may be accepted after such date and shares may be established if the State committee determines that in any such case the farm operator was prevented from filing a completed Form SU-100 by such date because of illness, or other reason beyond his control, and requests may be accepted generally by the State committee after such date if acreage is available within acreage allocated to the reserve locality in the State of Maine pursuant to § 850.169(b).

(d) *Establishment of individual proportionate shares for all farms.* The share for a 1966-crop farm shall be established as provided in § 850.179(b).

(e) *Adjustments because of redistribution of unused acreage.* Any acreage determined by the State committee during the 1966-crop season as available from underplanting or failure to plant or proportionate share acreage released by an operator prior to June 15, 1966 and approved by the county committee pursuant to Part 895 of this chapter shall be distributed to farms in the State whereon additional acreage may be used. The unused acreage distributed to a farm shall not result in a share for the farm greater than the maximum acreage determined as provided in § 851.1(m)(2) of this chapter, as amended. No acreage will be distributed after August 22, 1966.

(f) *Notification of farm operators.* The farm operator shall be notified concerning the commitment of acreage to his farm on Form SU-116, Notice of Commitment from the National Sugarbeet Acreage Reserve. The farm operator shall also be notified concerning the share established for his farm on Form SU-103, Notice of Farm Proportionate Share—1966 Sugarbeet Crop. In each case of approved adjustment, whether resulting from the release of acreage or the redistribution of unused acreage, the farm operator shall be notified regarding the adjusted share on a Form SU-103 marked "revised."

(g) *Redetermination of proportionate share.* The share determined for any farm which is subdivided or becomes a part of another farm or farms shall be redetermined as provided in § 850.184.

(h) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of §§ 850.158 to 850.187.

STATEMENT OF BASES AND CONSIDERATIONS

This action sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Maine State Committee for determining farm proportionate shares in Maine for the 1966 crop of sugarbeets.

A commitment of 3,000 acres was made to the reserve locality in Maine for the 1966 crop under the provisions of Parts 851 and 850 of this chapter (29 P.R. 12819, 30 F.R. 15403). This is the first year that sugarbeets have been grown on a commercial basis in the State of Maine.

Regulations in Part 850 do not require that set asides of acreage for new producers, adjustments and appeals be made from acreage committed to a reserve locality. The maximum proportionate share for any farm is the acreage which the State committee determines can be planted on the farm in consideration of availability and suitability of land and of sound rotation practices. The total of the shares established for all farms may not exceed 33,000 acres. The total acreage requested for shares did not exceed 33,000 acres.

Shares for all farms are established to coincide with the acreage contracted by the processor to be grown on the farm as the State committee determined that the operators with whom the processor contracted for acreage from the acreage commitment were selected by the processor on a fair and reasonable basis in consideration of the criteria stated in § 850.179 (b).

The bases and procedures for adjusting shares because of unused acreage are designed to provide a fair and equitable share for each farm of the total acreage of sugarbeets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Dated: December 30, 1966.

ERNEST F. ADDITION,
Acting Chairman, Agricultural
Stabilization and Conserva-
tion Maine State Committee.

Approved: January 11, 1967.

RAY FITZGERALD,
Deputy Administrator,
State and County Operations.

[P.R. Doc. 67-525; Filed, Jan. 16, 1967;
8:48 a.m.]

**PART 850—DOMESTIC BEET SUGAR
PRODUCING AREA**

**Arizona Farm Proportionate Shares
for 1966 Crop**

Pursuant to the provisions of § 850.170 (30 P.R. 15403), the Agricultural Stabilization and Conservation Arizona State Committee has issued the bases and procedures for establishing proportionate shares for individual farms for the 1966 sugarbeet crop from acreage committed

to Arizona pursuant to Parts 850 and 851 of this chapter. Copies of these bases and procedures are available for public inspection at the office of such committee at Room 6008, Federal Building, 230 North First Avenue, Phoenix, Ariz., and at the offices of the Agricultural Stabilization and Conservation Committees in the sugarbeet producing counties of Arizona. The bases and procedures incorporate the following:

§ 850.209 Arizona.

(a) *Allotment area.* In the establishment of individual farm shares the State shall be one allotment area.

(b) *Set-asides of acreage.* Set asides of acreage were not required under the provisions of § 850.173.

(c) *Requests for proportionate shares.* A request for each farm share shall be filed at the local ASCS county office on Form SU-100, Requests for Sugarbeet Proportionate Share, under the conditions, and on or before the closing date for such filing, as provided in § 850.172. However, requests for shares may be accepted after such date and shares may be established if the State committee determines that in any such case the farm operator was prevented from filing a completed Form SU-100 by such date because of illness, or other reason beyond his control, and requests may be accepted generally by the State committee after such date if acreage is available within acreage allocated to the reserve locality in the State of Arizona pursuant to § 850.169 (b).

(d) *Establishment of individual proportionate shares for all farms.* The share for a 1966-crop farm shall be established as provided in § 850.179 (b).

(e) *Adjustments because of redistribution of unused acreage.* Any acreage determined by the State committee during the 1966-crop season as available from underplanting or failure to plant or proportionate share acreage released by an operator prior to December 1, 1966, and approved by the county committee pursuant to Part 895 of this chapter shall be distributed to farms in the State whereon additional acreage may be used. The unused acreage distributed to a farm shall not result in a share for the farm greater than the maximum acreage determined as provided in § 851.1(n)(2) of this chapter, as amended. No acreage will be distributed after July 1, 1967.

(f) *Notification of farm operators.* The farm operator shall be notified concerning the commitment of acreage to his farm on Form SU-116, Notice of Commitment from the National Sugarbeet Acreage Reserve. The farm operator shall also be notified concerning the share established for his farm on Form SU-103, Notice of Farm Proportionate Share—1966 Sugarbeet Crop. In each case of approved adjustment, whether resulting from the release of acreage or the redistribution of unused acreage, the farm operator shall be notified regarding the adjusted share on a Form SU-103 marked "revised."

(g) *Redetermination of proportionate share.* The share determined for any farm which is subdivided or becomes a part of another farm or farms shall be redetermined as provided in § 850.184.

(h) *Determination provisions prevail.* The bases and procedures set forth in this section are issued in accordance with and subject to the provisions of §§ 850.158 to 850.187.

STATEMENT OF BASES AND CONSIDERATIONS

This action sets forth the bases and procedures established by the Agricultural Stabilization and Conservation Arizona State Committee for determining farm proportionate shares in Arizona for the 1966 crop of sugarbeets.

A commitment of 20,000 acres was made to the reserve locality in Arizona for the 1966 crop under the provisions of Parts 851 and 850 of this chapter (29 F.R. 12819, 30 F.R. 15403). This is the first year that sugarbeets have been grown on a commercial basis in the State of Arizona. Regulations in Part 850 do not require that set asides of acreage for new producers, adjustments and appeals be made from acreage committed to a reserve locality. The maximum proportionate share for any farm shall be the smaller of 160 acres or the acreage on the farm which is suitable for the production of sugarbeets in consideration of sound crop rotation and other cultural practices except that for the 1966 crop only, a proportionate share of not to exceed 500 acres may be established for the farm of the processor in the locality. The total of the shares established for all farms may not exceed 20,000 acres. The total acreage requested for shares did not exceed 20,000 acres.

Shares for all farms are established to coincide with the acreage contracted by the processor to be grown on the farm as the State committee determined that the operators with whom the processor contracted for acreage from the acreage commitment were selected by the processor on a fair and reasonable basis in consideration of the criteria stated in § 850.179 (b).

The bases and procedures for adjusting shares because of unused acreage are designed to provide a fair and equitable share for each farm of the total acreage of sugarbeets required to enable the domestic beet sugar area to meet its quota and provide a normal carryover inventory.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153; secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. 1131, 1132)

Dated: December 23, 1966.

O. W. RUCC,
Chairman, Agricultural Stabilization and Conservation Arizona State Committee.

Approved: January 11, 1967.

Ray Fitzgerald,
Deputy Administrator,
State and County Operations.

[P.R. Doc. 67-523; Filed, Jan. 16, 1967;
8:47 a.m.]

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

[Milk Order 1]

PART 1001—MILK IN MASSACHUSETTS-RHODE ISLAND MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Massachusetts-Rhode Island marketing area (7 CFR Part 1001), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act:

1. In paragraph (b) of § 1001.70 the provisions "and farm location" and "and 1001.72";

2. In § 1001.72 the provision "In making the payments to producers required under § 1001.70, each handler shall add any applicable farm location differential specified in this section."; and

3. In paragraph (a) of § 1001.81 all of subparagraph (2).

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

1. The U.S. District Court for the District of Columbia has ordered the Department to take appropriate action to permit the farm location differential monies to be placed in escrow pending the final disposition of litigation challenging the validity of the farm location differential provisions of the order. Under the terms of the order the farm location differentials are paid from the total pool proceeds. This is accomplished under § 1001.81 by reducing each handler's pool obligation by the amount of the farm location differentials due his producers under the provisions of § 1001.70 and § 1001.72 and such monies due each producer are paid directly by the handler to such producer in addition to the uniform price computed pursuant to § 1001.64.

2. Since the Court has ordered the farm location differential monies to be escrowed, provision must be made to require each handler to pay such monies into the producer-settlement fund and to remove the provisions which would otherwise require him to pay such monies directly to his own producers. The market administrator will hold money so paid in an escrow fund subject to the order of the Court.

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

4. This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in the presence of said court order.

Therefore, good cause exists for making this order effective on issuance, with respect to all milk for which final payment is due on and after that date, including all producer milk delivered on or after December 1, 1966.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended effective immediately.

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

Effective date: Immediately.

Signed at Washington, D.C., on January 13, 1967.

ORVILLE L. FREEMAN,
Secretary.

[P.R. Doc. 67-569; Filed, Jan. 16, 1967; 9:36 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8692]

PART 13—PROHIBITED TRADE PRACTICES

Delco Carpets, Inc. and Delco Carpet Mills, Inc.

Subpart—Advertising Falsely or Misleadingly: § 13.15 *Business status, advantages, or connections*: 13.15-180 *Location*: 13.15-235 *Producer status of dealer or seller*: 13.15-235(m) *Manufacturer*: § 13.30 *Composition of goods*: 13.30-75 *Textile Fiber Products Identification Act*; § 13.70 *Fictitious or misleading guarantees*; § 13.73 *Formal regulatory and statutory requirements*: 13.73-90 *Textile Fiber Products Identification Act*. Subpart—*Misbranding or Mislabeling*: § 13.1185 *Composition*: 13.1185-80 *Textile Fiber Products Identification Act*; § 13.1212 *Formal regulatory and statutory requirements*: 13.1212-80 *Textile Fiber Products Identification Act*. Subpart—*Neglecting, Unfairly or Deceptively, To Make Material Disclosure*: § 13.1845 *Composition*: 13.1845-70 *Textile Fiber Products Identification Act*; § 13.1852 *Formal regulatory and statutory requirements*: 13.1852-70 *Textile Fiber Products Identification Act*. Subpart—*Using Misleading Name—Vendor*: § 13.2445 *Producer or laboratory status of seller*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; 15 U.S.C. 45, 70) [Cease and desist order, Delco Carpet Mills, Inc., Los Angeles, Calif., Docket 8692, Dec. 21, 1966]

In the Matter of Delco Carpet Mills, Inc., a Corporation

Order requiring a Los Angeles, Calif., installer of wall-to-wall carpeting to cease misbranding, falsely advertising, and deceptively guaranteeing its merchandise and misrepresenting that it manufactures its carpeting.

The order to cease and desist is as follows:

It is ordered, That respondent Delco Carpets, Inc., a corporation, trading as Delco Carpet Mills, Inc., or under any other name, and its officers, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or in 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:

A. Misbranding textile fiber products by:

1. Failing to set forth that the required disclosure as to the fiber content of floor coverings relates only to the face, pile, or outer surface of such products and not to exempted backing, filling or padding, when such is the case.

2. Failing to affix labels to such textile fiber products showing each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representations by disclosure or by implication, as to the fiber content of any textile fiber product in any written advertisement which is used to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of such textile fiber product, unless the same information required to be shown on the stamp, tag, label, or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Failing to set forth in disclosing the required fiber content information as to floor coverings containing exempted backings, fillings, or paddings, that such disclosure relates only to the face, pile, or outer surface of such textile fiber products and not to the exempted backings, fillings, or paddings.

3. Using a fiber trademark in advertising textile fiber products without a full disclosure of the required fiber content information in at least one instance in said advertisement.

4. Using a fiber trademark in advertising textile fiber products containing only one fiber without such fiber trademark appearing at least once in the advertisement in immediate proximity and conjunction with the generic name of

the fiber, in plainly legible and conspicuous type.

It is further ordered. That respondent Delco Carpets, Inc., a corporation, trading as Delco Carpet Mills, Inc. or under any other name, and its officers, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Directly or indirectly using the word "Mills", or any other word or term of similar import or meaning in or as part of respondent's corporate or trade name, or representing in any other manner that respondent performs the functions of a mill or otherwise manufactures or processes the carpeting or textile products sold by it unless and until respondent owns and operates or directly and absolutely controls the mill wherein said carpeting or other textile products are manufactured.

2. Representing in any manner that respondent has mills or factories where its products are manufactured or misrepresenting in any manner the location of the respondent's place of business.

3. Representing that any of respondent's products are guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

By "Final Order" further order requiring report of compliance is as follows:

It is further ordered. That Delco Carpets, Inc., a corporation, trading as Delco Carpet Mills, Inc., or under any other name, shall, within sixty (60) days after service of this order upon it, file with the Commission a report in writing, signed by its appropriate corporate officer, setting forth in detail the manner and form of its compliance with the order to cease and desist.

Issued: December 21, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[P.R. Doc. 67-490; Filed, Jan. 16, 1967; 8:45 a.m.]

[Docket No. C-1151]

PART 13—PROHIBITED TRADE PRACTICES

Hollywood Novelty Co., Inc., et al.

Subpart—Invoicing Products Falsely: § 13.1108 *Invoicing products falsely*; 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or Mislabeling: § 13.1212 *Formal regulatory and statutory requirements*; 13.1212-30 Fur Products Labeling Act. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1852 *Formal regulatory and statutory requirements*; 13.1852-35 Fur 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. 170; 15 U.S.C. 45, 69f) [Cease and desist order, Hollywood Novelty Co., Inc. et al., New York, N.Y., Docket C-1151, Dec. 27, 1966]

In the Matter of Hollywood Novelty Co., Inc., a Corporation, and Alfons Schlosser and Sol Portman, Individually and as Officers of Said Corporation

Consent order requiring a New York City manufacturer of fur products to cease misbranding and deceptively invoicing its merchandise.

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

It is ordered. That respondents Hollywood Novelty Co., Inc., a corporation, and its officers, and Alfons Schlosser and Sol Portman, 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 any fur product by:

1. Failing to affix a label to such fur product 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. Setting forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form on a label affixed to such fur product.

3. Failing to set forth the term "Persian Lamb" on a label in the manner required where an election is made to use that term instead of the word "Lamb".

4. Failing to set forth information required under section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder on a label in the sequence required by Rule 30 of the aforesaid rules and regulations.

5. Failing to set forth on a label the item number or mark assigned to such fur product.

B. Falsely or deceptively invoicing any fur product by:

1. Failing to furnish an invoice, 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 on an invoice pertaining to such fur products the name or names of any animal or animals other

than the name of the animal producing the fur contained in the fur product as specified in the Fur Products Name Guide, and as prescribed by the rules and regulations.

3. Failing to set forth the term "Persian Lamb" in the manner required where an election is made to use that term instead of the word "Lamb".

4. Failing to set forth the term "Dyed Broadtail-processed Lamb" in the manner required where an election is made to use that term instead of the words "Dyed Lamb".

5. Failing to set forth on an invoice the item number or mark assigned to such fur product.

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: December 27, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[P.R. Doc. 67-491; Filed, Jan. 16, 1967; 8:45 a.m.]

[Docket No. C-1150]

PART 13—PROHIBITED TRADE PRACTICES

Titus Pacific Corp. and Lothar Steinberg

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*; 13.1108-40 Federal Trade Commission Act. Subpart—Misbranding or mislabeling: § 13.1185 *Composition*; 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements*; 13.1212-90 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. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Titus Pacific Corp. et al., San Francisco, Calif., Docket C-1150, Dec. 16, 1966]

In the Matter of Titus Pacific Corp., a Corporation, and Lothar Steinberg, Individually and as an Officer of Said Corporation

Consent order requiring a San Francisco, Calif., importer and wholesaler of wool products, including wool blankets, to cease misrepresenting the fiber content of its merchandise.

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

It is ordered. That respondents Titus Pacific Corp., a corporation, and its officers, and Lothar Steinberg, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly, or through any corporate, or other device, do forthwith cease and desist from introducing into commerce, or offering for sale, selling, transporting, distributing, or delivering

for shipment in commerce wool blankets or any other wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939:

1. Which are falsely and deceptively stamped, tagged, labeled, or otherwise identified as to the character or amount of the constituent fibers contained therein.

2. Unless each such product has securely affixed thereto or placed thereon a stamp, tag, label, or other means of identification correctly 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 respondents Titus Pacific Corp., a corporation, and its officers, and Lothar Steinberg, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly, or through any corporate, or other device, in connection with the offering for sale, sale or distribution of blankets or any other textile products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from misrepresenting the character or amount of constituent fibers contained in blankets or any other textile products on invoices or shipping memoranda applicable thereto or in any other manner.

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: December 16, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[P.R. Doc. 67-492; Filed, Jan. 16, 1967;
8:45 a.m.]

[Docket No. 8719]

PART 13—PROHIBITED TRADE PRACTICES

Youngstown Carpet Guild Distributors Co. et al.

Subpart—Advertising falsely or misleadingly: § 13.75 *Free goods or services*; § 13.155 *Prices*; 13.155-10 *Bait*; 13.155-100 *Usual as reduced, special, etc.*; § 13.240 *Special or limited offers*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Youngstown Carpet Guild Distributors Co. et al., Hyattsville, Md., Docket 8719, Dec. 20, 1966]

In the Matter of Youngstown Carpet Guild Distributors Co., a Corporation, and Paul Kahn and Morton S. Falkow, Individually and as Officers of Said Corporation

Order requiring a Hyattsville, Md., distributor of carpets to cease using bait

advertising and other pricing misrepresentations in selling its products.

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

It is ordered, That respondents Youngstown Carpet Guild Distributors Co., a corporation, and its officers, and respondents Paul Kahn and Morton S. Falkow, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of floor covering products, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using, in any manner, a sales plan, scheme, or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sale of merchandise or services.

2. Making representations purporting to offer merchandise for sale when the purpose of the representation is not to sell the offered merchandise but to obtain leads or prospects for the sale of other merchandise at higher prices.

3. Representing, directly or by implication, that any merchandise or services are offered for sale when such offer is not a bona fide offer to sell said merchandise or services.

4. Failing or refusing to furnish ordered merchandise or services to purchasers in accordance with the terms and conditions of any advertised offer.

5. Failing or refusing to furnish free merchandise to purchasers, irrespective of a prior request therefor, upon fulfillment of the terms and conditions of any advertised offer.

6. Representing, directly or by implication, that the availability of any offer of products or services is limited to 3 days only, or is limited in any other manner: *Provided, however*, That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that any represented limitation was actually imposed and in good faith adhered to by respondents.

7. Representing, directly or by implication, that any price for respondents' products or services is a special or sale price, unless such price constitutes a significant reduction from an established selling price at which such products or services have been sold in substantial quantities by respondents in the recent regular course of their business; or misrepresenting in any manner the savings available to purchasers or prospective purchasers of respondents' products or services.

It is further ordered, That the respondents herein shall, within sixty (60) days 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: December 20, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[P.R. Doc. 67-493; Filed, Jan. 16, 1967;
8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-28]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

Informal Entries

Section 8.51(a) of the Customs Regulations now authorizes, among other things, the clearance on informal entries of household or personal effects or tools of trade entitled to free entry under Schedule 8, Part 2A, Tariff Schedules of the United States. It has been decided that it would be advantageous to authorize the use of informal entries for the entry of household effects and personal effects not imported in pursuance of a purchase or agreement for purchase and not intended for sale as described in section 498(a)(4) of the Tariff Act of 1930, as amended, even though the effects are not entitled to free entry under Schedule 8, Part 2A, Tariff Schedules of the United States.

To give effect to the foregoing, the seventh sentence of § 8.51(a) of the Customs Regulations is amended by adding "as well as household effects used abroad and personal effects, not imported in pursuance of a purchase or agreement for purchase and not intended for sale, as described in section 498(a)(4) of the Tariff Act of 1930, as amended," after "Tariff Schedules of the United States," so that the sentence as amended will read:

§ 8.51 Informal entries.

(a) This form may also be used for the entry of household or personal effects or tools of trade entitled to free entry under Schedule 8, Part 2A, Tariff Schedules of the United States, as well as household effects used abroad and personal effects whether or not entitled to free entry, not imported in pursuance of a purchase or agreement for purchase and not intended for sale, as described in section 498(a)(4) of the Tariff Act of 1930, as amended, but any such articles imported in the baggage of their owner shall ordinarily be included in his baggage declaration.

(Sec. 498(a), 46 Stat. 728, as amended; 19 U.S.C. 1498(a))

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

Approved: January 10, 1967.

TRUE DAVIS,
Assistant Secretary
of the Treasury.

[P.R. Doc. 67-501; Filed, Jan. 16, 1967;
8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Cobalt Preparations Intended for Use by Man

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 502 (a), (f), 701(a), 52 Stat. 1050, 1051, 1055; 21 U.S.C. 352 (a), (f), 371(a)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), § 3.48 is revised to read as follows:

§ 3.48 Cobalt preparations intended for use by man.

(a) In 1956, the Commissioner of Food and Drugs issued a statement of policy (21 CFR 3.48; 21 F.R. 8238, amended 21 F.R. 10274) with respect to the status of cobalt preparations intended for use by man. Preparations containing more than 2.5 milligrams of cobalt per dosage unit, in the form of any cobalt salt, were classified as prescription drugs. Articles containing between 0.5 and 2.5 milligrams of cobalt per dosage unit, in the form of any of its salts, were permitted over-the-counter sale for use in iron-deficiency anemia under specified conditions, including a limitation on the dosage per 24-hour period of not more than 10 milligrams of cobalt. Any preparation, the labeling or advertising of which recommended, prescribed, or suggested the administration of over 15 milligrams of cobalt in the form of any of its salts per 24-hour period, was classified as a new drug.

(b) On the basis of a comprehensive review of available data, the Commissioner of Food and Drugs concludes that cobalt preparations as therapeutic agents for iron-deficiency anemia, whether for over-the-counter sale or for dispensing on prescription, are not generally recognized as safe or effective for their intended use. All such preparations thus are "new drugs," requiring clearance through the new-drug procedures of section 505 of the Federal Food, Drug, and Cosmetic Act. Firms manufacturing these preparations have been requested to discontinue shipments, and all have agreed to do so.

(c) The Commissioner is asking a panel of hematologists to consider the available data on cobalt-containing drugs to determine whether there are conditions under which such drugs can be used safely and effectively. When such determination is made, the Commissioner will announce the conditions of use, if any, for which new-drug applications can be approved. Pending said determination, distribution of any such drug should not be started or resumed unless it is covered by a new-drug

application approved on the basis of a showing of safety and effectiveness.

(Secs. 502 (a), (f), 701(a), 52 Stat. 1050, 1051, 1055; 21 U.S.C. 352 (a), (f), 371(a))

Dated: January 9, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-529; Filed, Jan. 16, 1967; 8:48 a.m.]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 31—NONALCOHOLIC BEVERAGES

Canned Soda Water; Stannous Chloride as an Optional Chemical Preservative

In the matter of amending the standard of identity for soda water (21 CFR 31.1) to permit the use of stannous chloride as an optional chemical preservative in canned soda water:

In response to the notice of proposed rulemaking in the above-identified matter, published in the FEDERAL REGISTER of September 16, 1966 (31 F.R. 12104), and based upon a proposal by the American Bottlers of Carbonated Beverages, 1128 16th Street NW., Washington, D.C. 20036, one comment was received suggesting clarification of the intended amount of stannous chloride to be used.

In consideration of the information submitted in the petition, the comment received, and other relevant information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the subject standard to provide for the optional addition of stannous chloride to canned soda water in a quantity not to exceed 11 parts per million, calculated as tin.

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008): *It is ordered*, That § 31.1(b) (10) be revised to read as follows:

§ 31.1 Soda water; identity; label statement of optional ingredients.

(b) * * *

(10) One or more of the chemical preservatives ascorbic acid, benzoic acid, BHA, BHT, calcium disodium EDTA, erythorbic acid, glucose-oxidase-catalase enzyme, methylparaben or propylparaben, nordihydroguaiaretic acid, propyl gallate, potassium or sodium benzoate, potassium or sodium bisulfite, potassium or sodium metabisulfite, potassium or sodium sorbate, sorbic acid, sulfur dioxide, or tocopherols; and in the case of canned soda water, stannous chloride in a quantity not to exceed 11 parts per million calculated as tin (Sn), with or without one or more of the other chemical preservatives listed in this subparagraph.

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

Effective date. This order shall become effective 60 days from the date of its publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: January 9, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-530; Filed, Jan. 16, 1967; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

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

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

ADJUSTED PREMIUM AND TERMINATION CHARGES

Section 207.253(d) is amended by adding a new subparagraph (4) to read as follows:

§ 207.253 Adjusted premium and termination charges.

(d) * * *

(4) Pursuant to a request for termination in a case where the mortgagor is a nonprofit educational institution which certifies to the Commissioner, in a manner satisfactory to him, that the property will be used for educational purposes.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

Issued at Washington, D.C., January 10, 1967.

[SEAL] PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[P.R. Doc. 67-503; Filed, Jan. 16, 1967; 8:46 a.m.]

Title 26—INTERNAL REVENUE

Chapter II—The Tax Court of the United States

PART 701—RULES OF PRACTICE

Initiation of a Case; Petition; Filing Fee; Form

Section 701.7(c) (4) (ii) (a), as amended, is as follows:

§ 701.7 Initiation of a case; petition; filing fee; form.

(c) *Form of petition.* * * *

(4) The petition shall contain * * *

(ii) Numbered paragraphs stating:

(a) Petitioner's name and legal residence in the case of a petitioner other than a corporation, or in the case of a corporate petitioner, its name and principal place of business, or principal office or agency; and, in all petitions, the office of the Internal Revenue Service with which the tax return for the period in controversy was filed. (For purposes of this paragraph, the legal residence, principal place of business, or principal office or agency shall be determined as of the time of filing the petition.)

This amendment is effective January 6, 1967.

Dated: January 12, 1967.

By the Court.

NORMAN O. TIETJENS,
Chief Judge,
Tax Court of the United States.

[P.R. Doc. 67-506; Filed, Jan. 16, 1967; 8:46 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 135—FOURTH-CLASS

Miscellaneous Amendments

Public Law 89-593 approved September 20, 1966, increases parcel post zone rates and catalog single piece and bulk zone rates effective January 15, 1967. Accordingly, the following amendments are made to Part 135, Code of Federal Regulations in order to show the changes made by the new law effective on January 15, 1967: I. In 135.1 Rates make the following changes:

A. The tabular material under paragraph (a) is revised to reflect new parcel post zone rates;

B. The tabular material under paragraph (b) (1) is revised to reflect new zone rates for bulk mailed catalogs;

C. The tabular material under paragraph (c) (3) is revised to reflect new

zone rates for individual mailings of catalogs not mailed under paragraph (b) (1).

Paragraphs (a) and (b) (1) and (3) of § 135.1, as revised, read as follows:

§ 135.1 Rates.

(a) *Fourth class (parcel post) zone rates.*

Pounds	Local	Zones							
		1 and 2	3	4	5	6	7	8	
2	\$0.40	\$0.50	\$0.50	\$0.55	\$0.60	\$0.70	\$0.75	\$0.80	
3	.40	.55	.60	.65	.75	.85	.95	1.05	
4	.45	.60	.65	.75	.85	1.00	1.10	1.25	
5	.45	.65	.70	.80	.95	1.10	1.20	1.45	
6	.45	.70	.80	.90	1.05	1.25	1.45	1.75	
7	.50	.80	.85	1.00	1.15	1.40	1.60	1.85	
8	.50	.85	.90	1.05	1.30	1.50	1.75	2.00	
9	.55	.90	.95	1.15	1.40	1.65	1.90	2.20	
10	.55	.95	1.05	1.20	1.50	1.75	2.10	2.40	
11	.55	1.00	1.10	1.30	1.60	1.90	2.25	2.60	
12	.60	1.05	1.15	1.35	1.70	2.00	2.40	2.75	
13	.60	1.10	1.20	1.45	1.80	2.10	2.55	2.95	
14	.65	1.15	1.30	1.50	1.90	2.25	2.70	3.10	
15	.65	1.20	1.35	1.60	2.00	2.35	2.85	3.20	
16	.65	1.25	1.40	1.65	2.10	2.45	3.00	3.45	
17	.70	1.30	1.45	1.75	2.20	2.60	3.15	3.60	
18	.70	1.35	1.50	1.80	2.30	2.70	3.30	3.80	
19	.75	1.40	1.60	1.90	2.40	2.85	3.45	4.00	
20	.75	1.40	1.65	1.95	2.50	2.95	3.60	4.15	
21	.75	1.45	1.70	2.05	2.60	3.05	3.75	4.35	
22	.80	1.50	1.75	2.10	2.65	3.15	3.90	4.60	
23	.80	1.55	1.80	2.15	2.75	3.20	4.05	4.65	
24	.85	1.60	1.85	2.20	2.85	3.40	4.15	4.85	
25	.85	1.60	1.90	2.30	2.90	3.50	4.30	5.00	
26	.85	1.65	1.95	2.35	3.00	3.60	4.45	5.20	
27	.90	1.70	1.95	2.40	3.10	3.70	4.60	5.35	
28	.90	1.75	2.00	2.50	3.20	3.85	4.75	5.50	
29	.95	1.80	2.05	2.55	3.25	3.95	4.85	5.70	
30	.95	1.80	2.10	2.60	3.35	4.05	5.00	5.85	
31	.95	1.85	2.15	2.65	3.45	4.15	5.15	6.05	
32	1.00	1.90	2.20	2.75	3.50	4.25	5.30	6.20	
33	1.00	1.95	2.25	2.80	3.60	4.40	5.45	6.35	
34	1.00	1.95	2.30	2.85	3.70	4.50	5.55	6.55	
35	1.05	2.00	2.35	2.90	3.75	4.60	5.70	6.70	
36	1.05	2.05	2.40	3.00	3.85	4.70	5.85	6.90	
37	1.10	2.10	2.45	3.05	3.95	4.80	6.00	7.05	
38	1.10	2.15	2.50	3.10	4.05	4.95	6.15	7.20	
39	1.10	2.15	2.55	3.20	4.10	5.05	6.25	7.40	
40	1.15	2.20	2.60	3.25	4.20	5.15	6.40	7.55	
41	1.15	2.25	2.65	3.30	4.30	5.25	6.55	7.70	
42	1.15	2.30	2.70	3.35	4.35	5.35	6.70	7.90	
43	1.20	2.30	2.75	3.45	4.45	5.50	6.85	8.05	
44	1.20	2.35	2.75	3.50	4.55	5.60	6.95	8.20	
45	1.25	2.40	2.80	3.55	4.60	5.70	7.10	8.35	
46	1.25	2.45	2.85	3.65	4.70	5.80	7.25	8.50	
47	1.25	2.50	2.90	3.70	4.80	5.90	7.40	8.70	
48	1.30	2.50	2.95	3.75	4.90	6.05	7.55	8.85	
49	1.30	2.55	3.00	3.80	4.95	6.15	7.65	9.00	
50	1.30	2.60	3.05	3.90	5.05	6.25	7.80	9.15	
51	1.35	2.65	3.10	3.95	5.15	6.35	7.95	9.30	
52	1.35	2.65	3.15	4.00	5.20	6.45	8.05	9.50	
53	1.40	2.70	3.20	4.05	5.30	6.60	8.20	9.65	
54	1.40	2.70	3.25	4.10	5.35	6.70	8.35	9.80	
55	1.40	2.75	3.30	4.20	5.45	6.80	8.45	9.95	
56	1.45	2.80	3.35	4.25	5.55	6.90	8.60	10.10	
57	1.45	2.80	3.40	4.30	5.60	7.00	8.70	10.30	
58	1.50	2.85	3.45	4.35	5.70	7.15	8.85	10.45	
59	1.50	2.90	3.50	4.40	5.75	7.25	9.00	10.70	
60	1.50	2.90	3.50	4.50	5.85	7.35	9.10	10.90	
61	1.55	2.95	3.55	4.55	5.95	7.45	9.25	11.10	
62	1.55	3.00	3.60	4.60	6.00	7.55	9.35	11.25	
63	1.55	3.00	3.65	4.65	6.10	7.70	9.50	11.40	
64	1.60	3.05	3.70	4.70	6.15	7.80	9.65	11.55	
65	1.60	3.05	3.75	4.80	6.25	7.90	9.80	11.70	
66	1.65	3.10	3.80	4.85	6.35	8.00	9.95	11.85	
67	1.65	3.15	3.85	4.90	6.40	8.10	10.10	12.00	
68	1.65	3.15	3.90	4.95	6.50	8.25	10.15	12.05	
69	1.70	3.20	3.95	5.00	6.55	8.35	10.30	12.20	
70	1.70	3.25	4.00	5.10	6.65	8.45	10.40	12.35	

EXCEPTIONS:

a. Parcels weighing less than 10 pounds, and measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 10-pound parcel for the zone to which addressed. See § 135.3 for size and weight restrictions.

b. For catalogs weighing up to 10 pounds, see paragraph (b) of this section.

c. For books and library books, see paragraphs (c) and (d) of this section.

d. For 16-millimeter films, 16-millimeter film catalogs, and related materials, see paragraphs (c) and (d) of this section.

e. Gold mailed within Alaska or from Alaska to other States and U.S. possessions: 2 cents each ounce or fraction, regardless of distance.

NOTE: The corresponding Postal Manual section is 135.11.

(b) *Catalogs and similar printed advertising matter in bound form having 24 or more pages at least 22 of which are printed, weighing 16 ounces or more but not exceeding 10 pounds—(1) Rates for bulk mailings of separately addressed identical pieces in quantities of not less than 300 mailed at one time.*

Zones	Piece rate	Bulk pound rate
	Cents	Cents
Local	17	1.9
1 and 2	21	3.0
3	21	3.6
4	21	4.6
5	21	5.7
6	21	7.1
7	21	8.7
8	22	10.4

Note: The total charge for each bulk mailing shall be the sum of the charges derived by applying the applicable pound rate to the total number of pounds and by applying the applicable piece rate to the total number of pieces.

Note: The corresponding Postal Manual section is 135.121.

(3) Single piece rates for individual mailings of catalogs not mailed under subparagraph (1) of this paragraph.

Weight (pounds)	Zone							
	Local	1 and 2	3	4	5	6	7	8
	Cents							
1.5	23	29	30	31	33	35	38	41
2	24	30	32	33	36	39	42	46
2.5	25	32	33	36	39	42	46	51
3	26	33	35	38	42	46	51	57
3.5	27	35	37	40	44	49	55	62
4	28	36	39	42	47	53	59	67
4.5	29	38	41	45	50	56	64	72
5	30	39	42	46	53	60	68	77
6	32	42	46	51	59	67	77	88
7	34	43	48	55	64	74	85	98
8	36	48	53	60	70	81	94	109
9	38	51	57	65	76	88	104	119
10	39	54	60	69	81	95	112	129

Note: The corresponding Postal Manual section is 135.123.

II. § 135.2 Classification make the following changes:

A. Under paragraph (a), subparagraph (4) (1) is modified to permit acceptance at special fourth-class rates of complete books in loose leaf form;

B. The material under paragraph (b) is revised to explain that parcel post zones are based on distance from the center of the area in which the sectional center of the mailing post office is located to the nearest point of the area in which the sectional center of the delivery post office is located.

Paragraphs (a) (4) (i) and (b) of § 135.2, as revised, read as follows:

§ 135.2 Classification.

(a) Description. * * *

(4) * * *

(i) Complete books of 24 pages or more, at least 22 of which are printed, consisting wholly of reading matter or scholarly bibliography or reading matter with incidental blank spaces for notations and containing no advertising matter other than incidental announcements of books, except additions, supplements, fillers, or similar matter which are mailed thereafter and which are intended to replace or add to material in the complete book originally mailed. Advertising includes paid advertising and publishers' own advertising. Advertising may be in display, classified, or editorial style. The identification statement "Special Fourth-Class Rate—Books" must be placed con-

spicuously on the address side of each package.

Note: The corresponding Postal Manual section is 135.214a.

(b) Application of rates. (1) The rates in § 135.1 (a) and (b) are applied on the basis of weight of the individual piece and the zone between the sectional center facilities of the post offices of mailing and delivery. Articles addressed to military post offices overseas (Army, Air Force, Fleet post offices, and Naval vessels) require postage at the zone rate applicable between mailing office and post office shown in the address.

(2) There is a local zone which is defined by the Postmaster General from time to time and eight numbered zones which are determined as follows:

(i) The United States and its territories and possessions are divided into units of area 30 minutes square, identical with a quarter of the area formed by the intersecting parallels of latitude and meridians of longitude. Each unit of area is designated by a number.

(ii) The zones are based on a straight line distance between the unit of area in which the dispatching sectional center of the mailing post office is located and the unit of area in which the receiving sectional center facility of the post office of address is located, measured from the center of one unit to the nearest point in the other.

(iii) An official zone chart prepared for each sectional center will be used to determine zones from all postal units within the sectional center area. The chart to be used is identified by the inclusive ZIP Codes assigned to postal units in the sectional center. Each chart lists the first three digits (prefix) of the ZIP Codes of all sectional center offices and to the right thereof the applicable zone.

(iv) To determine the zone distance from the office of mailing to the office of address, refer to the zone chart for use

at the office of mailing and locate on the chart the first three digits (prefix) of the ZIP Code of the post office of address. To the right thereof appears the zone.

(v) An official Zone Chart may be obtained free by request to the postmaster at the office of mailing. For ZIP Code numbers, consult the national ZIP Code Directory. See § 114.2(b) of this chapter.

(3) The rates in § 135.1 (c) and (d) are computed on the basis of the weight of the piece regardless of the zone to which addressed.

(4) The local rate in § 135.1 (a) and (b) applies to parcels mailed at any post office for local delivery at that office; at any city letter-carrier office or at any point within its delivery limits for delivery by carriers from that office; at any office from which a rural route starts for delivery on the same route; and on a rural route for delivery at the office from which the route starts or on any rural route starting from that office.

(5) The Zone 1 rate in § 135.1 (a) and (b) applies to parcels mailed between two post offices in the same sectional center area.

(6) Gold coin, gold bullion, and gold dust, between any two points in Alaska, or between any point in Alaska and any point in the other States or U.S. possessions are charged the rate in § 135.1 (a) e. The gold must be enclosed in sealed packages not exceeding 50 pounds in weight and sent by registered mail.

Note: The corresponding Postal Manual section is 135.22.

III. The written material under § 135.3 is revised to show the size and weight changes for parcels mailed between first-class post offices for the next 5 years beginning July 1, 1967. The first change will increase the 20 pound limit on parcels mailed in the third through eighth zones to 25 pounds, effective July 1, 1967. As so revised § 135.3 reads:

§ 135.3 Weight and size limits.

	16 ozs. or more but not exceeding (pounds)	Length and girth must not exceed (inches)
(a) Between first class post offices:		
(1) Parcels mailed at a first class post office in the 48 contiguous States of the United States addressed for delivery at the same office or to another first class post office within the first or second parcel post zone. (See exceptions in § 135.3(b)).	40	72
Note: The size limit will be changed as follows:		
1. Effective July 1, 1970	78	78
2. Effective July 1, 1971	84	84
(2) Parcels mailed at a first class post office in the 48 contiguous States of the United States addressed for delivery at another first class post office in the 48 contiguous States in the third through eighth parcel post zone. (See exceptions in § 135.3(b)).	20	72
Note: The size and weight limits will be changed as follows:		
1. Effective July 1, 1967	25	78
2. Effective July 1, 1968	30	84
3. Effective July 1, 1969	40	84
4. Effective July 1, 1970	78	84
5. Effective July 1, 1971	84	84
(b) All other parcels. Parcels mailed at or to:		
(1) Any post office of the second, third or fourth class	70	100
(2) Any rural or star route at any class of post office	70	100
(3) Any Army-Air Force or Fleet Post Office. (See Part 127 for certain exceptions)	70	100
(4) Any post office in Alaska or Hawaii	70	100
(5) Any post office in the Commonwealth of Puerto Rico	70	100
(6) Any post office in a territory or possession of the United States, including the Canal Zone and Trust Territory of the Pacific Islands. (See Part 112)	70	100
(7) Any post office when contents of parcel consists of baby poultry, nursery stock, agricultural commodities, books, Braille writers, and other appliances for the blind, and other items listed in § 135.1 (c) and (d). (The term Agricultural Commodities includes any product grown or produced incident to an agricultural activity and on a farm or in a garden, orchard, nursery, or forest, but does not include articles manufactured or processed from those commodities)	70	100

Note: The corresponding Postal Manual section is 135.3.

Since the foregoing changes are those required by law, notice of proposed rule making and a delayed effective date are unnecessary.

(Public Law 89-503, 5 U.S.C. 301, 39 U.S.C. 501, 4552-4554, 4556, 4557).

TIMOTHY J. MAY,
General Counsel.

JANUARY 12, 1967.

[F.R. Doc. 67-532; Filed, Jan. 16, 1967;
8:49 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 5—CLAIMS COLLECTION

Part 5 of Title 31 of the Code of Federal Regulations is added to read as follows:

Sec.

- 5.1 Authority.
5.2 Incorporation by reference; scope.
5.3 Designation.
5.4 Application to other statutes.

AUTHORITY: The provisions of this Part 5 issued under sec. 3, 80 Stat. 309.

§ 5.1 Authority.

The regulations of this part are issued under section 3 of the Federal Claims Collection Act of 1966, Public Law 89-508, 80 Stat. 308, 309, and in conformity with the Joint Regulations issued under that Act by the General Accounting Office and the Department of Justice prescribing standards for administrative collection, compromise, termination of agency collection action, and referral to the General Accounting Office and to the Department of Justice for litigation, of civil claims by the Government for money or property, 4 CFR Chapter II.

§ 5.2 Incorporation by reference; scope.

The regulations of this part incorporate by this reference all provisions of the Joint Regulations of the General Accounting Office and the Department of Justice, and supplement those regulations by the prescription of procedures and directives necessary and appropriate for Treasury operations. The Joint Regulations and this part do not apply to tax claims nor to any claim as to which there is an indication of fraud or misrepresentation, as described in § 101.3 of the Joint Regulations, unless returned by the Justice Department to the Treasury Department for handling.

§ 5.3 Designation.

The heads of bureaus and offices and their delegates are designated as designees of the Secretary of the Treasury authorized to perform all the duties for which the Secretary is responsible under the foregoing Act and Joint Regulations: *Provided, however,* That no compromise of a claim shall be effected or collection action terminated, except upon the recommendation of the General Counsel,

the Chief Counsel of the bureau or office concerned, or the designee of either.

§ 5.4 Application to other statutes.

(a) The authority of the Secretary of the Treasury or the head of a bureau or office within the Treasury Department to compromise claims of the United States shall be exercised with respect to claims not exceeding \$20,000, exclusive of interest, in conformity with the Federal Claims Collection Act, the Joint Regulations thereunder, and this part, except where standards are established by other statutes or authorized regulations issued pursuant thereto.

(b) The authority of the Secretary of the Treasury or the head of a bureau or office within the Treasury Department to remit or mitigate a fine, penalty or forfeiture shall be exercised in accordance with the standards for remission or mitigation established in the governing statute or in Departmental enforcement policies. In the absence of such standards, the standards of the Joint Regulations shall be followed to the extent applicable.

The regulations of this part are effective the 15th day of January 1967.

Dated: January 16, 1967.

[SEAL] HENRY H. FOWLER,
Secretary of the Treasury.

[F.R. Doc. 67-660; Filed, Jan. 16, 1967;
12:08 p.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16240; RM-724]

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

Station Identification of Television Auxiliary Broadcast Stations; Correction

1. In the report and order in Docket 16240, concerning station identification of TV Broadcast Auxiliary Stations (FCC 66-1101, adopted Nov. 30, 1966), 31 F.R. 15488, a portion of subparagraph (3) of new § 74.682(a) was inadvertently omitted. The subparagraph should read and is hereby corrected as follows:

§ 74.682 Station identification.

(a) * * *

(3) Visual or aural transmission of the call sign of the TV broadcast station whose signals are being relayed or, where programs are obtained directly from network lines and relayed, the network identification.

Released: January 12, 1967.

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

[F.R. Doc. 67-506; Filed, Jan. 16, 1967;
8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4149]

[A 332]

ARIZONA

Revocation of Air Navigation Site Withdrawal No. 2093

By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. The Departmental Order of May 24, 1960, withdrawing the following described lands as Air Navigation Site Withdrawal No. 2093, is hereby revoked:

GILA AND SALT RIVER MERIDIAN

T. 19 N., R. 20 W.,
Sec. 14, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.

The area described contains 20 acres in Mohave County.

The lands are located about three-fourths mile northeast of Oatman in the Black Mountains, on typical desert type terrain.

The State of Arizona has waived the preference right of application granted to certain States by R.S. 2276 as amended (43 U.S.C. 852).

2. At 10 a.m. on February 16, 1967, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on February 16, 1967, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands will be open to location under the U.S. Mining laws and to application under the mineral leasing laws at 10 a.m. on February 16, 1967.

Inquiries should be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Ariz.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JANUARY 11, 1967.

[F.R. Doc. 67-486; Filed, Jan. 16, 1967;
8:45 a.m.]

[Public Land Order 4150]

[New Mexico 259 (Okla.)]

OKAHOMA

Restoration of Lands to Ownership of Kiowa, Comanche and Apache Tribes

By virtue of the authority contained in section 3 of the act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 463), and pursuant to recommendations of the Tribal Council and the Commissioner of Indian Affairs, and a finding by the Secretary of the Interior that such action is in the public interest, it is ordered as follows:

The following described lands, ceded by the Kiowa, Comanche, and Apache Tribes of Indians to the United States pursuant to agreement ratified by the act of June 6, 1900 (31 Stat. 672, 676), having been reserved for use of the Bureau of Indian Affairs for administrative purposes and being now surplus for such use, are hereby restored to tribal ownership for the use and benefit of the Kiowa, Comanche, and Apache Tribes of Indians and are added to and made a part of the existing reservation, subject to any valid existing rights:

INDIAN MERIDIAN

T. 2 N., R. 11 W., Sec. 19, lot 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ (N $\frac{1}{2}$ S $\frac{1}{2}$).

The areas described aggregate 158.09 acres in Comanche County.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JANUARY 11, 1967.

[P.R. Doc. 67-487; Filed, Jan. 16, 1967;
8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service
[7 CFR Part 201]

FEDERAL SEED ACT REGULATIONS Notice of Proposed Rule Making

Pursuant to the provisions of section 402 of the Federal Seed Act approved August 9, 1939, as amended (7 U.S.C. 1592) and the administrative procedure provisions of 5 U.S.C. section 553, notice is hereby given of intention to promulgate the following amendments to the regulations (7 CFR Part 201, as amended) under the Federal Seed Act. A public hearing with reference thereto will be held at 10 a.m. on February 23, 1967, in Room 2096, South Building, U.S. Department of Agriculture, 14th and Independence Avenue SW., Washington, D.C.

Interested persons are invited to attend this hearing and to offer comments or suggestions regarding the proposals. Any comments or suggestions bearing on the proposals that are not made or presented in person at the hearing may be transmitted in duplicate by mail addressed to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, and will be considered if received on or before March 23, 1967. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The presiding officer, who shall conduct the hearing with power to do all things necessary and appropriate to the proper conduct of the hearing, shall be designated prior to the hearing by the Director, Grain Division, Consumer and Marketing Service.

The proposed amendments are as follows:

§ 201.2 [Amended]

1. Section 201.2 would be amended as follows:

a. Delete from the alphabetical list in paragraph (h) the item reading "Bentgrass or," "Sweetclover or," "Vetch or," and "Wheat or."

b. Insert in alphabetical order in the list in paragraph (h) the name "Barrel-clover—*Medicago tribuloides* Desr."

c. Delete from the alphabetical list in paragraph (h) the name "Hardinggrass—*Phalaris tuberosa* var. *stenoptera* (Hack.) Hitchc." and insert "Hardinggrass—*Phalaris aquatica* L."

d. Delete from the alphabetical list in paragraph (h) the name "Mustard—*Brassica juncea* (L.) Coss." and insert "Mustard, India—*Brassica juncea* (L.) Coss."

e. Delete from the alphabetical list in paragraph (h) the name "Vetch, purple—*Vicia atropurpurea* Desf." and insert "Vetch, purple—*Vicia benghalensis* L."

f. Delete from the alphabetical list in paragraph (i) the name "Bean—*Phaseolus vulgaris* L." and insert "Bean, garden—*Phaseolus vulgaris* L."

g. Delete from the alphabetical list in paragraph (i) the name "Mustard—*Brassica juncea* (L.) Coss." and insert "Mustard, India—*Brassica juncea* (L.) Coss."

h. Amend subparagraphs (1) and (2) of paragraph (i) to read as follows:

(1) **Complete record.** (1) The term "complete record" means information which relates to the origin, treatment, germination, and purity (including variety) of each lot of agricultural seed transported or delivered for transportation in interstate commerce, or which relates to the treatment, germination, and variety of each lot of vegetable seed transported or delivered for transportation in interstate commerce. Such information includes seed samples and records of declarations, labels, purchases, sales, cleaning, bulking, treatment, handling, storage, analyses, tests, and examinations.

(2) The complete record kept by each person for each treatment substance or lot of seed consists of the information pertaining to his own transactions and the information received from others pertaining to their transactions with respect to each treatment substance or lot of seed.

i. Insert after the first sentence in paragraph (y) the following:

(y) **Hybrid.** * * * The pollination is not considered to be controlled unless the technique of crossing is expected to result in 100 percent controlled cross-pollination or tests made after production of the hybrid establish the percentage of hybrid seed produced. * * *

j. Add paragraph (x) to read as follows:

(x) **Inoculant.** The term "inoculant" means a commercial preparation containing nitrogen-fixing bacteria applied to seed.

§ 201.4 [Amended]

2. Section 201.4(b) would be amended by inserting the word "treatment," preceding the word "germination" wherever the latter occurs in this paragraph.

3. Section 201.7a would be issued to read as follows:

§ 201.7a Treated seed.

The complete record for any lot consisting of or containing treated seed shall include records necessary to disclose the name of any substance or substances used in the treatment of such seed, including a label or invoice or other docu-

ment received from any person establishing the name of any substance or substances used in the treatment to be as stated, and a representative sample of the treated seed.

§ 201.10 [Amended]

4. Section 201.10 would be amended as follows:

a. Insert after the heading "Variety" and before the present wording the following:

(a) The following kinds of agricultural seeds are generally labeled as to variety and shall be labeled to show the variety name or the words "Variety Not Stated."

Alfalfa.	Millet, foxtail.
Bahia grass.	Millet, pearl.
Barley.	Oat.
Bean, field.	Pea, field.
Beet, field.	Peanut.
Beet, sugar.	Rice.
Brome, smooth.	Rye.
Broomcorn.	Safflower.
Clover, crimson.	Sorghum.
Clover, red.	Sorghum-sudangrass hybrid.
Clover, white.	Soybean.
Corn, field.	Sudangrass.
Corn, pop.	Sunflower.
Cotton.	Tobacco.
Cowpea.	Trefoil, birdsfoot.
Fescue, tall.	Wheat, common.
Flax.	Wheat, durum.
Lespedeza, striate.	

b. Insert before the present wording the paragraph designation "(b)."

5. Section 201.11a would be issued to read as follows:

§ 201.11a Hybrid.

The percentage of each hybrid present in excess of 5 percent shall be shown on the label. When two or more hybrids are named on the label, the name of each hybrid shall be accompanied by the percentage of each. When only one hybrid is present in excess of 5 percent and no variety name is shown, the percentage of that hybrid may be shown as "pure seed," and such percentage shall apply only to seed of the hybrid named.

6. Section 201.12a would be issued to read as follows:

§ 201.12a Fine-textured grasses; coarse kinds.

(a) The term "fine-textured grasses" means the following kinds:

Bentgrass, colonial.	Bluegrass, Kentucky.
Bentgrass, creeping.	Bluegrass, rough.
Bentgrass, velvet.	Bluegrass, wood.
Bermudagrass, common.	Fescue, chewings.
Bluegrass, Canada.	Fescue, red.
	Fescue, sheep.

(b) The term "coarse kinds" means all kinds not listed in paragraph (a) of this section.

(c) The headings "fine-textured grasses" and "coarse kinds" shall appear on the label in the order of pre-

dominance of the total of the percentages included under each heading.

§ 201.14 [Amended]

7. Section 201.14 would be amended by changing the word "proper" to "reasonable" in two instances where it is used in paragraph (c).

8. Section 201.17 would be amended to read as follows:

§ 201.17 Noxious-weed seeds in the District of Columbia.

Noxious-weed seeds in the District of Columbia are: Quackgrass (*Agropyron repens*), Canada thistle (*Cirsium arvense*), field bindweed (*Convolvulus arvensis*), common bermudagrass (*Cynodon dactylon*), giant bermudagrass (*Cynodon sp.*), and wild garlic or wild onion (*Allium canadense* or *Allium vineale*). The name and number per pound of each kind of such noxious-weed seeds present shall be stated on the label.

§ 201.18 [Amended]

9. Section 201.18 would be amended by inserting "hybrid," and "hybrids," after the words "kind" and "kinds" respectively.

§ 201.20 [Amended]

10. Section 201.20 would be amended by inserting after the word "type" the phrase "or kind and hybrid."

§ 201.22 [Amended]

11. Section 201.22 would be amended by changing the period at the end of the second sentence to a comma and adding the following: "except as provided in § 201.36(c) for seed in hermetically sealed containers."

12. Section 201.24a would be issued to read as follows:

§ 201.24a Inoculated seed.

Seed claimed to be inoculated shall be labeled to show the month and year beyond which the inoculant on the seed is no longer claimed to be effective by a statement such as, "Inoculant not claimed to be effective after _____"
(Month and year)

§ 201.26 [Amended]

13. Section 201.26 would be amended by changing the section heading to read "Kind, variety, and hybrid" and adding the following sentence to the end of the paragraph: "Any hybrid component shall be designated as hybrid on the label."

14. Section 201.29 would be amended to read as follows:

§ 201.29 Germination of vegetable seed in containers of 1 pound or less.

Vegetable seeds in containers of 1 pound or less which have a germination equal to or better than the standard set forth in § 201.31 need not be labeled to show the percentage of germination and date of test. Each variety of vegetable seed which has a germination percentage less than the standard set forth in § 201.31 shall have the words "Below Standard" clearly shown in a conspicuous place on the label or on the face of

the container in type no smaller than 8 points. Each variety which germinates less than the standard shall also be labeled to show the percentage of germination and the percentage of hard seed (if any).

15. Section 201.29a would be issued to read as follows:

§ 201.29a Germination of vegetable seed in containers of more than 1 pound.

Each variety of vegetable seeds in containers of more than 1 pound shall be labeled to show the percentage of germination and the percentage of hard seed (if any).

16. Section 201.30 would be deleted and the following wording substituted:

§ 201.30 Hard seed.

The label shall show the percentage of hard seed, if any is present, for any seed required to be labeled as to the percentage of germination, and the percentage of hard seed shall not be included as part of the germination percentage.

17. Section 201.30a would be issued to read as follows:

§ 201.30a Date of test.

When the date of test is required to be shown, the label shall show the month and year in which the germination test was completed. No more than 5 calendar months shall have elapsed between the last day of the month in which the germination test was completed and the date of transportation or delivery for transportation in interstate commerce, except as provided in § 201.36c for seed in hermetically-sealed containers.

§ 201.31 [Amended]

18. Section 201.31 would be amended as follows:

a. Delete from the list both phrases "Beans, garden" and all varieties and the percentages listed under those two headings and insert in alphabetical order "Bean, garden, 70."

b. Delete from the list "Mustard, 75" and insert "Mustard, India, 75."

19. Section 201.34 would be amended as follows:

a. Delete the section heading and paragraph (a) and insert the following:

§ 201.34 Kind, variety, and type; treatment substances; designation as hybrid.

(a) *Indistinguishable seed and treatment substances.* Reasonable precautions to insure that the kind, variety, or type of indistinguishable agricultural or vegetable seeds and names of any treatment substance are properly stated shall include the maintaining of the records described in § 201.7 or § 201.7a. The examination of the seed and any pertinent facts may be taken into consideration in determining whether reasonable precautions have been taken to insure the kind, variety, or type of seed or any treatment substance on the seed is that which is shown. Reasonable precautions in labeling ryegrass seed as to kind shall include making or obtaining the results of a

fluorescence test unless (1) the shortness of the time interval between receipt of the seed lot and the shipment of the seed in interstate commerce, or (2) dormancy of the seeds in the lot, or (3) other circumstances beyond the control of the shipper prevent such action before the shipment is made. Reasonable precautions in labeling ryegrass seed as to kind shall also include keeping separate each lot labeled on the basis of a separate grower's declaration, invoice, or other documents.

b. In paragraph (e)(1) amend the present heading to read "Bean, garden" and insert in alphabetical order in the list of variety names the following:

Astro.	Ideilight.
Brilliant.	Orbit.
Bush Blue Lake 274.	Pittsfield.
Comet.	Pompano.
Early Harvest.	Purple Royalty.
Early Gallatin.	Spartan Arrow.
Encore.	Tenderette.
Flash.	Tiny Green.
Harter.	Trugreen.
Harvest King.	Yakima.

c. In paragraph (e)(3) "Onion, hybrid" insert in alphabetical order in the list of variety names the following:

Alamo.	Grandee.
Asgrow Y50K.	Granex 33.
Autumn Bronze.	Henry's Special.
Brilliance.	Hickory.
Bronze Perfection.	Nugget.
Chieftain.	Ontario.
Dessex.	Pronto.
Early Gold.	Spartan.
Elba Globe.	Spartan Banner.
El Capitan.	Spartan Era.
Elite.	Spartan Gem.
Empire State.	Sunburst.
Golden Beauty.	White Granite.

d. In paragraph (e)(4) "Soybean" insert in alphabetical order in the list of variety names the following:

Aitona.	Hawkeye 63.
Amsoy.	Henry.
Bethel.	Kent.
Bosster.	Kino.
Bragg.	Lindarin 63.
Chippewa 64.	Merit.
Clark 63.	Patterson.
Dare.	Pickett.
Davis.	Portage.
Delmar.	Rosa.
Hampton 266.	Semmes.
Hardee.	Traverse.
Hark.	Wayne.
Harosoy 63.	

e. In paragraph (e)(6) under the sub-heading "Sorghum, hybrid" delete from the list of variety names "Co-op T-700" and insert in numerical or alphabetical order the following:

375.	Leafmaster.
400.	OK 627.
AKS 614.	P.A.G. 275.
Astec.	P.A.G. 304.
B-32.	P.A.G. 400.
Beefbuilder R.	P.A.G. 428.
Coastal.	P.A.G. 494.
E-57.	Pronto.
F-61.	RS 305F.
F-66.	RS 617.
FS-38.	RS 625.
Horizon 64.	RS 626.
Horizon 80.	RS 671.
Horizon F-12.	RS 702.
Horizon SF 200.	T-700.
KS-651.	T-E Sliomaker.

f. In paragraph (e) (6) under sub-heading "Sorghum, open pollinated" insert in alphabetical order in the list of variety names the following:

African Millet 65.	Midak.
Atlas.	Norkota.
Carman.	Rio.
Meloland.	Winner.

g. In paragraph (e) (8) "Sorghum-sudangrass hybrids" delete "Hidan 37" and "Hidan 38" and insert in alphabetical order in the list of variety names the following:

Good Grazin.	Horizon SP-110.
Hi-Dan 35.	L. Grace 200.
Hi-Dan 37.	Mor-gain.
Hi-Dan 38.	Red "T" Graze.
Horizon P-100.	Sure Graze.

§ 201.36b [Amended]

20. Section 201.36b would be amended as follows:

a. In paragraph (c) delete the phrases "and terms taken from trademarks may be associated with the name of the kind or variety of seed as an indication of source," and "and Ox brand Golden Cross corn" and insert "and" before the phrase "Grower's affidavit of variety Atlas sorghum."

b. A new paragraph (e) would be added as follows:

(e) Brand names and terms taken from trademarks may be associated with the name of the kind and variety of seed as an indication of source, provided the terms are clearly identified as being other than a part of the name of the kind and variety; for example, Ox brand Golden Cross sweet corn. Seed of a variety advertised under a separate and distinct trademark or brand name shall be identified in the advertising by the variety name. Seed of an unknown variety or a mixture of varieties advertised under a separate and distinct trademark or brand name shall be clearly identified as (1) an unknown variety, or (2) a mixture of unknown varieties, or (3) to show the percentages of each variety and unknown varieties in the mixture.

21. Section 201.36c would be issued to read as follows:

§ 201.36c Hermetically-sealed containers.

The 5-month limitation on the date of test in §§ 201.22 and 201.30a shall not apply when the following conditions have been met:

(a) The seed was packaged within 6 months after harvest;

(b) The container used does not allow water vapor penetration through any wall, including the seals, greater than 0.05 grams of water per 24 hours per 100 square inches of surface at 100° F. with a relative humidity on one side of 90 percent and on the other side of 0 percent. Water vapor penetration or WVP is measured by the standards of the U.S. Bureau of Standards as:

gm. H₂O/24 hr./100 sq. in./100° F./90% RH
V.0% RH;

(c) The seed in the container does not exceed the percentage of moisture, on a wet weight basis, as listed below:

Agricultural seeds	Per-cent	Agricultural seeds	Per-cent
Beet, field	7.5	Fescue, red	8.0
Beet, sugar	7.5	Ryegrass, annual	8.0
Beet	7.5	Ryegrass, perennial	8.0
Broccoli	5.0	All others	6.0
Bluegrass, Kentucky	6.0		
Clover, crimson	8.0		

Vegetable seeds	Per-cent	Vegetable seeds	Per-cent
Bean	7.0	Celery	7.0
Bean, lima	7.0	Celery, Swiss	7.5
Collards	5.0	Chinese cabbage	5.0
Corn, sweet	8.0	Chives	6.5
Cucumber	6.0	Paralely	6.5
Eggplant	6.0	Parsnip	6.0
Kale	5.0	Pea	7.0
Kohlrabi	5.0	Pepper	4.5
Leek	6.5	Pumpkin	6.0
Lettuce	5.5	Radish	5.0
Muskmelon	6.0	Rutabaga	5.0
Mustard	5.0	Spinach	8.0
Onion	6.5	Squash	6.0
Onion, Welsh	6.5	Tomato	5.5
Brussels sprouts	5.0	Turnip	5.0
Cabbage	5.0	Watermelon	6.5
Carrot	7.0	All others	6.0
Cauliflower	5.0		

(d) The container is conspicuously labeled in not less than 8 point type to indicate (1) that the container is hermetically sealed, (2) that the seed has been preconditioned as to moisture content, and (3) that the germination test is valid for a period not to exceed 18 months from the date of the germination test;

(e) The percentage of germination of vegetable seed at the time of packaging was equal to or above the standards in § 201.31.

§ 201.46 [Amended]

22. Section 201.46(d), Table 1, would be amended as follows:

a. Insert in alphabetical order under "Agricultural Seed" the name "Barrel-clover, Medicago tribuloides" and in the columns thereafter "50 300 ----".

b. Under "Agricultural Seed" delete the name "Hardinggrass-Phalaris var. stenoptera" and insert "Hardinggrass-Phalaris aquatica."

c. Under "Agricultural Seed" insert in alphabetical order "Mustard, India-Brassica juncea" and in the columns thereafter "5 50 624".

d. Under "Agricultural Seed" and "Vetch" delete the name "Purple-Vicia atropurpurea" and insert "Purple-Vicia benghalensis."

e. Under "Agricultural Seed" and "Sorghum" delete the words "Grain and sweet."

f. Under "Vegetable Seed" and under "Cress," with respect to "Upland," insert in the fourth column the number "1,160."

g. Under "Vegetable Seed" delete the name "Mustard-Brassica juncea" and insert "Mustard, India-Brassica juncea."

23. Section 201.47(e) would be amended as follows:

§ 201.47 Separation.

(e) The Uniform Blowing Method as adopted by the Association of Official

Seed Analysts, as amended, effective July 1, 1966, shall be used for the separation of pure seed and inert matter in seeds of Kentucky bluegrass and the Pensacola variety of bahiagrass. This method shall also be used for separating the pure seeds of Kentucky bluegrass or Pensacola bahiagrass from inert matter when these occur in mixtures.

§ 201.56-2 [Amended]

24. Section 201.56-2 would be amended as follows:

a. After the second sentence in paragraph (a) delete "Necrosis on lettuce cotyledons is manifested by softened, grayish, blackish, or reddish areas on the cotyledons. (This necrosis first appears on the midrib and lateral veins and should not be confused with the natural pigmentation or insect injury. Seedlings with extensive necrotic areas on the cotyledons are slower in growth and shorter than those without such affected areas.)" and insert "Physiological necrosis is a breakdown of the plant tissue manifested by softened, grayish, reddish, or blackish areas on the cotyledons (first appearing on or adjacent to the midrib and lateral veins) and by slower growth of the seedlings. It must be distinguished from other necrosis or injury caused by fungi, bacteria, insects, mechanical damage, pressure of seed coat veins, or other external causes."

b. In paragraph (a) (1) (iii) insert after the words "two cotyledons free of" the word "physiological".

c. Before paragraph (a) (1) (iv) delete the word "and" and add at the end of subdivision (iv) the following: "and (v) if necrosis or injury other than physiological necrosis is present, classify as normal if the necrosis or injury covers less than half the total cotyledon area."

d. In paragraph (a) (2) (iv) after the words "either cotyledon showing any degree of" add the word "physiological".

e. Before paragraph (a) (2) (v) delete the word "or" and add at the end of subdivision (v) the following: "and (vi) if necrosis or injury other than physiological necrosis is present, classify as abnormal if the necrosis or injury covers one-half or more of the total cotyledon area."

§ 201.56-6 [Amended]

25. Section 201.56-6 would be amended as follows:

a. Delete from the heading in paragraph (a) ", and asparagusbean" and insert "and" after "lima."

b. Delete from the heading in paragraph (c) the "and" before "soybean" and insert ", and asparagusbean." after "soybean."

§ 201.58 [Amended]

26. Section 201.58 would be amended as follows:

a. In paragraph (a) (8) delete the period after the last sentence and add ", except where 15°-25° C. is prescribed as an alternate temperature. In such cases, 15°-25° C. is to be considered the recommended temperature alternation for that kind of seed."

b. In paragraph (c), Table 2, insert in alphabetical order under "Agricultural Seed" the name "Barrelclover-Medicago tribuloides" and in the columns thereafter "B, T 20 4 '14 Remove seeds from bur; see par. (b) (11) -----".

c. In paragraph (c), Table 2, under "Agricultural Seed," delete the name "Hardinggrass-Phalaris tuberosa var stenoptera" and insert "Hardinggrass-Phalaris aquatica." On the same line in the sixth column insert "Light" and in the seventh column insert "KNO."

d. In paragraph (c), Table 2, under "Agricultural Seed," delete the name "Mustard-Brassica juncea" and in the columns thereafter "P 20-30 3 7 Light Prechill at 10° C. for 7 days and test for 5 days; KNO," and insert "Mustard;" and in alphabetical order thereunder "India-Brassica juncea" and in the columns thereafter "P 20-30 3 7 Light Prechill at 10° C. for 7 days and test for 5 days; KNO."

e. In paragraph (c), Table 2, under "Agricultural Seed" and "Vetch" delete the name "Purple-Vicia atropurpurea" and insert the name "Purple-Vicia benghalensis."

f. In paragraph (c), Table 2, under "Vegetable Seed" delete the name "Mustard-Brassica juncea" and insert "Mustard, India-Brassica juncea."

§ 201.58a [Amended]

27. Section 201.58a would be amended by adding after the words "or type of

seed" in the introductory paragraph a comma and the words "or determination that seed is hybrid."

28. Section 201.59 would be amended by adding to the end of the paragraph the following:

§ 201.59 Application.

* * * Tolerances shall not be applied in the administration of the Act in those instances where the person subject to the Act had knowledge that the seed was not equal to or better than the quality represented.

29. Section 201.61 would be amended to read as follows:

§ 201.61 Fluorescence percentages and purity analysis based on count of seeds, seedlings, or plants.

Tolerances for pure seed percentages based upon seed, seedling, or plant counts, including fluorescence tests, shall be: (a) Those set forth in Table 4 plus (b) one-half the pure seed tolerances determined from the weighed sample in accordance with § 201.60, Table 3. The sum of these two tolerances shall be applied to the product of the weighed pure seed results of the fluorescence separation times the result of the seed, seedling, or plant separation. If more than one test is made, all final computed test results within tolerance of each other shall be averaged, and the result treated as the result found.

TABLE 4.—TOLERANCES FOR PURITY TESTS, KIND AND VARIETY, AND FLUORESCENCE TESTS. THESE TOLERANCES ARE APPROPRIATE WHEN RESULTS ARE BASED ON THE NUMBER OF SEEDS, SEEDLINGS, OR PLANTS USED IN A TEST.

Seed, seedling, or plant count percent	Number of seeds, seedlings, or plants in tests										
	10	20	30	50	75	100	150	200	400	800	1,000
100 or 0	0	0	0	0	0	0	0	0	0	0	0
95 or 2	10.3	7.3	6.0	4.6	3.8	3.3	2.7	2.3	1.6	1.2	1.0
90 or 4	14.4	10.2	8.3	6.4	5.3	4.6	3.7	3.2	2.3	1.7	1.5
84 or 6	17.5	12.4	10.1	7.8	6.4	5.5	4.5	3.9	2.9	2.1	1.9
82 or 8	20.0	14.1	11.5	8.9	7.3	6.3	5.2	4.5	3.4	2.4	2.2
80 or 10	22.1	15.7	12.8	9.9	8.1	7.0	5.7	4.9	3.8	2.8	2.4
85 or 12	24.0	17.0	13.8	10.7	8.7	7.6	6.2	5.4	4.1	3.0	2.7
80 or 14	25.7	18.1	14.7	11.4	9.3	8.1	6.6	5.7	4.5	3.2	2.9
84 or 16	26.9	19.0	15.5	12.1	9.8	8.5	7.0	6.0	4.8	3.4	3.0
82 or 18	28.2	20.0	16.4	12.6	10.3	8.9	7.3	6.3	5.0	3.6	3.2
80 or 20	29.5	20.9	16.9	13.2	10.7	9.3	7.6	6.6	5.3	3.8	3.3
75 or 24	30.5	21.6	17.6	13.6	11.0	9.6	7.9	6.8	5.5	3.9	3.5
74 or 26	31.4	22.3	18.2	14.1	11.5	9.9	8.1	7.0	5.7	4.1	3.6
72 or 28	32.3	22.8	18.6	14.4	11.8	10.2	8.3	7.2	5.8	4.2	3.7
70 or 30	33.0	23.4	19.0	14.8	12.1	10.5	8.5	7.4	6.0	4.3	3.8
65 or 32	33.7	23.8	19.3	15.1	12.3	10.7	8.7	7.5	6.2	4.4	3.9
66 or 34	34.3	24.3	19.9	15.4	12.5	10.8	8.9	7.7	6.3	4.5	4.0
64 or 36	35.0	24.7	20.2	15.7	12.7	11.0	9.0	7.8	6.4	4.6	4.0
62 or 38	35.4	25.0	20.5	15.8	12.9	11.2	9.1	7.9	6.5	4.6	4.1
60 or 40	35.1	25.4	20.6	15.9	13.0	11.3	9.2	8.0	6.6	4.7	4.2
58 or 42	36.2	25.7	20.9	16.1	13.2	11.4	9.3	8.1	6.7	4.8	4.2
56 or 44	36.5	25.8	21.0	16.2	13.3	11.5	9.4	8.1	6.8	4.8	4.2
54 or 46	36.8	25.8	21.0	16.4	13.3	11.5	9.4	8.2	6.8	4.8	4.3
52 or 48	36.8	25.9	21.2	16.4	13.4	11.6	9.5	8.2	6.9	4.9	4.3
50	36.8	25.9	21.3	16.5	13.4	11.6	9.5	8.2	6.9	4.9	4.3

30. Section 201.62 shall be amended to read as follows:

§ 201.62 Growing tests for determina-

tion of kind, variety, type, or offtype.

Tolerances for growing tests for determination of kind, variety, type, or off-type based on seed, seedling, or plant counts shall be in accordance with § 201.61.

§ 201.65 [Amended]

31. Section 201.65 would be amended by deleting the second sentence and inserting a new sentence following the existing fourth sentence as follows: "Representations showing the rate of occurrence indicated in Column X will be considered within tolerance if not more than the corresponding number in Column Y are found by analysis in the administration of the Act."

32. Section 201.66 would be amended to read as follows:

§ 201.66 Noxious-weed seeds in imported seed.

The tolerance applicable to the prohibition of noxious-weed seeds in imported seed shall be two seeds in the minimum amount required to be examined as shown in Table 1, § 201.46. If more than one test is made, all test results within tolerance of each other shall be averaged, and the result treated as the result found.

§ 201.102 [Amended]

33. Section 201.102 would be amended as follows:

a. Insert "(a)" before the words "For the purposes * * *"

b. Insert in alphabetical order in the list of kinds of seeds and percentages "Panicgrass, green, 10."

c. Following the list add a new paragraph to read as follows:

(b) As provided in section 302(a) of the Act, a certain number of samples of seed representing seed lots offered for importation will not be tested to determine whether the purelive seed requirement is being met, in which case, the importer shall be so advised by the Seed Branch, Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture.

§ 201.107 [Amended]

34. Section 201.107(b) would be amended by deleting from the list "Mustard-Brassica juncea (L.) Coss." and inserting in alphabetical order "Mustard, India-Brassica juncea (L.) Coss."

§ 201.208 [Amended]

35. Section 201.208(a) would be amended by deleting "Mustard" and inserting in alphabetical order "Mustard, India" and by adding in alphabetical order the following names:

- Broadbean.
- Guar.
- Lentil.
- Lettuce.
- Lupine.
- Millet, foxtail.
- Millet, proso.
- Parsley.
- Pea.
- Pea, field.
- Pepper.
- Pumpkin.
- Rape, annual.
- Rape, bird.
- Rape, turnip.
- Rape, winter.
- Sorghum.
- Vetch.
- Watermelon.

§ 201.218 [Amended]

36. Section 201.218 would be amended by inserting before the proviso the following: "except for those lots not tested for pure live seed due to application of statistical inspection techniques as provided in section 302(a) of the Act."

§ 201.221 [Amended]

37. Section 201.221 would be amended as follows:

a. In paragraph (c) delete the last sentence, including the declaration form, and substitute the following: "The declaration required to be filed shall be substantially as shown in paragraph (d) of this section."

b. A new paragraph (d) would be added as follows:

(d) *Seed for seed production only.* Any lot of seed imported for sowing for seed production only, by or for the importer or consignee, and not to be sold within the United States is not subject to the prohibition against the importation of seed that is (1) adulterated or unfit for seeding purposes because of low pure live seed, or (2) required to be stained; *Provided*, That a declaration is filed by the importer with the Seed Branch, Grain Division, Consumer and Marketing Service, U.S. Department of Agriculture, substantially as specified below:

DECLARATION

SEED FOR EXPERIMENTAL OR BREEDING PURPOSES
OR SEED FOR SEED PRODUCTION ONLY

The undersigned declares: That he is a resident of _____; that he is (Street, city, and State) (owner of) (employed by) the firm of _____ (as a _____); that he (is) (represents) the (owner) (consignee) of the _____ pounds of _____ seed offered for importation at _____ under entry No. _____ (Port of entry) and contained in _____ bags or containers marked _____ as described in invoice No. _____ dated _____; that said seed is being imported for (making selections, crosses, or tests, or for other experimental or breeding purposes) or (seed production only) and will not be sold.

Signed _____

Date: _____

§ 201.221a [Amended]

38. Section 201.221a, Table 4, would be amended as follows:

a. Change "Table 4" to read "Table 5" and in the first column under "Agricultural seed" and "Vegetable seed" delete the following names of kinds of seed wherever they appear and delete the numbers with respect thereto in the other columns.

Bentgrass or.	Sweetclover or.
Mustard.	Vetch or.
Panicgrass.	Wheat or.

b. Insert the following in proper order with respect to

"AGRICULTURAL SEEDS"

Barreloclover	25	100
Bluegrass, Nevada	25	100
Mustard, India	25	100
Panicgrass, blue	25	100

c. Insert the following in proper order with respect to—

"VEGETABLE SEEDS"

Bean, garden	100	500
Mustard, India	25	100

§ 201.222 [Amended]

39. Section 201.222 would be amended as follows:

a. Reword the section heading to read "Declaration of purpose; labeling as to kind, variety, hybrid, and treatment."

b. Delete the name "Mustard" in paragraph (b) and insert "Mustard, India".

c. Delete paragraph (b) and add in alphabetical order the kinds of seeds listed in present (b) to the list in paragraph (a).

d. Redesignate paragraphs (c) and (d) as paragraphs (b) and (c).

e. Add paragraphs (d) and (e) as follows:

(d) The invoice and any other labeling pertaining to agricultural or vegetable seed offered for importation shall bear the lot identification, the name of each kind and variety of vegetable seed present, or kind or kind and variety of agricultural seed present, in excess of 5 percent of the whole, and the designation "hybrid" when it is hybrid seed as defined under § 201.2(x).

(e) Any agricultural seed or mixture thereof or any vegetable seed or mixture thereof offered for importation for seeding purposes that has been treated shall be labeled as provided in § 201.31(a) of the regulations of the Secretary of Agriculture.

Done at Washington, D.C., this 12th day of January 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-520; Filed, Jan. 16, 1967;
8:49 a.m.]

[7 CFR Part 1069]

[Docket No. AO 153-A12]

MILK IN DULUTH-SUPERIOR
MARKETING AREANotice of Recommended Decision and
Opportunity To File Written Exceptions
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 of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Duluth-Superior marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Duluth, Minn., on August 10-11, 1966, pursuant to notice thereof which was issued July 25, 1966.

The material issues on the record of the hearing relate to:

1. Class II price.
2. Interest charges on overdue payments.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof.

1. *Class II price.* The basic formula price should be used as a basis for establishing the Class II price. The basic formula price for the Duluth-Superior order is the average price per hundredweight paid for manufacturing grade milk in Minnesota and Wisconsin as reported by the U.S. Department of Agriculture, adjusted to a 3.5 percent butterfat test. However, the hearing should be reopened to determine what modification, if any, should be made in the basic formula when used in pricing Class II milk. Consideration also should be given to the relative values of skim milk and butterfat in Class II milk.

The present price for Class II milk is based on a butter-powder formula which uses the average prices of butter and nonfat dry milk at Chicago and provides for a make allowance of 75.2 cents per hundredweight. This pricing formula was adopted in a decision issued on January 15, 1960 (25 F.R. 500) and made effective March 1, 1960. The decision indicates that the pricing formula was based largely on the operating experience of a cooperative association in its manufacturing plant.

At the present time the price resulting from this formula is substantially below the prices being paid for manufacturing grade milk at most other plants in the States of Minnesota and Wisconsin. It has been below the Minnesota-Wisconsin price series almost continuously since it was adopted in 1960. For the months of January through August 1966, the Duluth-Superior price averaged 41 cents under the Minnesota-Wisconsin price.

The cooperative association which proposed the adoption of the Minnesota-Wisconsin price series as the Class II price no longer operates manufacturing plants. Producer receipts in excess of its Class I sales are disposed of to the other cooperative association in the market for manufacture into butter and nonfat dry milk.

The testimony of this association in support of the proposal consisted mainly of a discussion on the philosophy of surplus milk pricing. It presented no specific testimony on local conditions.

The Twin Ports Cooperative Association, the major cooperative association in the market and the only one to operate a manufacturing plant, opposed any change in the present Class II price. This cooperative handles about 80 percent of the Class II milk in the market at its manufacturing plant in South Superior, Wisconsin. This plant manufactures only butter and nonfat dry milk. It is the contention of this cooperative that because of the nature of the market, it is not in a position to pay the Minnesota-Wisconsin price for milk which it processes. However, this association regularly pays a premium on Class II

milk purchased from other handlers. It also pays its manufacturing milk producers substantially more than the Class II price.

While urging the retention of the present butter-powder formula, this association stated that if the Minnesota-Wisconsin price series were adopted, some seasonal modification would be appropriate. However, they made no specific proposal in this regard. They also stated that if the Minnesota-Wisconsin price series were used for pricing Class II milk, the present formula should continue to apply to that portion of the Class II milk used in butter and nonfat dry milk.

Proprietary handlers on the Duluth-Superior market process limited amounts of producer milk into cottage cheese and ice cream. They supported the retention of the present butter-powder formula. They also stated that they pay a premium of 15 cents per hundredweight over the Class II price for all milk used in Class II.

One handler stated that, because of this premium and the heavy weight assigned to the butterfat portion of the Class II price, his cost for milk used in ice cream was as high or higher than that of other plants in Minnesota which pay substantially higher prices for milk of 3.5 percent butterfat which they purchase for use in ice cream. He suggested that the Class II butterfat differential should be changed to provide a lower value for butterfat used in ice cream.

Several dairy farmers also appeared as individuals to support the adoption of the Minnesota-Wisconsin price series. Their position was that the uniform price they receive for milk is too low and that an increase in the Class II price would result in higher returns for their milk.

The record testimony clearly establishes that the Class II price should be increased substantially. It should be comparable to the prices being paid for manufacturing milk by other plants in or adjacent to the milkshed. This is evidenced by the fact that the Twin Ports Cooperative Association pays a premium for Class II milk purchased from other handlers, and pays substantially more than the Class II price for milk purchased from its manufacturing milk producers.

A better measure of the value of manufacturing milk will be obtained if the Class II price is based on the Minnesota-Wisconsin price series. This price series, which is the basic formula price for Order 69, is also used as the basic formula price in most Federal orders for determining Class I prices. It has gained wide acceptance throughout the Federal order program as a formula for pricing milk used for manufacturing purposes. The series is based on a large sample of plants located in the remaining large production area of manufacturing grade milk in the United States.

There is evidence, however, that some modification of this formula may be appropriate to accommodate the local situation. The testimony of handlers indicates that the butterfat portion of the Class II milk may be priced too high.

Hence, a review of the Class II butterfat differential is desirable.

It is concluded therefore that the hearing should be reopened to consider the need for some modification of the Minnesota-Wisconsin price series as a basis for pricing Class II milk and to review the Class II butterfat differential.

2. *Interest charges on overdue accounts.* A provision requiring payment of interest on overdue accounts to a cooperative association should not be included in the order.

The principal cooperative association in the market proposed that the order provide an interest charge on payments owed the association by handlers for milk which they received from the cooperative association. The association stated that certain handlers regularly fail to make payments on the 15th day of the month as required by the order for milk received from the association in the previous month. In some cases handlers have been delinquent for several months. Such late payments created a financial hardship on the cooperative association.

Handlers are required to pay not less than class prices for milk received from the cooperative association in its capacity as a handler on member milk caused to be delivered to handlers by the cooperative association. These payments are due on or before the 15th day of the following month.

In the case of handlers who are regularly a few days late in making payments for their milk, the application of interest payments probably would have little effect in achieving prompt payment because the amount of interest charged would be very small. Since the market administrator would learn of late payments only on audit, or on the complaint of the cooperative association, some instances of late payment would not be established until long after payment for the milk had been made. It would be impracticable to attempt to enforce collection of such interest charges.

Likewise, there are problems associated with the verification of the actual date of payment. If the proprietary handler should make payment with a predated check, for example, and the cooperative did not notify the market administrator of the late payment, the market administrator would have no record basis for applying interest. In such circumstances the uniform application of interest charge would be extremely difficult.

Again, premiums are negotiated by the cooperative associations and are paid by handlers in this market. These payments could impair the collection of interest charges in view of these payments over minimum class prices. Handlers and cooperative associations in this market have frequently entered into contracts and agreements relating to the prices paid for milk. The cooperative as the marketing agent for its member producers has authority to enter into contractual relationships with the purchasing handler which could provide for the payment of interest or other penalty on delinquent accounts.

Thus the considerations of the terms and conditions of sale might better be left to the contract between the cooperative association and the purchasing handler rather than being incorporated in the order. Since the present provisions in the order require timely payments for producer milk and in view of current marketing conditions in this market, it is concluded that interest charges on overdue payments should not be adopted at this time on the basis of this record.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

Signed at Washington, D.C., on January 12, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[P.R. Doc. 67-521; Filed, Jan. 16, 1967;
8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 221, 250]

[Docket No. 16563]

PRIORITY RULES, DENIED BOARDING COMPENSATION TARIFFS, AND REPORTS OF UNACCOMMODATED PASSENGERS

Notice of Proposed Rule Making

JANUARY 10, 1967.

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to Part 221 and a proposed new Part 250 of the Economic Regulations. The new part would require carriers to establish and file with the Board priority rules for determining which passengers holding confirmed reserved space shall be denied boarding on an oversold flight. In addition, the amendment to Part 221 and the new Part 250 would require carriers to file tariffs providing specified denied boarding compensation to such passengers. Finally, the new part would require carriers to file reports of unaccommodated passengers.

The principal features of the proposed amendment to Part 221 and the new Part 250 are set forth in the Explanatory Statement, and the proposed amendment and new part are set forth in the Proposed Rules. These regulations are proposed under the authority of sections 204(a), 403, 404, and 411 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 758, 760, and 769; 49 U.S.C.

1324, 1373, 1374, and 1381), and section 3 of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 552).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before February 16, 1967, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. On October 12, 1965, the Board issued a notice of proposed rule making, EDR-95,¹ to consider a proposed new Part 250 providing for notice and other requirements with respect to overbooked flights. In addition, the notice advised that the Board has under consideration certain amendments to Part 221, which would require carriers subject to Part 250 to include in their tariffs their criteria, practices and rules for determining passenger priorities applicable to instances where confirmed reservations exceed the capacity of the aircraft on a scheduled flight. The notice afforded an opportunity to interested parties to participate in the proposed rule making through submission of their views or arguments.

The Air Transport Association of America (ATA) has consolidated and submitted comments of 31 air carriers. In addition, supplemental comments have been submitted by a number of carriers.² The carriers unanimously oppose the rule proposed in EDR-95, particularly the provisions of the new Part 250 requiring notice to passengers of an overbooked condition. Upon consideration of these objections, and of other factors hereinafter set forth, the Board is hereby proposing alternative regulations to deal with the problem.

The Board has for some years been concerned with the problem of oversales—the failure of air carriers to accommodate at flight departure time passengers holding confirmed reserved tickets on the flight on the ground that

space is not available.³ While the number of passengers holding confirmed reserved space who are denied boarding is not large relative to total enplanements, in absolute terms the number is substantial. Thus, evidence submitted by the carriers in the Overbooking Practices of Trunkline Carriers' Investigation, Docket 11683, and information received thereafter, indicate that in each of the years 1963 and 1964 approximately 50,000 passengers with tickets for confirmed reserved space were denied boarding on flights in domestic trunk and local service.

The oversales problem, therefore, is a severe one. It causes distress, inconvenience and damage to passengers. It impairs the public image of air carriers, casting doubt on the integrity of their reservations practices. Clearly, it is incumbent on the Board and the carriers to do all within their powers to eliminate oversales to the extent feasible.

The crux of the carriers' comments, as submitted by ATA, is that the proposed notification rule (1) would be largely unworkable; (2) would create anxiety and confusion on the part of the traveling public, severely weakening public confidence in air carrier reservations systems; (3) would increase unnecessarily, and at an undue cost to the industry, the already-heavy workload which must be handled within extremely narrow tolerances by airline reservations systems; (4) would cause the public to make a great number of duplicative and protective reservations; (5) would increase the already rapid turnover of reservations within the last 12-24 hours before departure; and (6) would increase the troublesome "no-show" and late cancellation problems.

In light of carrier comment and other considerations, the Board has tentatively determined not to finalize EDR-95. Rather, we propose to deal with the oversales problem by other means for the following reasons: (1) The proposed notice requirement of EDR-95 would have necessitated substantial changes in the reservations practices and systems of carriers, and the Board is not prepared to require such changes in a system which has, on balance, worked reasonably well in the public interest; (2) various measures are available to the carriers to reduce the dimensions of the oversales problem by limiting or curtailing certain aspects of their reservations practices; (3) finally, the Board believes the oversales problem can be substantially reduced by the proposals herein to require carriers (a) to make prompt, effective and adequate compensation to oversold passengers, (b) to establish priority rules for determining which passengers holding confirmed reserved space shall be denied boarding on oversold flights, and

³ Strictly speaking an oversale also occurs when a passenger is not accommodated in the class of service for which he holds confirmed reserved space, but is seated in a lower class of service ("downgraded") or a higher class ("upgraded"). However, this type of oversale presents a far less severe problem.

(c) to file reports of unaccommodated passengers. These matters will next be discussed seriatim.

1. As indicated above, the primary thrust of EDR-95 was directed toward the practice of carriers of deliberate or controlled overbooking. This practice stems from the fact that there is substantial reservations turnover before flight departure time occasioned by changes in passengers' plans and cancellation of their reservations. In addition, the practice is used to allow for multiple reservations made by some passengers and for "no-shows"—passengers who neglect to cancel reservations they do not intend to use. Reservations turnover can be projected and compensated for by booking in excess of the capacity of the aircraft to a predetermined extent. By carefully controlling overbooking in this manner on certain flights, carriers can reduce the chance of aircraft departing with empty seats. At the same time, through the carriers' acceptance of reservations in excess of inventory, passengers are able to secure space on flights which can in fact accommodate them and are also benefited by being offered maximum flexibility in securing, cancelling and changing reservations without charge or penalty. However, where carriers overestimate reservations turnover on a particular flight, overbooking can result in oversales and passengers holding confirmed reserved space are denied boarding.

The carriers, however, contend that overbookings alone do not cause oversales nor are they even the chief cause of oversales. In support of this position ATA has submitted the results of special surveys conducted by four carriers as follows:

	Boarded	Overbookings	Oversales
Carrier "A" (1 day)	45,000	700	8
Carrier "B" (2 days)	22,000	323	11
Carrier "C" (5 days)	125,000	635	3
Carrier "D" (48 days)	51,273	70	2

In the cases of Carriers "B" and "D", it is stated, none of the oversales were attributable to the overbookings and in the cases of "A" and "C" the overbookings were only a contributing factor.

There is nothing in the substantial body of data before the Board which controverts the carriers' claim that overbooking is not the major cause of oversales. Among other causes of oversales are reservations practices such as "free-sale" and "block ticketing". In addition, oversales are caused by such factors as (1) substitution of lower capacity aircraft because of maintenance or other operational consideration; (2) errors committed by personnel of the carrier denying boarding to the passenger, by personnel of other carriers, and by travel agency personnel; (3) breakdowns or defects in communication, computing and other equipment used in processing reservations.

It is also apparent that the notice requirement of EDR-95 would not only

¹ Docket 16563; Part 221—Construction, Publication, Filing and Posting of Tariffs of Air Carriers and Foreign Air Carriers; Part 250—Notice and Other Requirements of Overbooked Flights.

² Alaska Coastal-Ellis Airlines, Northern Consolidated Airlines, and Wien Alaska Airlines, jointly; Ozark Air Lines; Pan American World Airways (supported by Pan American-Grace Airways); Trans Caribbean Airways; Trans-Texas Airways; Trans World Airlines; and United Air Lines.

have the effect of controlling the practice of deliberate overbooking. The effect of the notice would be to seriously curtail the practice. Thus, carriers would not overbook if they were required to advise passengers of their overbooked status twelve hours prior to flight time in view of the resultant confusion, alarm, bitterness and cancellation of reservations. In this connection, it is to be noted that the table set forth above shows that there were a total of 1,728 overbookings and only 24 oversales or less than 0.0140 percent of overbookings. Had the requirement proposed in EDR-95 been in effect, it is manifest that a very sizeable number of persons would have been needlessly alarmed by the notification of their overbooked status and that reservations would have been cancelled on flights which actually could have accommodated these passengers. Further, were the carrier prevented from overbooking, large numbers of passengers would be denied reservations on flights which, because of reservations turnover and "no-shows," would depart with empty seats.

In our view, any realistic appraisal of the practice of overbooking leads to the conclusion that, while it results in oversales, it also contributes to flexibility and freedom in securing, changing, and cancelling reservations. Thus, any rigid controls over overbooking, as now practiced, would inevitably lead to restrictions on privileges which contribute greatly to the convenience of air transportation, and have come to be relied upon by the traveling public. In addition such controls would reduce load factors, and the additional cost would ultimately have to be borne by the traveling public.

In light of the above, it can be seen that the present reservations systems of the carriers in general benefit the traveling public. The Board is not prepared, therefore, to require changes in these systems without fully exploring other means by which the oversales problem may be curbed. Moreover, the reservations practices of the carriers involve detailed methods of doing business, personnel supervision, use of equipment, adaptation to technological change, etc., requiring a high degree of management flexibility and freedom. Since these matters are within the special province and competence of carrier management, it is desirable that the Board attempt to minimize to the extent possible regulation of the details of the carriers' reservations systems. But by the same token, it is incumbent on the carriers themselves to take effective steps to curb oversales resulting from their reservations practices. Obviously, if efforts by the carriers in this direction are inadequate, the Board may be compelled to regulate these practices toward this end.

2. In connection with the foregoing, there are two reservations practices of carriers, in addition to overbooking, which contribute to oversales. First, are "free-sale" privileges, a reservations procedure established by agreement whereby the participating carrier can sell space on another carrier without any prior clearance or check of inventory up to a

specific time before departure. This procedure is particularly used with respect to participating foreign carriers with offices located outside the United States. Second, are "block ticket" arrangements, by which persons which are given the ticket stock of a carrier can validate tickets which on their face purport to confirm reservations when in fact such reservations were not confirmed by the carrier.

"Free sale" and "block ticketing" no doubt reduce carrier reservations costs and increase flexibility and facility of securing reservations for the traveling public. Nevertheless, these practices not only contribute to oversales but they in fact invite oversales. This is an area over which the carriers have control, and the carriers have, in our judgment, a clear duty to take steps to drastically reduce the opportunities for oversales resulting from these practices. A recent resolution of ATC,⁴ is a measure toward this end which could and should be advanced further.

Similar observations can be made concerning the problem of "no-shows," which one carrier assigns as "the real problem" with respect to oversales. There may well be economic pressures on carriers to overbook in order to compensate for no-shows, as well as for reservations turnover. However, it is within the means of the carriers to reduce the number of no-shows through reservation service charges. The Board has expressed its belief in the desirability of reservation and no-show controls and previous experiments with no-show penalty assessments have given graphic evidence of their salutary effect on the problem.⁵ However, no-show assessments were abandoned by the carriers and have not been in effect since January 31, 1963. Aside from causing serious economic loss to the carriers, the problem of no-shows results in substantial inconvenience to the traveling public in being denied reservations through the thoughtless action of those passengers who book more space than they intend to use. The carriers' failure to curb this practice is a matter of concern to the Board, and they are urged to take corrective steps such as the establishment of an appropriate reservations charge.⁶

⁴ On April 20-21, 1966, the Air Traffic Conference of America adopted certain resolutions concerning Standard Interline Passenger Procedures to be effective June 3, 1966. One of these resolutions provides that carrier members shall not enter into free sales agreements on flight segments operating within the Continental United States, "when the selling offices have access to that Member's availability by means of local or toll free telephone or manually maintained or computer stored availability." In addition the resolution provides that free sale shall not be granted to travel agents. (By Order E-24516, Dec. 14, 1966, this resolution, and others designed to strengthen the carriers' reservations procedures, were approved.) However, the substantial number of free sale arrangements involving international flights remains unaffected by the resolution.

⁵ See Order E-20859.

⁶ The imposition of a charge should not, however, result in a higher fare level.

3. It is apparent from the foregoing that the present reservations system of the carriers is designed to provide maximum benefits for the traveling public and to reduce the carriers' reservations costs. However, these ends are achieved at a price of substantial inconvenience and hardship to those relatively few passengers who are oversold and denied boarding although holding confirmed reservations. Our present determination not to attempt detailed control of reservations practices at this time is premised upon the carriers' effecting a substantial improvement in the treatment of oversold passengers.

In our judgment, the compensation provided in carriers' tariffs as liquidated damages for failure to accommodate passengers with confirmed reserved space falls far short of being adequate.⁷ Data furnished by 11 trunk carriers show that for the 12 months ending August 32, 1965, of the 37,184 passengers denied confirmed space, 22,482 were qualified for denied boarding compensation. Of this total 19,772 passengers actually accepted such compensation and received an average of only \$20 per incident. Furthermore, we do not believe that the present denied boarding tariff is completely equitable, as it is primarily limited to domestic transportation.

In view of the above, it seems clear that the compensation provided in the tariff is inadequate to compensate passengers for the inconveniences arising from oversales. We cannot directly attack such causes of oversales as substitution of equipment or errors of personnel of the carriers⁸ of their travel agents. With respect to the reservations practices of the carriers responsible for oversales, however, we conclude that these practices must either be regulated by the Board or that the denied boarding passengers be offered reasonable compensation. In other words, we shall permit the above-described reservations practices to continue without regulation on condition that the carriers file tariffs providing prompt, effective and adequate compensation to denied boarding passengers, as proposed herein.⁹

⁷ These amounts are as follows:

Value of first remaining flight coupon for which space is confirmed on departed flight	Amount of compensation
\$1.05-\$5	Full value of the first remaining flight coupon \$5.
\$5.05-\$10	50 percent of the value of the first remaining flight coupon \$40.
\$10.05-\$80	
\$80.05 and over	

⁸ With respect to human error, greater use of computerization offers opportunities for its reduction. The Board is gratified to note the great strides the industry has and is making toward computerization of its reservation systems.

⁹ Since comments on the supplementary proposal herein may govern the disposition of the 12-hour notice requirement proposed in EDR-95, we shall not withdraw the latter at this time.

The proposed rule will require denied boarding tariffs to be filed by all carriers holding a certificate under section 401 (d) (1) and (2) of the Act authorizing the transportation of persons, except a helicopter operator, or a carrier conducting intra-Alaska service exclusively.¹⁰ The rule will apply to flights or portions of flights originating or terminating in the United States, its territories or possessions, but excludes flights originating and terminating within Alaska. The required tariffs will provide for compensation to eligible passengers at the rate of 200 percent of the value of the first remaining flight coupon with a \$50 minimum and a \$200 maximum. The conditions under which passengers are eligible for compensation are set forth in the rule. The compensation, if accepted by a passenger, shall constitute liquidated damages for the carrier's failure to provide him with confirmed reserved space. The rule will require carriers to tender passengers eligible for denied boarding compensation, on the date and place the denied boarding occurs, a draft for the appropriate amount of compensation with the reverse side of the draft containing a waiver from liability. The carrier shall allow such passengers at least 30 days within which to endorse and cash the draft.

Carriers will be required to furnish passengers denied boarding a written statement explaining the terms, conditions, and limitations of the denied boarding compensation.

4. In addition to providing reasonable compensation to denied boarding passengers, the proposed rule will require carriers to establish priority rules for determining which passengers holding confirmed reserved space shall be denied boarding on an oversold flight.

EDR-95 required that the priority rules be stated with "particularity and definiteness." The ATA and individual carrier comments interpret this language as requiring "inflexible" priority rules. It is pointed out that the carriers, individually, already have in their company manuals established guidelines for company personnel responsible for the accommodation of overbooked passengers. These guidelines, however, permit a degree of flexibility in their application so that when it is necessary to deny boarding to a passenger, it is possible to consider all passenger service factors and thus choose the passenger who would be least inconvenienced by such denial and for whom alternative reservations are available.

In view of these comments, the proposed rule will not require inflexibility in the carriers' priority rules. It will require that the priority rules not result in unjust discrimination or undue or unreasonable prejudice or disadvantage to persons. Assuming that the "guidelines" in company manuals do not have the latter results, it appears that the carriers have substantially conformed to the requirements of the proposed rule.

¹⁰The latter are excluded because oversales have not been a problem with them.

In addition, EDR-95 proposed to amend Part 221 of the Economic Regulations by requiring carriers subject to Part 250 to file in their tariffs the criteria, rules, and practices for determining which passengers with tickets for confirmed space on a specific scheduled flight are to be boarded on aircraft not able to accommodate all passengers with tickets for confirmed reserved space. The comment specifically addressed to the amendment of Part 221 is that priority rules reflecting flexibility are not proper tariff material. We agree that the flexibility required in the priority rules would make them inappropriate as tariff material. We shall, instead, require the carriers to file copies of their priority rules with the Board.

5. Finally, the proposed rule will require carriers to file reports regarding the number of unaccommodated passengers for specified markets, quarterly, and for their respective systems, monthly. The latter will be similar to reports submitted by carriers pursuant to Orders E-20859 and E-21187. Carrier comments submitted by the ATA, as well as individual carrier comments, have suggested the filing of such reports as an alternative to EDR-95. It has been the Board's experience in the administration of Part 234 of the Economic Regulations concerning realistic scheduling, that the reports required and the attendant publicity have created powerful incentives to improved performance in that area. We expect similar results through the reporting of unaccommodated passengers.

Proposed rules. 1. The Civil Aeronautics Board proposes to issue a new Part 250 (14 CFR Part 250) as follows:

PART 250—PRIORITY RULES, DENIED BOARDING COMPENSATION TARIFFS AND REPORTS OF UNACCOMMODATED PASSENGERS

Sec.	
250.1	Definitions.
250.2	Applicability.
250.3	Priority rules.
250.4	Filing of denied boarding compensation tariffs.
250.5	Amount of denied boarding compensation and exceptions.
250.6	Denied boarding compensation as liquidated damages.
250.7	Denied boarding compensation drafts.
250.8	Written explanation of denied boarding compensation.
250.9	Reports of unaccommodated passengers.

AUTHORITY: The provisions of this Part 250 issued under secs. 204(a), 403, 404, 411, Federal Aviation Act of 1958, as amended (72 Stat. 743, 758, 760, 769; 49 U.S.C. 1324, 1373, 1374, 1381); sec. 3, Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 552).

§ 250.1 Definitions.

For the purposes of this part: "Carrier" means an air carrier, except a helicopter operator or an air carrier conducting intra-Alaska service exclusively, holding a certificate issued by the Board pursuant to section 401(d) (1) and (2) of the Act, authorizing the transportation of persons.

"Confirmed reserved space" means space on a specific date and on a specific flight and class of service of a carrier which has been requested by a passenger and which the carrier or its agent has verified, by appropriate notation on the ticket, as being reserved for the accommodation of the passenger.

"Stopover" means a deliberate interruption of a journey by the passenger, agreed to in advance by the carrier, at a point between the place of departure and the place of destination.

"Value of the first remaining flight coupon" means the applicable one-way fare, including any surcharge, less any applicable discount.

§ 250.2 Applicability.

This part applies to all carriers as defined in § 250.1 and applies to flights or portions of flights originating or terminating in the United States, its territories or possessions, but excludes flights originating and terminating within the State of Alaska.

§ 250.3 Priority rules.

Every carrier shall establish priority rules and criteria for determining which passengers holding confirmed reserved space shall be denied boarding on an oversold flight. Every carrier shall file with the Board two copies of such rules and criteria, including that portion of its company manual instructing employees on the order of boarding priorities in case of an oversold flight. Such rules and criteria shall not make, give or cause any undue or unreasonable preference or advantage to any particular person or subject any particular person to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

§ 250.4 Filing of denied boarding compensation tariffs.

Every carrier shall file tariffs providing compensation to a passenger holding confirmed reserved space who presents himself for carriage at the appropriate time and place, having complied fully with the carrier's requirements as to ticketing, check-in and reconfirmation procedures and being acceptable for transportation under the carrier's tariff, and the flight for which the passenger holds confirmed reserved space is unable to accommodate the passenger and departs without him.

NOTE: See § 221.38(a) (7), the tariff provision for filing denied boarding compensation tariffs.

§ 250.5 Amount of denied boarding compensation and exceptions.

The tariffs required by this part shall provide for compensation to be paid a passenger holding confirmed reserved space, as described in § 250.4, at the rate of 200 percent of the value of the first remaining flight coupon with a \$50 minimum and \$200 maximum; *Provided, however,* That a passenger shall not be eligible for such compensation if:

(a) The flight for which the passenger holds confirmed reserved space is un-

able to accommodate him because of Government requisition of space;

(b) The carrier arranges for alternate means of transportation, which at the time such arrangement is made, is planned to arrive at the passenger's next point of stopover earlier than, or not later than 1 hour after, the time the flight, for which confirmed reserved space is held, is planned to arrive; or

(c) The passenger is accommodated on the flight for which he holds confirmed reserved space, but is offered accommodations or is seated in a section of the aircraft other than that specified in his ticket at no extra charge: *Provided*, That a passenger seated in a section for which a lower fare is charged shall be entitled to an appropriate refund.

§ 250.6 Denied boarding compensation as liquidated damages.

The tariffs required by this part shall specify that the carrier will tender, on the day and place the denied boarding occurs, compensation in the amount specified above, which, if accepted by the passenger, shall constitute liquidated damages for all damages incurred by the passenger as a result of the carrier's failure to provide the passenger with confirmed reserved space.

§ 250.7 Denied boarding compensation drafts.

Every carrier shall tender to a passenger eligible for denied boarding compensation, on the day and place the denied boarding occurs, a draft for the appropriate amount of compensation provided in § 250.5, and the reverse side of such draft shall include a release stating that when the draft is endorsed by the passenger, the passenger thereby relieves the carrier from liability for all claims for damages which might accrue to the passenger as a result of the carrier's failure to provide the passenger with space on the flight in question, provided that the draft is endorsed and paid within 30 days of the date on which the denied boarding occurs.

§ 250.8 Written explanation of denied boarding compensation.

Every carrier shall furnish passengers who are denied boarding on flights on which they hold confirmed reserved space, immediately after the denied boarding occurs, a written statement explaining the terms, conditions and limitations of the denied boarding compensation provided by this part. Each carrier shall file three copies of the statement with the Bureau of Operating Rights, and the statement shall include the following language:

Tariffs filed by this carrier with the Civil Aeronautics Board provide denied boarding compensation to a passenger holding confirmed reserved space where the flight for which the passenger holds such space is unable to accommodate him and departs without him.

Passengers eligible for denied boarding compensation shall be compensated at the rate of 200 percent of the value of the first remaining flight coupon on their tickets with a \$50 minimum and \$200 maximum.

The carrier is required to tender to each such passenger, on the day and place the denied boarding occurs, a draft in the amount specified above which, if endorsed and paid within 30 days, shall relieve the carrier from liability for all claims for damages which might accrue to the passenger as a result of the carrier's failure to provide the passenger with space on the flight in question.

In order to qualify for such compensation, a passenger must have complied fully with the carrier's requirements as to ticketing, check-in and reconfirmation procedures and be acceptable for transportation under the carrier's tariff. However, a passenger is not eligible for compensation if (a) the flight for which the passenger holds confirmed reserved space is unable to accommodate him because of Government requisition of space; (b) the carrier arranges for alternate means of transportation, which at the time such arrangement is made, is planned to arrive at the passenger's next point of stopover earlier than, or not later than one hour after, the time the flight, for which confirmed reserved space is held, is planned to arrive; or (c) the passenger is accommodated on the flight for which he holds confirmed reserved space, but is offered accommodations or is seated in a section of the aircraft other than that specified in his ticket at no extra charge: *Provided*, That a passenger seated in a section for which a lower fare is charged shall be entitled to an appropriate refund.

§ 250.9 Reports of unaccommodated passengers.

Carriers shall file reports, in the form set forth below as Appendix A to this part, with respect to the applicable markets specified hereafter, of the total number of revenue passengers boarded and the number of unaccommodated passengers in three categories: Denied boarding on aircraft, downgrades, and upgrades. The markets for which such reports shall be filed are those for which

on-time reporting is filed in accordance with Part 234 of this chapter of the Board's Economic Regulations and, in addition, New York-San Juan and Los Angeles/San Francisco-Honolulu. Local service carriers shall, in addition to reports which may be required by Part 234 of this chapter, file such data for the five top-ranking markets of each. The reports shall cover the third month in each calendar quarter and shall be filed within 45 days after the month covered by the report. In addition, carriers shall file, on a monthly basis, the information requested in Appendix B to this part. These reports may be on a system basis or limited to those stations accounting for 67 percent of the carrier's total enplanements, or the top 15 stations, whichever number is greater. The information in Item 4 shall be limited to the passengers enplaned at the reported stations and not the system total. Further, a list of the stations included should be appended to each report. These reports are to be submitted by the 30th of the month following each monthly reporting period. Those carriers with both domestic and international operations shall file separate reports for each.

2. The Civil Aeronautics Board also proposes to amend Part 221 of the Economic Regulations (14 CFR Part 221) by amending § 221.38(a) by adding a new subparagraph (7) as follows:

§ 221.38 Rules and regulations.

(a) Contents. . . .

(7) Denied boarding compensation: For carriers subject to Part 250 of this chapter, denied boarding compensation as specified in Part 250 of this chapter.

APPENDIX A

UNACCOMMODATED PASSENGER REPORT

Carrier

19

City Pairs (By Direction)	Denied Boardings ¹		Downgrades	Upgrades	Total Enplaned Passengers
	Qualified for Compensation	Exceptions per Tariff Rule ²			

¹ Number of passengers denied space on flights for which they held a valid ticket.

² a. Government requisition of space; b. arrangement for alternate means of transportation for passenger which, at the time such arrangement was made, was planned to arrive at the passenger's next point of stop-over not later than 1 hour after the time of the flight, for which confirmed reserved space was held, was planned to arrive; c. passenger accommodation on the flight for which he held confirmed reserved space, but was seated in a section of the aircraft other than that specified by the ticket.

Note: Carriers will report only nonstop flights on this form.

APPENDIX B

CIVIL AERONAUTICS BOARD
WASHINGTON, D.C.

REPORT OF PASSENGERS DENIED CONFIRMED SPACE

To Be Filed Within 30 Days After Termination of Each Month

Carrier Month of 196...

Number of
Passengers

1. Passengers who received compensation in accordance with Rule _____, or Rule _____ of Agent C. C. Squire's CAB No. _____ or subsequent similar tariff rule _____
2. Passengers who qualified for compensation in accordance with Rule _____, or Rule _____ (3) of Agent C. C. Squire's CAB No. _____ but did not accept or were not offered compensation under such, or subsequent similar, tariff rule _____

APPENDIX B—Continued

Number of
Passengers

3. Passengers who did not receive compensation in accordance with provisions for exceptions contained in Rule _____, or Rules _____ (3) of Agent C. O. Squire's CAB No. _____ or subsequent similar tariff rule.....
- (a) Government requisition of space.....
- (b) Arrangement for alternate means of transportation for passenger which, at the time such arrangement was made, was planned to arrive at the passenger's next point of stop-over not later than one hour after the time of the flight, for which confirmed reserved space was held, was planned to arrive.....
- (c) Passenger accommodation on the flight for which he held confirmed reserved space, but was seated in a section of the aircraft other than that specified on his ticket (upgrade and downgrade).....
- Total¹.....

4. Number of passengers enplaned.....

¹ Total would include all passengers denied confirmed space during the reporting period—include appropriate notes in the event that the sum of the specific items listed does not agree with the total.

Note: Any abnormal condition, such as strikes which have a bearing upon the results during the reporting period should be noted.

[P.R. Doc. 67-505; Filed, Jan. 16, 1967; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 21]

[Docket No. 16975]

DOMESTIC PUBLIC RADIO SERVICE (OTHER THAN MARITIME MOBILE)

Order Extending Time for Filing Comments and Reply Comments

The Commission, by its Chief of the Common Carrier Bureau having under consideration a petition filed on behalf of American Microwave Communications, Inc., Andrews Tower Rentals, Inc., Electronics, Inc., Great Plains Microwave Co., Hi-Desert Microwave, Inc., Minnesota Microwave, Inc., Pilot Butte Transmission Corp., Teleplex Microwave Systems, Inc., TelePrompTer Transmission of Kansas, Inc., TelePrompTer Transmission of New Mexico, Inc., and TelePrompTer Transmission of Oregon, Inc., by their attorney to extend the time to file comments in the above entitled matter to January 23, 1967;

It appearing, that the time for filing comments in Docket No. 16975 expired December 30, 1966; and

It further appearing, that the petitioners state that because of other pressing commitments their counsel will not be able to study the proposal to the extent required and that the additional time is necessary for the preparation of comments; and

It further appearing, that in the light of the considerations advanced by petitioner an extension of the comment period would be in the public interest; and

It further appearing, that an extension of the comment period would necessitate an extension of the period within which to file reply comments;

It is ordered, This 9th day of January 1967, pursuant to section 4(i) and 5(d) (1) of the Communications Act of 1934, as amended, and § 0.303(c) of the Commission's rules, that the time for filing comments in response to the above entitled matter is extended to January 23, 1967 and the time for filing reply com-

ments is hereby extended to February 13, 1967.

Released: January 11, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,

Secretary.

[P.R. Doc. 67-509; Filed, Jan. 16, 1967; 8:46 a.m.]

[47 CFR PART 21]

[Docket No. 17023]

DOMESTIC PUBLIC SERVICES (OTHER THAN MARITIME MOBILE)

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendments of Subparts C, G, H, and I of Part 21 of the Commission's rules to reduce the separation between assignable frequencies in the 450/470 Mc/s band for Domestic Public Radio Services (other than Maritime Mobile).

The Commission, by its Chief of the Common Carrier Bureau having under consideration a petition filed on behalf of National Association of Radiotelephone Systems, by its attorney to extend the time to file comments in the above entitled matter to February 9, 1967, and the time for filing reply comments to February 20, 1967; and

It appearing, that the time for filing comments in Docket No. 17023 expires January 9, 1967, and the time for filing reply comments therein expires on January 19, 1967; and

It further appearing, that the petitioner states that additional time is necessary to afford adequate time to prepare appropriate documents based upon a meeting of NARS representatives in January; and

It further appearing, that in light of the considerations advanced by petitioner an extension of the comment period and the period for filing reply comments would be in the public interest;

It is ordered, This 9th day of January 1967, pursuant to section 4(i) and 5(d)

(1) of the Communications Act of 1934, as amended, and § 0.303(c) of the Commission's rules, that the time for filing comments in response to the above entitled matter is extended to February 9, 1967, and the time for filing reply comments is hereby extended to February 20, 1967.

Released: January 11, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,

Secretary.

[P.R. Doc. 67-510; Filed, Jan. 16, 1967; 8:46 a.m.]

[47 CFR Part 73]

[Docket No. 17095; FCC 67-54]

FM BROADCAST STATIONS

Table of Assignments

In the matter of amendment of § 73.202, Table of assignments, FM Broadcast Stations, (Port Jervis, N.Y., Rockville, Ind., Waynesville, Mo., Roanoke Rapids and Goldsboro, N.C., Thibodaux, La., Crossville, Tenn., Danville, Ill., Lincoln and Omaha, Nebr., Clinton, Okla., Phoenix, Ariz., Fresno, Calif., San Antonio, San Marcos, Kenedy-Karnes, Georgetown, and Burnet, Tex., Columbus, Nebr., Salt Lake City, Utah, Bemidji, Minn., Longview, Wash., and Astoria, Oreg.), Docket No. 17095, RM-1065, RM-1078, RM-995, RM-1034, RM-1043, RM-1051, RM-1059, RM-1061, RM-1062, RM-1066, RM-1067, RM-1071, RM-1073, RM-1074, RM-1075.

1. Notice is hereby given of proposed rule making in the above-entitled matters, concerning amendments of the FM Table of Assignments contained in § 73.202 of the Commission's rules. All proposed assignments are alleged and appear to meet the separation requirements of the rules. All proposed assignments which are within 250 miles of the United States-Canadian border require coordination with the Canadian Government under the terms of the Canadian-United States FM Agreement of 1947 and the Working Arrangement of 1963. Except as noted, all channels proposed for shift or deletion are unoccupied and not applied for, and all population figures are taken from the 1960 U.S. Census.

2. RM-1065; Port Jervis, N.Y. (Port Jervis Broadcasting Co., Inc.). RM-1078; Rockville, Ind. (Charles R. Banks). In these two cases, interested parties have sought the assignment of a first Class A channel in a community, without requiring any other changes in the table. The communities are of substantial size and appear to warrant the proposed assignments. In the case of Port Jervis, a site about 2 miles west of the city would have to be used to conform to the spacing requirements. Comments are therefore invited on the following additions to the FM Table:

	Channel No.
Rockville, Ind.....	285A
Port Jervis, N.Y.....	244A

3. RM-995: Waynesville, Mo.: The Commission has before it for consideration a Petition for Reconsideration filed by South Central Broadcasters, Inc., licensee of Station KJPW(AM), Waynesville, Mo., on October 31, 1966, requesting reconsideration of a decision to deny a second FM assignment to Waynesville, Mo., issued in a Memorandum Opinion and Order on September 30, 1966, FCC 66-874, 5 FCC 2d 51.

4. Waynesville has a population of 2,377 and its county (Pulaski) has a population of 46,567.¹ It has been assigned one Class A channel (249A) on which Station KFBD operates. The sole AM station in the community (KJPW) is licensed to petitioner and operates day-time-only. The September 30, 1966, decision denied a request for the addition of Channel 221A basically on the grounds that a second assignment was not warranted in so small a community, that the assignment sought could preclude needed future assignments, especially on the top three channels in the noncommercial education FM band, and that other services were available to the area.

5. South Central urges that the Commission erred in its decision and acted contrary to the public interest in refusing its request for a second competitive FM channel assignment in Waynesville. It submits that there is a clear need for a second assignment to serve the Waynesville-St. Robert-Fort Leonard Wood area. Petitioner points out that Fort Leonard Wood is in the immediate vicinity of Waynesville, has a normal population of over 38,000 persons, and uses Waynesville as its principal community. Petitioner argues that Fort Leonard Wood is an important community in its own right with its own needs and interests but that it must look to Waynesville to have these local needs met. Thus, it submits that there is a common school system for both communities, that Waynesville high school is used by students at the Fort and that the people at the Fort shop in Waynesville and generally look to it to meet their other needs. KJPW, petitioner alleges, provides the residents of the Fort with a local radio outlet during day-time hours only but a full-time outlet is necessary to do a complete job. A letter from the commanding officer of the Fort is appended to support these claims. As to other services which are available or planned for the future, petitioner asserts that these stations do not provide local services for the area in question.

6. With respect to the impact that the proposed assignment would have on future needed assignments, petitioner amends its petition to the extent that it suggests that Channel 272A be assigned to Waynesville instead of Channel 221A. (It also suggests Channel 244A as an alternative). It is shown in an attached engineering statement that this assign-

ment would not preclude any future assignments on any of the six adjacent channels due to existing stations and assignments elsewhere. On Channel 272A, it is shown that there is only a small area in which this assignment would preclude assignments on the same channel, that there are only three communities of over 1,000 in it, and that there are other assignments available even for these small communities. Thus, it is argued that the proposed assignment would have little impact on possible future use of any channels affected. Finally, South Central states that the opposition filed by Fred Briesacher, Jr., licensee of KFBD, and noted by the Commission in its decision, does not offer any facts to support his contention that the addition of a second FM station in Waynesville would force him off the air or that there would be any public injury from the proposal. South Central further submits that the Commission and the courts have held that competition normally serves the public interest.

7. On November 28, 1966, Mr. Fred Briesacher, Jr., Licensee of KFBD, the existing FM station in Waynesville, filed an opposition to the subject petition for reconsideration. Among other contentions, this party states that Waynesville obtains service from other communities, that KFBD provides for the area and the Fort, and that there is no need for an additional station in Waynesville. The remaining arguments go to licensee qualifications and so are not germane to a rule making proceeding such as this, where the only question is whether a second FM assignment should be made to the community and area. Upon careful consideration of the additional data and contentions submitted in the Petition for Reconsideration and the opposition thereto, we are of the view that we should invite comments on the proposal. We are therefore granting the Petition for Reconsideration insofar as it requests the institution of rule making. However, in view of the proffered amendment to its original petition (the request for Channel 272A in lieu of 221A) we are treating the request, as amended, as a new petition for rule making. Comments are therefore invited on the following:

City	Channel No.	
	Present	Proposed
Waynesville, Mo.....	249A	249A, 272A

8. RM-1034: Roanoke Rapids, N.C.: The Commission has before it for consideration a petition for rule making filed on September 13, 1966, RM-1034, by The Halifax Broadcasting Co., Inc. (Halifax), licensee of Station WCTB(AM), Roanoke, N.C., looking toward the assignment of Channel 273 instead of 272A to Roanoke Rapids by the deletion of Channel 272A at Goldsboro, N.C., as follows:

City	Channel No.	
	Present	Proposed
Roanoke Rapids, N.C.....	272A	273
Goldsboro, N.C.....	245, 272A	245

An opposition to the Halifax proposal was filed by George G. Beasley and James Harrelson, prospective applicants for a new FM station at Goldsboro on Channel 272A and a reply thereto was submitted by Halifax.

9. The proposal is aimed at substituting a Class C wide-area coverage assignment in Roanoke Rapids by deleting the second assignment (a Class A channel) at Goldsboro. A comparison of the populations and radio station assignments in two communities is contained in the tabulation below:

City	Population		AM Stations	FM Assignments
	City	County		
Roanoke Rapids.....	13,320	58,956	1 Class IV..	272A
Goldsboro.....	28,873	82,059	1 unlimited, 2 day-time.	245, 272A

Roanoke Rapids is the largest community in its county but not the county seat while Goldsboro is both the largest and the county seat. Channel 245 is in operation in Goldsboro but no applications are on file for Channel 272A in either Goldsboro or Roanoke Rapids.

10. Halifax urges that Roanoke Rapids needs a Class C assignment because it is in the center of a "rural growth area" and is quite distant from any substantial centers of populations. It submits that the population of Roanoke Rapids increased 63.3 percent from 1950 to 1960 and that the nearest population centers are Raleigh (73 miles), Rocky Mount (35 miles), Norfolk (78 miles), Petersburg (55 miles) and Danville (110 miles). In an attached engineering statement, Halifax computes that a Class C FM station at Roanoke Rapids could provide night-time service to an AM "white area" of about 2,120 square miles as against 437 square miles for a Class A assignment. This is based upon an assumption of maximum power and antenna height of 200 feet (the WCBT antenna height) and coverage by the 1 mv/m contours. Petitioner submits that this "white area" includes six counties, of which Roanoke Rapids is the business, social and economic hub, that only three FM channels have been assigned to these counties, and that the nearest FM stations (six) are from 35 to 47 miles from Roanoke Rapids. Finally, Halifax urges that the proposal can be adopted without causing a loss of service to the Goldsboro area.

11. Beasley and Harrelson state that they are presently looking toward the transfer of control of Station WPMC (a

¹ Included in this figure is the 38,000 population of nearby Fort Leonard Wood.

PROPOSED RULE MAKING

daytime-only AM station in Goldsboro) and plan to file an application for Channel 272A in Goldsboro. They state that the 63.3 percent increase in population for Roanoke Rapids was due to an expansion of the city limits and that the 1960 population of the community was only 7,712 (8,156 in 1950) or a loss of 444 persons. They submit that the showing of AM "white area" by Halifax does not include the coverage of the FM stations in the area and the several other FM assignments that have not yet been applied for. With respect to Goldsboro, they point out that it is the shopping center and wholesale distribution point for the Coastal Plains section of North Carolina, that it is surrounded by a large agricultural area whose crops consist of tobacco, livestock, poultry, wheat etc., that the Seymour Johnson Air Force Base with a complement of 6,000 persons is located at Goldsboro and Mount Olive Junior College is located 12 miles from that city. Finally, they urge that the proposal would deprive the important city of Goldsboro of a second and competitive FM outlet and would result in the loss of two Class A outlets in order to obtain one Class C in Roanoke Rapids.

12. In its reply Halifax submits that not only would addition of Channel 273 to Roanoke Rapids instead of Channel 272A provide a first radio service to an area not now receiving AM service but it would also provide an area of 1,380 square miles as against 337 square miles for a Class A station with a first FM service. On the other hand, Halifax computes that the use of Channel 272A in Goldsboro would provide a first service to only 355 square miles and no first FM service at all.

13. While Goldsboro and its county are larger than Roanoke Rapids and its county and the present assignments of one Class A and one Class C to Goldsboro and one Class A to Roanoke Rapids appear to be a fair and equitable distribution of available facilities, the contentions and data submitted by Halifax with respect to the "white areas" to be served by a Class C assignment in Roanoke Rapids, both AM and FM, lead us to believe that rule making on its proposal is warranted. We therefore invite comments on the proposal as outlined above.

14. RM-1043: Thibodaux, La.: Mr. Warren L. Authement, a prospective applicant for a new FM station in Thibodaux, in a petition filed on October 7, 1966, requests the addition of Channel 281 to Thibodaux, La., as follows:

City	Channel No.	
	Present	Proposed
Thibodaux, La.	292A	281, 292A

Thibodaux is a community of 13,403 persons. It is the county seat and largest community in Lafourche County, which has a population of 55,381. It has a daytime-only AM station (KTIB) and one Class A FM station (KTIB-FM) on Channel 292A. Thibodaux is about 45 miles southwest of New Orleans.

15. Petitioner asserts that Thibodaux is a fast growing area with a balanced agricultural and fishing industry, as well as oil, gas and sulphur industries, that it contains a state college and three high schools, and it is the shopping area for about 150,000 people. It is urged that the community needs a second FM service to provide competition with the group which controls both the AM and FM station in the city, and to provide additional educational, religious and fraternal programs. Finally, petitioner states that a Class C assignment is needed in order to cover the entire shopping and educational area.

16. Normally, Thibodaux is the type of community which would be assigned Class A channels. However, since it is rather far removed from large population centers (45 miles from New Orleans and 50 miles from Baton Rouge) and since a large part of the surrounding area, especially to the south, is sparsely settled, it may warrant a departure from our policy in this respect. Comments are invited on this aspect of the proposal as well as the resultant mixture of a Class A and C assignment, something we have also tried to avoid where possible.

17. RM-1051: Crossville, Tenn.: On October 20, 1966, Millard V. Oakley Broadcasting Co., applicant for a new AM station and prospective applicant for a new FM station in Crossville, Tenn., filed a petition requesting the addition of Channel 280A to Crossville as follows:

City	Channel No.	
	Present	Proposed
Crossville, Tenn.	257A	257A, 280A

18. Crossville, the largest community and county seat of Cumberland County, has a population of 4,668 persons. The population of the county is 19,135. There is one daytime-only AM station in Crossville, WAEW, the licensee of which also holds a construction permit for an FM station on Channel 257A. Petitioner states that Crossville has grown from 2,270 in 1950 to an estimated 6,000 in 1966, that it has diversified economy which includes truck farming, textile, rubber, and furniture industries, and that it is fast becoming "one of the finest resort areas in the State of Tennessee." Petitioner further states that it will file an application for Channel 280A in the event it is assigned to Crossville.

19. In view of the small size of Crossville, we are not convinced that it warrants the assignment of a second Class A FM channel. However, we will consider the request if it can be shown that the assignment will not preclude the use of Channel 280A and the six adjacent channels in any community which may need such an assignment in the future and invite comments on the proposal as outlined above.

20. RM-1059: Danville, Ill.: On November 9, 1966, Paul K. Bresee, prospective applicant for a new FM station in Danville, Ill., filed a petition requesting

the addition of Channel 256 to Danville as follows:

City	Channel No.	
	Present	Proposed
Danville, Ill.	271, 276A	256, 271, 276A

Danville, located near the east-central border of Illinois, has a population of 41,856, and is the county seat and largest community in Vermilion County, which has a population of 96,176. There are presently two fulltime AM stations in Danville, WITY and WDAN. WDAN-FM holds a construction permit for Channel 271 but no applications have been filed for Channel 276A.

21. Petitioner submits that the current population of Danville is 52,000 and attributes this increase over the 1960 figure to the recent influx of large manufacturing plants. He adds that WDAN-FM will duplicate a substantial portion of the AM programming and that there is a need for an independent broadcasting service. Finally he urges that no new FM station could survive on the available Class A channel due to the severe power and coverage limitations of such a station.

22. We do not believe that Danville warrants the assignment of three FM channels. However, the assignment of Channel 256 in lieu of 276A would remove the mixture of a Class A and B assignment and would assign two technically competitive facilities to this market. We therefore believe that we should invite comments on the following proposal, rather than that advanced by Mr. Bresee:

City	Channel No.	
	Present	Proposed
Danville, Ill.	271, 276A	256, 271

23. RM-1061: Clinton, Okla.: Western Oklahoma Broadcasting Co., licensee of Station KWOE(AM), Clinton, Okla., filed a petition for rule making on November 10, 1966, requesting the substitution of Channel 295 for 237a at Clinton, Okla., as follows:

City	Channel No.	
	Present	Proposed
Clinton, Okla.	237A	295

Clinton, a community of 9,617 persons, is located in the west-central portion of Oklahoma, about 80 miles west of Oklahoma City. It is the largest community (but not the county seat) in Custer County, which has a population of 21,040. KWOE, licensed to petitioner, is a daytime-only station and the sole radio station in the county. Petitioner points out that the western portion of Oklahoma is sparsely populated and that a new FM station, in order to be

economically feasible, must draw upon a wide area for listener and advertising support. In view of this, it is urged a Class C operation is necessary and that such an operation would provide service to a wide area now without any AM or FM nighttime radio service.

24. Normally, a community the size of Clinton would be assigned a Class A channel. However, in view of the sparsely populated area around the community and its great distance from centers of population, it may merit a departure of our policy in this respect. Comments are therefore invited on petitioner's proposal as outlined above.

25. RM-1062: Lincoln, Nebr.: In a petition for rule making filed jointly on November 14, 1966, Cornbelt Broadcasting Corp. and Shurtleff-Schorr Broadcasting Corp., competing applications for Channel 297 at Lincoln, Nebr., request the deletion of Channel 270 from Omaha, Nebr., and its assignment to Lincoln, as follows:

City	Channel No.	
	Present	Proposed
Lincoln, Neb.	287A, 274, 292A, 297	287A, 270, 274, 292A, 297
Omaha, Neb.	222, 231, 241, 253, 260, 264, 270, 283	222, 231, 241, 253, 260, 264, 283

Omaha has a population of 301,598. Of its eight Class C assignments, five are occupied and three have not been applied for. It also has six AM stations, four of which are full-time operations. Lincoln has a population of 128,521. Stations are in operation on one of the Class A channels and on one of the Class C channels assigned. Petitioners are both applicants for the sole remaining Class C Channel 297 since a station operates on Channel 274. Cornbelt is also the licensee of KFOR(AM) and Shurtleff-Schorr is the licensee of KLIN(AM), both Class IV AM stations in Lincoln. In addition, Lincoln has another unlimited time AM station and one daytime-only station, or a total of four.

26. Petitioners point out that Channel 270 was previously assigned to Lincoln but was removed to Omaha in order that Channel 279 could be shifted from Omaha to Atlanta, Iowa. See first report and order in Docket No. 15935, 1 FCC 2d 732. They submit that Omaha, with about twice the population, has four times as many wide area channels as Lincoln, that there is a need and demand for another Class C assignment in Lincoln, and that the proposed addition of Channel 270 would permit resolution of the conflict between the two applicants for Channel 297 at the same time that it would leave two Class C assignments available in Omaha. Finally, petitioners urge that the proposal will serve the public interest in that it would provide for a fair and equitable distribution of available facilities as provided for in section 307(b) of the Communications Act.

27. We are of the view that comments should be invited on the proposal as out-

lined above in order that all interested parties may submit their views and relevant data.

28. RM-1066: Phoenix, Ariz.: On November 16, 1966, Arizona Stereocasters, Inc., prospective applicant for a new FM station in Phoenix, Ariz., filed a petition for rule making looking toward the deletion of Channel 278 from Sun City, Ariz., and its assignment to Phoenix, Ariz., without replacement or in the alternative, the substitution of Channel 300 for 278 in Sun City as follows:

City	Channel No.	
	Delete	Add
Sun City, Ariz.	278	None or 300
Phoenix, Ariz.		278

Sun City is an unincorporated community with a population of 2,000 persons according to a commercial atlas and marketing guide. Petitioner estimates its population as 9,800 but gives no authority for the figure. It is about 16 miles northwest of Phoenix. There are no AM stations in the community and no applications have been filed for either Channel 278 or 292A presently assigned to it.² Phoenix has a population of 439,170 and its Standard Statistical Metropolitan Area has a population of 663,510. There are six Class C channels assigned to it and all are occupied.

29. Petitioner states that Sun City does not have the economic potential to support two FM stations, that it receives service from the majority of Phoenix stations, and that Phoenix is one of the most rapidly growing cities in the country. It urges that the proposed additional assignment to Phoenix would provide the area with an additional local outlet and added diversity of programming without adversely affecting other assignments. We are of the view that the petitioners proposal to add a Class C assignment to Phoenix merits the institution of rule making. However in view of the size of Sun City, its closeness to the large city of Phoenix, and the lack of need or demand for two FM assignments, we do not believe that the substitution of Channel 300 for 278 is warranted but that one Class A assignment only should be retained there. We are therefore inviting comments on the first alternative proposal of the petition as follows:

City	Channel No.	
	Present	Proposed
Phoenix, Ariz.	233, 238, 245, 254, 268, 273	233, 238, 245, 254, 268, 273, 278
Sun City, Ariz.	278, 292A	292A

30. RM-1067: Fresno, Calif.: In a petition filed on November 18, 1966, Radio KYNO, Inc., Licensee of Station KYNO (AM), Fresno, Calif., requests the addi-

² A station previously operated on Channel 292A.

tion of a sixth Class B FM assignment (Channel 238) to Fresno as follows:

City	Channel No.	
	Present	Proposed
Fresno, Calif.	229, 233, 250, 270, 274	229, 233, 238, 250, 270, 274

31. Fresno has a population of 133,929 and its county has a population of 365,945. All of its five FM assignments are in operation. In addition, it has 10 AM stations, 5 of which are daytime-only operations. Petitioner states that the present population of Fresno is 159,300 and of the county is 412,100. It submits that the city has also grown in retail sales, buying income per household and other similar characteristics. It is urged that for these reasons and because of the remoteness of Fresno from other major markets, Fresno merits an additional FM facility. Finally, petitioner states that it will file for the assignment in the event it is made final.

32. Comments are invited on the proposed addition of Channel 238 to Fresno in order that all interested parties may submit their views and relevant data.

33. RM-1071: San Antonio, Tex.: A petition for rule making filed on November 25, 1966, by Waterman Broadcasting Corporation of Texas, licensee of Station KTSA(AM), San Antonio, Tex., requests the addition of a Class C channel to San Antonio by making the following necessary changes in other Texas communities:

City	Add	Delete
San Antonio.	298	
San Marcos.	279	296A
Kenedy-Karnes.	232A	296A
Georgetown.	244A	280A
Burnet.	296A	276A

34. San Antonio has a population of 587,718 and its Standard Statistical Metropolitan Area has a population of 687,151. It has six full-time AM stations and five daytime-only stations. Of the eight Class C channels assigned to San Antonio, all but one (274) have been authorized. There are two applications for the remaining assignment, that of petitioner and that of another party specifying Alamo Heights, Tex., under the "25-mile rule." Waterman submits that the proposed addition of Channel 298 to San Antonio will remove the conflict for 274 and will result in the earlier inauguration of additional FM service to the area. It points out that there has been a 43.9 percent increase in the city population from 1950 to 1960 and that the proposal would not adversely affect any other station or assignment. Finally, Waterman urges that the rate of growth of the area shows the compelling need for an additional assignment in San Antonio.

35. Since the additional assignment requested for San Antonio would not make the total exceed the criteria used in setting up the Table of Assignments (we attempted to put from 6 to 10 assign-

ments in a city the size of San Antonio) and since the proposal would substitute an equivalent assignment in each of the other communities affected (with the exception of San Marcos, where a Class C is used to replace a Class A) we are of the view that comments should be invited on the Waterman proposal as outlined above.

36. RM-1073: Columbus, Nebr.: On November 28, 1966, City and Farm Broadcasting, Inc., licensee of Station KTTT(AM), Columbus, Nebr., filed a petition for rule making requesting the addition of Channel 228A to Columbus, Nebr., as follows:

City	Channel No.	
	Present	Proposed
Columbus, Nebr.....	266	228A, 266

37. Columbus, located in the east central portion of Nebraska, has a population of 12,476. It is the largest community and the county seat in Platte County, which has a population of 23,992. There are two daytime-only AM stations in Columbus, KTTT, licensed to petitioner, and KJSK. KJSK-FM operates on Channel 266. City and Farm states that it desires to provide a full-time radio service to its audience and believes that a Class A channel would adequately serve its purpose. It urges that the additional assignment requested will not preclude other future assignments in the area and in an accompanying engineering attachment shows that numerous assignments are available to the area surrounding Columbus.

38. Since Columbus appears to warrant the assignment of an additional FM channel, comments are invited on petitioner's proposal. While we have attempted to avoid the mixing of Class A and B/C channels in the same community, it may be warranted in this case.

39. RM-1074: Salt Lake City, Utah: In a petition filed on November 28, 1966, Salt Lake City Broadcasting Co., Inc., and Granite District Radio Broadcasting Co., jointly request the additional assignment of Channel 274 to Salt Lake City, Utah. These parties are the licensees of Station KALL(AM) and KNAK(AM), and also applicants for the remaining FM channel (231) in Salt Lake City.

40. Salt Lake City has a population of 189,454 and its Standard Statistical Metropolitan Area has a population of 383,035. It has nine AM stations, four of which are daytime-only operations. It has been assigned seven Class C channels, one over the normal amount assigned to a city of its size, and all but one have been authorized. The pending applications for the remaining channel will have to go through a comparative hearing, in the event the subject request is not granted.

41. Petitioners point out that the Commission last considered the Salt Lake City FM situation in its first report and order issued in Docket No. 16212, 2 FCC

2d 647. In that proceeding a seventh channel was added to Salt Lake City (by making a change in Tooele) but a request from Salt Lake to add an eighth assignment (Channel 274) was denied.³ It was concluded that the addition of one channel would represent a fair and equitable distribution of available facilities since the city had the number of assignments contemplated by the allocation principals. The decision also stated that it was recognized that a number of unused assignments in the general area existed but that the future need and demand could not be foretold.

42. Salt Lake and Granite now submit additional reasons why they believe an eighth assignment should be made to Salt Lake City in addition to the avoidance of a lengthy and costly comparative hearing. They submit that within a radius of 70 miles of Salt Lake City and as of January 1, 1966, 87.6 percent of the population of Utah reside, that the population growth of the State is within this area, and that there has been a 16.2 percent growth since 1960 in the 12 counties within the radius. On the other hand, they point out that in all but five of the remaining counties in the State there has been a population loss. They show that there are a number of Class A and C channels in most of the listed communities for which no applications have been filed. A showing is also made as to the future availability of assignments in communities throughout Utah in the event the need or demand arises. Thus, petitioners conclude that the proposal would insure additional service to the area having the greatest need without adversely affecting the future needs of other communities.

43. While we have expressed concern in the past about assigning additional channels to Salt Lake City, we believe, on the basis of the special showing made by petitioners concerning the future availability of assignments in the general area, that we should invite comments on their proposal to add the assignment of Channel 274 to Salt Lake City, in order that all interested parties may submit their views and relevant data.

44. RM-1075: Bemidji, Minn.: On December 2, 1966, Paul Bunyan Broadcasting Co., licensee of Station KBUN (AM), Bemidji, Minn., filed a petition looking toward the substitution of Channel 266 for 252A and 269A in Bemidji, Minn., as follows:

City	Channel No.	
	Present	Proposed
Bemidji, Minn.....	252A, 269A	266

Bemidji has a population of 9,958 and Beltrami County (in which it is the county seat and largest community) has a population of 23,425. The only radio

³ Another party filed for this new assignment and was granted a construction permit, leaving Salt Lake and Granite still in a hearing situation.

station in the county is KBUN, a Class IV AM station, licensed to petitioner. Petitioner urges the assignment of a wide-area Class C channel in view of the rural nature of the area (the population density of the county is 9.3 persons per square mile), the great distance from population centers (the nearest town of comparable size is 75 miles), and the fact that Bemidji is the business center for Beltrami and several adjacent counties. It is also submitted that Bemidji has a number of important industries, tourist resorts, churches, and schools. Finally, petitioner points out that, due to the limited coverage of the AM station, there is great need for wide area coverage to provide fire prevention and other safety messages, school closings, sports, news, and educational programs.

45. While we have generally assigned Class A channels to the smaller communities and Class B and C channels to the large cities and metropolitan areas, Bemidji seems to warrant a departure from this policy in view of the rural nature of the surrounding area and the great distances from population centers. Comments are therefore invited on the proposal as outlined above.

46. Longview, Wash., and Astoria, Oreg. In addition to the above discussed proposals made by interested parties, the Commission wishes to make two additional changes on its own motion. Channel 240A is presently assigned to Longview, Wash., at spacings below the minimums. In order to remove this short-spaced assignment, comments are invited on the following:

City	Channel No.	
	Present	Proposed
Longview, Wash.....	240A	285A
Astoria, Oreg.....	289	250

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

48. Pursuant to applicable procedures set out in § 1.45 of the Commission's rules, interested parties may file comments on or before February 13, 1967, and reply comments on or before February 24, 1967. All parties must be made in written comments, reply comments or other appropriate pleadings.

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

Adopted: January 11, 1967.

Released: January 12, 1967.

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

[F.R. Doc. 67-511; Filed, Jan. 16, 1967;
8:46 a. m.]

⁴ Commissioner Cox dissenting to the proposal for Waynesville, Mo.

Notices

DEPARTMENT OF STATE

Agency for International Development
**PAN AMERICAN DEVELOPMENT
 FOUNDATION, INC.**

Registration as Voluntary Foreign Aid Agency

In accordance with the regulations of the Agency for International Development concerning Registration of Agencies for Voluntary Foreign Aid (A.I.D. Reg. 3) 32 CFR Part 203, promulgated pursuant to section 621 of the Foreign Assistance Act of 1961, as amended, notice is hereby given that a certificate of registration¹ as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the Agency for International Development to the following agency:

Pan American Development Foundation,
 Inc., 19th and Constitution Avenue NW.,
 Washington, D.C. 20006.

HERBERT J. WATERS,
*Assistant Administrator
 for Material Resources.*

JANUARY 10, 1967.

[P.R. Doc. 67-495; Filed, Jan. 16, 1967;
 8:45 a.m.]

DEPARTMENT OF THE TREASURY

Bureau of Narcotics

[T.D. 79]

DEPUTY COMMISSIONER ET AL.

Delegation of Functions

By virtue of the authority vested in me by Treasury Department Order No. 180-3 all of the functions under Public Law No. 362, 84th Congress, 1st session, 69 Stat. 684 (21 U.S.C. 198a, 198b, 198c), are hereby delegated as follows:

1. All such functions are delegated to the Deputy Commissioner, the Assistant Commissioners, the Inspectors, and the District Supervisors.

2. All such functions except the authority to issue subpoenas are delegated to the Narcotic Agents.

This Treasury Decision supersedes and revokes Treasury Decision No. 52 dated August 31, 1955, and Treasury Decision No. 52, Supplement No. 1, dated October 8, 1956.

[SEAL] HENRY L. GIORDANO,
Commissioner of Narcotics.

JANUARY 10, 1967.

[P.R. Doc. 67-502; Filed, Jan. 16, 1967;
 8:46 a.m.]

¹ Certificate filed as part of original document.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management
**CHIEF, DIVISION OF ADMINISTRATION,
 BOISE DISTRICT, IDAHO**

Redelegation of Authority

In accordance with section 3.1 of Bureau Order No. 701 of July 23, 1964 (P.R. Doc. 64-7492; 29 F.R. 10526), as amended, the Chief, Division of Administration of the Boise District, Idaho, is authorized to perform in accordance with existing policies and regulations of this Department and under the direct supervision of the district manager, the functions listed below, subject to the limitations set forth in Bureau Order No. 701, as amended.

- (1) Section 3.2(c): Copies of records.
 - (2) Section 3.3(b): Contributions, donations, and refunds.
 - (3) Section 3.3(c): Repayments.
- This order will become effective upon publication in the FEDERAL REGISTER.

EDWARD C. BOOKER,
District Manager.

Approved:

MAURICE W. MARCH,
Acting State Director.

[P.R. Doc. 67-498; Filed, Jan. 16, 1967;
 8:45 a.m.]

National Park Service

BLUE RIDGE PARKWAY

Notice of Intention To Issue Concession Permits

Pursuant to the provisions of section 5, Public Law 89-249, public notice is hereby given that the Department of the Interior, through the Acting Superintendent of Blue Ridge Parkway, National Park Service, proposes, thirty (30) days after the date of publication of this notice, to issue the following authorizations for the period January 1, 1967, through December 31, 1967: (1) The concession permit under which Homer Harris provides concession facilities and services for the public at Mabry Mill in the Blue Ridge Parkway; and (2) the concession permit under which Floyd Fie provides concession facilities and services for the public at Balsam Mountain campground and picnic area in the Blue Ridge Parkway.

The foregoing concessioners have performed their obligations under prior permits to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above are entitled to be given preference in the negotiation of concession permits. However, under the act cited above the Service is also re-

quired to consider and evaluate all proposals received as a result of this notice.

JAMES M. EDEN,
*Acting Superintendent,
 Blue Ridge Parkway.*

NOVEMBER 28, 1966.

[P.R. Doc. 67-488; Filed, Jan. 16, 1967;
 8:45 a.m.]

Office of the Secretary

COMMISSIONER, FEDERAL WATER
 POLLUTION CONTROL ADMINIS-
 TRATION

Delegation of Authority

The following delegation of authority to the Commissioner, Federal Water Pollution Control Administration is a part of the Departmental Manual and the numbering is that of the Manual.

275 DM 1.1 *General authority.* Except as provided in 275 DM 1.2, the Commissioner, Federal Water Pollution Control Administration is authorized to exercise the authority of the Secretary of the Interior with respect to any matter relating to the prevention, control, and abatement of water pollution, and to otherwise enhance the quality and value of the Nation's water resources.

275 DM 1.2 *Limitations.* A. State plans submitted pursuant to subsection 7(f) of the Federal Water Pollution Control Act, as amended, shall not be finally disapproved, nor shall related hearings be held, without prior Secretarial approval.

B. A Secretarial Officer will designate the chairman of the Water Pollution Control Advisory Board, as authorized by subsection 9(a)(1) of the Federal Water Pollution Control Act, as amended.

C. Enforcement measures and proceedings, as prescribed or authorized by section 10 of the Federal Water Pollution Control Act, as amended, shall be initiated only with Secretarial approval; and water-quality standards as prescribed and authorized by subsection 10(c) shall be approved and promulgated by the Secretary.

D. With respect to Executive Order 11258, as amended, (1) any required modification of standards for waste treatment, as authorized by section 5, shall have Secretarial approval, and (2) reports required by sections 3, 6, 7, and 8 shall be submitted by the Secretary.

STEWART L. UDALL,
Secretary of the Interior.

JANUARY 11, 1967.

[P.R. Doc. 67-489; Filed, Jan. 16, 1967;
 8:45 a.m.]

Office of the Secretary
**PRODUCERS OF WATCHES AND
 WATCH MOVEMENTS IN VIRGIN
 ISLANDS, GUAM, AND AMERICAN
 SAMOA**

Public Hearing To Consider
 Allocation of Quotas

CROSS REFERENCE: For a document regarding the above-entitled matter, see Department of Commerce, F.R. Doc. 67-608, infra.

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[P. & S. Docket No. 402]

**MARKET AGENCIES AT UNION
 STOCK YARDS, CHICAGO, ILL.**

Notice of Petition for Modification
 of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on June 22, 1966 (25 A.D. 820), authorizing the respondents, Market Agencies at the Union Stock Yards, Chicago, Ill., to assess the current temporary schedule of rates and charges to and including February 29, 1968, unless modified or extended by further order before the latter date.

On January 5, 1967, an amended petition was filed on behalf of the respondents requesting authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below:

B-4 Calves maximum charge:

Present

In no instance shall the charge for selling a consignment of calves exceed \$41 for each 100 calves or less, plus extra service charges provided in section E.

Proposed

In no instance shall the charge for selling a consignment of calves exceed the aggregate of \$51.50 for the first 24,400 pounds, plus 19 cents for each additional 100 pounds or fraction thereof, plus extra service charges provided in section E.

SECTION C—OPEN MARKET BUYING CHARGES

	Rate per head	
	Proposed	Present
C-1 Cattle:		
Consignments of one head and one head only.....	\$1.70	\$1.60
Consignments of more than one head:		
First 5 head in each consignment.....	1.50	1.40
Next 10 head in each consignment.....	1.45	1.35
Each head over 15 head in each consignment.....	1.40	1.30

C-2 Cattle, maximum charge:

In no instance shall the charge for buying a consignment of cattle exceed the aggregate of \$48 (presently \$44.50) for the first 24,400 pounds, plus 18 (presently 16½) cents for

each additional 100 pounds or fraction thereof, plus extra service charges provided in section E.

	Rate per head	
	Proposed	Present
C-3 Calves:		
Consignments of one head and one head only.....	\$1.00	\$0.90
Consignments of more than one head:		
First 5 head in each consignment.....	.85	.75
Next 10 head in each consignment.....	.70	.60
Each head over 15 head in each consignment.....	.60	.50

C-4 Calves, maximum charge:

Present

In no instance shall the charge for buying a consignment of calves exceed \$38 for each 100 calves or less, plus extra service charges provided in section E.

Proposed

In no instance shall the charge for buying a consignment of calves exceed the aggregate of \$48 for the first 24,400 pounds, plus 18 cents for each additional 100 pounds or fraction thereof, plus extra service charges provided in section E.

	Rate per head	
	Proposed	Present
C-5 Bulls:		
Consignments of:		
One head and one head only weighing over 1000 pounds.....	\$2.10	\$2.00
One head and one head only weighing 700 to 1000 pounds.....	1.80	1.70
Consignments of more than one head:		
Each animal weighing 700 pounds or over.....	1.80	1.70
All bulls weighing less than 700 pounds. Apply cattle rate.		
C-6 Targeted cattle:		
Suspects, Condemned Cattle, T.B. or Bangs Reactor.....	2.35	2.25

C-7 Hogs:

Present

	Per head
Consignments of one head and one head only:	
Each head weighing 250 pounds or over.....	\$0.65
Each head weighing under 250 pounds.....	.50
Consignments of more than one head:	
First 10 head in each consignment.....	.42
Next 15 head in each consignment.....	.37
Each head over 25 head in each consignment.....	.32

Proposed

The charge shall be 15 cents per hundred-weight. In no case shall the maximum charge exceed the aggregate of \$75 for an individual truck or rail car, plus extra service charges provided in section E.

	Rate per head	
	Proposed	Present
C-8 Boars:		
Consignments of one head and one head only.....	\$1.00	\$1.00
Consignments of more than one head:		
First 10 head in each consignment.....	.75	.75
Each head over 10 head in each consignment.....	.60	.60

Delete

C-9 Hogs, by rail, maximum charge:

In no instance shall the charge for buying a consignment of hogs moving out by rail exceed \$27.50 for each single deck car, \$38.50 for each 40-foot double deck car and \$48.50 for each 50-foot double deck car, plus extra service charges provided in section E.

C-10 Hogs, by other than rail, maximum charge:

In no instance shall the charge for buying a consignment of hogs moving out other than by rail exceed the aggregate of \$27.50 for the first 18,000 pounds, plus 13½ cents for each additional 100 pounds or fraction thereof, plus extra service charges provided in section E.

C-11 (Renumber as Item C-9. No change otherwise.)

SECTION E—EXTRA SERVICE CHARGES

The following extra service charges are applicable to each consignment bought or sold, and are in addition to the charges provided in sections B, C, F, I, and L (presently sections B, C, F, and I) for selling and buying:

For each additional weight draft over 3 on account of sales or purchase classification (brought about by sorting and weighing for the best interests of the shipper).....	\$0.30
For each additional check, each additional account of sales, each proceeds deposit or bank credit over 1.....	.15
For computing, collecting and remitting each check for the charges of transportation.....	.15
DRIVING LIVESTOCK TO OUTBOUND LOADING CHUTE PENS	
Driving livestock to the outbound loading chute pens for outbound shipment, the following charges will apply:	
Cattle.....	Per head \$0.10
Calves.....	.05
Hogs.....	.03
Sheep.....	.02

The above to be applicable only in the event the Union Stock Yard & Transit Co. of Chicago, Ill., is unable to satisfactorily perform this driving service and does not apply to stockers and feeders.

SECTION I—FEEDER CATTLE AND CALF AUCTION BUYING AND SERVICE CHARGES

No feeder livestock offered for sale at auction will be purchased or paid for by a market agency for a buyer, nor any other stockyard service rendered, unless arrangements satisfactory to the market agency to assure payment therefor have been made by the buyer.

When a market agency purchases feeder livestock at auction by direct bid for a buyer, the charge per consignment shall be:

Item No.	
I-1	Cattle (average weight over 400 lbs.), \$1.55 per head. Plus extra service charges provided in section E. Maximum \$51.50 for the first 24,400 lbs. plus 19 cents for each additional 100 lbs. or fraction thereof, plus extra service charges provided in section E.

Present

Item No.
I-2 Calves (average weight 400 lbs. or under), \$0.75 per head. Plus extra service charges provided in section E. Maximum, \$41 for each 100 calves or less, plus extra service charges provided in section E.

Proposed

Calves (average weight 400 lbs. or under), \$0.75 per head. Plus extra service charges provided in section E. Maximum \$51.50 for the first 24,400 lbs. plus 19 cents for each additional 100 lbs. or fraction thereof, plus extra service charges provided in section E.

When feeder livestock purchased at auction by direct bid by a buyer is weighed to or through a market agency for the buyer, the charge per consignment shall be:

I-3 Cattle (average weight over 400 lbs.), \$1.23 per head. Plus extra service charges provided in section E. Maximum \$38.75 (presently \$36) for the first 24,400 lbs. plus 15 cents for each additional 100 lbs. or fraction thereof, plus extra service charges provided in section E.

I-4**Present**

Calves (average weight 400 lbs. or under), \$0.60 per head. Plus extra service charges provided in section E. Maximum \$30.50 for each 100 calves or less, plus extra service charges provided in section E.

Proposed

Calves (average weight 400 lbs. or under), \$0.60 per head. Plus extra service charges provided in section E. Maximum \$38.75 for the first 24,400 lbs. plus 15 cents for each additional 100 lbs. or fraction thereof, plus extra service charges provided in section E.

When feeder livestock offered for sale at auction is neither purchased nor paid for by a market agency, the charge per consignment for any other stockyard service or services rendered by such market agency in connection with feeder livestock acquired by the buyer at auction shall be:

I-5 Cattle (average weight over 400 lbs.), \$0.85 per head. Plus extra service charges (presently one-half extra service charges) provided in section E. Maximum \$25.75 (presently \$24) for the first 24,400 lbs. plus 10 cents for each additional 100 lbs. or fraction thereof, plus extra service charges (presently one-half extra service charges) provided in section E.

I-6**Present**

Calves (average weight 400 lbs. or under), \$0.45 per head. Plus one-half extra service charges provided in section E. Maximum \$20.50 for each 100 calves or less, plus one-half extra service charges provided in section E.

Proposed

Calves (average weight 400 lbs. or under), \$0.45 per head. Plus extra service charges provided in section E. Maximum \$25.75 for the first 24,400 lbs. plus 10 cents for each additional 100 lbs. or fraction thereof, plus extra service charges provided in section E.

Item No.

When feeder livestock offered for sale at auction is neither purchased nor paid for by a market agency, nor any other stockyard service or services rendered by such market agency in connection with feeder livestock acquired by a buyer at auction, there shall be no charge.

SECTION L—CHICAGO MERCANTILE EXCHANGE

L-1 For services required by the Chicago Mercantile Exchange in effecting delivery of cattle and/or hogs (presently only cattle) under future contracts, the charges set forth in section B will apply.

L-2 If the buyer of cattle and/or hogs (presently only cattle) delivered under a future contract requires that the cattle be driven from the holding pens to the outbound loading chute pens for outbound shipment, one-half of the charges set out in section C will apply.

The modifications, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 10 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of January 1967.

GLENN G. BIEMAN,
Acting Director, Packers and
Stockyards Division, Con-
sumer and Marketing Service.

[F.R. Doc. 67-522; Filed, Jan. 16, 1967;
8:47 a.m.]

DEPARTMENT OF COMMERCE**Office of the Secretary****PRODUCERS OF WATCHES AND WATCH MOVEMENTS IN THE VIRGIN ISLANDS, GUAM, AND AMERICAN SAMOA****Public Hearing To Consider Allocation of Quotas**

Timetable. A. Requests to present oral testimony must be submitted by January 23, 1967.

B. Written briefs must be received by January 27, 1967.

C. Hearing begins Wednesday, February 1, 1967.

1. **Notice of public hearing.** In order to assist the Secretaries in carrying out their joint responsibilities under P.L. 89-805 (80 Stat. 1521) they have ordered a public hearing to be held for the purpose of gathering views and comments from interested parties. The general topics or questions on which interested

parties might wish to submit views and which were identified in the FEDERAL REGISTER on December 28, 1966 (31 F.R. 16579), are listed below. This list is not exhaustive, however, and interested parties are invited to submit views on any matter which, in their judgment, should be considered.

(a) Giving due regard to the intent of Congress as reflected in the legislative history, what would be a fair and equitable formula for allocating quotas in 1967 among producers of watches and watch movements located in the insular possessions.

(b) With regard to those firms not manufacturing or assembling watches or watch movements in the Virgin Islands or Guam on November 10, 1966, why should any quota allocation be given to such firms in view of the foreseen cut-back from 1966 production levels.

(c) With regard to the factors that should be taken into consideration in establishing the quota allocations, including those factors suggested in Senate Report No. 1679, what relative weight should be given to:

a. Payroll;

b. The extent of the assembly process.

(d) Should a firm's taxpaying status be considered a relevant factor and to what extent.

(e) Under what circumstances or conditions, if any, should a firm's allocation lapse or be reallocated if unused.

2. **Time and place of public hearing.** The public hearing will commence on Wednesday, February 1, 1967 at 10 a.m. e.s.t., in Room 4817, Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

3. **Requests to present oral testimony.** All requests to present oral testimony must be received not later than January 23, 1967, by the:

Business and Defense Services Administration, U.S. Department of Commerce, Washington, D.C. 20230, Attention: Scientific, Photographic and Business Equipment Division

Requests to present oral testimony shall be submitted in an original and three copies and must include the following information:

(a) The name, address, and telephone number of the party submitting the request;

(b) The name, address, telephone number, and official position of the person submitting the request on behalf of the party referred to in subparagraph (a);

(c) A brief indication of the interest of, and the position to be taken by, the party; and

(d) The name, address, and telephone number of the person or persons who will present oral testimony.

Each party whose request for an oral presentation is approved shall be given one half hour for its presentation. The interested party may briefly summarize

and should supplement the information contained in the written brief, and shall be prepared to answer questions relating to such information. Any party seeking additional time for the oral presentation should state the reason therefor in its request. The granting of any additional time is solely within the discretion of the Secretaries.

4. *Submission of written briefs.* Any interested party may submit a written brief to the address noted in paragraph 3 above concerning the subject matter of the public hearing. Each party presenting oral testimony must submit a brief. All briefs must be received not later than Friday, January 27, 1967. Written briefs may be, but need not be, supplemented by the presentation of oral testimony in accordance with paragraph 3. A written brief shall state clearly the position taken and shall describe with particularity the evidence supporting such position. It shall be submitted in not less than eight (8) copies which shall be legibly typed, printed, or duplicated. Four of these copies will be transmitted to the Secretary of the Interior by the Secretary of Commerce. Within 10 days following the conclusion of the hearing interested parties may submit written supplemental briefs.

5. *Information exempt from public inspection.* It should be noted that requests to present oral testimony should contain no confidential information, and any requests marked "For Official Use Only" will not be accepted. In addition, every written brief must present in non-confidential form, on separate pages, a statement of the party's position and supporting arguments sufficient to inform any other party of the arguments he must meet in order to oppose the position taken in the brief. Appendices to such briefs containing factual company data which in the opinion of the applicant should be treated as confidential and is so marked may be tendered. However, the Secretaries reserve the right not to accept for inclusion in the hearing record any papers containing data as to which confidential treatment is sought. Such material if rejected by the Secretaries will be returned to the applicant.

6. *Public inspection of written materials.* All nonconfidential written materials filed with the Secretaries in connection with the hearing will be open to public inspection, by appointment at the office of the Director of Scientific, Photographic and Business Equipment, BDSA, U.S. Department of Commerce. Transcripts of the hearing will also be available for inspection, but not for reproduction. Transcripts may be purchased from the official reporter.

7. *Communications and additional information.* Any communication or request for additional information regarding the coverage of the hearing should be addressed to the office noted in paragraph 6 above.

Dated at Washington, D.C., January 16, 1967.

JAMES F. COLLINS,
Deputy Assistant Secretary for
Domestic Business Policy, De-
partment of Commerce.

ROBERT E. VAUGHAN,
Deputy Assistant Secretary,
Public Land Management,
Department of Interior.

[P.R. Doc. 67-608; Filed, Jan. 16, 1967;
11:05 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-95; NDA No. 11-657]

FELLOWS-TESTAGAR

Betaprone (Beta-Propiolactone); Order Refusing Approval of Supplemental New-Drug Application

In the FEDERAL REGISTER of September 23, 1966 (31 F.R. 12576), a Notice of Opportunity for Hearing was issued notifying Fellows-Testagar, Division of Fellows Medical Manufacturing Co., Inc., Detroit, Mich., 48226, that the Commissioner of Food and Drugs proposed to issue an order refusing approval of a supplement dated February 19, 1961, to new-drug application No. 11-657, and subsequent amendments to that supplement, providing for Betaprone (beta-propiolactone) to be used for sterilization of plasma.

Fellows-Testagar, Division of Fellows Medical Manufacturing Co., Inc., having requested on October 5, 1966, that said supplement be withdrawn, has not elected to avail itself of the opportunity for a hearing as provided by section 505(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(c)) and regulations appearing in Part 130, Title 21, Code of Federal Regulations.

The Commissioner of Food and Drugs, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 505(d), 52 Stat. 1052, as amended; 21 U.S.C. 355(d)) and delegated to him by the Secretary (21 CFR 2.120), finds that in the matter of the subject supplement to new-drug application No. 11-657:

1. The reports of investigations do not include adequate tests by all methods reasonably applicable to show whether or not the drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling.

2. The reports of tests included in the application do not show that the drug is safe for use under the proposed conditions of use.

3. On the basis of the information submitted to the Food and Drug Administration as part of the subject supplemental application, there is insufficient information to determine whether the

drug is safe for use under the conditions proposed.

4. There is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling in that the studies submitted do not demonstrate effectiveness of the proposed regime for the prevention of serum hepatitis.

Therefore, on the basis of the foregoing findings of fact, the approval of the supplement dated February 19, 1961, to new-drug application No. 11-657 is hereby refused.

Dated: January 9, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[P.R. Doc. 67-531; Filed, Jan. 16, 1967;
8:48 a.m.]

FEDERAL MARITIME COMMISSION

UNITED STATES LINES CO. AND MOORE McCORMACK LINES

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the Office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. K. F. Gautier, Vice President, United States Lines Co., 1 Broadway, New York, N.Y. 10004.

Agreement 9605 is a General Passenger Agency Agreement between United States Lines Co. (USL) and Moore McCormack Lines (Mooremack) whereby USL appoints Mooremack as its General Passenger Agent in Argentina, Brazil, Paraguay, and Uruguay under terms and conditions as set forth in the Agreement.

Dated: January 12, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[P.R. Doc. 67-507; Filed, Jan. 16, 1967;
8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian Change List No. 221]

CANADIAN BROADCAST STATIONS

List of Changes, Proposed Changes, and Corrections in Assignments

DECEMBER 29, 1966.

Notification under the provision of Part III, Section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes and corrections in assignment of Canadian Broadcast Stations modifying Appendix containing Assignments of Canadian Stations (Mimeograph No. 47214-3) attached to the Recommendation of the North American Regional Broadcasting Agreement Engineering Meeting.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
CDC (PO: 850 kc/s 1 kw DA-2).	Langley, British Columbia.	800 kilocycles 10 kw	D-A-5	U	II	EIO 12-15-67.
CKVD (delete assignment—vide 800 kc/s).	Val d'OR, Province of Quebec.	1250 kilocycles 1 kW/0.25 kW N.	DA-1	U	IV	
CFFW (change in call letters from CJQM).	Winnipeg, Manitoba.	1470 kilocycles 5 kw	DA-1	U	III	
New (delete assign- ment).	Selkirk, Manitoba.	1570 kilocycles 0.25 kw	ND	U	II	

FEDERAL COMMUNICATIONS
COMMISSION,
BEN F. WAPLE,
Secretary.

[SEAL]

[F.R. Doc. 67-512; Filed, Jan. 16, 1967; 8:46 a.m.]

[Docket No. 16984; FCC 67M-53]

COSMOS BROADCASTING CORP. (WSFA-TV)

Order Continuing Prehearing Conference

In re application of Cosmos Broadcasting Corp. (WSFA-TV), Montgomery, Ala., Docket No. 16984, File No. BPCT-3543; for construction permit.

The Hearing Examiner having under consideration the "Motion for Continuance" filed by the above-entitled applicant on January 9, 1967, requesting that further proceedings in the above-entitled matter be continued for a period of approximately 60 days;

It appearing, that the above applicant plans to amend its application to specify a different transmitter and antenna site which may moot, or at least alter, this proceeding, the opposition of the other parties, and the evidence to be adduced; and

It further appearing, that counsel for all other parties have expressed no objection to a grant of the requested continuance, and that good cause has been shown for a grant thereof;

It is ordered, This 10th day of January 1967, that the above-mentioned motion for continuance is granted, and that the further prehearing conference presently scheduled for January 12, 1967 at 9 a.m., and the same is, hereby continued to March 14, 1967 at 9 a.m., at which time

further procedural dates shall be established.

Released: January 11, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-513; Filed, Jan. 16, 1967; 8:47 a.m.]

[Docket Nos. 17056, 17057; FCC 67M-54]

COSMOS CABLEVISION CORP. AND AIKEN CABLEVISION INC.

Order Rescheduling Hearing

In re petitions by Cosmos Cablevision Corp., North Augusta, S.C., Docket No. 17056, File No. CATV 100-1; Aiken Cablevision Inc., Aiken, S.C., Docket No. 17057, File No. CATV 100-19; for authority pursuant to § 74.1107 to operate CATV systems in North Augusta and Aiken.

The Hearing Examiner having under consideration "Motion for Continuance of Hearing" filed jointly in the above-entitled proceeding on January 10, 1967, by the two CATV petitioners, requesting a 60-day continuance of the prehearing conference now scheduled for January 13 and of the hearing now scheduled to commence on January 24;

It appearing, That all the parties have consented to the requested continuance, which is predicated on the asserted need

of the petitioners for review and analysis of problems and procedures in the light of the novelty of the proceedings and the small markets involved, and that "good cause" for favorable action on the motion has therefore been presented;

It is ordered, This 11th day of January 1967, that the joint "Motion for Continuance of Hearing" is hereby granted, and that the prehearing conference is hereby rescheduled to convene at 9 a.m., Monday, March 13, 1967, at the Commission's offices, Washington, D.C., and the hearing is rescheduled to convene at 10 a.m. on Monday, April 10 at the same place.¹

Released: January 11, 1967.

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

[F.R. Doc. 67-514; Filed, Jan. 16, 1967; 8:47 a.m.]

[Docket No. 16921; FCC 67M-56]

ULTRAVISION BROADCASTING CO. AND COURIER CABLE CO., INC.

Order Regarding Procedural Dates

In the matter of the petition of Florian R. Burczynski, Stanley J. Jasinski and Roger K. Lund, doing business as Ultravision Broadcasting Co., Buffalo, N.Y.; to stay construction and prevent extension of CATV system operated in Buffalo by Courier Cable Co., Inc., Docket No. 16921.

It is ordered, This 11th day of January 1967, that the consent motion to revise hearing schedule, filed by counsel for Courier Cable Co., Inc., on January 10, 1967, is granted, and the several procedural dates are extended as follows:

	From	To
Courier Cable to furnish exhibits under issues on which it has burden of going forward by.....	Jan. 16	Feb. 6, 1967
Similarly as to other parties..... (At same times parties will specify witnesses for oral presentation.)	Feb. 15	Mar. 10, 1967
Receipt of notification regarding other witnesses for cross-examination by.....	Feb. 21	Mar. 17, 1967
Hearing.....	Mar. 1	Mar. 22, 1967

Released: January 12, 1967.

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

[F.R. Doc. 67-515; Filed, Jan. 16, 1967; 8:47 a.m.]

¹ It is contemplated that the petitioners will be fully prepared for the March 13 prehearing conference; further, that their decisions on how to proceed under the designated issues and, indeed, whether they intend to prosecute their proposals through the hearing process, will be made known by them. No further continuances for this purpose will be granted other than for the convenience of the Hearing Examiner's docket.

[Docket Nos. 17088, 17089; FCC 67M-57]

GULF SOUTH BROADCASTERS AND BAYOU BROADCASTING CO.

Order Scheduling Hearing

In re applications of Joseph M. Costello III, trading as Gulf South Broadcasters, New Orleans, La., Docket No. 17088, File No. BPH-5276; Bayou Broadcasting Co., New Orleans, La., Docket No. 17089, File No. BPH-5443; for construction permits.

It is ordered, This 9th day of January 1967, that Herbert Sharfman shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on March 7, 1967, at 10 a.m.; and that a prehearing conference shall be held on February 3, 1967, commencing at 9 a.m.; *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: January 12, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 67-516; Filed, Jan. 16, 1967;
8:47 a.m.]

[Docket No. 17085; FCC 67M-58]

PAUL C. SCHAFER

Order Scheduling Hearing

In re application of Paul C. Schafer, Honolulu, Hawaii, Docket No. 17085, File No. BP-15232; for construction permit.

It is ordered, This 9th day of January 1967, that Forest L. McClenning shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on March 6, 1967, at 10 a.m.; and that a prehearing conference shall be held on February 1, 1967, commencing at 9 a.m.; *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: January 12, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 67-517; Filed, Jan. 16, 1967;
8:47 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COT- TON TEXTILE PRODUCTS UNDER LONG-TERM ARRANGEMENTS RE- GARDING INTERNATIONAL TRADE IN COTTON TEXTILES

Announcement of ITAC Actions

JANUARY 12, 1967.

The purpose of this notice is to announce certain actions taken by the U.S.

Government in furtherance of the objectives of, and under the terms of, the Long-Term Arrangements Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962. This information is also published in Department of Commerce Press Release G 67-5, dated January 5, 1967.

This information supplements that contained in earlier Department of Commerce press releases, the most recent of which was G 66-168, dated September 8, 1966.

1. *Bilateral agreements—Italy.* On October 19, 1966, notes were exchanged in Washington, constituting a new United States-Italian agreement covering Italian exports of cotton velveteen fabrics. The agreement, retroactive to January 1, 1966, will expire December 30, 1970. For the first year of the agreement Italian exports of velveteens to the United States are limited to 1,703,363 square yards.

India. On October 21, 1966, notes were exchanged in New Delhi which continued, for the period of October 1, 1966-December 31, 1966, existing arrangements under the United States-Indian bilateral cotton textiles agreement signed in Washington April 15, 1964, as amended. A further exchange of notes, completed on December 30, 1966, continued these arrangements through March 31, 1967.

Pakistan. On November 21, 1966, notes were exchanged in Rawalpindi, constituting a new 4-year comprehensive bilateral cotton textile agreement between the United States and Pakistan. (For details see Department of State Press Release No. 278).

Korea. On November 22, 1966, notes were exchanged in Washington amending the United States-Korean bilateral cotton textile agreement. (For details see Department of State Press Release No. 279).

Portugal. On December 19, 1966, notes were exchanged in Lisbon which extend for an interim period (through March 31, 1967) the United States-Portuguese bilateral cotton textile agreement signed in Lisbon on March 12, 1964, pending finalization of a new agreement.

2. *Article 3 Actions—Brazil.* The restraint on Category 9 (carded sheeting) was renewed for a further 12-month period, effective October 28, 1966. During that period, imports of Brazilian carded sheeting may not exceed 578,813 square yards.

Restraints on all yarn categories (1-4) were established through an exchange of notes dated November 28, 1966. The restraints are effective for the 12-month period beginning December 16, 1966, and establish a restraint level of 6 million pounds. A special one-time allocation of an additional 6 million pounds is also granted for that period.

Poland. The restraints on four categories were renewed for a further 12-month period, effective December 4, 1966, as follows:

	Category	Level
19	(Other printcloth).....sq. yds.	689,068
26	(Fabrics, n.e.s., carded).....do.	110,250
28	(Pillowcases, carded).....pcs.	124,031
34	(Sheets, carded).....do.	69,456

Consultations were requested with Poland under Articles 3 and 6(c) of the LTA respecting trade in Category 43 (Other knit shirts).

Malaysia. Consultations were requested under Articles 3 and 6(c) of the LTA respecting trade in Categories 19, 26 (duck only), 31 (shop towels only), 34, and 60.

3. *Bilateral consultations on cotton textile matters.* Consultations were continued with Mexico during the period covered by this release and were held with Portugal, Israel, Jamaica, Yugoslavia, and the United Arab Republic.

STANLEY NEHMER,
Chairman, Interagency Textile
Administrative Committee,
and Deputy Assistant Sec-
retary for Resources.

[P.R. Doc. 67-554; Filed, Jan. 16, 1967;
8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI67-256 etc.]

CABOT CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates.¹

JANUARY 6, 1967.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

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

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

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

and 1.37(f)) on or before February 22, 1967.

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

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	
R167-258	Cabot Corp. (SW), Post Office Box 1101, Pampa, Tex. do	47	13	Panhandle Eastern Pipe Line Co. (Various Fields, Beaver County, Okla.) (Panhandle Area).	\$257,611	12-7-66	1-7-67	6-7-67	** 19.04	*** 24.64	
		63	4	Panhandle Eastern Pipe Line Co. (Mocane-Laverne Gas Area, Beaver County, Okla.) (Panhandle Area).	3,221	12-12-66	1-12-67	6-12-67	** 18.87	*** 24.42	
		67	5	El Paso Natural Gas Co. (Davis Unit, Beaver County, Okla.) (Panhandle Area).	731	12-15-66	1-15-67	6-15-67	17.0	** 23.0	
R167-257	Cabot Corp. (SW) (Operator) et al.	53	14	Northern Natural Gas Co. (Laverne and Mocane Fields, Beaver County, Okla.) (Panhandle Area).	258,024	12-9-66	1-9-67	6-9-67	** 19.04	*** 24.64	

¹ The stated effective date is the effective date requested by Respondent.

² Two-step periodic rate increase.

³ Pressure base is 14.65 p.s.i.a.

⁴ Subject to proportionate upward and downward B.t.u. adjustment for gas containing more or less than 1000 B.t.u.'s per cu. ft.

⁵ Includes 17.0 cents base rate plus upward B.t.u. adjustment before increase and 22.0 cents base rate plus upward B.t.u. adjustment after increase.

⁶ Cabot is filing from permanent initial certificated rate in Docket No. C162-1247 to first periodic increased rate. (Initial contract rate is 21.0 cents.)

Cabot Corp. (SW) and Cabot Corp. (SW) (Operator) et al., proposed increased rates and charges exceed the area price level for increased rates in the Panhandle Area as announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[P.R. Doc. 67-424; Filed, Jan. 16, 1967; 8:45 a.m.]

[Docket No. R167-258 etc.]

FERGUSON OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates¹

JANUARY 6, 1967.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Com-

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

mission jurisdiction, as set forth in Appendix A hereof.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are

suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 22, 1967.

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

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	
R167-308	Bill Ferguson, d.b.a. Ferguson Oil Co., 1505 Wichita Plaza Bldg., Wichita, Kans. 67202.	5	2	Northern Natural Gas Co. (Clark County, Kans.).	\$7,437	12-10-66	1-19-67	6-19-67	* 16.0	*** 17.0	
R167-289	Sohio Petroleum Co., 970 First National Annex, Oklahoma City, Okla. 73102.	38	4	Panhandle Eastern Pipe Line Co. (Light Pool, Beaver County, Okla.) (Panhandle Area).	196	12-19-66	2-1-67	7-1-67	* 16.0	*** 17.0	R166-276.
R167-260	Cabot Corp. (SW) Post Office Box 1101, Pampa, Tex. 79065. do	43	11	Michigan Wisconsin Pipe Line Co. (Laverne Field, Beaver and Harper Counties, Okla.) (Panhandle Area).	1,375	12-7-66	1-7-67	6-7-67	* 17.9	*** 20.4	
		61	7	Transwestern Pipeline Co. (Beaver County, Okla.) (Panhandle Area).	6,601	12-9-66	1-9-67	6-9-67	** 17.9	*** 20.4	
R167-361	Oklahoma Natural Gas Co., Post office Box 871, Tulsa, Okla. 74102. do	8	4	Northern Natural Gas Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).	5,783	12-22-66	1-22-67	6-22-67	** 18.0	*** 19.125	
		10	2	do	838	12-22-66	1-22-67	6-22-67	** 17.16	*** 18.24	

¹ The stated effective date is the first day after expiration of the statutory notice.

² Periodic rate increase.

³ Pressure base is 14.65 p.s.i.a.

⁴ Subject to a downward B.t.u. adjustment.

⁵ The stated effective date is the effective date requested by Respondent.

⁶ Base rate subject to an upward B.t.u. adjustment. B.t.u. content is 1000.

⁷ Includes base rate of 17.0 cents plus upward B.t.u. adjustment before increase and base rate of 19.9 cents plus upward B.t.u. adjustment after increase.

⁸ Base rate subject to an upward and downward B.t.u. adjustment. B.t.u. content is 1000.

⁹ Includes base rate of 16.0 cents plus upward B.t.u. adjustment before increase and base rate of 17.0 cents plus upward B.t.u. adjustment after increase. Base rates subject to upward and downward B.t.u. adjustment.

¹⁰ Includes base rate of 15.0 cents plus upward B.t.u. adjustment before increase and base rate of 16.0 cents plus upward B.t.u. adjustment after increase. Base rate subject to upward and downward B.t.u. adjustment.

Bill Ferguson, doing business as Ferguson Oil Co. (Ferguson) requests that his proposed rate increase be permitted to become effective as of January 1, 1967. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Ferguson's rate filing and such request is denied.

All of the producers' 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 2.56).

[P.R. Doc. 67-425; Filed, Jan. 16, 1967; 8:45 a.m.]

[Docket No. RI67-243, etc.]

FORREST B. MILLER ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund¹

JANUARY 5, 1967.

The Respondents named herein have filed proposed changes in rates and charges of currently effective rate schedules for sales of natural gas under Com-

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

mission jurisdiction, as set forth in Appendix A hereof.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the

date of the issuance of this order Respondents shall each execute and file under its above-designated docket number 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 copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before February 22, 1967.

By the Commission.

[SEAL]

GORDON M. GRANT,
Acting Secretary

APPENDIX A

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	
RI67-243...	Forrest B. Miller et al., 220 Shelby St., Santa Fe, N. Mex. 87501. do.	1	3	El Paso Natural Gas Co. (Blanco Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Area).	\$456	12-7-66	1-7-67	1-8-67	\$13.0	\$14.0	
									\$13.0	\$14.0	
RI67-244...	Texaco, Inc., Post Office Box 2429, Tulsa, Okla. 74102. do.	72	9	Northern Natural Gas Co. (Hugoton Field, Haskell County, Kans.).	4	12-8-66	1-8-67	1-9-67	\$12.0	\$12.0025	RI66-806
									\$12.0	\$12.0025	RI66-806

¹ The stated effective date is the effective date proposed by Respondent.

² The suspension period is limited to 1 day.

³ Periodic rate increase.

⁴ Pressure base is 15,625 p.s.i.a.

⁵ Includes 1.0 cent per Mcf minimum guarantee for liquids.

¹ The stated effective date is the first day after expiration of the statutory notice.

² Tax reimbursement increase based on tax imposed by Kansas State Board of Health.

³ Pressure base is 14.65 p.s.i.a.

⁴ Subject to a downward B.T.U. adjustment.

Texaco, Inc. (Texaco) requests that its proposed rate increases be permitted to become effective as of January 1, 1967. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Texaco's rate filings and such request is denied.

The proposed increased rates submitted by Texaco exceed the applicable area rate ceiling for Kansas. However, since the filings relate only to tax reimbursement increases, we conclude that such increases should be suspended for 1 day from January 8, 1967, the date of expiration of the statutory notice.

The proposed rate increases filed by Forrest B. Miller et al. (Miller), exceed the applicable area ceiling of 13.0 cents per Mcf for Colorado and the San Juan Basin Area of New Mexico as announced in the Commission's statement of general policy No. 61-1, as amended, by the 1.0 cent per Mcf minimum guarantee for liquids. Miller declines to waive the minimum guarantee for liquids. Under the circumstances, we believe that Miller's proposed rate increases should be suspended for 1 day

from January 7, 1967, the proposed effective date.

[P.R. Doc. 67-426; Filed, Jan. 16, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4442]

SOUTHERN CO. ET AL.

Notice of Proposed Issue and Sale of Common Stock by Holding Company at Competitive Bidding and Intrasystem Issues and Sales of Common Stocks

JANUARY 11, 1967.

Notice is hereby given that the Southern Co. ("Southern"), 3390 Peachtree

Road NE., Atlanta, Ga. 30326, a registered holding company, and three of its electric utility subsidiary companies, Alabama Power Co. ("Alabama"), Georgia Power Co. ("Georgia"), and Mississippi Power Co. ("Mississippi"), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), 7, 9(a), 10, and 12(f) of the Act and Rules 43 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Southern proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50, additional shares of its authorized but unissued \$5 par value common stock. The price will be

determined by the competitive bidding. The precise number of shares has not yet been determined but is expected to be in an amount estimated to result in aggregate cash proceeds of approximately \$50 million. The net proceeds from the proposed sale, together with treasury funds to the extent required, will be used by Southern to pay its outstanding short-term notes to banks amounting to \$36 million at December 31, 1966, and to purchase during 1967 the following additional shares of common stocks of its subsidiary companies at \$100 per share: 40,000 shares of Alabama for \$4 million; 140,000 shares of Georgia for \$14 million; and 30,000 shares of Mississippi for \$3 million.

Alabama, Georgia, and Mississippi will apply the net proceeds from the sales of their common stocks toward their 1967 construction programs and for other corporate purposes.

It is stated that the issue and sale of the additional shares of common stock by Alabama and Georgia require authorization of the Alabama Public Service Commission and the Georgia Public Service Commission, respectively. Copies of the orders of these State commissions will be supplied by amendment. It is represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

A statement of the fees and expenses incurred and to be incurred by Southern in connection with the proposed transactions will be filed by amendment. The filing states that the only expenses to be incurred by the other companies in connection with the issuance of their common stocks are miscellaneous expenses estimated at not more than \$200 in the case of each company.

Notice is further given that any interested person may, not later than January 30, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more

than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated 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 application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 67-494; Filed, Jan. 16, 1967;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 12, 1967.

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. 40867—*Baler or binder twine from North Atlantic Ports.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 2877), for interested rail carriers. Rates on baler or binder twine, in carloads, from Boston, Mass., Baltimore, Md., Albany and New York, N.Y., Philadelphia, Pa., Norfolk and Richmond, Va., and ports grouped therewith, to points in official (including Illinois) territory, excluding points in northern Illinois and southern Wisconsin.

Grounds for relief—Port relationship, short-line distance formula, and grouping.

Tariff—Traffic Executive Association—Eastern Railroads, agent, tariff ICC C-623.

FSA No. 40868—*Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 443), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in central States, midwest and southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 15 to The Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[P.R. Doc. 67-519; Filed, Jan. 16, 1967;
8:47 a.m.]

[Notice 1018]

MOTOR CARRIERS OF PROPERTY

Applications

JANUARY 13, 1967.

The following application is governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act, and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9442 (OHIO FAST FREIGHT, INC.—CONTROL—IRON & STEEL TRANSPORT, INC.) published in the June 15, 1966, issue of the FEDERAL REGISTER, on page 8391. Amendment filed January 12, 1967, by applicant seeks to include the authority to also merge the operating rights and property of IRON & STEEL TRANSPORT, INC., into OHIO FAST FREIGHT, INC. Note: Hearing stands assigned for February 2, 1967, at Washington, D.C., before Examiner Sar.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[P.R. Doc. 67-586; Filed, Jan. 16, 1967;
8:49 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

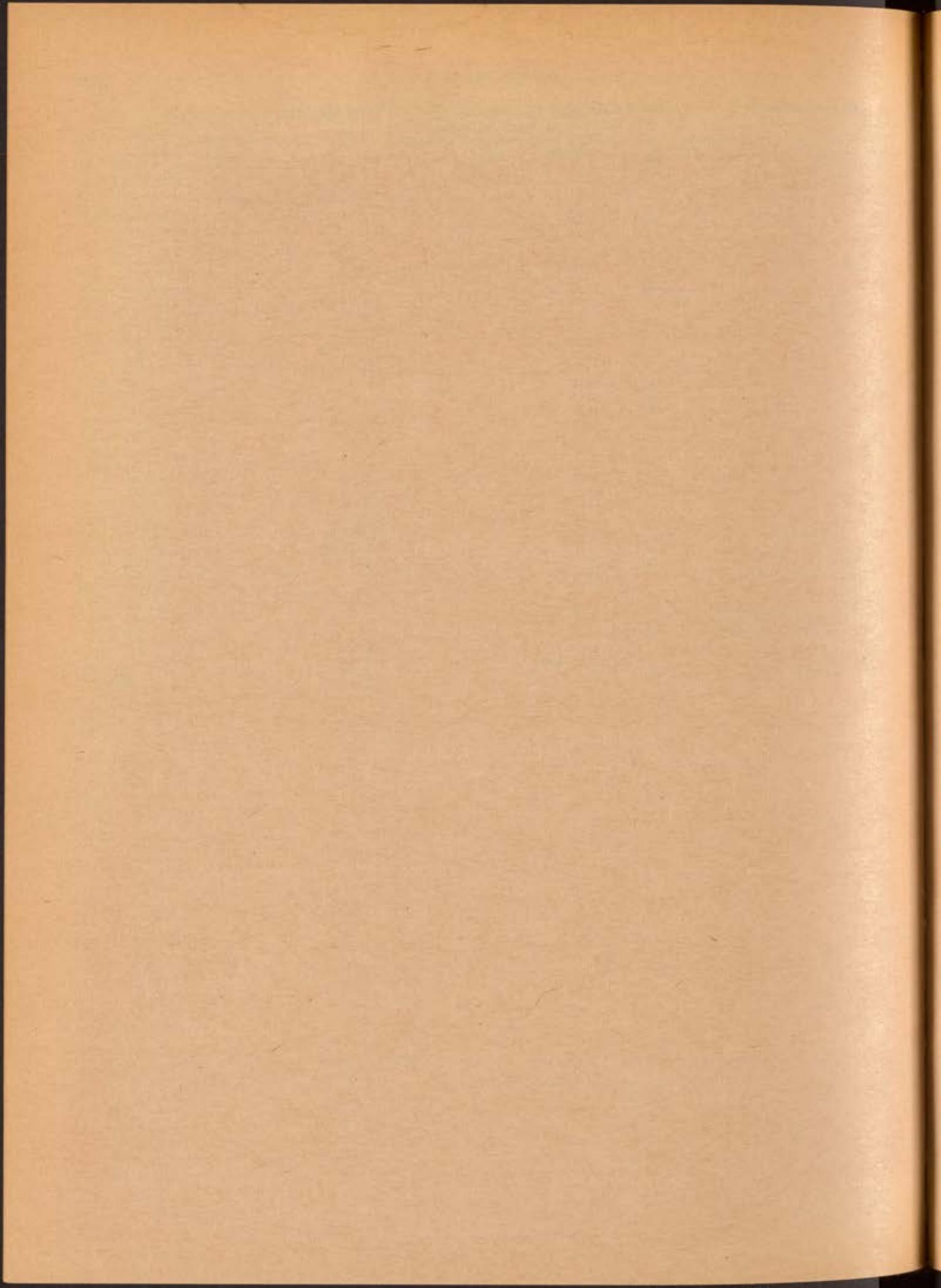
The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during January.

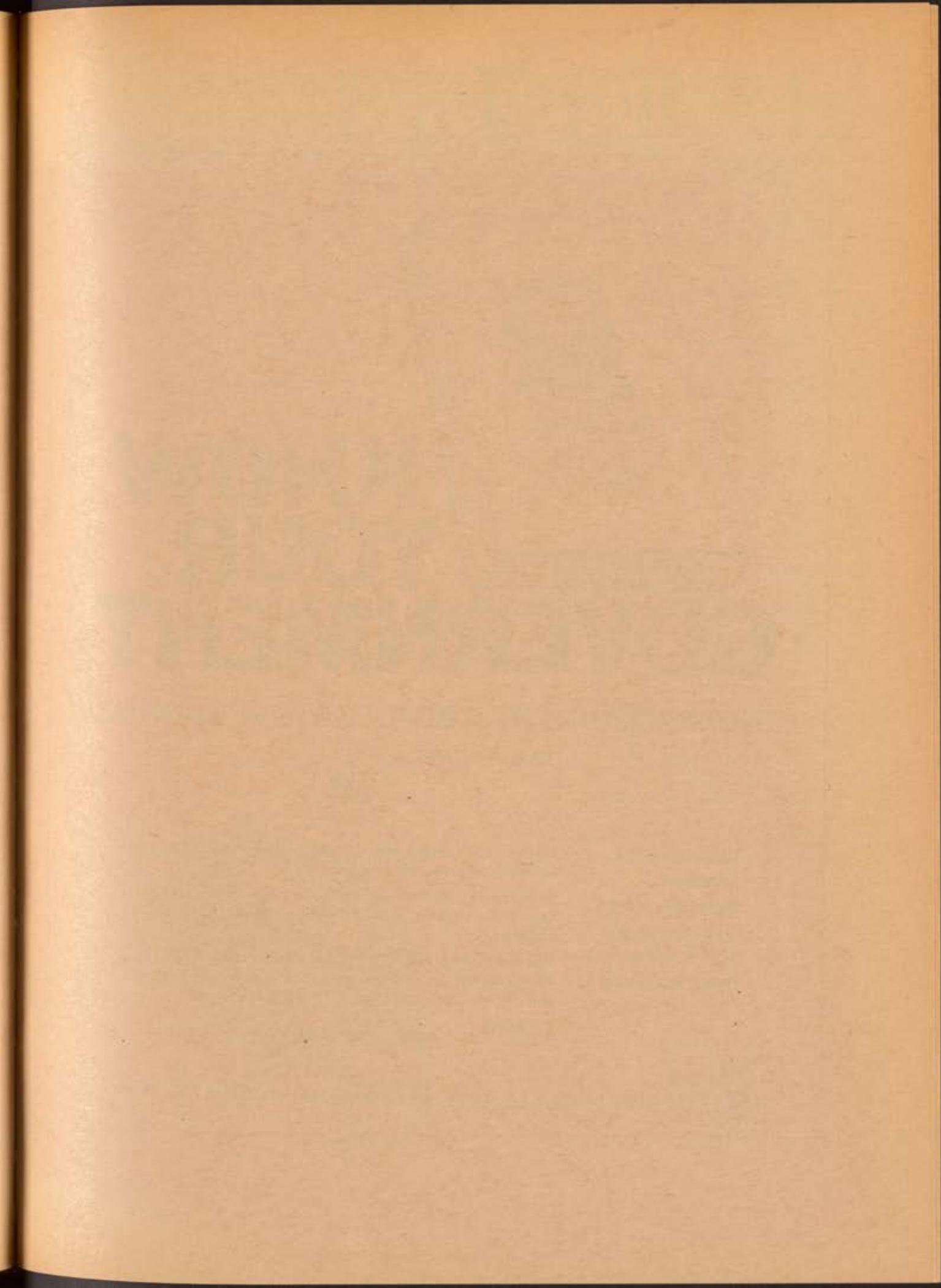
3 CFR	Page	8 CFR	Page	19 CFR—Continued	Page
EXECUTIVE ORDERS:		103.....	271	PROPOSED RULES:	
June 13, 1902 (revoked in part by PLO 4143).....	213	211.....	408	1.....	9
July 7, 1910 (revoked in part by PLO 4131).....	210	212.....	271	4.....	55
June 16, 1911 (revoked in part by PLO 4129).....	210	242.....	271	10.....	277
June 24, 1914 (revoked in part by PLO 4127).....	54	9 CFR		20 CFR	
842 (revoked in part by PLO 4128).....	54	92.....	45	404.....	75
6143 (revoked in part by PLO 4136).....	211	PROPOSED RULES:		405.....	136
6276 (revoked in part by PLO 4136).....	211	71.....	279	21 CFR	
10973 (see EO 11322).....	119	10 CFR		2.....	136
11322.....	119	PROPOSED RULES:		3.....	449
PROCLAMATIONS:		10.....	234	8.....	50
Nov. 6, 1906 (revoked in part by PLO 4128).....	54	12 CFR		19.....	51, 410
June 29, 1911 (revoked in part by PLO 4128).....	54	1.....	408	20.....	411
3759.....	31	8.....	276	31.....	449
3760.....	309	1.....	408	51.....	137
3062 (terminated by Proc. 3761).....	361	531.....	365	121.....	51, 270, 411, 412
3455 (terminated by Proc. 3762).....	357	13 CFR		165.....	203
3458 (terminated in part by Proc. 3762).....	357	113.....	409	166.....	137, 197
3761.....	357	14 CFR		PROPOSED RULES:	
3762.....	361	21.....	187	121.....	140
5 CFR		37.....	123, 125, 188	24 CFR	
213.....	7, 75, 251, 365, 407	39.....	5, 6, 260, 408	11.....	366
534.....	75	45.....	187	207.....	449
550.....	7	61.....	46, 260	26 CFR	
1700.....	203	71.....	47, 50, 80, 266, 267, 367	1.....	412
7 CFR		91.....	260	701.....	450
210.....	33	97.....	81, 368	PROPOSED RULES:	
220.....	33	121.....	260	1.....	278
722.....	75, 76	183.....	46	29 CFR	
814.....	38	320.....	90	PROPOSED RULES:	
815.....	40	1205.....	132	516.....	140
850.....	251-254, 256, 258, 311, 439-441, 443-445	PROPOSED RULES:		519.....	148
871.....	312	21.....	91	531.....	222
905.....	121	39.....	9, 55, 56, 283, 284	541.....	228
907.....	43, 121, 259, 407	43.....	91	1500.....	91
910.....	43, 122, 407	61.....	329	31 CFR	
967.....	76	65.....	91	5.....	452
971.....	365	71.....	94, 284, 389	80.....	195
987.....	214	73.....	56, 389	81.....	195
1001.....	446	75.....	390	81.....	195
1421.....	122, 365	91.....	91	93.....	195
1424.....	43	145.....	91	32 CFR	
1427.....	122	207.....	387	81.....	52
PROPOSED RULES:		208.....	387	577.....	215, 366
201.....	454	212.....	387	701.....	317
777.....	279	214.....	387	713.....	317
816.....	280	221.....	387, 459	715.....	317
991.....	387	235.....	328	719.....	317
1004.....	415	241.....	328	720.....	317, 318
1069.....	458	250.....	459	721.....	318
1131.....	140, 415	295.....	387	723.....	318
1137.....	56, 328	15 CFR		725.....	318
1138.....	91	PROPOSED RULES:		726.....	318
		602.....	280	728.....	318
		16 CFR		729.....	318
		13.....	134, 267-269, 379-382, 446-448	730.....	318
		15.....	135, 382, 383	732.....	318
		19 CFR		733.....	221, 318
		4.....	136	734.....	318
		8.....	448	751.....	318
		10.....	409, 410	752.....	318
				753.....	318
				755.....	318

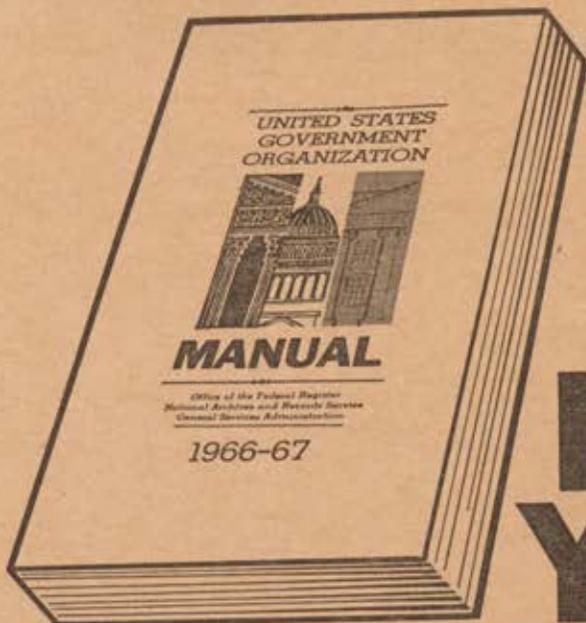
32 CFR—Continued	Page
756.....	318
757.....	318
761.....	318
765.....	318
33 CFR	
203.....	319
204.....	271
207.....	319
39 CFR	
134.....	383
135.....	383, 450
PROPOSED RULES:	
Ch. I.....	415
41 CFR	
11-1.....	137
11-2.....	139
11-11.....	139
11-16.....	139
42 CFR	
57.....	304
43 CFR	
18.....	207
PUBLIC LAND ORDERS:	
686 (revoked in part by PLO 4133).....	210
1096 (revoked in part by PLO 4141).....	213
1259 (revoked by PLO 4121).....	52
2449 (revoked by PLO 4140).....	213
2631 (revoked by PLO 4140).....	213
2749 (revoked in part by PLO 4137).....	212
3518 (see PLO 4123).....	53

43 CFR—Continued	Page
PUBLIC LAND ORDERS—Continued	
4074 (corrected and amended by PLO 4134).....	211
4111 (see PLO 4120).....	6
4120.....	6
4121.....	52
4122.....	53
4123.....	53
4124.....	53
4125.....	53
4126.....	54
4127.....	54
4128.....	54
4129.....	210
4130.....	210
4131.....	210
4132.....	210
4133.....	210
4134.....	211
4135.....	211
4136.....	211
4137.....	212
4138.....	212
4139.....	212
4140.....	213
4141.....	213
4142.....	213
4143.....	213
4144.....	213
4145.....	214
4146.....	214
4147.....	214
4148.....	320
4149.....	452
4150.....	452
45 CFR	
531.....	412
705.....	272
PROPOSED RULES:	
301.....	387

46 CFR	Page
43.....	77
75.....	384
94.....	384
180.....	384
PROPOSED RULES:	
510.....	285
47 CFR	
2.....	273
25.....	320
31.....	275
33.....	275
73.....	323
74.....	452
PROPOSED RULES:	
2.....	332
21.....	464
73.....	464
74.....	332
81.....	332
85.....	332
49 CFR	
73.....	6, 413
170.....	76
177a.....	385
PROPOSED RULES:	
71-90.....	10, 14
176.....	390
50 CFR	
28.....	326
32.....	79
33.....	327, 414







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