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FEDERAL REGISTER

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Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1b]

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

Subpart—Determination and Announcement of Community Average Yields for Burley Tobacco Determined Under Section 317 of the Agricultural Adjustment Act of 1938, as Amended

MURRAY COUNTY, GA.

Basis and purpose. This amendment is issued pursuant to and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended, particularly as amended by Public Law 89-12 (79 Stat. 66), approved April 16, 1965, to amend the community average yield for burley tobacco for Murray County, Ga.

After determinations of the community average yield for burley tobacco for Murray County, Ga. (32 F.R. 2603), it was found that the community average yield of 1,494 pounds had been incorrectly determined and that the community average yield should have been 1,583 pounds. The error occurred due to the use of incorrect harvested acreage in the years 1963 and 1964. This amendment will correct the error.

Since section 317 of the Act requires that operators of farms be notified, insofar as practicable, of the marketing quotas for their farms at least 15 days prior to the special referendum, which for burley tobacco for 1967 will be held during the period February 27 through March 3, 1967, and since community average yields are required to be used in the determination of farm yields and farm marketing quotas, it is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, the amendment herein shall become effective upon the date of filing of this document with the Director, Office of the Federal Register.

Section 724.36n is amended as follows:

§ 724.36n Community average yields for burley tobacco.

* * * * *

GEORGIA

* * * * *

County and Community	Community average yield
Murray:	
1 Community	1,583

* * * * *

(Sec. 317, 375, 79 Stat. 66, 52 Stat. 66, as amended; 7 U.S.C. 1314c, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

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

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-1896; Filed, Feb. 17, 1967; 8:47 a.m.]

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

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 816, Amdt. 2]

PART 816—REQUIREMENTS RELATING TO MARKETING OF SUGAR AND LIQUID SUGAR PRODUCED FROM SUGAR BEETS AND SUGARCANE GROWN IN CONTINENTAL UNITED STATES AND MARKETING OF SUGAR FOR CONSUMPTION IN HAWAII AND PUERTO RICO

When a Marketing Occurs

In accordance with the rule making requirements in 5 U.S.C. 553, a notice was published in the FEDERAL REGISTER of January 11, 1967 (32 F.R. 280) providing a period of 15 days during which all persons were afforded the opportunity to submit written data, views, or arguments for consideration in connection with the proposed regulation. No such data, views, or arguments were received.

Pursuant to authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), and as further amended by Public Law 89-331, approved November 8, 1965 (79 Stat. 1271), hereinafter referred to as the Act, Sugar Regulation 816 (7 CFR 816.1-816.9; 23 F.R. 1943) is amended in the manner hereinafter set forth.

Basis and purpose and bases and considerations. The purpose of this amendment is to provide that the simultaneous transfer of title to equivalent quantities of sugar then in existence between two processors under a written agreement will not constitute a marketing by either processor until subsequent to such an agreement the sugar is marketed to another person not a party to the agreement. The sugar so exchanged must be subject to the same area quota, but ultimate delivery to the person who is not a party to the agreement does not necessarily need to be made in the same calendar year. This change in the definition of "when a marketing occurs" is desirable since it will allow considerable freight savings by reduction of cross-hauls and provide for orderly marketing procedures. This type of savings will result in higher net proceeds for processors and thereby also benefit growers of sugarbeets or sugarcane to the extent of their sharing in such net proceeds.

Pursuant to the provisions of section 403 of the Act (61 Stat. 932) the introductory language of paragraph (a) of § 816.4 is amended and a new paragraph (f) is added to read as follows:

§ 816.4 When a marketing occurs.

(a) Except as provided in paragraphs (b) through (f) of this section, mainland sugar or local sugar shall be deemed to be marketed whenever pursuant to a contract of sale, or by a gift, barter, or exchange, other than an exchange for an equivalent quantity of sugar previously marketed by the processor, one of the following actions first occurs:

* * * * *

(f) Where title to equivalent existing quantities of mainland or local sugar which is subject to a quota for the same area is simultaneously transferred between two processors under a written agreement, such sugar shall be deemed to be marketed by the processor to whom title to the sugar has passed when such sugar is first subjected to (1) any of the actions described in paragraph (a) of this section in a transaction with any other person or (2) the action described in paragraph (b) of this section.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interpret or apply secs. 209, 212; 61 Stat. 928; 7 U.S.C. 1119, 1122)

Issued on this 14th day of February 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-1897; Filed, Feb. 17, 1967; 8:47 a.m.]

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

[Navel Orange Reg. 126]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 907.426 Navel Orange Regulation 126.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 16, 1967.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., February 19, 1967, and ending at 12:01 a.m., P.s.t., February 26, 1967, are hereby fixed as follows:

(i) District 1: 900,000 cartons;
(ii) District 2: 350,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: February 17, 1967.

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

[F.R. Doc. 67-2009; Filed, Feb. 17, 1967; 11:18 a.m.]

[Valencia Orange Reg. 187]

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

Limitation of Handling

§ 908.487 Valencia Orange Regulation 187.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 16, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., February 19, 1967, and ending at 12:01 a.m., P.s.t., February 26, 1967, are hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: Unlimited movement;
(iii) District 3: 38,099 cartons.

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

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

Dated: February 17, 1967.

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

[F.R. Doc. 67-2010; Filed, Feb. 17, 1967; 11:18 a.m.]

[Lemon Reg. 255]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.555 Lemon Regulation 255.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and

upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 14, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., February 19, 1967, and ending at 12:01 a.m., P.s.t., February 26, 1967, are hereby fixed as follows:

(i) District 1: 18,600 cartons;

(ii) District 2: 186,000 cartons;

(iii) District 3: 9,300 cartons.

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

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

Dated: February 15, 1967.

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

[F.R. Doc. 67-1917; Filed, Feb. 17, 1967; 8:51 a.m.]

[Grapefruit Reg. 36]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.336 Grapefruit Regulation 36.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 16, 1967.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period beginning at 12:01 a.m., e.s.t., February 20, 1967, and ending at 12:01 a.m., e.s.t., February 27, 1967, is hereby fixed at 235,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: February 17, 1967.

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

[F.R. Doc. 67-2011; Filed, Feb. 17, 1967; 11:18 a.m.]

[Grapefruit Reg. 10]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.310 Grapefruit Regulation 10.

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 913 (7 CFR Part 913; 30 F.R. 15204), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the

aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 16, 1967.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period beginning at 12:01 a.m., e.s.t., February 20, 1967, and ending at 12:01 a.m., e.s.t., February 27, 1967, is hereby fixed at 235,000 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

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

Dated: February 17, 1967.

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

[F.R. Doc. 67-2012; Filed, Feb. 17, 1967; 11:18 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 7134; Amdt. 39-350]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Model 188A and 188C Series Airplanes

Amendment 39-187 (31 F.R. 1175), AD 66-4-2, as amended by Amendments 39-192 (31 F.R. 2649), 39-226 (31 F.R. 6296), and 39-333 (31 F.R. 16604), requires inspection and repair, where necessary, of the upper and lower wing splice areas, and the access door-to-plank splices on Lockheed Model 188A and 188C Series airplanes. After issuing Amendment 39-333 to AD 66-4-2, the Agency has discovered two inadvertent errors in the amendment. Paragraph (c)(2) of the AD provides for an inspection to be made at an interval measured from the date of the last inspection. As it is necessary to make this inspection within a certain period of time after the splices are sealed, and not from the date of the last inspection, the AD is being corrected accordingly. In addition, paragraph (e) of the AD as amended by Amendment 39-333 includes only those airplanes whose splices are sealed before the effective date of the Amendment. This amendment corrects the omission as to splices sealed after the effective date of Amendment 39-333.

Since this amendment corrects errors in Amendment 39-333 and clarifies its intent, I find that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and under the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-187 (31 F.R. 1175), as amended by Amendments 39-192 (31 F.R. 2649), 39-226 (31 F.R. 6296), and 39-333 (31 F.R. 16604) is further amended as follows:

(1) By striking out the words "the last inspection" in the last sentence of paragraph (c)(2), and inserting the words "the time the splices were sealed" in place thereof.

(2) By amending paragraph (e) to read as follows:

(e) Within 4,000 hours' time in service after December 29, 1966, for airplanes with splices sealed before that date, and within 4,000 hours' time in service after the splices are sealed for airplanes with splices sealed after December 29, 1966, and thereafter at intervals not to exceed 2,000 hours' time in service from the date of the last inspection:

(1) Visually inspect splices, except areas covered by production doublers or repair doublers, or enclosed by fillets and nacelle structure, for looseness of sealant.

(2) Reseal any loose areas in accordance with Lockheed Service Bulletin 88/SB-620E, sections 2.J. through 2.N., or later FAA-approved revision.

This amendment is effective February 18, 1967.

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

Issued in Washington, D.C., on February 10, 1967.

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

[F.R. Doc. 67-1867; Filed, Feb. 17, 1967; 8:45 a.m.]

[Airspace Docket No. 66-AL-13]

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

Alteration of Transition Area and Control Zone

On November 9, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 14410) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the controlled airspace in the vicinity of King Salmon, Alaska.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In the notice of proposed rule making, the Agency stated that it was considering the revocation of the transition area above 14,500 feet MSL, which is outside the United States, based on the conclusion that the area was no longer required for air traffic control purposes. Subsequent to publication of the notice, it was determined that this segment of the transition area provides the necessary controlled airspace within which air traffic control service is provided to military aircraft and civil jet aircraft operating within this area. Accordingly, revocation of this portion of the transition area is omitted from this action.

Since the immediate retention of the high altitude offshore airspace is in the interest of safety and will not result in the assignment of additional controlled airspace, the Administrator has determined that notice and public procedure hereon is impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 27, 1967, as hereinafter set forth.

1. In § 71.171 (32 F.R. 2071) the King Salmon, Alaska, control zone is amended to read:

KING SALMON, ALASKA

Within a 5-mile radius of the King Salmon Airport (latitude 58°40'40" N., longitude 156°38'55" W.); within 2 miles each side of the King Salmon VORTAC 312° and 132° radials, extending from the 5-mile radius zone to 9.5 miles NW of the VORTAC.

2. In § 71.181 (32 F.R. 2148) the King Salmon, Alaska, transition area is amended to read:

KING SALMON, ALASKA

That airspace extending upward from 700 feet above the surface within 2 miles each side of the King Salmon VORTAC 132° and 312° radials, extending from 15 miles SE of the VORTAC to 11 miles NW of the VORTAC; within a 9-mile radius of the King Salmon Airport (latitude 58°40'40" N.; longitude 156°38'55" W.) extending from the 226° bearing from the airport clockwise to the 055° bearing from the airport; and that airspace extending upward from 1,200 feet above the surface within a 24-mile radius of the King Salmon VORTAC; within 7 miles S and 9 miles N of the 068° radial, extending from the King Salmon VORTAC to 34 miles E; within a 37-mile radius of the King Salmon VORTAC, extending from the 105° radial clockwise to the SW boundary of Airway Blue 27; within 7 miles E and 10 miles W of the King Salmon VORTAC 186° radial, extending from the VORTAC to 28 miles S of the VORTAC; and within a 34-mile radius of the King Salmon LFR, extending from 5 miles S of the 281° bearing from the LFR clockwise to 5 miles NE of the 312° bearing from the LFR; and that airspace extending upward from 14,500 feet MSL outside the United States within a 172-mile radius of the King Salmon VORTAC. Federal airways, Control 1217, Control 1400, Control 1401, Control 1484, and the Anchorage Oceanic Control Area are excluded from the portion extending upward from 14,500 feet MSL.

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

Issued in Washington, D.C. on February 10, 1967.

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

[F.R. Doc. 67-1868; Filed, Feb. 17, 1967; 8:45 a.m.]

[Airspace Docket No. 66-SO-92]

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

Alteration of Transition Area

On December 31, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 16792) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Charlotte, N.C., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 27, 1967, as hereinafter set forth.

In § 71.181 (32 F.R. 2148) the Charlotte, N.C., 700-foot transition area is amended to read:

CHARLOTTE, N.C.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Douglas Airport (latitude 35°12'58" N., longitude 80°56'22" W.); within 2 miles each side of the Charlotte VORTAC 003° radial, extending from the 8-mile radius area to 14 miles N of the VORTAC; within 2 miles each side of the Fort Mill, S.C., VORTAC 005° radial, extending from the 8-mile radius area to 33 miles N of the VORTAC; within 2 miles each side of the Fort Mill VORTAC 011° radial, extending from the 8-mile radius area to the VORTAC; within 2 miles each side of the Charlotte VORTAC 058° radial, extending from the 8-mile radius area to 14 miles NE of the VORTAC; within 2 miles each side of the Charlotte VORTAC 171° radial, extending from the 8-mile radius area to 14 miles S of the VORTAC; within 2 miles each side of the Charlotte VORTAC 223° radial, extending from the 8-mile radius area to 14 miles SW of the VORTAC.

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

Issued in East Point, Ga., on February 8, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-1869; Filed, Feb. 17, 1967; 8:45 a.m.]

[Airspace Docket No. 66-SO-93]

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

Designation of Transition Area

On January 6, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 94) stating that the Federal Aviation Agency was considering an amendment which would designate the Marianna, Fla., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 27, 1967, as hereinafter set forth.

In § 71.181 (32 F.R. 2148) the following transition area is added:

MARIANNA, FLA.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the Marianna Municipal Airport (latitude 30°50'08" N., longitude 85°11'02" W.), and within 2 miles each side of the Marianna VOR 127° radial extending from the 8-mile radius area to 8 miles SE of the VOR.

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

Issued in East Point, Ga., on February 8, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-1870; Filed, Feb. 17, 1967; 8:45 a.m.]

[Airspace Docket No. 66-SO-91]

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

Alteration of Transition Area

On December 31, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 16792) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Hattiesburg, Miss., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable except those submitted by the Aircraft Owners and Pilots Association (AOPA). The AOPA objected to the proposal on the basis that the existing transition area adequately protects all aircraft departing and arriving Hattiesburg Municipal Airport, and that the increase in size of the 700-foot floor transition area is unnecessary.

A review of the proposed amendment, in the light of the comments submitted, disclosed that insufficient airspace currently exists for the protection of IFR aircraft departing Hattiesburg Municipal Airport. Agency criteria requires a 700-foot floor transition area extending laterally 7 statute miles from the airport to protect these operations during climb from 700 to 1,200 feet above the surface.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 27, 1967, as hereinafter set forth.

In § 71.181 (32 F.R. 2148) the 700-foot floor portion of the Hattiesburg, Miss., transition area is amended to read:

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Hattiesburg Municipal Airport (latitude 31°16'01" N., longitude 89°15'16" W.); within 2 miles each side of the Hattiesburg VORTAC 155° radial extending from the 7-mile radius area to the VORTAC; within 2 miles each side of the 315° bearing from the Hattiesburg RBN (latitude 31°17'59" N., longitude 89°17'59" W.), extending from the 7-mile radius area to 12 miles NW of the airport.

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

Issued in East Point, Ga. on February 8, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-1871; Filed, Feb. 17, 1967; 8:45 a.m.]

[Airspace Docket No. 67-SO-9]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to provide flexibility in the effective times of designation of the Charlotte Amalie, Saint Thomas, V.I. (Harry S. Truman Airport), control zone.

The control zone is currently effective from 0600 to 2200 hours, local time, daily. The periods of heavy air traffic activity vary on a seasonal basis. During the 2 years that this control zone has been in existence, air traffic, including air carrier service, has increased substantially and there is an immediate need to extend the effective hours of operation to the times of 0700 to 2300 hours daily to accommodate the peak periods of traffic. Since the amount of air traffic activity varies seasonally, it is desirable to provide flexibility in the designation of the control zone to accommodate the varying periods of heavy air traffic by having the periods of effectiveness stated in a Notam and in the Airman's Information Manual.

As a situation exists which demands immediate action in the interest of safety in air commerce, I find that compliance with the notice and public procedure provisions of the Administrative Procedure Act is impracticable and, for that reason, good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulation is amended, effective 0001 e.s.t., March 2, 1967, as hereinafter set forth.

In § 71.171 (32 F.R. 2071) the Charlotte Amalie, Saint Thomas, V.I. (Harry S. Truman Airport), control zone is amended to read as follows:

CHARLOTTE AMALIE, SAINT THOMAS, V.I. (HARRY S. TRUMAN AIRPORT)

Within a 5-mile radius of the Harry S. Truman Airport (latitude 18°20'25" N., longitude 64°58'10" W.). This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Since this action involves, in part, airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

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

Issued in Washington, D.C., on February 10, 1967.

LOUIS H. MCCAUGHEY,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-1872; Filed, Feb. 17, 1967; 8:45 a.m.]

[Airspace Docket No. 66-WE-74]

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

Alteration of Transition Area

On Page 15600 of the FEDERAL REGISTER for December 10, 1966, the Federal Aviation Agency published a proposed regulation that would alter the description of the Idaho Falls, Idaho, transition area.

Interested parties were given 30 days after publication in which to submit written data or views. The one comment received was favorable.

In consideration of the foregoing, effective 0001 e.s.t., March 30, 1967, § 71.181 (32 F.R. 2148) of Part 71 of the Federal Aviation Regulations is amended as proposed.

(Sec. 307(a), Federal Aviation Act of 1958, as amended; 72 Stat. 749; 49 U.S.C. 1348)

Issued in Los Angeles, Calif., on January 23, 1967.

JOSEPH H. TIPPETS,
Director, Western Region.

IDAHO FALLS, IDAHO

That airspace extending upward from 700 feet above the surface within 8 miles NW and 5 miles SE of the Idaho Falls VOR 030° and 223° radials, extending from 12 miles SW to 12 miles NE of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the N and E by the arc of a 23-mile radius circle centered on the Idaho Falls VOR, extending clockwise from the E edge of V-257 to the S edge of V-330, on the S by the S edge of V-330 and latitude 43°27'00" N., on the W by the E edge of V-257; that airspace SW of Idaho Falls bounded on the N by latitude 43°27'00" N. and the S edge of V-330, on the SE by a line 9 miles SE of and parallel to the Idaho Falls VOR 213° radial, on the S by latitude 43°14'30" N., on the W by the E edge of V-257; and that airspace extending upward from 9,700 feet MSL within a 23-mile radius of the Idaho Falls VOR, extending clockwise from the S edge of V-330 to the E edge of V-21.

[F.R. Doc. 67-1873; Filed, Feb. 17, 1967; 8:45 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 10—SAFETY STANDARDS APPLICABLE TO WORKSHOPS AND REHABILITATION FACILITIES ASSISTED BY GRANTS

Pursuant to sections 12(b) and 13(e) of the Vocational Rehabilitation Act Amendments of 1965 (79 Stat. 1284, 1288; 29 U.S.C. 41a, 41b), I hereby amend § 10.1 of Title 29, Subtitle A, of the Code of Federal Regulations to read as set forth below.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because this rule relates only to public grants. I do not believe such procedures will serve a useful purpose here. Accordingly, this amendment shall become effective immediately.

As amended, § 10.1 reads as follows:

§ 10.1 **Applicable safety standards.**

The safety standards provided in 41 CFR Part 50-204 shall have effect to the extent applicable to any workshop or rehabilitation facility assisted by a grant pursuant to section 12 or section 13 of the Vocational Rehabilitation Act Amendments of 1965, 79 Stat. 1284, 1286.

(Sec. 12(b), 13(e), 79 Stat. 1284, 1288; 29 U.S.C. 41a, 41b)

Signed at Washington, D.C., this 13th day of February 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67-1900; Filed, Feb. 17, 1967; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 6487]

PART 13—PROHIBITED TRADE PRACTICES

Firestone Tire & Rubber Co. and Shell Oil Co.

Subpart—Combining or Conspiring: § 13.470 *To restrain and monopolize trade.* Subpart—Cutting Off Access to Customers or Market: § 13.535 *Contracts restricting customers' handling of competing products:* § 13.560 *Interfering with distributive outlets.* Subpart—Dealing on Exclusive and Tying Basis: § 13.670 *Dealing on exclusive and tying basis:* 13.670-20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Modified order to cease and desist, Firestone Tire & Rubber Co. et al., Akron, Ohio, Docket 6487, Feb. 6, 1967]

Order modifying a cease and desist order of March 9, 1961, 26 F.R. 4886, against a major tire company and a major oil company, pursuant to a decision of the U.S. Court of Appeals, Fifth Circuit, 360 F. 2d 470, April 18, 1966, by eliminating two paragraphs of the order dealing with overt coercion of dealers.

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

Now, therefore, it is hereby ordered, That the aforesaid order to cease and desist be, and it hereby is, modified by deleting numbered paragraphs 5 and 6 of that portion of the order directed against Shell Oil Co.

It is further ordered, That respondents, The Firestone Tire & Rubber Co., a corporation, and Shell Oil Co., a corporation, shall within sixty (60) days after service upon them of this order, file with the Commission reports in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 6, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-1918; Filed, Feb. 17, 1967; 8:50 a.m.]

[Docket No. C-1163]

PART 13—PROHIBITED TRADE PRACTICES

Goodfriends, Inc., and Nathaniel Goodfriend

Subpart—Advertising Falsely or Misleadingly: § 13.155 *Prices:* 13.155-40 Exaggerated as regular and customary; 13.155-70 Percentage savings; 13.155-100 Usual as reduced, special, etc. Subpart—Invoicing Products Falsely: § 13.1108 *Invoicing products falsely:* 13.1108-45 Fur Products Labeling Act. Subpart—Misbranding or Mislabeling: § 13.1185 *Composition:* 13.1185-30 Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-30 Fur Products Labeling Act; § 13.1280 *Price.* Subpart—Neglecting, Unfairly or Deceptively, to Make Material Disclosure: § 13.1845 *Composition:* 13.1845-30 Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-35 Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Goodfriends, Inc. et al., Austin, Tex., Docket C-1163, Jan. 31, 1967]

Consent order requiring an Austin, Tex., department store to cease misbranding, deceptively invoicing, and falsely advertising its fur products.

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

It is ordered, That respondents Goodfriends, Inc., a corporation, and its officers, and Nathaniel Goodfriend, 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 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 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 "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

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

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

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

4. Representing, directly or by implication on labels, that any price, whether accompanied or not by descriptive terminology is the respondents' former price of fur products when such amount is in excess of the actual, bona fide price at which respondents sold or offered the fur products for sale to the public on a regular basis for a reasonably substantial period of time in the recent regular course of business or otherwise misrepresenting the price at which the said fur products have been sold or offered for sale by respondents.

5. Misrepresenting in any manner on labels or other means of identification the savings available to purchasers of respondents' products.

6. Falsely or deceptively representing in any manner, directly or by implication, on labels or other means of identification that prices of respondents' fur products are reduced.

B. Falsely or deceptively invoicing fur products by:

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

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

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

C. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist directly or indirectly, in the sale, or offering for sale of any fur product, and which:

1. Represents, directly or by implication that any price, whether accompanied or not by descriptive terminology, is the respondents' former price of a fur product when such amount is in excess of the actual, bona fide price at which respondents sold or offered such fur products for sale to the public on a regular basis for a reasonably substantial period of time in the recent regular course of business or otherwise misrepresents the price at which the said fur products have been sold or offered for sale by respondents.

2. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

3. Falsely or deceptively represents in any manner that prices of respondents' fur products are reduced.

4. Misrepresents directly or by implication through percentage savings claims that prices of fur products are reduced to afford purchasers of respondents' fur products the percentage of savings stated.

D. Making claims and representations of the types covered by subsections (a), (b), (c), and (d) of Rule 44 of the rules and regulations promulgated under the Fur Products Labeling Act unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based.

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: January 31, 1967.

By the Commission.

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

[F.R. Doc. 67-1919; Filed, Feb. 17, 1967; 8:50 a.m.]

[Docket No. C-1164]

PART 13—PROHIBITED TRADE PRACTICES

Republic Construction Co., Inc., et al.

Subpart—Advertising Falsely or Misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15–235 Producer status of dealer or seller: 13.15–235 (m) Manufacturer; § 13.155 *Prices:* 13.155–33 Demonstration reduction; 13.155–35 Discount savings; 13.155–100 Usual as reduced, special, etc. Subpart—Misrepresenting Oneself and Goods—Business status, advantages or connections: § 13.1400 *Dealer as manufacturer;* Misrepresenting Oneself and Goods—Prices: § 13.1800 *Demonstration reductions;* § 13.1817 *Reductions for prospect referrals;* § 13.1825 *Usual as reduced or to be increased.*

(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, Republic Construction Co., Inc., et al., Fern Park, Fla., Docket C-1164, Jan. 31, 1967]

In the Matter of Republic Construction Co., Inc., a Corporation, and Lester Mossman and Irving Kaplow, Individually and as Officers of Said Corporation

Order requiring a Fern Park, Fla., distributor of residential aluminum siding and roofing to cease using false pricing and savings claims and other misrepresentations to sell its products.

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

It is ordered, That respondents Republic Construction Co., Inc., a corporation, and its officers, and Lester Mossman and Irving Kaplow, 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 advertising, offering for sale, sale or distribution of residential aluminum siding, roofing, or other products and services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, representing, directly or by implication, that:

1. Any price for respondents' products is a special or reduced price, unless such price constitutes a significant reduction from an established selling price at which such products 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.

2. The home of any of respondents' customers or prospective customers has been selected to be used or will be used as a model home or otherwise for advertising purposes; or that any commission is given by respondents to purchasers in return for permitting the premises in which respondents' products are to be installed, to be used for model homes or demonstration purposes.

3. Any commission is given by respondents to purchasers of respondents' products for referrals who subsequently purchased respondents' products.

4. Respondents' salesmen or representatives are representatives of the Kaiser Aluminum and Chemical Corp. or that purchasers are or will be dealing directly with the manufacturer; or misrepresenting in any manner, the status or affiliation of respondents' salesmen or the manufacturer or the source of any of respondents' products.

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: January 31, 1967.

By the Commission.

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

[F.R. Doc. 67-1920; Filed, Feb. 17, 1967; 8:50 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Bureau of Employment Security, Department of Labor

PART 610—REGULATIONS TO IMPLEMENT THE UNEMPLOYMENT COMPENSATION FOR FEDERAL CIVILIAN EMPLOYEES PROGRAM UNDER TITLE XV OF THE SOCIAL SECURITY ACT: RESPONSIBILITIES OF STATE AGENCIES

PART 611—REGULATIONS TO IMPLEMENT THE UNEMPLOYMENT COMPENSATION FOR FEDERAL CIVILIAN EMPLOYEES PROGRAM UNDER TITLE XV OF THE SOCIAL SECURITY ACT: RESPONSIBILITIES OF THE VIRGIN ISLANDS AGENCY

PART 614—REGULATIONS TO IMPLEMENT THE EX-SERVICEMEN'S UNEMPLOYMENT COMPENSATION PROGRAM UNDER TITLE XV OF THE SOCIAL SECURITY ACT, AS AMENDED

Entitlement of Ex-Servicemen to Unemployment Compensation

The purpose of these amendments is to delete from 20 CFR 610.5, 611.5, and 614.10 provisions relating to the effect of mustering-out payments on entitlement of ex-servicemen to unemployment compensation which have become obsolete by reason of the repeal of Chapter 43 of Title 38, United States Code, 72 Stat. 1222, 38 U.S.C. 2101–2105, by Public Law 89–50, 79 Stat. 173.

The provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) which require notice of proposed rule making, opportunity for public participation, and delay in effective date are not applicable because these rules involve only matters that relate to public benefits and procedure. I do not believe such procedure will serve a useful purpose here. Accordingly, I hereby make the following amendments:

1. Paragraph (a) of 20 CFR 610.5 is amended to read as follows:

§ 610.5 Determination of entitlement.

(a) *Entitlement.* The agency of the State to which a Federal civilian employee's Federal civilian service and Federal civilian wages have been assigned (or of another State to which they have been transferred in accordance with an interstate wage combining plan or reassigned to correct an error) shall determine the claimant's entitlement to compensation, and shall pay such compensation in the same amounts, on the same terms, and subject to the same conditions as the benefits which would be payable to such claimant under the unemployment compensation law of the State if the Federal civilian service and Federal civilian wages of such claimant had been included as employment and wages under such law, except that no compensation shall be paid to a claimant for any period to which payment for military accrued leave is allocated in accordance with § 614.12 of this chapter. The notice of determination given to the claimant pursuant to the unemployment compensation law of the State shall include the findings made by the Federal agency, and shall inform the claimant of his right to additional information or reconsideration and correction of such findings. The State agency shall set forth the findings of the Federal agency in sufficient detail to enable the claimant to determine whether he wishes to request reconsideration or correction of any such findings, to the extent that such information has been furnished by the Federal agency.

* * * * *

2. Subparagraph (1) of paragraph (a) of 20 CFR 611.5 is amended to read as follows:

§ 611.5 Determination of entitlement.

(a) *Entitlement.* (1) Where a Federal civilian employee's Federal civilian service and Federal civilian wages have been assigned to the Virgin Islands, the agency of the Virgin Islands shall promptly determine the claimant's entitlement to compensation in the same amounts, on the same terms, and subject to the same conditions as the benefits which would be payable to such claimant under the District of Columbia Unemployment Compensation Act if the Federal civilian service and Federal civilian wages of such claimant had been included as employment and wages under such law, with the following exceptions: (i) That no compensation shall be paid to a claimant for any period to which payment for military accrued leave is allocated in accordance with § 614.12 of this chapter; and (ii) if a claimant, without regard to his Federal civilian service and Federal civilian wages, and Federal military service and Federal military wages (as defined in § 614.1 of this chapter), has employment or wages sufficient to qualify for any unemployment compensation during the benefit year under the District of Columbia Unemployment Compensation Act, then payments of compensation under Title XV of the Social Security Act (now Chapter 85 of Title 5, United States Code, 80 Stat. 585 et seq., 5 U.S.C. 8501–8525), including subchapter II thereof (Ex-Servicemen) (80 Stat. 590; 5 U.S.C. 8521 et seq.), shall be made only on the basis of his Federal civilian service and Federal civilian wages and Federal military service and Federal military wages.

* * * * *

§ 614.10 [Amended]

3. Paragraphs (e), (f), and (g) of 20 CFR 614.10 are revoked.

(5 U.S.C. 8508, 80 Stat. 590)

Effective date. These amendments shall become effective on the date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 13th day of February 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67-1899; Filed, Feb. 17, 1967; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-60]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Coastwise Transportation of Empty Cargo Vans and Shipping Tanks by Japanese Vessels

On the basis of information obtained and furnished by the Department of State, it is found that the Government of Japan extends to vessels of the United States in ports of Japan privileges reciprocal to those provided for in § 4.93 (a) of the Customs Regulations. Vessels of Japan are therefore entitled to the privileges granted by this section.

Accordingly, § 4.93(b) of the Customs Regulations is amended by the insertion of "Japan" in appropriate alphabetical order in the list of countries in that section.

(80 Stat. 379, R.S. 251, sec. 624, 46 Stat. 759, sec. 2, 23 Stat. 118, as amended, sec. 27, 41 Stat. 999, as amended; 5 U.S.C. 301, 19 U.S.C. 66, 1624, 46 U.S.C. 2, 883)

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: February 13, 1967.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-1906; Filed, Feb. 17, 1967; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

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

PART 6—NEIGHBORHOOD FACILITIES

In Subtitle A a new Part 6 is added as follows:

Subpart B—Relocation Payments

Sec.

Sec.
6.107 Administration of relocation payments program.
6.108 Fixed relocation payments to individuals and families for moving expenses.
6.109 Determining moving expenses of business concern.
6.110 Determining actual direct loss of property.
6.111 Filing of claims.
6.112 Limitation on amount of relocation payments.
6.113 Determinations in condemnation proceedings.

AUTHORITY: The provisions of this Part 6 are issued under sec. 7(d), 79 Stat. 670; 5 U.S.C. 624d(d); sec. C, 2, of Secretary's delegation to Assistant Secretary for Renewal and Housing Assistance effective July 1, 1966 (31 F.R. 8964, June 29, 1966).

§ 6.100 Statement of applicable law.

Section 404(a) of the Housing and Urban Development Act of 1965, 42 U.S.C. 3074(a), provides that financial assistance extended to any applicant under the Neighborhood Facilities Grant Program under section 703 of the Act, 42 U.S.C. 3103, may include grants for relocation payments made on such terms and conditions and subject to such limitations as are set forth in sections 114 (b), (c), and (d) of the Housing Act of 1949, as amended 42 U.S.C. 1465 (b), (c), and (d). Authority to issue regulations is included in the delegation to the Assistant Secretary for Renewal and Housing Assistance at 31 F.R. 8964, June 29, 1966.

§ 6.101 Definitions.

For the purpose of the regulations in this subpart, the following terms shall mean:

(a) *Actual direct loss of property.* Actual loss in the value of the property (exclusive of goods or other inventory kept for sale) sustained by the claimant by reason of the disposition or abandonment of the property resulting from the claimant's displacement. A loss resulting from damage to the property while being moved is not included.

(b) *Business concern.* A corporation, partnership, individual, or other private entity, including a nonprofit organization, engaged in some type of business, professional, or institutional activity necessitating fixtures, equipment, stock in trade, or other tangible property for the carrying on of the business, profession, or institution. (Also see "Small Business concern.")

(c) *Claimant.* An individual, family or business concern, as defined in this § 6.101; or, in the case of a claim for a relocation payment for settlement costs, an owner (or joint owners), other than a public entity, of real property, or interest therein, transferred to the Public Body or to the nonprofit agency.

(d) *Family.* Two or more persons related by blood, marriage, or adoption, who are living together in a single dwelling unit.

(e) *Federal Grant Contract.* A contract between the Federal Government and the Public Body for a grant under section 703 of the Housing and Urban Development Act of 1965.

(f) *HUD.* The Secretary of Housing and Urban Development or his delegate.

(g) *Individual.* A person who is not a member of a family. An elderly individual is an individual 62 years of age or over at the time of displacement.

(h) *Moving expenses*—(1) *Individuals and families.* Costs of packing, storing (for a period of 1 year or less), carting, and insuring of property and incidental costs of disconnecting and reconnecting household appliances.

(2) *Business concerns.* Costs of dismantling, crating, storing (for a period of 1 year or less), transporting, insuring, reassembling, reconnecting, and reinstalling of property (including goods or other inventory kept for sale), exclusive of the cost of any additions, improvements, alterations, or other physical changes in or to any structure in connection with effecting such reassembly, reconnection, or reinstallation.

(i) *Nonprofit agency.* A nonprofit corporation, association, or other private entity engaged in carrying out a project under the continuing control of the Public Body.

(j) *Project.* Undertakings and activities of the Public Body or the nonprofit agency in connection with the development of a neighborhood facility.

(k) *Property.* Tangible personal property, excluding fixtures, equipment, and other property which under State or local law are considered real property, but including such items of real property as the claimant may lawfully remove.

(l) *Public Body.* A local governmental entity authorized to carry out a project and to provide continuing control over the use of the project facilities.

(m) *Relocation payment.* A payment by the Public Body:

(1) To an individual or family, for reasonable and necessary moving expenses and any actual direct loss of property (for which reimbursement or compensation is not otherwise made);

(2) To a business concern, for its reasonable and necessary moving expenses and any actual direct loss of property except goodwill or profit (for which reimbursement or compensation is not otherwise made);

(3) To a small business concern, for its displacement (small business displacement payment);

(4) To or on behalf of a family or elderly individual, for relocation adjustment (relocation adjustment payment); or

(5) To an owner (or joint owners), as defined in § 6.101(c), for settlement costs for which reimbursement or compensation is not otherwise made.

(n) *Settlement costs.* (1) Recording fees, transfer taxes, and similar expenses incidental to the transfer of real property to the Public Body or to the nonprofit agency;

(2) Penalty costs for prepayment of any mortgage encumbering such real property; and

(3) The pro rata portion of real property taxes and public service charges allocable to a period subsequent to the date of vesting of title, or the effective date of the acquisition of such real property by the Public Body or by the nonprofit agency, whichever is earlier.

(o) *Small business concern.* A business concern (other than a nonprofit organization) which during the base period had:

(1) Average annual net earnings before income taxes of less than $10,000; and

(2) In the case of displacements prior to June 15, 1966, average annual gross receipts or sales in excess of $1,500; or, in the case of displacements on and after June 15, 1966, average annual gross receipts or sales in excess of $1,500 together with average annual net earnings before income taxes in excess of $500, or average annual gross receipts or sales in excess of $2,500.

Earnings for the purpose of this paragraph (o) include salaries, wages, or other compensation received by an owner of the concern or any member of his household related to him. The term "owner" as used in the previous sentence includes the sole proprietor in a sole proprietorship, the principal partners in a partnership, and the principal stockholders of a corporation, as determined by HUD. The term "base period" shall mean the 2 tax years immediately preceding displacement (or, if the business concern is not in business that long, such other period as may be approved by HUD): *Provided*, That if a business concern does not qualify as a small business concern under this paragraph (o) based upon gross receipts or sales during the 2 tax years immediately preceding displacement and the Public Body finds that the concern's business activity during such period was not representative, the base period shall be the third and fourth tax years immediately preceding displacement.

§ 6.102 Relocation payments by the Public Body.

The Public Body shall make relocation payments to or on behalf of eligible claimants in accordance with and to the full extent permitted by the regulations in this subpart: *Provided*, That for each Federal Grant Contract the Public Body may elect whether to make payments for moving expenses in excess of $25,000 in accordance with § 6.112(a)(2). Relocation payments made in accordance with the regulations in this subpart and pursuant to a Federal Grant Contract are reimbursable in full to the Public Body as a grant under section 703 of the Housing and Urban Development Act of 1965.

§ 6.103 Eligibility conditions—moving expenses, actual direct loss of property, and settlement costs.

(a) *Moving expenses and actual direct property loss.* A claimant is deemed displaced by the project and is eligible for a relocation payment for moving expenses and actual direct loss of property if:

(1) The project necessitates vacation of real property by the claimant on or after August 10, 1965; and

(2) The claimant is an occupant of the real property on the date of execu-

tion of a Federal Grant Contract authorizing the project or, if HUD concurrence is given for the commencement of project activities causing the displacement prior to HUD approval of a Federal Grant Contract, the date of such concurrence (provided that in the latter case a Federal Grant Contract for the project is thereafter executed): *Provided*, That whenever real property is acquired and a Federal Grant Contract is executed, a claimant who is an occupant at the time of such acquisition is also deemed displaced by the project.

(b) *Moving expenses—outdoor advertising display.* Notwithstanding the fact that a business concern may not be doing business on the project site, and subject to all other eligibility requirements of paragraph (a) of this section, a business concern shall be entitled to a relocation payment for moving expenses with respect to its outdoor advertising displays required, in the determination of the Public Body, to be removed from the project site.

(c) *Settlement costs.* A claimant is deemed displaced by the project and is eligible for a relocation payment for settlement costs if (1) he is the owner of the real property on or after August 10, 1965, and at the time of the transfer of title to the Public Body or to the nonprofit agency, and (2) the transfer of title to the real property occurs on or after the date of execution of a Federal Grant Contract authorizing the acquisition of the real property or, if HUD concurrence is given for the acquisition of the real property prior to its approval of a Federal Grant Contract, on or after the date of such HUD concurrence: *Provided*, That a Federal Grant Contract for the project is thereafter executed.

(d) *Temporary on-site move.* No relocation payment shall be made to a claimant for a temporary move within the project site.

§ 6.104 Eligibility conditions—small business displacement payment.

A small business concern which satisfies the eligibility conditions of § 6.103 (a) governing moving expenses and actual direct loss of property is eligible for a small business displacement payment if the concern:

(a) Is not a part of an enterprise having two or more establishments outside the project site;

(b) Has filed with the Internal Revenue Service income tax returns for the base period, as defined in § 6.101(o); or has furnished such other evidence of earnings as may be approved by HUD; and

(c) Was doing business on the project site on the date of the approval by the Public Body of an application for a neighborhood facilities grant.

§ 6.105 Eligibility conditions—relocation adjustment payment.

A family or elderly individual who satisfies the eligibility conditions of § 6.103(a), governing eligibility for a relocation payment for moving expenses and actual direct loss of property, is eligible for a relocation adjustment payment if the claimant:

(a) Is unable to secure a suitable dwelling unit in (1) a low-rent housing project assisted under the United States Housing Act of 1937, as amended, 42 U.S.C. 1401 et seq. (or a State or local program found by HUD to have the same general purposes) or (2) a dwelling unit assisted under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s(a)); and

(b) Has moved to a decent, safe, and sanitary dwelling.

§ 6.106 Notice of intention to move.

Except as provided in this § 6.106, no relocation payment for moving expenses or actual direct loss of property and no small business displacement payment shall be made to a business concern unless (a) the Public Body has received, at least 30 days but not earlier than 90 days prior to the moving date, written notice from the business concern of its intention to move or dispose of the property, which shall be described generally in the notice, and the date of such intended move or disposition, and (b) the business concern has permitted, at all reasonable times, the inspection by or on behalf of the Public Body of such property at the site from which the business concern is displaced. For the purpose of this § 6.106, "moving date" shall mean the date on which the first item of property is intended to be moved or disposed of. The Public Body may make a relocation payment notwithstanding nonreceipt of such timely notice only if the Public Body has determined that there was reasonable cause for the failure of the business concern to give such notice, and the Public Body has adequately verified the facts pertaining to the move or disposition and the requested relocation payment.

§ 6.107 Administration of relocation payments program.

(a) *Conditions for relocation payment.* The Public Body (or, if the Public Body is the municipality, the board or commission responsible for carrying out the project or, if there is no such board or commission, the principal executive officer of the municipality) shall approve a schedule of average annual gross rentals for standard housing in the locality for determining the amount of relocation adjustment payments in accordance with § 6.112(c), any schedule of fixed payments to be paid in accordance with § 6.108, and any other conditions under which the Public Body will make relocation payments. The schedules and conditions shall be consistent with the regulations in this subpart and shall be available in written form to claimants in the relocation office of the Public Body.

(b) *Notice to claimants.* The Public Body shall furnish all claimants who are anticipated to be displaced with an informational statement advising the claimant of (1) the availability of relocation payments and (2) the office where the conditions under which relocation payments will be made are available for inspection.

(c) *Action on claim—finality.* The Public Body is initially responsible for determining the eligibility of a claim for, and the amount of, a relocation payment and shall maintain in its files complete and proper documentation supporting the determination. The determination on each claim shall be made or approved either by the governing body of the Public Body or by the principal executive officer of the Public Body or his duly authorized designee. The determination by the Public Body or any redetermination by HUD shall be final and conclusive with respect to the rights of any claimant, and not subject to redetermination by any court or any other officer. Subject to the requirements of this paragraph (c), the Public Body may permit a third-party contractor, responsible for relocation activities, to examine and recommend action on a claim and to disburse funds in payment of a claim which has been approved by the Public Body.

(d) *Prompt payment.* A relocation payment shall be made by the Public Body as promptly as possible after a claimant's eligibility has been determined in accordance with the regulations in this subpart: *Provided*, That a relocation adjustment payment shall be made during the first 5 months after the Public Body has determined the eligibility of the claimant.

(e) *Setoff against claim.* The Public Body may set off against the claim of an otherwise eligible claimant any financial claim the Public Body or the nonprofit agency may have against the claimant arising out of the use of the real property.

(f) *Approval by HUD—business concerns.* No relocation payment for moving expenses or settlement costs, or both, in excess of $10,000 shall be made without approval by HUD.

(g) *Accounts and records.* Accounts and records shall be maintained as prescribed by HUD and shall be subject to inspection or audit at all reasonable times by HUD. Records pertaining to eligibility of relocation payments, including all claims, receipted bills or other documentation in support of a claim, and records pertaining to action on a claim shall be retained by the Public Body for not less than 3 years after the completion of the project.

§ 6.108 Fixed relocation payments to individuals and families for moving expenses.

(a) *Schedule of fixed payments.* A Public Body intending to pay fixed amounts in lieu of payments for reasonable and necessary moving expenses and actual direct loss of property of eligible individuals and families shall prepare a schedule of the fixed amounts which it proposes to pay. The schedule shall contain a statement indicating that the Public Body intends to permit eligible individuals and families to claim reimbursement for their actual moving expenses and actual direct loss of property.

(b) *Schedule provision.* (1) A proposed schedule of fixed payments to eligible individuals and families owning furniture shall provide for a graduated scale of payments related to the number of all rooms occupied by the claimant except bathrooms, hallways, and closets, which payments shall not exceed the lowest normal charge for carting expenses for the average time required to move personal effects: *Provided,* That in any event the payments shall not exceed the maximum reimbursement to eligible individuals or families provided in the regulations in this subpart.

(2) Fixed payments to eligible individuals or families not owning furniture shall not exceed: (i) $5 for any individual, (ii) $10 for any family.

(c) *Administration of fixed payments.* Eligible individuals or families may be paid the amount provided in the schedule of fixed payments approved by HUD upon receipt of a properly completed claim. A fixed payment shall be in full settlement for the claimant's moving expense and any actual direct loss of property. If the joint occupants of a single dwelling unit at the project site move to two or more locations and consequently submit more than one claim, an eligible claimant for a fixed payment may be paid only his reasonable prorated share (as determined by the Public Body) of the total fixed payment applicable to such dwelling unit, and the total of fixed payments made to all such claimants moving from such dwelling unit shall not exceed the total fixed payment applicable to such dwelling unit.

§ 6.109 Determining moving expenses of business concern.

(a) *Submission of bids prior to moving date.* No claim for a relocation payment for moving expenses in excess of $500 shall be allowed for costs incurred by a business concern unless the concern has submitted to the Public Body, at least 15 days prior to the commencement of the move, a bid from three reputable firms covering the moving costs involved. Whenever it is not feasible to obtain three bids for any category of work, a lesser number of bids shall be submitted, together with a written justification by the concern; and no relocation payment shall be allowed in such cases unless the Public Body has approved the justification. The Public Body, with HUD concurrence, may waive any requirement of this paragraph (a) for good cause.

(b) *Payment not to exceed low bid.* Payment to a business concern for moving expenses shall not exceed the amount of the low bid submitted in accordance with paragraph (a) of this section unless the bid requirement has been waived in accordance with paragraph (a) of this section.

§ 6.110 Determining actual direct loss of property.

(a) The amount of actual direct loss of any item of property claimed shall be determined as follows:

(1) The fair market value of the property for continued use at its location prior to the displacement shall be ascertained by the claimant by an appraisal satisfactory to the Public Body, except as provided in subparagraph (2) of this paragraph.

(2) If the value of the property for which actual direct loss is claimed does not warrant the expenses of an appraisal, then its fair market value for such continued use shall be computed as follows: The original cost of the item to the claimant (exclusive of installation cost), multiplied by the figure obtained by dividing the period of the remaining useful life of the property at the date of removal, by the period of the normal useful life of the property at the date of its acquisition by the claimant.

(3) The property shall be disposed of by a bona fide sale (as determined by the Public Body) at the highest price offered after reasonable efforts have been made over a reasonable period of time to interest prospective purchasers. A trade-in of the property may be considered a bona fide sale, and the trade-in allowance, exclusive of any amount of discount that would be allowed on the price of the property being acquired in the absence of the trade-in, shall be deemed the amount realized upon the sale of the property.

(4) If the amount realized from the sale, after deducting ordinary and reasonable expenses of the sale, is less than the fair market value for such continued use, the difference between the net amount realized and the fair market value is the amount of actual direct loss of the property. Expenses of sale include such items as sale commissions, auctioneer's fees, advertising costs, and similar charges.

(b) If a bona fide sale is not effected because no offer is received for the property, after reasonable efforts have been made over a reasonable period of time to sell it, then its fair market value for continued use, ascertained as provided in this section, is the amount of actual direct loss of the property.

(c) The cost of appraisals to determine actual direct loss of property, if made by or in behalf of the claimant, is not allowable as part of a claim.

§ 6.111 Filing of claims.

(a) *Form of claim.* To obtain a relocation payment, a claimant shall file a written claim with the Public Body on the appropriate HUD forms.

(b) *Documentation in support of claim.* A claim shall be supported by the following:

(1) If for moving expenses, except in the case of a fixed payment, a receipted bill or other evidence of such expenses. By prearrangement between the Public Body, the claimant, and the mover, confirmed in writing by the Public Body, the claimant may present an unpaid moving bill to the Public Body, and the Public Body may pay the mover directly.

(2) If for actual direct loss of property, written evidence thereof, which may include appraisals, certified prices, copies of bills of sale, receipts, canceled checks, copies of advertisements, offers to sell, auction records, and such other records as may be appropriate to support the claim.

(3) In any other case, such documentation as may be required by the Public Body, which may include income tax returns, withholding or informational statements, and proof of age.

(c) *Time for filing claims.* A claim for moving expenses, actual direct loss of property, or a small business displacement payment shall be submitted to the Public Body within a period of 6 months after the displacement of the claimant. A claim for a relocation adjustment payment shall be submitted within a period of 60 days after the displacement of the claimant. A claim for settlement costs shall be submitted within 6 months after the costs have been incurred. The time limitations in this paragraph (c) may be waived by the Public Body for good cause, with HUD concurrence.

§ 6.112 Limitation on amount of relocation payments.

(a) *Moving expenses and loss of property—(1) Maximum amount—individuals or families.* The maximum relocation payment that may be made or recognized for moving expenses and actual direct loss of property, for which reimbursement or compensation is not otherwise made, to an individual or family shall not exceed $200. The maximum relocation payment that may be made or recognized for moving expenses and actual direct loss of property, for which reimbursement or compensation is not otherwise made, to two or more unrelated individuals occupying the same dwelling unit shall not exceed $200.

(2) *Maximum amount—business concerns.* The maximum relocation payment that may be made or recognized in the case of a business concern for moving expenses and actual direct loss of property, for which reimbursement or compensation is not otherwise made, shall not exceed $3,000: *Provided,* That if the total of the actual moving expenses is greater than $3,000, the maximum relocation payment that may be made or recognized in the case of a business concern, for which reimbursement of compensation is not otherwise made, shall be the sum of:

(i) The total actual moving expenses or $25,000 whichever is less; and

(ii) A percentage of the actual moving expenses in excess of $25,000, which percentage shall be the same as the percentage of project cost paid for by the Federal Grant under the terms of the Federal Grant Contract: *Provided,* That the Public Body makes a cash payment to the business concern equal to the remainder of the actual moving costs in excess of $25,000, which payment shall not constitute any portion of the local share of the project cost.

(3) *Maximum moving distance.* If a business concern moves beyond 100 miles from the boundary of the city, town, township, village, or county, as the case may be, in which the project is carried out, a relocation payment for its moving expenses may not be made in excess of the reasonable and necessary expenses for moving such distance of 100 miles.

(b) *Small business displacement payment.* A small business displacement payment shall be $2,500.

(c) *Relocation adjustment payment.* The total relocation adjustment payment that may be made for a family or elderly individual shall be an amount not to exceed $500 which, when added to 20 percent of the annual income of the family or individual at the time of displacement, equals the average annual gross rental required for a decent, safe, and sanitary dwelling of modest standards adequate in size to accommodate the family or individual (in the area in which the project is carried out or in other areas generally not less desirable in regard to public utilities and public and commercial facilities), as determined by the Public Body.

§ 6.113 Determinations in condemnation proceedings.

Notwithstanding any other provision of the regulations in this subpart, when property is acquired by proceedings in condemnation, and the amount of the judgment includes an allowance for reasonable and necessary moving expenses, actual direct loss of property, or settlement costs, the portion of the judgment representing compensation for these items, if separately stated, shall be entitled to recognition as a relocation payment in an amount not to exceed the applicable dollar limitations of § 6.112: *Provided*, That the allowance for actual direct loss of property makes no compensation for loss of goodwill or profit.

Effective date. These regulations are effective as of February 18, 1967.

DON HUMMEL,
Assistant Secretary for Renewal and Housing Assistance.

[F.R. Doc. 67-1911; Filed, Feb. 17, 1967; 8:49 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

PART 3—CLAIMS REGULATIONS

Subpart B—Federal Tort Claims Act

GENERAL

Part 3 of Subtitle A of Title 31 of the Code of Federal Regulations is amended by adding at the end of § 3.20 the following new matter:

§ 3.20 General.

* * * Public Law 89-506 (80 Stat. 306) amended this Act to provide that such claims accruing on or after January 18, 1967, may be considered, ascertained, adjusted, determined, compromised, and settled in accordance with regulations prescribed by the Attorney General, and to remove the monetary limitation of $2,500 on the authority of Federal agencies to settle claims administratively. Accordingly, claims accruing before January 18, 1967, and not exceeding $2,500 are payable in accordance with the regulations set forth in §§ 3.21-3.28. Claims accruing on or after January 18, 1967, are payable under the provisions of the regulations issued by the Department of Justice (28 CFR Part 14), incorporated by this reference in these regulations, and under Subparts A and B of this Part 3 to the extent that their provisions are consistent with 28 CFR Part 14.

(Sec. 1, 80 Stat. 306, 28 U.S.C. 2672; 28 CFR 14.11)

Dated: February 13, 1967.

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

[F.R. Doc. 67-1908; Filed, Feb. 17, 1967; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER C—AIDS TO NAVIGATION

[CGFR 67-10]

PART 64—MARKING OF SUNKEN OBSTRUCTIONS

The purpose of this revision of 33 CFR Part 64 is to implement the revised provisions in section 86 of Title 14, U.S. Code, as amended September 17, 1965, by Public Law 89-191 (79 Stat. 822). Since the changes are deemed to be interpretations, statements of policy, or procedures to follow upon happening of certain described events, it is hereby found that compliance with the Administrative Procedures Act (respecting notice of proposed rule making, public rule making procedure thereon, and effective date requirements) is unnecessary (5 U.S.C. 553).

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by sections 86, 92, 632, and 633 of Title 14 U.S. Code, and Treasury Department Orders 167-17, dated June 29, 1955, 20 F.R. 4976, and 167-68, dated October 20, 1965, 30 F.R. 13660, to promulgate regulations in accordance with the laws cited herein, the following revision of Part 64 is prescribed (including title thereof) and shall become effective upon the date of publication of this document in the FEDERAL REGISTER.

Subpart 64.01—Marking of Sunken Vessels or Other Obstructions

Sec.
64.01-1 General.
64.01-5 Marking by owners.
64.01-10 Marking by the U.S. Coast Guard.

Subpart 64.05—Charges for Marking

64.05-1 Liability of owner for cost of marking.

Subpart 64.10—Reports

64.10-1 Reports of sunken obstructions.

Subpart 64.15—Notices of Abandonment

64.15-1 Notices of tenders of abandonment.

AUTHORITY: The provisions of this Part 64 issued under 14 U.S.C. 81, 86, 92, 633; 30 Stat. 1151, 1152, 33 U.S.C. 403, 409.

Subpart 64.01—Marking of Sunken Vessels or Other Obstructions

§ 64.01-1 General.

(a) The owner of a vessel sunk in the navigable waters of the United States who fails to mark the wreck immediately for the protection of navigation with a buoy or daymark during the day and a light at night may, in addition to being in violation of 33 U.S.C. 409, be liable for resulting damage to the public. The owner of a sunken obstruction other than a vessel which creates an obstruction to the navigable capacity of any of the waters of the United States may, in addition to being in violation of 33 U.S.C. 403, be liable for resulting damage to the public.

(b) The Coast Guard is authorized to mark for the protection of navigation any sunken vessel or other obstruction that is not suitably marked. Marking by the Coast Guard does not relieve the owner of any such obstruction from the duty and responsibility suitably to mark the obstruction and remove it as required by law.

§ 64.01-5 Marking by owners.

Buoys, daymarks, and lights established by owners of sunken vessels or other obstructions to mark such obstructions for the protection of navigation shall conform to the lateral system of buoyage prescribed by Subpart 62.25 of this chapter. Such markings shall be maintained until the obstruction is removed or the right of the owner to abandon is legally established and has been exercised.

§ 64.01-10 Marking by the U.S. Coast Guard.

(a) When the District Commander within whose jurisdiction a sunken vessel is located determines that the wreck is not suitably marked by the owner for the protection of navigation, he may mark the wreck in such manner and for so long as in his judgment the needs of maritime navigation require. The costs of such marking by the Coast Guard will be charged to the owner of the wreck.

(b) When the District Commander within whose jurisdiction a sunken obstruction other than a vessel is located determines that the obstruction is not suitably marked for the protection of navigation, he may mark the obstruction in such manner and for so long as, in his judgment, the needs of maritime navigation require. The costs of such marking will be charged to the owner of the obstruction. When the needs of navigation permit, the owner will be informed that the obstruction should be marked and will be afforded reasonable opportunity to mark the obstruction.

Subpart 64.05—Charges for Marking

§ 64.05-1 Liability of owner for cost of marking.

(a) Pursuant to the provisions of 14 U.S.C. 86 the owner of a sunken vessel or other obstruction marked by the Coast Guard shall be liable for the cost of such marking until such time as the obstruction is removed or the right of the owner

to abandon is legally established and has been exercised or until such earlier time as the District Commander in whose jurisdiction the obstruction is located may determine.

(b) Charges for the costs of marking by the Coast Guard shall be determined in accordance with Part 74 of this chapter.

Subpart 64.10—Reports

§ 64.10–1 Reports of sunken obstructions.

(a) Owners of vessels sunk in the navigable waters of the United States shall promptly report to the nearest U.S. Coast Guard Marine Inspection Office the action he is taking to mark the wreck giving, in addition to the report required by 46 CFR 136.05, the following information:

(1) Name and description of the sunken vessel.

(2) Accurate location of the vessel.

(3) Depth of water over the vessel.

(4) Location and type of marking established, including color and shape of buoy or daymark and characteristic of the light.

(b) Owners of sunken obstructions other than vessels are encouraged to report the existence of such obstructions in the same manner as prescribed for sunken vessels and shall report promptly the location and type of any markings established, giving a complete description of the color and shape of any buoy or daymark and the characteristic of any lights established to mark the obstruction.

Subpart 64.15—Notices of Abandonment

§ 64.15–1 Notices of tenders of abandonment.

Notices of abandonment of sunken vessels or other obstructions will not be accepted by the Coast Guard. Any notice of intention to abandon should be addressed to the District Engineer, Corps of Engineers, U.S. Army, within whose district the sunken vessel or other obstruction is located.

Dated: February 10, 1967.

[SEAL] W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 67–1905; Filed, Feb. 17, 1967; 8:48 a.m.]

Chapter II—Corps of Engineers, Department of the Army

PART 201—GENERAL REGULATIONS

PART 207—NAVIGATION REGULATIONS

Great Lakes; Mississippi River—Gulf Outlet, La.

1. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 201.20 is hereby prescribed to govern the lights to be displayed by pilot vessels in the Great Lakes, effective on publication in the FEDERAL REGISTER, as follows:

§ 201.20 Lights for Great Lakes pilot vessels.

(a) A power driven pilot vessel when engaged on pilotage duty and under way:

(1) Shall carry a white light at the masthead at a height of not less than 20 feet above the hull, visible all round the horizon at a distance of at least 3 miles and at a distance of 8 feet below it a red light similar in construction and character. If such a vessel is of less than 65 feet in length the vessel may carry the white light at a height of not less than 9 feet above the gunwale and the red light at a distance of 4 feet below the white light.

(2) Shall carry the sidelights prescribed by Great Lakes Rule 3 (33 U.S.C. 252) or by the Act of April 25, 1940 (46 U.S.C. 526b), as appropriate, and a white light at the stern showing an unbroken light over an arc of the horizon of 135°, so fixed as to show the light 67½° from right aft on each side of the vessel, and of such a character as to be visible at a distance of at least 2 miles.

(3) Shall show one or more flareup lights at intervals not exceeding 10 minutes. An intermittent white light visible all round the horizon may be used in lieu of flareup lights.

(b) A sailing pilot vessel when engaged on pilotage duty and under way:

(1) Shall carry a white light at the masthead visible all round the horizon at a distance of at least 3 miles.

(2) Shall be provided with the sidelights prescribed in paragraph (a)(2) of this section or the portable lanterns prescribed by Great Lakes Rule 8 (33 U.S.C. 257), as appropriate, and shall, on the near approach of or to other vessels, have such lights ready for use, and shall show them at short intervals to indicate the direction in which the pilot vessel is heading, but the green light shall not be shown on the port side nor the red light on the starboard side. The vessel shall also carry the stern light prescribed in paragraph (a)(2) of this section.

(3) Shall show one or more flareup lights at intervals not exceeding 10 minutes.

(c) A pilot vessel when engaged on pilotage duty and not under way shall carry the lights and show the flares prescribed in paragraphs (a) (1) and (3) or (b) (1) and (3) of this section, as appropriate, and if at anchor shall also carry the anchor lights prescribed in Great Lakes Rule 9 (33 U.S.C. 258).

(d) A pilot vessel when not engaged on pilotage duty shall show the lights or shapes for a similar vessel of the same length.

[Regs., Jan. 30, 1967, ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) § 207.180 is hereby amended revising the caption and subparagraph (a)(1) to govern also the use, administration, and navigation of the Mississippi River-Gulf Outlet, La., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.180 All waterways tributary to the Gulf of Mexico (except the Mississippi River and its tributaries, South and Southwest Passes, and the Atchafalaya River) from St. Marks, Fla., to the Rio Grande; use, administration, and navigation.

(a) The regulations in this section shall apply to:

(1) *Waterways.* All navigable waters of the United States which are tributary to or connected by other waterways with the Gulf of Mexico, except the Mississippi River, its tributaries, South and Southwest Passes and that part of the Atchafalaya River above its junction with the Morgan City-Port Allen alternate waterway, between St. Marks, Fla., and the Rio Grande, Tex., both inclusive, and the Intracoastal Waterway from Apalachee Bay, Fla., to Brownsville, Tex.

* * * * *

[Regs., Jan. 30, 1967, 1507–32 (Miss. River-Gulf Outlet, La.)–ENGCW–ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67–1866; Filed, Feb. 17, 1967; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—MAIL ADDRESSED TO MILITARY POST OFFICES OVERSEAS

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows and are effective upon publication in the FEDERAL REGISTER:

In Part 127, make the following changes:

A. Section 127.1 is revised to list the several categories of surface mail entitled to airlift service. As so revised it reads as follows:

§ 127.1 Preparation and handling.

(a) *Postage.* See § 135.2(b)(1) of this chapter for parcels sent by surface mail and § 136.2(c)(4) of this chapter for parcels sent by air.

(b) *Packaging requirements.* In addition to the packaging standards in Part 121 of this chapter and the specific requirements for items mailable under the special rules in Part 125 of this chapter, parcels addressed to overseas military post offices must be packaged in boxes or containers of metal, wood, or good quality fiberboard (at least 275 pounds test stock). Parcels containing mailable (nontoxic and nonflammable) gases, liquids, oils, paint, and substances which easily liquefy, must have sufficient absorbent material around the containers to take up contents in case of breakage.

(c) *Addressing.* See § 123.8 of this chapter.

(d) *Weight and size.* See § 135.3 of this chapter for parcels sent by surface mail and § 136.3 of this chapter for par-

cels sent by air, if there is no exception to the size and weight limitations listed in § 127.2.

(e) *Airlift mail.* (1) The following items of mail are given airlift service on a space available basis between overseas military post offices outside the 48 contiguous States, and between those military post offices and the point of embarkation or debarkation of such mail within the 48 States:

(i) First-class letter mail, including postal and post cards.

(ii) Sound recorded communications having the character of personal correspondence. See § 131.5(b) of this chapter for those mailed by certain servicemen. When postage is paid on these sound recordings, they must be marked by the mailer on the address side "Sound Recorded Personal Correspondence" to assure airlift service. Those mailed free under § 131.5(b) of this chapter must be marked only as required by that section.

(iii) Parcels of any class paid at surface postage rates not exceeding 5 pounds in weight and not exceeding 60 inches in length and girth combined. These parcels must be marked with the large letters SAM (surface airlift mail) on the address side, preferably below the postage and above the name of the addressee. Postal employees shall at time of acceptance place these letters on all such parcels.

(2) Second-class publications published once each week or more frequently and featuring principally current news of interest to members of the Armed Forces and the general public which are mailed at or addressed to any Armed Forces post office in Vietnam or contiguous waters will be given the airlift service prescribed in § 126.1(e)(1) of this chapter.

(f) *General prohibitions.* (1) The following items are nonmailable to, from, and between overseas military post offices:

(i) Matches of all kinds, lighter fluid, or lighters containing fluid.

(ii) Magnetic material shipped by air having sufficient magnetic field to cause appreciable deviation to a compass sensing device of an aircraft. This does not apply to surface shipments.

(iii) Radioactive matter, except that authorized in § 125.2(d) of this chapter.

(2) In conformance with Defense Department request, jewelry and watches having a value in excess of $10 may be accepted for mailing to overseas military post offices only when sent by registered mail, provided there is no specific prohibition against sending such items to the military post office of destination. (See § 127.2.)

NOTE: The corresponding Postal Manual section is 127.1.

§ 127.2 [Amended]

B. In § 127.2 make the following changes:

1. Paragraph (b) is deleted as the list of military post offices contained therein are no longer applicable for mailing purposes.

2. The title of paragraph (a) is deleted and the material contained therein is redesignated § 127.2, *Conditions prescribed by the Defense Department applicable to mail addressed to certain military post offices overseas.*

3. In § 127.2, *Conditions prescribed by the Defense Department applicable to mail addressed to certain military post offices overseas,* make the following changes:

a. Insert in proper numerical order the following post office numbers and their accompanying data:

Military post office number	*See footnotes*
96256	A-F
96257	A-F
96262	A-F
96269	A-F
96278	A-F
96279	A-F
96284	O
96368	A-F
96599	A-F

b. Amend the data opposite the following post office numbers to read:

Military post office number	*See footnotes*
09016	A-B-F-I
09133	A-B-F-I
09254	A-B-F-I
09289	A-B-F-I
09294	A-B-F-I
09324	A-B-F-I
09329	A-B-F-I
09338	A-B-F-I
09380	A-B-F-I
09663	A-B-F-I
09688	A-B-F-I

c. Delete post office number 09199 and its accompanying data.

d. Footnote B following the tabular material is revised to read:

B. Customs Declaration form required. Official mail from Government agencies or from contractors and addressed to a military organization for official use MUST NOT BEAR Customs Declaration, but must be indorsed "Contents for Official Use—Exempt from Customs Requirements."

*Articles will be liable for customs duty and/or purchase tax unless they are bona fide gifts, personal use intended for military personnel or their dependents. When the contents of a parcel meet these requirements, the mailer should place a certificate similar to the following on the customs form under the heading "Description of Contents" "Certified to be a bona fide gift, personal effects or items for personal use of military personnel and dependents thereto."

e. A new footnote P following the tabular material is added to read:

P. APO will be used for the receipt and dispatch of official register mail only.

NOTE: The corresponding Postal Manual section is 127.2.

As the foregoing revisions to §§ 127.1 and 127.2 merely update the present regulations on mailings to overseas military post offices and relate to a proprietary function of the Government, and do not affect substantive rights, advanced notice and public rule making procedures, as well as a delayed effective date are unnecessary and would be contrary to the public interest.

(5 U.S.C. 301, 39 U.S.C. 501, 505, 705, 706, 712)

TIMOTHY J. MAY,
General Counsel.

FEBRUARY 15, 1967.

[F.R. Doc. 67-1895; Filed, Feb. 17, 1967; 8:47 a.m.]

PART 224—TREATMENT OF INCOMING POSTAL UNION MAIL

PART 271—INQUIRIES AND COMPLAINTS

Miscellaneous Amendments

The regulations of the Post Office Department are amended as follows:

I. In § 224.4, paragraph (d)(4) is amended to eliminate reference to undeliverable Mexican mail. Such mail is no longer sent to dead letter branches but is returned to Mexico. As so amended, paragraph (d)(4) now reads:

§ 224.4 **Undeliverable articles.**

* * * * *

(d) *Disposal.* * * *

(4) Canadian articles of all classifications not covered by subparagraphs (1) and (2) of this paragraph and not bearing sender's name and address. These will be sent to the dead letter office for disposal.

* * * * *

NOTE: The corresponding Postal Manual section is 224.44d.

II. In § 271.5, paragraph (b) is amended and revised to show the updated procedures for reporting complaints of rifling, damage, delay, or wrong delivery of registered mail, parcel post, and insured parcels. As so revised paragraph (b) now reads:

§ 271.5 **Processing.**

* * * * *

(b) Mail exchanged with countries other than Canada—(1) *Registered mail*—(i) *Mailed in the United States*—(a) *Inquiries as to disposition or complaints of loss, rifling, damage, delay, or wrong delivery.* Report on Form 542. Insert particulars of dispatch from the office of mailing and send form to the postmaster at the appropriate adjusting exchange office shown in § 272.2(f) of this chapter, with the envelope or wrapper, if available.

(ii) *Mailed in United States*—(a) *Inquiries as to disposition or complaints of loss, rifling, damage, delay, or wrong delivery.* Report on Form 542 and send, with registry receipt, if available, to the postmaster at the appropriate adjusting exchange office shown in § 272.2(f) of this chapter, with the envelope or wrapper, if available. If the registry receipt is not available, ask the complainant to have inquiry made at the office of mailing.

(2) *Insured parcels*—(i) *Mailed in the United States*—(a) *Inquiries as to disposition (sender has no report of nonreceipt from addressee) and delay.* Report inquiries as to disposition on Form 542. Insert particulars of dispatch from

the office of mailing and send form to the postmaster at the appropriate adjusting exchange office shown in § 272.2 (f) of this chapter, with the wrapper, if available.

(b) *Complaints of loss (sender has report of nonreceipt from addressee), rifling, damage, or wrong delivery.* Report on Form 2855, and send, with the correspondence received by the sender from the addressee, and wrapper if available, to the postmaster at the appropriate adjusting exchange office shown in § 272.2(f) of this chapter.

(ii) *Mailed to United States—(a) Inquiries as to disposition and delay.* Report on Form 542 and send with the wrapper, if available, to the postmaster at the appropriate adjusting exchange office shown in § 272.2(f) of this chapter.

(b) *Complaints of loss, rifling, damage, or wrong delivery.* When complaint is made at the office of address, enter mailing particulars on Form 2855, complete declaration of postmaster—office of address portion—and obtain declaration of addressee. Forward form and any related papers, including cover, if available, to the postmaster at the appropriate adjusting exchange office shown in § 272.2(f) of this chapter.

(3) *Ordinary mail mailed in or to United States—(i) Inquiries as to disposition or complaints of loss, rifling, damage, delay, or wrong delivery.* Report on Form 542 (parcel post) and on Form 541 (postal union mail). Send forms to the postmaster at the appropriate adjusting exchange office shown in § 272.2(f) of this chapter with the envelope or wrapper, if available.

NOTE: The corresponding Postal Manual section is 271.52.

As the foregoing revisions to Parts 224 and 271 relate to a proprietary function of the Government and do not affect substantive rights public rule making procedures and advanced notice, as well as a delayed effective date are unnecessary and would be contrary to the public interest.

(5 U.S.C. 301, 39 U.S.C. 501, 505)

TIMOTHY J. MAY,
General Counsel.

FEBRUARY 15, 1967.

[F.R. Doc. 67-1901; Filed, Feb. 17, 1967; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 135—DISCONTINUANCE OR MATERIAL MODIFICATION OF SIGNAL SYSTEMS

Postponement of Effective Date

Applications under section 25, Part I, of the Interstate Commerce Act.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 14th day of February 1967.

Upon the request of the Association of American Railroads for reconsideration of the above-captioned order, published in 32 F.R. 927 on January 26, 1967, the effective date is extended to April 1, 1967.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-1923; Filed, Feb. 17, 1967; 8:51 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Lake Mason National Wildlife Refuge, Mont.

This amends 50 CFR 32.11 by adding Lake Mason National Wildlife Refuge, Mont., to the list of areas open to the hunting of migratory game birds.

Lake Mason Refuge was inadvertently omitted when Title 50 of the Code of Federal Regulations was rewritten in 1961. This amendment corrects that omission; therefore, notice and public procedure of this amendment are deemed unnecessary.

Section 32.11 is amended by adding the following area to the list of those where migratory game bird hunting is authorized:

§ 32.11 List of open areas; migratory game birds.

* * * * *

MONTANA

* * * * *

Lake Mason National Wildlife Refuge.

* * * * *

ABRAM V. TUNISON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

FEBRUARY 14, 1967.

[F.R. Doc. 67-1887; Filed, Feb. 17, 1967; 8:46 a.m]

Title 43—PUBLIC LANDS: INTERIOR

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

SUBCHAPTER A—GENERAL MANAGEMENT (1000)

[Circular No. 2222]

PART 1810—INTRODUCTION AND GENERAL GUIDANCE

Subpart 1815—Disaster Relief

The purpose of this amendment is to set forth the criteria and procedures for granting an extension of time, pursuant to the Disaster Relief Act of 1966 (80 Stat. 1316–1321), to the holder of any lease, license, permit, contract or entry, where a major disaster has impeded timely fulfilment of the requirements.

These rules involve matters relating to public property and are not required by law to be published as proposed rule making. Although this Department customarily gives such notice and follows public procedures thereon, that practice is deemed unnecessary in this case because the amendments represent grants of privileges in the nature of relief, and provide procedures to apply for that relief. Accordingly, this amendment shall become effective on the date of publication in the FEDERAL REGISTER.

A new subpart is added to Part 1810, to read as follows:

Subpart 1815—Disaster Relief

Sec.
1815.0–5 Definitions.
1815.1 Extensions of time in public land matters.
1815.1–1 Authority.
1815.1–2 Application for relief.
1815.1–3 Requirements for relief.
1815.1–4 Length of extension of time.

AUTHORITY: The provisions of this Subpart 1815 issued under secs. 2, 11, 80 Stat. 1316, 1321; 42 U.S.C. 1855aa, 1855gg.

§ 1815.0–5 Definitions.

(a) *Major disaster.* As defined in section 2 of the Disaster Relief Act of 1966 (80 Stat. 1316), hereinafter called "the Act," "major disaster" means any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe in any part of the United States which, in the determination of the President, is or threatens to be of sufficient severity and magnitude warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States and local governments in alleviating the damage, hardship, or suffering caused thereby, and respecting which the governor of any State (or the Board of Commissioners of the District of Columbia) in which such catastrophe may occur or threaten certifies the need for disaster assistance and shall give assurance of expenditure of a reasonable amount of the funds of the government of such State, local governments therein, or other agencies, for the same or similar purposes with respect to such catastrophe.

§ 1815.1 Extensions of time in public land matters.

§ 1815.1–1 Authority.

Section 11 of the Act (80 Stat. 1321) authorizes the Secretary of the Interior to grant an extension of time to the holder of any lease, license, permit, contract, or entry on lands administered by the Bureau of Land Management where a major disaster has impeded timely fulfilment of requirements and where rights of other parties will not be prejudiced by such relief.

§ 1815.1–2 Application for relief.

(a) *Place of filing.* The application shall be filed in the proper land office (see § 1821.2–1 of this chapter).

(b) *Fees.* Application for an extension of time under this subpart must be accompanied by a nonrefundable service fee of $10.

(c) *Form of application.* No special form of application is required.

(d) *Contents of application.* An application for relief under this subpart shall state:

(1) The law under which the lease, license, permit, contract, or entry was issued.

(2) The date of issuance and any other identification number.

(3) The extent to which requirements had been fulfilled prior to the disaster.

(4) The nature of the disaster.

(5) The effect of the disaster on performance under the lease, license, permit, contract, or entry.

(6) An estimate of the time which will be needed to overcome the delay in performance caused by the disaster.

(7) Steps taken or to be taken to overcome the effects of the disaster and to assure that an extension of time will permit completion of performance.

§ 1815.1–3 Requirements for relief.

The authorized officer may grant relief where the following conditions are met:

(a) The obligations or work required by the lease, license, permit, contract, or entry were prosecuted timely and with due diligence up to the time of the occurrence of the disaster;

(b) The disaster which impeded prosecution of the work was a major disaster as defined in section 2 of the Act (80 Stat. 1316).

(c) The granting of relief by an extension of time will not prejudice the rights of other parties; and

(d) The granting of relief by an extension of time will not adversely affect the public interest.

§ 1815.1–4 Length of extension of time.

(a) The length of extension of time granted will be determined by the circumstances in each case. Consideration will be given to the condition in which the disaster left the applicant or the land involved, and sufficient time will be given to allow the applicant to fulfill the requirements of his lease, license, permit, contract, or entry.

CHARLES F. LUCE,
Under Secretary of the Interior.

FEBRUARY 14, 1967.

[F.R. Doc. 67–1892; Filed, Feb. 17, 1967; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 52]

TRIBES ORGANIZED UNDER SECTION 16 OF INDIAN REORGANIZATION ACT

Registration for Voting on Constitutions and Bylaws

Basis and Purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 22; 25 U.S.C. 2 and 9), and the Act of June 18, 1934 (48 Stat. 984), it is proposed to amend Part 52, Chapter I, Title 25 of the Code of Federal Regulations as set forth below.

The purpose of the amendments is to provide for the registration of Indians eligible to participate in elections called by the Secretary of the Interior to adopt or to amend constitutions and bylaws pursuant to the Indian Reorganization Act in order to facilitate compliance with the statutory requirement that no less than 30 percent of those entitled to vote must participate to validate such elections.

To further facilities participation, the requirement that absentee voters subscribe to an affidavit is discontinued in favor of their subscribing to a certificate before two witnesses.

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

The proposed amendments are specified as follows:

1. Section 52.5 is amended to read as follows:

§ 52.5 Request to call election.

The Secretary will authorize the calling of an election on adoption of a constitution and bylaws upon request by the tribal governing body or an authorized representative committee or upon petition filed by at least one-third of the adult members of the group. An election on the adoption of amendments to the constitution and bylaws shall be authorized by the Secretary when requested as provided in the amendment article of the constitution and bylaws; however, the election shall be conducted in the manner prescribed in the rules and regulations in this part. The Secretary may propose amendments to the constitution for consideration at Secretarial elections, unless the constitution and bylaws for Secretarial elections provides otherwise. Any authorization not acted upon within ninety (90) days from the date of issuance will be considered void.

2. The heading and text of § 52.6 are amended to read as follows:

§ 52.6 Entitlement to vote.

(a) If the unorganized group is a tribe or tribes of a reservation:

(1) Any adult member regardless of residence shall be entitled to vote: *Provided*, He has duly registered.

(2) Duly registered adult nonresidents or ill or physically disabled registered members may vote by absentee ballot. See § 52.17.

(b) If the unorganized group is composed of the adult Indian residents of a reservation:

(1) Any adult Indian resident shall be entitled to vote: *Provided*, He has duly registered.

(2) Absentee voting shall be permitted for duly registered residents temporarily absent from the reservation, ill, or physically disabled.

(c) For organized tribes voting in elections for amendments of the constitution and bylaws, only eligible voters who have duly registered are entitled to vote, i.e., if the group was organized as a tribe, absentee balloting is permitted, but if the group was organized as residents of a reservation, absentee balloting will not be permitted except as provided in paragraph (b) (2) of this section.

3. In § 52.8, that part of paragraph (b) which runs through (1) is amended to read as follows:

§ 52.8 Election Board.

* * * * *

(b) It shall be the duty of the board to conduct elections in compliance with the procedures described in this Part 52 and in particular, (1) to see that the name of each person offering to vote is on the official list of registered voters; * * *

4. A new section to be designated 52.10a *Registration*, is added to the Table of Contents and to the body of the regulations, to read as follows:

§ 52.10a Registration.

The Election Board upon receipt of authorization to conduct an election shall notify by registered mail, return receipt requested, all adult Indians of the tribe, who to its knowledge are not living on the reservation, of the need to register if they intend to vote. Any Indian who will become twenty-one (21) years of age within ninety (90) days from the date of authorization shall also be notified and shall be eligible to register: *Provided*, He shall not be entitled to vote should election day fall before his 21st birthday. Such notice shall be sent to an individual's last known address as it may appear on the records of the local unit of the Bureau of Indian Affairs having jurisdiction. It shall be accompanied by an appropriate preaddressed registration form which shall provide space for at least the name and address of the person desiring to register and for attesting that he or she is a tribal member either twenty-one (21) years of age or over, or will be within ninety (90) days from the date of authorization. Such nonresident who wishes to participate in the election must complete and return the registration form before or in conjunction with requesting an absentee ballot. Indians living on the reservation who desire to vote must register with the Election Board as it shall determine in sufficient time to permit compliance with § 52.11.

5. Section 52.11 is amended to read as follows:

§ 52.11 Voting list.

The Election Board shall compile in alphabetical order an official list of registered voters, arranged by voting districts, if any, of the members of the tribe who are or will have attained the age of twenty-one (21) years within ninety (90) days from the date the election is authorized and who have duly registered to vote. A copy of this list shall be supplied to each District Election Board and also posted at the headquarters of the local administrative unit of the Bureau of Indian Affairs and at various public places designated by the Election Board throughout the reservation at least 20 days prior to the election.

6. In § 52.12, the first sentence is amended to read as follows:

§ 52.12 Eligibility disputes.

The Election Board shall determine any written claim to vote presented to it by one whose name does not appear on the official list of registered voters as well as any written challenge of the right to vote of anyone whose name is on the list, and its decision shall be final. * * *

7. In § 52.13, that part which runs through the first five sentences is amended to read as follows:

§ 52.13 Election notices.

Not less than twenty (20) nor more than sixty (60) days' notice shall be given of an election unless otherwise authorized by the Secretary. If an election is called upon less than twenty (20) days' notice, registered absentee voters shall nevertheless be allowed twenty (20) days from the giving of such notice for the Election Board to receive their ballots. In such an election the posting of the official list of registered voters shall coincide with the giving of such notice. The Election Board shall determine whether the notice shall be given by television, radio, newspaper, poster, or mail,

or by one or more of these methods, and whether in an Indian language in addition to English. A copy of any written election notice may be mailed to each registered voter and posted at the local administrative unit of the Bureau of Indian Affairs and elsewhere as directed by the Election Board. * * *

8. Section 52.17 is amended in its entirety to read as follows:

§ 52.17 Absentee voting.

Nonresident members who have registered may vote by absentee ballot except as prohibited by § 52.6(c). Also, whenever due to temporary absence from the reservation, illness, or physical disability a registered eligible voter is not able to vote at the polls and duly causes the Election Board to be notified thereof, he shall be entitled to vote by absentee ballot. The Election Board shall give or mail ballots for absentee voting to registered voters upon request in sufficient time to permit the voter to execute and return same on or before the date of the election or within the time allowed by the Election Board. Together with the ballot there shall be an inner envelope bearing on the outside the words "Absentee Ballot," a preaddressed outer envelope, and a certificate in form as follows:

I, _____, hereby certify that I am a member of the _____ Tribe of Indians; that I will be 21 years of age or over at the election date and am entitled to vote in the election to be held on (date of election); and that I cannot appear at the polling place on the reservation on the date of the election because (Indicate one of the following reasons) I expect to be absent from the reservation ☐ or because of illness ☐ or physical disability ☐. I further certify that I marked the enclosed ballot in secret.[1]

Signed _____
(Voter)

Subscribed and certified before us this _____ day of _____ 19 _____; and we hereby certify that we are of adult age; that the voter exhibited the ballot to us unmarked; that he then in our presence and in the presence of no other person, and in such manner that we could not see his vote, marked such ballot and enclosed and sealed the same in the envelope marked "Absentee Ballot".[1]

_____
Witness
_____
Address
_____
Witness
_____
Address

The voter shall in the presence of two witnesses of adult age, and of no other person, mark such ballot but in such manner that such witnesses cannot know how the ballot was marked, and the ballot shall then in the presence of such witnesses be folded so as to conceal the marking, and be, in the presence of such witnesses, placed in the envelope marked "Absentee Ballot" and the envelope sealed. The voter shall then execute and subscribe the certificate before such witnesses. He shall then place the sealed envelope marked "Absentee Ballot" together with the certificate in the outer envelope, and mail it or have it delivered. The preaddressed outer envelope shall be directed to the Election Board at the reservation. Absentee ballots must be received by the Election Board not later than the close of the polls on election day, except as covered by § 52.13. The Election Board shall make and keep a record of ballots mailed, to whom mailed, the date of mailing, the address on the envelope, the date of the return of such ballot, and from whom received, and shall count and register all such votes after all other ballots have been counted and include them in the results of the election.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

FEBRUARY 14, 1967.

[F.R. Doc. 67-1890; Filed, Feb. 17, 1967; 8:47 a.m.]

[1] Criminal penalties are provided by statute for knowingly filing false information in such statements. 18 U.S.C. 1001.

[25 CFR Part 53]

TRIBES ORGANIZED UNDER SECTION 16 OF INDIAN REORGANIZATION ACT AND OTHER ORGANIZED TRIBES

Petitions Requesting Elections To Amend Tribal Constitutions

Basis and Purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 22; 25 U.S.C. 2 and 9), and the Act of June 18, 1934 (48 Stat. 984), it is proposed to add a new Part 53 to Title 25, Code of Federal Regulations, as set forth below. The purpose of this part is to establish regulations and provide policies and procedures for the uniform formulation and submission of petitions initiated by tribal members pursuant to constitutional provisions requesting either the Secretary of the Interior or the Commissioner of Indian Affairs to call elections to amend tribal constitutions when such documents so provide.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Interested parties may submit written comments, suggestions, or objections, with respect to the proposed new part, to the Bureau of Indian Affairs, Washington, D.C., within thirty (30) days of the date of publication of this notice in the FEDERAL REGISTER.

Part 53, Chapter I, Title 25 of the Code of Federal Regulations reads as follows:

Sec.
53.1 Definitions.
53.2 Purpose and scope.
53.3 Applicability to tribal groups.
53.4 Petition format.
53.5 Notarization of petition signatures.
53.6 Filing of petitions.
53.7 Challenges.
53.8 Action on the petition.

AUTHORITY: The provisions of this Part 53 issued under 5 U.S.C. 22 and 25 U.S.C. 2 and 9; and 25 U.S.C. 476.

§ 53.1 Definitions.

As used in this Part 53:

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Commissioner" means the Commissioner of Indian Affairs or his authorized representative.

(c) "Local Bureau Official" means the Superintendent, Field Representative or other line officer of the Bureau of Indian Affairs who has local administrative jurisdiction over the tribe concerned.

(d) "Bureau" means the Bureau of Indian Affairs.

(e) "Tribe" means any recognized Indian, Eskimo, or Aleut tribe, organized band, pueblo, or community which is subject to the jurisdiction of the Bureau of Indian Affairs and which has adopted a constitution approved by the Commissioner or the Secretary.

(f) "Spokesman for the petitioner" means the authorized voter of a tribe initiating a petition or designated by the initiators of a petition to speak in their behalf.

(g) "Constitution" means the organizational framework of any organized tribe for the exercise of governmental powers.

§ 53.2 Purpose and scope.

The purpose of this part is to provide uniformity and order in the formulation and submission of petitions requesting the Secretary or the Commissioner to call elections to amend tribal constitutions as such documents may provide.

§ 53.3 Applicability to tribal groups.

The regulations, policies, and procedures set forth in this part apply to any tribe which provides through its constitution for the Secretary or the Commissioner to call elections to amend tribal constitutions upon filing a petition signed by a stipulated percentage or number of tribal members who are authorized voters under the constitution of the tribe involved.

§ 53.4 Petition format.

Petitions may consist of as many pages as are necessary to accommodate the signatures of the petitioners. However, each sheet of a petition must set forth the purpose of that petition and must show the date upon which the petition was signed by each individual, as well as the current mailing address of each signer.

§ 53.5 Notarization of petition signatures.

Signatures to a petition must be authenticated in one of the following ways: (a) Through having each signer subscribe or acknowledge his signature before a notary public; (b) through having the collector of signatures appear before a notary and sign, in his presence on each sheet of the petition, a statement attesting that the signatures were affixed on the dates shown and by the individuals whose names appear thereon.

§ 53.6 Filing of petitions.

All petitions submitted pursuant to this section must be filed with the local

Bureau official responsible for administering the tribe's affairs. No petitions will be accepted until a spokesman for the petitioners declares that he wishes to make an official filing. Once a declaration of official filing is made and the petition is given to the local Bureau official, that official shall immediately designate thereon the date of receipt and shall inform the spokesman for the petitioners that no additional signatures may be added and that no withdrawal of signatures will be subsequently permitted. The local Bureau official shall also acknowledge in writing his receipt of the petition, indicating the exact number of signatures which are attached. Upon this written acknowledgment of the petition, the local Bureau official shall publicly post at the local Bureau unit serving the tribe the matter proposed in the petition, which shall remain posted for a period of thirty (30) days.

§ 53.7 **Challenges.**

Once an official filing has been made, the local Bureau official shall have copies made of the petition and its signatures, and shall keep these copies at the agency or field office for fifteen (15) days, during which time they shall be available for examination by authorized voters of the tribe upon request. During this 15-day period challenges of signatures may be filed with the local Bureau official. Challenges will be considered on the following grounds: (a) Forgery of signatures; (b) lack of proper qualifications of a signer. No challenge will be considered which is not accompanied by supporting evidence in writing.

§ 53.8 **Action on the petition.**

Within thirty (30) days after the official filing date, the local Bureau official shall forward to the Commissioner through the Area Director, or directly to the Commissioner in the case of a tribe not under the administrative jurisdiction of an Area Director, the original of the petition and its accompanying signatures, together with his recommendations concerning challenges, and his conclusions concerning (a) the validity of the signatures; (b) the adequacy of the number of signatures; (c) the propriety of the petitioning procedure. The Commissioner shall within forty-five (45) days after the official filing date, decide each challenge and the sufficiency of the petition and announce whether an election shall be called. In the event he decides that the petitioning action for any reason is insufficient for the calling of an election, he shall inform the spokesman for the petitioners and the governing body of the tribe of that fact and the basis of his decision; in the event he decides that the petitioning action does warrant the calling of an election, he shall so inform the spokesman for the petitioners and the governing body of the tribe concerned. His decision in such matters shall be final. The procedures for conducting the election, as well as the date for the election, will be determined in accordance with pertinent directives.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

FEBRUARY 14, 1967.

[F.R. Doc. 67-1891; Filed, Feb. 17, 1967; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 7958]

AIRWORTHINESS DIRECTIVES

Ratier-Figeac Model FH 76-1 Propellers

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Ratier-Figeac Model FH 76-1 propellers. Recent service experience has shown that as a result of increasing the diameter of the central bore of the pitch change reduction gear housing, P/N 76-300-01, the housing thickness at the rear edge of the bore was considerably reduced, resulting in cracks starting from the rear edge of the central bore. Since this condition is likely to exist or develop in other propellers of the same design, the proposed AD would require rework of the housing in accordance with the applicable Service Bulletin.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before March 20, 1967, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

RATIER-FIGEAC. Applies to Model FH 76-1 propellers installed on Pilatus PC-6 Series airplanes.

Compliance required within the next 200 hours' time in service after the effective date of this AD, unless already accomplished, or previously modified by Ratier Figeac (Amendment No. 1018).

To prevent failure of the magnesium pitch change reduction gear housing, P/N 76-300-01, rework the housing in accordance with Ratier Figeac Service Bulletin 61-44, dated December 1966, or later SGAC-approved revision.

Issued in Washington, D.C., on February 9, 1967.

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

[F.R. Doc. 67-1874; Filed, Feb. 17, 1967; 8:45 a.m.]

[14 CFR Part 39]

[Docket No. 67-SO-17]

AIRWORTHINESS DIRECTIVES

Lockheed Model 382 and 382B Series Airplanes

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Lockheed Model 382 and 382B airplanes. There have been cracks in the aft vertical flange of the engine mount truss assemblies on Lockheed Military C-130 series airplane that could result in failure of the truss assembly. Since this condition is likely to exist or develop in other airplanes of the same type design, this proposed airworthiness directive will require inspection of engine mount truss assemblies for cracks and replacement as necessary on Lockheed Model 382 and 382B airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the Regional Counsel, Attention: Rules Docket, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing dates for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

LOCKHEED. Applies to Model 382 and 382B Airplanes.

Compliance required as indicated.

Lockheed Military C-130 series airplanes have experienced a number of stress corrosion cracks in the aft vertical flange of the engine mount truss assemblies. To detect cracking of identical engine mount truss assemblies, P/N's 360013-1, 360014-1, 360015-1, 360016-1, 360017-1, and 360018-1 on Model 382 and 382B series airplanes, accomplish the following:

(a) For airplanes with 2,350 or more hours' total time in service on the effective date of this AD comply with paragraph (c)

within the next 50 hours' time in service, and thereafter at intervals not to exceed 600 hours' time in service from the last inspection.

(b) For airplanes with less than 2,350 hours' total time in service on the effective date of this AD comply with paragraph (c) before the accumulation of 2,400 hours' total time in service, and thereafter at intervals not to exceed 600 hours' time in service from the last inspection.

(c) Inspect all eight affected engine mount truss assemblies in accordance with the tooling and inspection instructions given in Lockheed-Georgia Service Bulletin 82-153 dated December 1, 1966, Section 1f and 2a through 2e, respectively, or later FAA approved revision, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region.

(1) Cracked parts shall be replaced with new parts having the same part number, or with the applicable updated part listed in section 2g of Lockheed-Georgia Service Bulletin 82-153 dated December 1, 1966, or later FAA approved revision. Replacement truss assemblies shall be installed according to the replacement instructions given in section 2h through 2aa in the above Service Bulletin, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

(2) Replacement of cracked trusses shall be accomplished before further flight, except that one flight may be made for the purpose of obtaining the necessary replacements in accordance with the provisions of FAR 21.197.

(d) When a particular truss assembly is replaced with the applicable updated part specified in section 2g of Lockheed-Georgia Service Bulletin 82-153 dated December 1, 1966, or later FAA approved revision, the repetitive inspection of that truss as required by this AD may be discontinued.

Lockheed-Georgia Service Bulletin 82-153, dated December 1, 1966, covers this same subject.

Issued in East Point, Ga., on February 8, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-1875; Filed, Feb. 17, 1967; 8:45 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 540]

[Docket No. 66-67]

SECURITY FOR PROTECTION OF THE PUBLIC

Request for Additional Comments

The phrase "working capital and net worth required above will be available to cover suits in the United States" appears in § 540.5(d), Subpart A, of the proposed rules published by the Commission on December 13, 1966; the phrase "Any securities or assets accepted by the Commission under the rules of this subpart must be available in the United States" appears in § 540.9(e) of those rules; the phrase "working capital and net worth required above will be available to cover suits in the United States" appears in § 540.24(c) of Subpart B of the proposed rules published by the Commission on December 24, 1966; and the phrase "Any securities or assets accepted by the Commission under the rules of this subpart must be available to satisfy judgments in the United States" appears in § 540.26(d) of Subpart B.

Questions have arisen as to whether the above require that assets or securities of carriers, insurers, guarantors, and others, must, in order to qualify under the rules, be located in the United States.

Therefore, the Commission requests additional comments on:

(1) Why it should not require that assets accepted under the rules be located in the United States.

(2) If the Commission should so require, should all such assets be located in the United States.

(3) If not all, the method by which the amount of assets in the United States should be determined; that is, whether the amounts should be equal to the amount of financial responsibility under the rules or should be in an amount less than that total.

(4) What arrangements can be made to accomplish the above.

(5) The probable cost of such arrangements.

(6) Whether you presently have assets located in the United States.

(7) If so, the amount, nature and purpose of such assets.

(8) Whether these can be used for the purpose of these rules.

Because the statutory deadline (May 5, 1967) applicable to the nonperformance rules (Subpart A) is earlier than that applicable to the casualty rules (Subpart B) the Commission intends to publish the final rules concerning nonperformance on or before March 14, 1967, and the rules concerning casualty will be published some time thereafter.

Therefore, comments concerning the above questions should be confined to the nonperformance rules (Docket 66-67) and must be received by the Commission by close of business February 27, 1967.

Because of the statutory deadline of May 5, 1967, carriers are urged to submit applications to the Commission as early as possible in order to assure that certificates are issued in advance of that deadline. Carriers wishing to file applications at this time may use the application form attached to Hearing Counsel's reply to comments dated January 25, 1967, and should include on the application form the date of the first sailing after May 5, 1967. Requests for such forms should be addressed to the Secretary, Federal Maritime Commission, 1321 H Street NW., Washington, D.C. 20573.

Comments shall be submitted to the Secretary, Federal Maritime Commission, 1321 H Street NW., Washington, D.C. 20573, in an original and 15 copies. Requests for extensions of time for filing comments will not be granted. Oral argument will not be heard.

By the Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-1941; Filed, Feb. 17, 1967; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1034]

[Docket No. AO 175-A25]

MILK IN DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Dayton, Ohio, on January 10-12, 1967, pursuant to notice thereof issued on December 14, 1966 (31 F.R. 16204).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Program on February 2, 1967 (32 F.R. 2573; F.R. Doc. 67-1434) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

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

1. Equivalent prices;
2. Expanding the marketing area;
3. Milk to be priced and pooled;
4. Classification and allocation;
5. Class prices and location differentials; and
6. Revising and reissuing the entire order and incorporating a number of other clarifying and conforming changes in the administrative provisions of the order.

This decision covers only issue No. 1, with respect to the addition of an "equivalent prices" provision to the order. Other issues of the hearing will be considered in a further decision.

1. *Equivalent prices.* An "equivalent prices" provision should be incorporated in the order.

Producer representatives requesting the addition of this provision expressed concern over the limited number of prices being reported recently for roller process nonfat dry milk (for human consumption) on the Chicago market. They expect no increase in the number of such reported prices for roller process nonfat dry milk. Rather they expect that in the very near future there will be insufficient transactions on the market to make price reporting with respect to this product possible.

Such roller process nonfat dry milk prices are an integral part of the Class II pricing formula of the order. If no price quotation were available and no appropriate substitute provided, there would be a substantial but unwarranted decrease in the Class II price. It is for this reason that the association requested

immediate action to incorporate an "equivalent prices" provision in the present order pending consideration of a new formula for pricing Class II milk and an enlargement of the order pricing scheme to apply throughout a proposed expanded marketing area.

There have been previous instances when price quotations used for pricing purposes under Federal orders have been discontinued or otherwise have become nonexistent. Provisions have been incorporated in most orders to meet such emergency situations and thus make it possible for the market administrator to compute formula prices. In such cases, the Secretary determines and publishes a price equivalent to the price quotation specified by the order.

Some provision of this type is necessary to meet such situations since normally there could be little or no advance notice of the occurrence. Consequently, the required administrative procedure involved might not permit timely consideration and issuance of an order amendment. The proposed provision would remove uncertainty as to the procedure to be followed in the absence of any price quotation specified in the order and thus would prevent unnecessary interruption in the operation of the order and its important pricing function.

Rulings on proposed findings and conclusions. The period from the close of the hearing through January 23, 1967, was allowed for the filing of briefs. None were filed.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. No exceptions were filed on behalf of interested parties.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Dayton-Springfield, Ohio, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Dayton-Springfield, Ohio, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of December 1966 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Dayton-Springfield, Ohio marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on February 15, 1967.

JOHN A. SCHNITTKER,
Under Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Dayton-Springfield, Ohio, Marketing Area

§ 1034.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* 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), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Dayton-Springfield, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Program on February 2, 1967, and published in the FEDERAL REGISTER on February 7, 1967 (32 F.R. 2573; F.R. Doc. 67-1434) shall be and are the terms and provisions of this order and are set forth in full herein.

A new § 1034.55 is added to read as follows:

§ 1034.55 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

[F.R. Doc. 67-1898; Filed, Feb. 17, 1967; 8:48 a.m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority 66]

DEPUTY U.S. COORDINATOR OF THE ALLIANCE FOR PROGRESS

Delegation of Authority Regarding Certain Investment Guaranties

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, from the Secretary of State, dated November 3, 1961 (26 F.R. 10608), I hereby delegate to the Deputy U.S. Coordinator of the Alliance for Progress authority to execute and issue, and to take all appropriate action with respect to, the proposed guaranties under section 221(b)(2) of the Foreign Assistance Act of 1961, as amended, covering up to $17,751,000 in principal amount of Notes to be isused by Ultrafertil, S.A.—Industria e Comercio de Fertilizantes, a Brazilian corporation. The authority delegated herein may be successively redelegated.

This delegation of authority shall be effective upon publication in the FEDERAL REGISTER.

Dated: January 27, 1967.

WILLIAM S. GAUD,
Administrator.

[F.R. Doc. 67-1902; Filed, Feb. 17, 1967; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

IMPORTATION OF HUMAN HAIR ITEMS FROM SPAIN

Requirement for License or Certificate of Origin

Notice is hereby given that effective February 23, 1967, Customs will detain wigs and other human hair products imported from Spain unless either a Foreign Assets Control license or a certificate of origin appropriate for Foreign Assets Control purposes is presented.

Appropriate certificates of origin are not presently available with respect to the importation of wigs and other human hair products from Spain. Announcement will be made in the FEDERAL REGISTER when such certificates become available.

Wigs and other human hair products from Spain will be denied unlicensed entry into the United States pursuant to the November 10, 1965 amendment to Appendix (12) of § 500.204 of the Foreign Assets Control Regulations because it has now been determined that substantial quantities of Asiatic hair are being used in the production of wigs and other hair products sent to the United States from Spain. Unlicensed purchase and importation of such hair products have been prohibited since November 10, 1965.

[SEAL] MARGARET W. SCHWARTZ,
Director,
Office of Foreign Assets Control.

[F.R. Doc. 67-1945; Filed, Feb. 17, 1967; 8:51 a.m.]

Office of the Secretary

[Treasury Dept. Order 145 (Rev. 3)]

BUREAU CHIEFS AND COAST GUARD COMMANDANT

Delegation of Functions

By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950, the following delegation of functions is hereby made:

1. To the head of each bureau:

(a) The functions authorized by 28 U.S.C. 2672, to consider, ascertain, adjust, determine, compromise, settle, and pay or transmit for payment claims for money damages for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the bureau concerned; and

(b) The functions authorized by the Act of December 28, 1922, 42 Stat. 1066, to consider, ascertain, adjust, and determine claims.

2. To the Commandant, U.S. Coast Guard:

(a) The functions authorized by 14 U.S.C. 645, to consider, adjust, determine, settle, and pay in an amount not in excess of $1,000, claims incident to activities of the Coast Guard, and to prescribe regulations pertaining thereto;

(b) The functions authorized by 14 U.S.C. 646, to consider, ascertain, adjust, compromise, settle, and pay claims for damages caused by vessels in the Coast Guard service, and for compensation for towage and salvage services, where the settlement of any such claim does not exceed $3,000; and

(c) The functions authorized by 14 U.S.C. 647, to consider, ascertain, adjust, determine, compromise, or settle claims for damages to property of the United States, where the settlement of any such claim does not exceed $3,000.

The authority herein delegated to the heads of bureaus and to the Commandant of the Coast Guard may be redelegated by them to any officer or employee of their respective bureaus.

Dated: February 13, 1967.

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

[F.R. Doc. 67-1909; Filed, Feb. 17, 1967; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

Notice of Termination of Proposed Classification of Public Lands

The notice of proposed classification of public lands appearing as F.R. Doc. 66-7973, in the issue of July 22, 1966 (31 F.R. 10000-10002), is hereby terminated in so far as it relates to the following described lands:

MOUNT DIABLO MERIDIAN

T. 17 S., R. 21 E.,
Sec. 33, lot 4.

The area aggregates approximately 39.83 acres.

JOHN O. CROW,
Associate Director.

FEBRUARY 14, 1967.

[F.R. Doc. 67-1893; Filed, Feb. 17, 1967; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17780]

BANKERS DISPATCH CORP. ET AL.

Notice of Proposed Approval

Application of Bankers Dispatch Corp. et al. for approval of control and interlocking relationships pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended; Docket 17780.

Notice is hereby given, pursuant to the statutory requirements of section 408(b), that the undersigned intends to issue the order set forth below under delegated authority. Interested parties are hereby afforded a period of 15 days from the date of service within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., February 14, 1967.

[SEAL] A. M. ANDREWS,
Deputy Director,
Bureau of Operating Rights.

ORDER APPROVING CONTROL RELATIONSHIPS

Issued under delegated authority.

Application of Bankers Dispatch Corp. et al., Docket 17780; for approval of control and interlocking relationships under sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

Bankers Dispatch Corp. (Bankers) has filed an application requesting approval, without hearing, under section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), of its common control of International Air Courier, Inc. (IAC), an applicant for domestic and international air freight forwarding authority, and certain other companies.[1] Most of the latter are motor carriers engaged in

[1] The application was filed on Sept. 30, 1966, and amended on November 3.

the movement of bank and business documents and data processing materials. The activities of the other companies controlled by Bankers involve a mobile check-cashing service, the leasing of motor vehicles to the affiliated motor carriers, and the operation of aircraft for the carriage of personnel and property of the affiliated companies. The latter activity is conducted through Mid America Air-Trans, Inc., which owns and operates two executive-type aircraft.[2] Applicants state that such operations are nonrevenue producing, that no operating authority has been requested or received from the Federal Aviation Agency,[2a] and that it was never the intent or business purpose of Mid America "to perform for-hire transportation service for the general public and it has never done so."

Approval is also sought for interlocking relationships among the various companies.

The foregoing companies and relationships are identified in the appendix hereto.[2b]

Applicants state that all but one of the motor carrier subsidiaries of Bankers are engaged in intrastate operations only, e.g., the transportation of mail in the Chicago commercial zone, operation of an armored car courier service in the State of Wisconsin, etc. The exception, B.D.C. Corp (Illinois) also conducts operations within certain States but, in addition, is authorized by the Interstate Commerce Commission (ICC) to provide certain interstate services. The latter services include the transportation of documents between Federal Reserve Banks (and branches thereof) in particular cities[4] and county or local private banks in outlying communities.[5] This traffic, according to applicants, was shipped by U.S. mail prior to the inauguration of B.D.C.'s service. The time element involved dictates, however, that such transportation be limited to a 300-400-mile radius of the Federal Reserve Bank, or branch. It is further limited by the geographical areas which the carrier is authorized to serve.

It is understood that B.D.C. does not provide ground transportation between Federal Reserve Banks (including their branches), e.g., between Chicago and New York, and that it is this traffic which IAC proposes to handle. Such traffic, applicants note, now moves by air mail or air express.

Applicants believe, on the basis of experience with Federal Reserve Banks, that the existing service does not offer the integrated door-to-door ground and air service adapted to the needs of these banks and to those of other shippers with similar requirements. Such a service, they feel, can be offered with the establishment of IAC. By the same token, it is applicant's view that the proposed service of IAC would not be competitive with that of other affiliates, and that "no risk of diversion exists because of the short distances traveled by the affiliates due to the time exigencies of the business."

No comments relative to the application or requests for a hearing have been received.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the foregoing, it is concluded that, for the purpose of this proceeding, IAC is an air carrier; that the motor carriers listed in the appendix are common carriers; that Mid America is a person engaged in a phase of aeronautics, all within the meaning of section 408(a) of the Act, and that the control of these companies by Bankers is subject to that section.[6] However, it has been further concluded that such relationships do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly and do not restrain competition. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing.

The relationships between Bankers and its subsidiary motor carriers and IAC warrant approval. The Board previously has approved control and interlocking relationships between air freight forwarders and motor carriers where the operations of the latter were intrastate in nature. These decisions have been based essentially on the conclusion that the short-haul service of the motor carrier vis-a-vis the activities of an air forwarder did not present conflicts of interest detrimental to the forwarder.[7] Such conclusion seems equally applicable to the intrastate carriers involved in this case. Similarly, it is not apparent that a different situation will obtain so far as the relationships involve B.D.C. (Illinois), bearing in mind the limited commodities it is authorized to carry and the specialized nature of its operations.[8] On the other hand, should the general character of that company alter in any significant respect through expansion of operations, new issues may be raised which could only be resolved upon the filing of a further application in the matter. Finally, based on representations in the application, it does not appear that relationships between IAC and Mid America present a substantive problem.

We also find that interlocking relationships within the scope of section 409(a) of the Act will result from the holding by the individual applicants of the positions described in the appendix. However, we have concluded that such relationships come within the scope of the exemption from the provisions of section 409 afforded by § 287.2 of the Board's Economic Regulations. Thus, to the extent that the application requests approval of the relationships, it will be dismissed.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.13 and 385.3, it is found that the foregoing control relationships should be approved under section 408(b) of the Act without a hearing, and that the application, to the extent that it requests approval of interlocking relationships, should be dismissed.

Accordingly, it is ordered:

1. That the control by Bankers of IAC, Mid America, and the motor carriers identified in the appendix be and it hereby is approved; and

2. That, to the extent not granted, the application be and it hereby is dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

By: J. W. Rosenthal,
Director,
Bureau of Operating Rights.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-1912; Filed, Feb. 17, 1967; 8:49 a.m.]

[Docket No. 18016]

MARTIN'S LUCHTVERVOER MAATSCHAPPIJ N.V. (MARTIN'S AIR CHARTER CO.)

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on March 7, 1967, at 10 a.m., local time, in Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., February 13, 1967.

[SEAL] WALTER W. BRYAN,
Hearing Examiner.

[F.R. Doc. 67-1913; Filed, Feb. 17, 1967; 8:50 a.m.]

[Docket No. 17951]

WESTERN-PACIFIC NORTHERN MERGER

Notice of Hearing

In the matter of the application of Western Airlines, Inc., and Pacific Northern Airlines, Inc., for approval of merger.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204, 401(h), 408, and 412 thereof, that the above-entitled proceeding is hereby assigned for hearing on March 6, 1967, at 10 a.m., in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Ralph L. Wiser.

Without limiting the scope of the issues raised by the pleadings in this pro-

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[2] One of these aircraft is in the process of being sold.

[2a] It is our understanding that such intracorporate operations are covered by Part 91 of the Federal Aviation Regulations, and that no further operating authority is ordinarily required.

[2b] Appendix filed as part of original document.

[4] Boston, Chicago, St. Louis, Kansas City, Detroit, Omaha, Salt Lake City, and Denver.

[5] B.D.C.'s ICC permit also authorizes it to engage in the carriage between certain points of specific commodities consisting generally of punch cards, film, eye glasses, and business records.

[6] Our action herein does not extend to B.D.C. Leasing Co. and Midwest Armored Express, Inc., as such companies are not deemed to be subject to the Act.

[7] See Order E-24703 dated Jan. 31, 1967, in the matter of the application of Airborne Freight Corp. and Awawego Delivery, Inc., Docket 17518.

[8] The Board previously has approved relationship between an air freight forwarder and an interstate motor carrier engaged principally in the transportation of bank checks in the process of clearance to destinations generally not in excess of 250 miles. (See Orders E-17250 and E-17376 adopted, respectively, on July 31 and Aug. 29, 1961, in the matter of Sky Courier, Inc. et al.)

ceeding, particular attention will be directed to the following matters:

1. Whether the proposed merger will not be consistent with the public interest or the conditions of section 408 will not be fulfilled.

2. What terms, conditions, or modifications will be required in connection with any approval of the merger.

3. Will the merger result in creating a monopoly or monopolies and thereby restrain competition or jeopardize another air carrier not a party to the merger.

For further details with respect to the issues involved in this proceeding, interested persons are referred to the orders and notices entered herein, the documents filed by the parties, the examiner's report of prehearing conference served December 22, 1966, and the supplemental report of prehearing conference served January 4, 1967, all of which are on file with the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person other than the parties of record desiring to be heard in this proceeding shall file with the Board on or before March 2, 1967, a statement setting forth the issues of fact or laws raised by this proceeding which he desires to controvert.

Dated at Washington, D.C., February 13, 1967.

[SEAL] RALPH L. WISER,
Hearing Examiner.

[F.R. Doc. 67-1914; Filed, Feb. 17, 1967; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16070; FCC 67M-244]

COMMUNICATIONS SATELLITE CORP.

Order Rescheduling Prehearing Conference

In the matter of Communications Satellite Corporation, Docket No. 16070; charges, practices, classifications, rates, and regulations for and in connection with the leasing of voice grade and television channels to common carriers authorized by the Federal Communications Commission, between Andover, Maine, and a communications-satellite in connection with the establishment of communication paths between points in the United States and Europe for the transmission and reception of voice, record, data, telephoto, facsimile, television, and other signals:

It is ordered, This 14th day of February 1967, on the Hearing Examiner's own motion, that, to accommodate the parties hereto (who have informally advised the Hearing Examiner that a short postponement of the forthcoming prehearing conference in this matter would enable them better to prepare for a prehearing conference), the prehearing conference now scheduled for February 20, 1967, is rescheduled to commence at 9 a.m., February 21, 1967, in the Commission's offices in Washington, D.C.

Released: February 15, 1967.

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

[F.R. Doc. 67-1915; Filed, Feb. 17, 1967; 8:50 a.m.]

[Docket Nos. 17157, 17158; FCC 67-146]

LEE BROADCASTING CORP. AND MINNESOTA-IOWA TELEVISION CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Lee Broadcasting Corp., Austin, Minn., Docket No. 17157, File No. BPH-5438; Requests: 99.9 mc, No. 260; 50 kw(H); 50 kw(V); 1,000 ft.; and Minnesota-Iowa Television Co., Austin, Minn., Docket No. 17158, File No. BPH-5516; Requests: 99.9 mc, No. 260; 100 kw(H); 100 kw(V); 940 ft.; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 1st day of February 1967;

1. The Commission has under consideration the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would cause mutually destructive interference.

2. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the two proposals. Thus, Lee Broadcasting Corp. would serve 252,866 persons in 5,809 square miles, while Minnesota-Iowa Television Co. would serve 352,679 persons in 7,100 square miles. Consequently, for the purposes of comparison, the areas and populations within the respective 1 mv/m contours, together with the availability of other FM services of 1 mv/m or greater intensity in such areas will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to either applicant.

3. Both applicants would be precluded from significantly improving facilities because of the proximity of commonly owned stations. However, in all cases, the stations do or will operate with substantial facilities. Thus, Lee Broadcasting Corp. would operate with 50 kw at 1,000 feet and its Mankato, Minn. station with 50 kw at 900 feet, and Minnesota-Iowa Television Co. would operate with 100 kw at 940 feet and its commonly controlled Waterloo, Iowa, station with 100 kw at 1,820 feet. Under these circumstances, we have concluded that no question regarding efficient use of the channels obtains.

4. Minnesota-Iowa Television Co. has requested waiver of § 73.210(a)(2) of the Commission's rules to permit use of a main studio location outside the city limits of Austin, Minn., which is not at the transmitter site. The proposed main studio location is on Highway 105, 2.5 miles south of Austin and is already used for the main studios of companion stations KAUS-AM and KMMT-TV. Under these circumstances, we believe that adequate justification has been provided for waiver if the Minnesota-Iowa Television is granted.

5. Each of the applicants is qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

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

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

It is further ordered, That if the Minnesota-Iowa Television Co. application is granted, the permit shall contain the following condition: § 73.210(a)(2) of the Commission's rules is waived to permit the establishment of the main studio outside the city limits of Austin, Minn., on Highway 105, approximately 2.5 miles south of Austin, Minn.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: February 15, 1967.

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

[F.R. Doc. 67-1916; Filed, Feb. 17, 1967; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES AND ROYAL INTEROCEAN 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 offices 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. D. J. Morris, Manager, American President Lines, Ltd., International Building, 601 California Street, San Francisco, Calif. 94108.

Agreement 9618, between American President Lines, Ltd. and Royal Interocean Lines establishes a through billing arrangement for movement of cargo from Mombasa and other ports in East Africa to U.S. Pacific Coast ports including Honolulu, Hawaii, with transshipment at Hong Kong, in accordance with the terms and conditions set forth in the agreement.

Dated: February 14, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-1876; Filed, Feb. 17, 1967; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4452]

AMERICAN ELECTRIC POWER CO., INC.

Notice of Proposed Issue and Sale of Common Stock by Holding Company at Competitive Bidding and Capital Contributions to Subsidiary Companies

FEBRUARY 14, 1967.

Notice is hereby given that American Electric Power Co., Inc. ("AEP"), 2 Broadway, New York, N.Y. 10004, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, and 12 of the Act and Rules 45 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

AEP proposes to issue and sell, pursuant to the competitive bidding requirements of Rule 50 under the Act, 1,200,000 additional shares of its authorized but unissued common stock, par value $6.50 per share. The price will be determined by the competitive bidding. AEP also proposes that out of the proceeds of the sale of the additional shares of common stock, it will make capital contributions to two of its subsidiary public-utility companies, namely, Ohio Power Co. ("Ohio") and Kentucky Power Co. ("Kentucky"). The capital contributions will be made on or before July 1, 1967, and will aggregate $25 million to Ohio and $20 million to Kentucky. AEP will add any balance of the proceeds of the sale of its common stock to its general corporate funds.

Ohio will use the capital contributions to pay, in part, its notes issued in December 1966 to banks in the aggregate amount of $58,600,000. Kentucky will use part of the capital contributions to repay its notes due banks, which at December 31, 1966, were outstanding in the amount of $5 million, and will use the balance for construction and general corporate purposes.

The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses incident to the proposed transactions are to be filed by amendment.

Notice is further given that any interested person may, not later than March 13, 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 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 AEP at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-1921; Filed, Feb. 17, 1967; 8:50 a.m.]

[812-2072]

PAUL REVERE CORP.

Notice of Application for Order of Temporary Exemption

FEBRUARY 14, 1967.

Notice is hereby given that The Paul Revere Corp. ("Applicant"), 18 Chestnut Street, Worcester, Mass. 01608, a Massachusetts corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission temporarily exempting it from the provisions of section 7 of the Act. Applicant, in requesting such temporary exemption, has agreed that it and other persons in their transactions and relations with it shall be subject to all other provisions of the Act and the respective rules and regulations promulgated under each of such provisions as though Applicant were a registered investment company, other than the following: Section 8, section 10(a), subsections (f), (g), (h), and (i) of section 17, section 18 (except subsection (d) thereof), section 23, section 30 (except subsection (f) thereof), and section 31 of the Act, and the rules and regulations thereunder. All interested persons are referred to the application which is on file with the Commission for a statement of Applicant's representations, which are summarized below:

On December 30, 1966, Applicant filed an application pursuant to section 3(b)(2) of the Act for an order of the Commission declaring that it is not an investment company. Section 3(b)(2) provides that the filing of an application thereunder shall exempt the Applicant for a period of 60 days from all provisions of the Act applicable to investment companies as such.

The 60-day period of exemption provided in section 3(b)(2) will expire, in Applicant's case, on February 27, 1967. Applicant, which has not registered as an investment company under the Act has asked that it be exempted as requested from February 27, 1967, until the Commission has acted upon the application under section 3(b)(2) of the Act.

Notice is further given that any interested person may, not later than February 28, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the is-

sues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67–1922; Filed, Feb. 17, 1967; 8:51 a.m.]

TARIFF COMMISSION

[APTA–W–5; TC Publication 195]

CERTAIN WORKERS OF BORG-WARNER CORP.

Report to Automotive Agreement Adjustment Assistance Board

FEBRUARY 15, 1967.

The Tariff Commission today reported to the Automotive Agreement Adjustment Assistance Board the results of its investigation No. APTA–W–5, conducted under section 302(e) of the Automotive Products Trade Act of 1965. The Commission's report contains factual information for use by the Board, which determines the eligibility of the workers concerned to apply for adjustment assistance. The workers in this case were employed in the Memphis, Tenn., plant of Mechanics Universal Joint Division, Borg-Warner Corp.

Only certain sections of the Commission's report can be made public since much of the data it contains were received in confidence. Publication of such data would result in the disclosure of certain operations of individual firms. The sections of the report that can be made public are reproduced below.

Introduction. In accordance with section 302(e) of the Automotive Products Trade Act of 1965 (79 Stat. 1016), the U.S. Tariff Commission herein reports the results of investigation No. APTA–W–5, which was ordered in response to a request received December 27, 1966, from the Automotive Assistance Committee of the Automotive Agreement Adjustment Assistance Board. The Committee's request resulted from a petition for adjustment assistance filed with the Board on December 19, 1966, by the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, on behalf of a group of workers who had been employed in the Memphis, Tenn., plant of Mechanics Universal Joint Division, Borg-Warner Corp.

The petition alleged that the loss of orders for universal joints from the American Motors Corp. was the reason for layoffs of 48 employees in June 1966 and 82 employees in July 1966. The petition further alleged, in effect, that the operation of the United States-Canadian Automotive agreement was the primary factor causing the layoffs.

The Commission instituted the investigation upon receipt of the Committee's request on December 27, 1966; public notice thereof was given in the FEDERAL REGISTER (31 F.R. 16722) on December 30, 1966. Neither the petitioners nor any other party requested a hearing before the Commission, and none was held.

The information reported herein was obtained from the Mechanics Universal Joint Division, Borg-Warner Corp., the United Auto Workers Union, the Department of Employment Security of the State of Tennessee, the major U.S. automotive vehicle manufacturers, the Commission's files, and by fieldwork by members of the Commission's staff.

The automotive product involved—universal joints. A universal joint is a flexible, mechanical coupling between two shafts that permits one shaft to drive another at an angle to it. A simple universal joint is composed of three basic parts—a journal (spider) and two yokes. The two yokes are set at right angles to each other, and their open ends are joined by the journal. This construction permits each yoke to pivot on the axis of the journal and also permits the transmission of rotary motion from one yoke to the other.

The universal joints under consideration in this investigation, which are of various designs, are generally used to connect the ends of the drive (propeller) shaft of a motor vehicle to the gear box and to the rear axle. Two universal joints and a connecting drive shaft transmit the power from the engine to the rear axle, even though the engine is rigidly mounted in the frame at a higher level than the rear axle, which is constantly moving up and down in relation to the frame. Universal joints are used in preference to other types of flexible couplings because they allow larger values of misalignment between shafts than can be tolerated by other types of couplings.

Imported universal joints which are parts of motor vehicles are dutiable under item 692.27 of the Tariff Schedules of the United States at the rate of 8.5 percent ad valorem, unless imported from Canada for use as original motor vehicle equipment, in which case they are duty free under item 692.28.

Borg-Warner Corp. and its Mechanics Universal Joint Division. Borg-Warner Corp., with headquarters in Chicago, is a large, diversified corporation which operated about 55 plants and had net sales of $815 million in 1965. Major divisions of Borg-Warner and products of each include: York Division, air conditioning and refrigeration equipment; Norge Division, major home appliances; Byron Jackson Division, centrifugal pumps and oil-field tools; and Warner Gear Division, automotive, industrial, and marine transmissions.

Mechanics Universal Joint Division (MUJD), also a division of Borg-Warner, with headquarters in Rockford, Ill., is the employer of the workers herein concerned. MUJD operates plants in Memphis, Tenn., and Rockford. * * *

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F.R. Doc. 67–1910; Filed, Feb. 17, 1967; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 1478]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 15, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–69342. By order of February 13, 1967, the Transfer Board approved the transfer to Charles E. Koch and Vera Delores Koch, a partnership, doing business as Hanssen's Truck Line, Westcliffe, Colo., of the operating rights of Anna M. Hanssen, doing business as Hanssen's Truck Line, Westcliffe, Colo., in certificates Nos. MC–28595 (Sub-No. 1) and MC–28595 (Sub-No. 5), issued November 29, 1961, and October 13, 1965, respectively, authorizing the transportation, over regular routes, as a common carrier, of general commodities, excluding commodities in bulk and other specified commodities, but not excluding household goods, between Texas Creek, Colo., and Westcliffe, Colo.; general commodities, between Westcliffe, Colo., and Pueblo, Colo.; and over irregular routes, as a common carrier, of vermiculite, from the plantsite of Rimlite, Inc., at or near Westcliff to points in Wyoming and Kansas, points in a described portion of Nebraska, and points in a described portion of Texas, Mexico, and Utah; and of general commodities, between points in a described portion of Custer County, Colo., and a described portion of Huerfano County, Colo., on the one hand, and, on the other, points in Colorado. Marion F. Jones, 420 Denver Club Building, Denver, Colo. 80202, attorney for applicants.

No. MC–FC–69356. By order of February 10, 1967, the Transfer Board approved the transfer to Jacobsen Transfer, Inc., Fairmont, Nebr., of the certificate of registration in No. MC–98207 (Sub-No. 1), issued November 14, 1963, to Cur-

tis J. Griess, doing business as Sutton Transfer, Sutton, Nebr., evidencing a right to engage in transportation in interstate or foreign commerce solely within the State of Nebraska, corresponding in scope to the service authorized by certificate of public convenience and necessity No. M-9946, Supplement No. 1, dated December 14, 1954, issued by the Nebraska State Railway Commission. Donald E. Leonard, Box 2028, Lincoln, Nebr. 68501, attorney for applicants.

No. MC-FC-69364. By order of February 13, 1967, the Transfer Board approved the transfer to Travis A. Horton and Luther H. Horton, a partnership, doing business as Horton Bros. Trucking Co., Dallas, Tex., of the operating rights of Lee Wooten and B. W. Ward, a partnership, doing business as W & W Produce, Canton, Tex., in certificate No. MC-117740, issued April 21, 1964, authorizing the transportation, over irregular routes, of bananas, from New Orleans, La., to Dallas, Tex. James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224, attorney for applicants.

No. MC-FC-69416. By order of February 14, 1967, the Transfer Board approved the transfer to I-V Coaches, Inc., Vincennes, Ind., of the operating rights in certificate No. MC-113239, issued September 15, 1966, to Bloomington Transit Lines, Inc., Bloomington, Ind., authorizing the transportation of: Passengers and their baggage, in round trip charter service, beginning and ending at points in Lawrence, Martin, and Orange Counties, Ind., and extending to points in the United States (except Alaska and Hawaii). Harry J. Harman, 1110 Fidelity Building, Indianapolis, Ind. 46204, attorney for applicants.

No. MC-FC-69393. By order of February 14, 1967, the Transfer Board approved the transfer to Robert E. Weaver, doing business as Morrellville Transit Co., Windber, Pa., of that portion of certificate No. MC-34604, issued January 17, 1941, to H. Justus Abel, Ebensburg, Pa., authorizing the transportation of household goods, over irregular routes, between Ebensburg, Pa., and points and places within 10 miles thereof, on the one hand, and, on the other, points and places in New York, West Virginia, Maryland, and the District of Columbia. John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108, attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-1907; Filed, Feb. 17, 1967; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 15, 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. 40901—*Sulphuric acid to points in southern territory.* Filed by O. W. South, Jr., agent (No. A4987), for interested rail carriers. Rates on sulphuric acid, in tank carloads, from LeMoyne, Ala., Baton Rouge, North Baton Rouge, La., Copperhill and Tyner, Tenn., to specified points in southern territory.

Grounds for relief—Motortruck competition.

Tariff—Supplement 11 to Southern Freight Association, agent, tariff ICC S-671.

FSA No. 40902—*Joint motor-rail rates—central and southern.* Filed by Central and Southern Motor Freight Tariff Association, Inc., agent (No. 116), for interested carriers. Rates on various commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory, on the one hand, and points in Central States territory, on the other.

Grounds for relief—Motortruck competition.

Tariff—Supplement 67 to Central and Southern Motor Freight Tariff Association, Inc., agent, tariff MF-ICC 309.

FSA No. 40903—*Joint motor-rail rates—eastern central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 444), 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 or New England territories, on the one hand, and points in Central States, middlewest, and southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—4th revised page 55 to The Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-1894; Filed, Feb. 17, 1967; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-57]

CITY OF MOSS POINT, MISS., AND UNITED GAS PIPE LINE CO.

Notice of Continuance of Hearing

FEBRUARY 8, 1967.

City of Moss Point, Miss., Applicant, and United Gas Pipe Line Co., Respondent, Docket No. CP67-57.

Upon consideration of the motion filed February 6, 1967, by the city of Moss Point, Miss., for continuance of the hearing now scheduled for February 14, 1967, in the above-designated matter;

Notice is hereby given that the hearing is pontponed to 10 a.m., April 17, 1967, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-1877; Filed, Feb. 17, 1967; 8:46 a.m.]

[Docket No. RI64-553, RI64-658]

CONTINENTAL OIL CO. ET AL.

Order Amending Orders Providing for Hearings on and Suspension of Proposed Changes in Rate

FEBRUARY 10, 1967.

By order issued January 17, 1967, in Docket No. G-4098 et al., The Superior Oil Co. (Superior) was authorized in Docket No. G-16878 to sell natural gas from its own interests in certain producing properties pursuant to its FPC Gas Rate Schedule No. 80 which sales were theretofore authorized in Docket No. CI61-1642 to be made pursuant to Continental Oil Co. (Operator) et al., FPC Gas Rate Schedule No. 191. Said sales were made by Continental Oil Co. at a rate in effect subject to refund in Docket No. RI64-553. Sales made pursuant to Superior's FPC Gas Rate Schedule No. 80 are made at the same rate in effect subject to refund in Docket No. RI64-658. Therefore, it is appropriate that sales from the subject acreage by Superior should be made at the same rate now in effect subject to refund in Docket No. RI64-658 for other sales by Superior under its FPC Gas Rate Schedule No. 80 rather than in Docket No. RI64-553.

The Commission orders: Effective as of January 17, 1967, sales made by Superior pursuant to its FPC Gas Rate Schedule No. 80 from its own interests, which sales were theretofore made pursuant to Continental Oil Co. FPC Gas Rate Schedule No. 191, shall be made at a rate in effect subject to refund in Docket No. RI64-658 and shall not be made at a rate in effect subject to refund in Docket No. RI64-553.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-1878; Filed, Feb. 17, 1967; 8:46 a.m.]

[Docket No. CP67-221]

EAST TENNESSEE NATURAL GAS CO.

Notice of Application

FEBRUARY 10, 1967.

Take notice that on February 6, 1967, East Tennessee Natural Gas Co. (Applicant), Post Office Box 10245, Knoxville, Tenn. 37919, filed in Docket No. CP67-221 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of additional natural gas for resale in interstate commerce, the construction and opera-

tion of additional facilities to render such additional service and for permission and approval to abandon and replace certain facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate the following facilities:

(1) A new compressor station at Carthage, Tenn. (No. 3104) with two 1,000 horsepower compressors.

(2) A new compressor station at Wartburg, Tenn. (No. 3110) with two 1,000 horsepower compressors.

(3) 12.0 miles of 16-inch pipeline from Location MLV3114+4.00 to west bank of Tennessee River near Knoxville, Tenn. (Replacement), and

(4) 4-inch side valve and dual orifice tube sales meter station (for new customer).

Applicant also seeks permission and approval to abandon the 12 miles of 16-inch pipeline for which authorization is sought to replace.

Applicant states that the proposed facilities will increase its daily design capacity from 235,338 Mcf per day to 264,208 Mcf per day.

Applicant estimates the total cost of the proposed facilities at approximately $2,933,900, said cost to be financed by the issuance of promissory notes.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before March 13, 1967.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-1879; Filed, Feb. 17, 1967; 8:46 a.m.]

[Docket No. RI67-216]

ESTATE OF E. H. ADAIR AND ADAIR OIL CO.

Order Amending Order Accepting Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates, To Permit Substitute Rate Filing

FEBRUARY 10, 1967.

On November 25, 1966, The Estate of E. H. Adair, doing business as Adair Oil Co. (Adair) filed with the Commission a proposed change in rate from 16.0 cents to 17.0 cents per Mcf, which pertains to its jurisdictional sales of natural gas from the Sitka Field, Clark County Kans., to Northern Natural Gas Co. The Commission by order issued December 20, 1966, suspended for 5 months Adair's aforementioned rate filing until June 1, 1967, and thereafter until made effective in the manner prescribed by the Natural Gas Act. Adair's suspended rate increase has not been made effective pursuant to section 4(e) of the Natural Gas Act.

On January 16, 1967, Adair submitted an amended notice of change in rate, designated as Supplement No. 1 to Supplement No. 4 to Adair's FPC Gas Rate Schedule No. 2, amending Supplement No. 4 to its aforementioned rate schedule to provide for a rate increase to 17.0025 cents instead of 17.0 cents per Mcf filed on November 25, 1966. Adair's amended filing to the 17.0025 cents rate includes partial reimbursement of the assessment imposed by the Kansas State Board of Health. The assessment became due on January 1, 1967, the same date as the 17.0 cents increased rate under the contract. Adair states that such reimbursement was inadvertently omitted from the previous filing. The estimated additional amount involved is $7 annually.

Adair's proposed rate of 17.0025 cents per Mcf exceeds the area ceiling of 11.0 cents per Mcf for increased rates in Kansas as announced in the Commission's Statement of General Policy No. 61-1, as amended, as did the previously suspended rate in said docket. Since Adair's corrective rate filing includes partial reimbursement of the assessment imposed by the Kansas State Board of Health, we believe that it would be in the public interest to accept the corrected rate filing subject to the suspension proceeding in Docket No. RI67-216, with the suspension period of such corrective rate filing to terminate concurrently with the suspension period (June 1, 1967) of the original filing in said docket.

Adair requests a retroactive effective date of January 1, 1967, the date the Kansas' assessment became effective, for its corrective rate filing. 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 Adair's proposed rate filing and such request is denied.

The Commission finds: Good cause exists for amending the Commission's order issued on December 20, 1966, in Docket No. RI67-216, to the extent hereinafter provided.

The Commission orders:

(A) The suspension order issued on December 20, 1966, in Docket No. RI67-216, is amended only so far as to permit the 17.0025 cents per Mcf rate contained in Supplement No. 1 to Supplement No. 4 to Adair's FPC Gas Rate Schedule No. 2 to be filed to supersede the 17.0 cents per Mcf rate provided in Supplement No. 4 to Adair's FPC Gas Rate Schedule No. 2, subject to the suspension proceeding in Docket No. RI67-216. The suspension period for such substitute rate filing shall terminate concurrently with the suspension period (June 1, 1967) presently in effect in said docket.

(B) In all other respects, the order issued by the Commission on December 20, 1966, in Docket No. RI67-216, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-1880; Filed, Feb. 17, 1967; 8:46 a.m.]

[Docket Nos. CS67-44, etc.]

HOWARD OLSEN ET AL.

Notice of Applications for "Small Producer" Certificates[1]

FEBRUARY 10, 1967.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 7, 1967.

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

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

ing is required, further notice of such hearing will be duly given.

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

JOSEPH H. GUTRIDE,
Secretary.

Docket No.	Date filed	Name of applicant
C67-44	Jan. 20, 1967	Howard Olsen, Post Office Box 1744, Midland, Tex. 79701.
C67-45	Jan. 23, 1967	Bill J. Graham, Post Office Box 5321, Midland, Tex. 79701.
C67-46	Feb. 1, 1967	L & N Production Co., Star Route, Mineola, Tex. 75773.
C67-47	Feb. 6, 1967	Brooks Gas Corp., Post Office Box 6862, Houston, Tex. 77005.

[F.R. Doc. 67-1881; Filed, Feb. 17, 1967; 8:46 a.m.]

[Docket No. CP67-219]

SOUTHERN NATURAL GAS CO.

Notice of Application

FEBRUARY 9, 1967.

Take notice that on February 3, 1967, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP67-219 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas for resale in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to sell natural gas produced from acreage in Hamon Ellenburger Field, Reeves County, Tex., to Transwestern Pipeline Co. (Transwestern), pursuant to a Gas Purchase Contract dated November 10, 1966, said gas to be delivered to Transwestern at wellhead delivery points in the field. Applicant does not propose to construct any new facilities or expand any existing facilities in connection with the proposed sale to Transwestern.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before March 8, 1967.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-1882; Filed, Feb. 17, 1967; 8:46 a.m.]

[Docket No. CP66-233]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Amendments to Application

FEBRUARY 10, 1967.

Take notice that on August 15, 1966, and February 2, 1967, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP66-233 amendments to its application for a certificate of public convenience and necessity filed in said docket on January 20, 1966, all as more fully set forth in the amendments to the application which are on file with the Commission and open to public inspection.

By the instant filings, Applicant seeks to amend its original application as follows:

(1) Amendment of August 15, 1966: By this amendment, Applicant proposes to provide 43,446 Mcf per day of additional pipeline service, 6,250 Mcf per day of additional storage service and 824 Mcf per day of additional liquified gas storage service to its customers for the 1966-67 winter heating season. No changes in facilities are proposed.

(2) Amendment of February 2, 1967: By this amendment, Applicant reflects the actual cost of $44,475,000 for facilities constructed in 1966 under temporary authorizations and realigns its proposed 1967 facilities to provide for construction of $92,725,000 to serve quantities of natural gas which have now been committed by its customers for the 1967-68 winter. The balance of the facilities for 1968 construction are now estimated to cost $108,550,000.

As amended, Applicant proposes additional services for the 1967-68 winter to existing customers of 129,503 Mcf per day of pipeline services and 46,115 Mcf per day of underground storage services. In addition, Applicant's commitments from existing customers for the 1968-69 winter and beyond amount to 81,261 Mcf per day of additional pipeline service.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 8, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-1883; Filed, Feb. 17, 1967; 8:46 a.m.]

[Docket No. CP64-34]

TRANSWESTERN PIPELINE CO.

Notice of Petition To Amend

FEBRUARY 10, 1967.

Take notice that on February 6, 1967, Transwestern Pipeline Co. (Petitioner), Post Office Box 1502, Houston, Tex. 77001, filed in Docket No. CP64-34 a petition to amend the certificate of public convenience and necessity issued by the Commission on December 16, 1963, as amended by the orders of December 4, 1964, December 27, 1965, and December 14, 1966, said certificate authorizing Petitioner to sell and deliver to the Pacific Lighting Service and Supply Co. (Pacific Lighting) up to 460,000 Mcf of natural gas per day on an annual basis for a limited period ending April 1, 1967, or until the commencement of any new service resulting from the order accompanying Opinion No. 500 issued July 26, 1966, in Docket No. CP63-204 et al., whichever date is earlier, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

In the instant petition, Petitioner seeks to extend its period of authorization until June 1, 1967 or until the commencement of any new service resulting from Opinion No. 500 issued July 26, 1966, in Docket No. CP63-204 et al., whichever date is earlier, since Petitioner has been unable to complete its proposed facilities on time due to delays in receiving equipment and adverse weather conditions.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 10, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-1884; Filed, Feb. 17, 1967; 8:46 a.m.]

[Docket No. CP67-220]

TRANSWESTERN PIPELINE CO.

Notice of Application

FEBRUARY 10, 1967.

Take notice that on February 3, 1967, Transwestern Pipeline Co. (Applicant), First City National Bank Building, Houston, Tex. 77002, filed in Docket No. CP67-220 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate the following facilities so as to attach certain additional gas reserves in the Gomez Field, Pecos County, Tex., and the Hamon Ellenburger Field, Reeves County, Tex., and deliver an additional 100,000 Mcf per day of natural gas to its Compressor Station 9 near Roswell, N. Mex.:

(1) 7.9 miles of 36-inch pipeline loop,

(2) 23.1 miles of 30-inch pipeline loop,

(3) 34.1 miles of 20-inch pipeline, to the Gomez Field, and

(4) 4.0 miles of 16-inch pipeline, to the Hamon Ellenburger Field, plus a 4,000 horsepower compressor, field gathering lines and related facilities.

Applicant estimates the cost of the proposed construction at approximately $9,175,000, said construction to be fi-

nanced out of funds generated from company operations and short term borrowings, and may be refinanced at a later date.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before March 8, 1967.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-1885; Filed, Feb. 17, 1967; 8:46 a.m.]

[Docket Nos. RI67-291, etc.]

AUSTRAL OIL CO., INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

FEBRUARY 10, 1967.

The Respondents named herein have filed proposed changes in 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: *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 schedules 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 March 29, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

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

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	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-291	Austral Oil Co., Inc., 2700 Humble Bldg., Houston, Tex. 77002, Attn: Mr. Joseph H. Stephens.	[2] 20	2	Valley Gas Transmission, Inc. (West Dinero Field, Live Oak County, Tex.) (RR. District No. 2).	$1,370	1-23-67	[3] 2-23-67	[4] 2-24-67	[7] [5] 14.0	[8] [7] 15.0	
RI67-292	Ashland Oil & Refining Co., Post Office Box 18695, Oklahoma City, Okla. 73118.	163	[11] 4	Oklahoma Natural Gas Gathering Corp. [9] (Ringwood Field, Major County, Okla.) (Oklahoma "Other" Area).	1,500	1-12-67	[10] 1-12-67	[4] 1-13-67	[11] 11.0	[8] [11] 12.0	

[2] Contract executed after Sept. 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1.
[3] The stated effective date is the effective date requested by Respondent.
[4] The suspension period is limited to 1 day.
[5] Periodic rate increase.
[6] Pressure base is 14.65 p.s.i.a.
[7] Subject to a downward B.t.u. adjustment.
[8] Initial rate.
[9] Oklahoma Natural Gas Gathering Corp. classed as a pipeline company in its certificate (CI61-1408) for resale of gas to Cities Service Gas Co. at an initial rate of 17.0 cents per Mcf. Oklahoma Natural's related rate increase to 18.5 cents per Mcf has been approved. However, Oklahoma Natural must flow through refunds of its suppliers.
[10] The stated effective date is the date of filing. The 30-day notice requirement is waived herein.
[11] For acreage dedicated to contract under Supplement Nos. 2 and 3.

The contract related to the rate filing proposed by Austral Oil Co., Inc. (Austral), was executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed increased rate is above the applicable area ceiling for increased rates but below the initial service ceiling for the area involved. We believe, in this situation, Austral's rate filing should be suspended for 1 day from February 23, 1967, the proposed effective date.

Ashland Oil & Refining Co. (Ashland) proposes a periodic increase in rate from 11.0 cents to 12.0 cents per Mcf, amounting to $1,500 annually, for a wellhead sale of gas from additional acreage dedicated by two supplements to its existing rate schedule (contract dated Apr. 10, 1964) covering a sale of gas to Oklahoma Natural Gas Gathering Corp. (ONG) from the Ringwood Field, Major County, Okla. (Oklahoma "Other" Area). ONG gathers the gas and resells it, after processing, to Cities Service Gas Co. at a rate of 18.5 cents per Mcf.[12] Ashland's proposed rate exceeds the area increased rate ceiling of 11.0 cents per Mcf for Oklahoma "Other" Area as announced in the Commission's Statement of General Policy No. 61-1, as amended. However, since ONG's related resale rate is in effect, we conclude that it would be in the public interest that the 30-day notice requirement provided in section 4(d) of the Natural Gas Act be waived and that Ashland's rate filing be suspended for 1 day from February 12, 1967, the date of filing.

[F.R. Doc. 67-1888; Filed, Feb. 17, 1967; 8:47 a.m.]

[12] By order issued Nov. 3, 1966, in Docket No. RP66-19, an increase by ONG from 17 cents to 18.5 cents designed to compensate only for an increase in the cost of purchased gas was accepted for filing and allowed to become effective June 1, 1966, without obligation to refund, except that ONG is required to flow through any refunds received from its producer-suppliers and to reduce its rates to reflect any rate reductions of such suppliers.

[Docket No. RI63-467]

SAMEDAN OIL CORP. ET AL.

Order Redesignating Proceeding and Discharging Assignor's Refund Obligation

FEBRUARY 10, 1967.

By order issued December 21, 1966, in Micoa, Inc. et al., Docket Nos. G-5942, et al., the Commission amended the certificate of public convenience and necessity issued in Docket No. CI62-354 to The Gilmer Oil Co. (Gilmer) for its jurisdictional sale of natural gas to Lone Star Gas Co. from the Sholem Alechem Field, Carter County, Okla. "Other" area, by permitting Samedan Oil Corp. (Operator), et al. (hereinafter referred to as Samedan) to become successor-in-interest under the subject proceeding as certificate holder. The sales involved in Docket No. CI62-354 are also involved in the above-entitled rate proceeding.

On January 9, 1967, Samedan filed its agreement and undertaking in Docket No. RI63-467 to refund with interest any portion of the increased rate collected in Docket No. RI63-467, either prior to the succession or subsequent thereto, as may be found by the Commission not to be justified. Consequently, we believe that Gilmer's surety bond in the amount of $1,500, dated February 23, 1964, as underwritten by American Employers' Insurance Co. and filed herein is no longer necessary and should be discharged.

The Commission finds: For the foregoing reason, good cause exist for redesignating this proceeding and for discharging Gilmer's refund obligation.

The Commission orders: The refund obligation of The Gilmer Oil Co. in Docket RI63-467 is discharged, its surety bond filed herein may be canceled, and the proceeding in Docket No. RI63-467 is redesignated as set forth in the caption hereof.

By the Commission.

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

[F.R. Doc. 67-1886; Filed, Feb. 17, 1967; 8:46 a.m.]

[Docket Nos. RI67-293 etc.]

HUMBLE OIL & REFINING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

FEBRUARY 10, 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.

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

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 March 29, 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	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-293	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	398	1	Cities Service Gas Co. (Bishop Area, Roger Mills County, Okla.) (Oklahoma "Other" Area).	$1,440	1-23-67	[2] 2-23-67	7-23-67	[3] 15.0	[4] [5] 17.0	
RI67-294	Pat J. Riley and Louise B. Riley, 2529 Northwest 62d St., Oklahoma City, Okla.	5	1	Cities Service Gas Co. (Guymon-Hugoton Field, Texas County, Okla.) (Panhandle Area).	121	1-13-67	[2] 2-13-67	7-13-67	[3] 11.0	[4] [6] 12.0	
RI67-295	J. C. Trahan, Drilling Contractor, Inc., 2625 Line Ave., Shreveport, La. 71104.	18	3	Texas Gas Transmission Corp. (Monroe Field, Union, Ouachita, and Morehouse Parishes, La.) (North Louisiana).	7,680	1-16-67 1-16-67	[8] 2-16-67 [2] 2-16-67	7-16-67 7-16-67	[3] 16.75 [3] 16.3	[7] [9] 17.75 [7] [9] 17.3	
RI67-296	Anderson Petroleum (Operator) et al., 830 First Wichita National Bank Bldg., Wichita Falls, Tex. 76301.	1	2	Cities Service Gas Co. (Northeast Billings Field, Noble County, Okla.) (Oklahoma "Other" Area).	855	1-23-67	[2] 2-23-67	7-23-67	[3] 11.0	[4] [6] 12.0	

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.
[6] The stated effective date is the effective date proposed by Respondent.
[7] Pressure base is 15.025 p.s.i.a.
[8] Includes 1.75 cents tax reimbursement.
[9] Includes 1.3 cents tax reimbursement for wells classed as "Incapable" by Louisiana Department of Revenue.

Humble Oil & Refining Co. (Humble) requests that its proposed rate increase be permitted to become effective as of January 1, 1967. Pat J. Riley and Louise B. Riley (Riley) request a retroactive effective date of September 1, 1965, for their proposed rate increase, and Anderson Petroleum (Operator) et al. (Anderson) request waiver of the stautory notice to permit their proposed rate increase, which was contractually due on December 23, 1962, to become effective as of February 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 earlier effective dates for Humble, Riley, and Anderson's rate findings and such requests are denied.

Humble requests that should the Commission suspend its rate filing that the suspension period be shortened to 1 day. Anderson also requests that should the Commission suspend its rate filing that a minimum suspenion period be allowed. Good cause has not been shown for granting Humble and Anderson's requests for limiting to 1 day the suspension periods with respect to their rate filings and such requests are 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).

[F.R. Doc. 67-1889; Filed, Feb. 17, 1967; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 78]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through February 7, 1967, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	Gross tonnage
Total, all flags (249 ships)	1,782,668
British (73 ships)	548,779
**Amalia (now Maltese).	
**Amazon River (broken up)	7,234
Antarctica	8,785
Arctic Ocean	8,791
**Ardenode (now Tynlee—Panamanian)	7,036
Ardgem	6,981
**Ardmore (now Kali Elpis—British)	4,664
**Ardpatrick (now Haringhata—Pakistani)	7,054
Ardrossmore	5,820
Ardrowan	7,300
**Ardsirod (broken up)	7,025
**Ardstaffa (trip to Cuba under ex-name Inchstaffa—British).	
**Ardtara (now Hyperion—British)	5,795
**Arlington Court (now Southgate—British).	
Athelcrown (tanker)	11,149
Athelduke (tanker)	9,089
**Athelknight (tanker—broken up)	9,087
Athelmere (tanker)	7,524
Athelmonarch (tanker)	11,182
**Athelsultan (tanker—broken up)	9,149
Avisfaith	7,868
Baxtergate	8,813
Cheung Chau	8,566
**Chipbee (sold for scrap)	7,271
**Cosmo Trader (trips to Cuba under ex-name, Ivy Fair—British).	
**Dairen (now Agate—Panamanian)	4,939
**East Breeze (now Phoenician Dawn—British).	
Eastfortune	8,789
**Elicos (broken up)	7,134
Formentor	8,424
Fortune Enterprise	7,284
**Free Enterprise (now Cypriot).	
**Free Merchant (now Cypriot).	
**Garthdale (now Jeb Lee—British)	7,542
**Grosvenor Mariner (now Red Sea—British).	
Hazelmoor	7,907
Helka	2,111
Hemisphere	8,718
Ho Fung	7,121
*Huntsville	9,486
**Hyperion (trips to Cuba under ex-name Ardtara—British).	
**Inchstaffa (now Ardstaffa—British)	5,255
Inchstuart	7,043
**Ivy Fair (now Cosmo Trader—British—broken up)	7,201
**Jeb Lee (trip to Cuba under ex-name, Garthdale—British).	
Jollity	8,660
**Kali Elpis (trips to Cuba under ex-name, Ardmore—British).	
Kinross	5,388
La Hortensia	9,486
Linkmoor	8,236
**Loradore (now Aliartos—Greek)	8,078
Magister	2,339
Nancy Dee	6,597
Nebula	8,924
**Newdene (now Free Navigator—Cypriot).	
**Newforest (now Cypriot).	
Newgate	6,743
Newglade	7,368
**Newgrove (now Cypriot).	
Newheath	7,643
Newhill	7,855
Newlane	7,043
**Newmeadow (now Cypriot).	
Newmoat	7,151
Newmoor	7,168
Oceantramp	6,185
Oceantravel	10,477
Peony	9,037
**Phoenician Dawn (now Maulabaksh — Pakistani — Previous trips to Cuba under ex-name, East Breeze—British)	8,708
**Red Sea (previous trip to Cuba under ex-name, Grosvenor Mariner—British)	7,026
**Redbrook (now E. Evangelia—Greek)	7,388
Ruthy Ann	7,361
**St. Antonio (now Maltese).	
Sandsend	7,236
Santa Granda	7,229
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	8,941
Seasage	4,330
Shienfoon	7,127
**Shun Fung (wrecked)	7,148
**Socivve (now Maltese).	
**Southgate (previous trips to Cuba under ex-name, Arlington Court—British)	9,662
**Suva Breeze (now Cathay Trader—Panamanian)	4,970
**Swift River (now Kallithea—now Cypriot).	
**Timios Stavros (now Maltese flag—previous trips to Cuba—Greek).	
Venice	8,611
Vercharmian	7,265
Vergmont	7,381
Yungfutary	5,388
Yunglutaton	5,414
Zela M	7,237
Lebanese (51 ships)	347,425
Aiolos II	7,256
Ais Giannis	6,997
**Akamas (now Cypriot).	
**Al Amin (now Fortune Sea—Panamanian)	7,186

FLAG OF REGISTRY AND NAME OF SHIP	Number of ships
Alaska	6,989
Anthas	7,044
Antonis	6,259
**Ares (constructive total loss)	4,557
Areti	7,176
**Aristefs (Now Tung Yih—Liberian)	6,995
Astir	5,324
**Athamas (now Cypriot—broken up)	4,729
**Carnation (broken up)	4,884
Claire	5,411
Cris	6,032
**E. Myrtidiotissa (aground, trips to Cuba under ex-name, Kalliopi D. Lemos—Lebanese).	
**Free Trader (now Cypriot).	
Giannis	5,270
Giorgos Tsakiroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
**Kalliopi D. Lemos (now E. Myrtidiotissa—Lebanese)	5,103
Katerina	9,357
Leftric	7,176
Mantric	7,255
**Maria Despina (broken in two)	7,294
Maria Renee	7,203
Marichristina	7,124
**Marymark (broken in two)	4,383
Mersinidi	6,782
Mousse	9,307
Nictric	7,296
Noelle	7,251
**Noemi (aground)	7,070
**Olga (now Greek)	7,199
Panagos	7,133
Parmarina	6,721
**Razani (broken up)	7,253
**Reneka (now San Carlo—Panamanian)	7,250
Rio	7,194
**St. Anthony (broken up)	5,349
St. Nicolas	7,165
San Spyridon	7,260
Stevo	7,066
Tertric	7,045
Theodoros Lemos	7,198
Tony	7,176
Toula	6,426
Troyan	7,243
Vassiliki	7,192
**Vastric (broken up)	6,751
Vergolivada	6,339
Yanxilas	10,051
Greek (33 ships)	251,534
Agios Therapon	7,205
**Akastos (now Cypriot).	
**Aliartos (trip to Cuba under ex-name, Loradore—British).	
Alice	7,189
**Ambassade (broken up)	8,600
Americana	7,104
Anacreon (now White Daisey—Panamanian)	7,359
**Anatoli (now Sunrise—Cypriot).	
**Andromachi (previous trips to Cuba under ex-name, Penelope—Greek)	6,712
**Antonia (now Amfithea—Cypriot).	
Apollon	9,744
Athanassios K	7,216
Barbarino	7,084
Calliopi Michalos	7,249
**Embassy (broken up)	8,418
**E. Evangelia (trips to Cuba under ex-name, Redbrook—British).	
Eftychia	10,863

See footnotes at end of document.

Flag of Registry and Name of Ship	Gross Tonnage
Greek—Continued	
**Gloria (now Helen—Greek).	
**Helen (previous trips to Cuba under ex-name, Gloria—Greek)	7,128
Irena	7,232
Istros II	7,275
**Kapetan Kostis (broken up)	5,032
**Kyra Hariklia (broken up)	6,888
**Maria Theresa (now Ingrid Anne—South African)	7,245
**Marigo (now Amfitriti—Cypriot)	7,147
**Maroudio (now Thalie—Panamanian)	7,369
**Mastro-Stelios II (now Wendy H.—South African)	7,282
**Nicolaos F. (previous trip to Cuba under ex-name, Nicolaos Frangistas—Greek)	7,199
**Nicolaos Frangistas (now Nicolaos F.—Greek).	
Nikolis M	7,176
**Ogla (trips to Cuba—Lebanese).	
Pantanassa	7,131
Paxoi	7,144
**Penelope (now Andromachi—Greek).	
**Presvia (broken up)	10,820
Radestos	5,911
Roula Maria (tanker)	10,608
**Seirios (broken up)	7,239
Sophia	7,030
**Stylianos N. Vlassopulos (now Antonia II—Cypriot)	7,303
**Timios Stavros (formerly British flag—now Maltese).	
Tina	7,362
Western Trader	9,268
Polish (18 ships)	136,680
Baltyk	6,963
Bialystok	7,173
Bytom	5,967
Chopin	9,148
Chorzow	7,237
Energetyk	10,843
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,175
Huta Zgoda	6,840
Hutnik	10,897
Kopalnia Bobrek	7,221
Kopalnia Czladz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184
Transportowiec	10,680
Cypriot (20 ships)	138,816
Acme	7,159
Adelphos Petrakis	7,170
**Akamas (previous trips to Cuba—Lebanese)	7,285
**Akastos (previous trip to Cuba—Greek)	7,331
**Aktor (sunk)	6,993
Amfiali	7,110
**Amfithea (previous trip to Cuba under ex-name, Antonia—Greek)	5,171
**Amfitriti (trip to Cuba under ex-name, Marigo—Greek).	
Amon	7,229
**Antonia II (trip to Cuba under ex-name, Stylianos N. Vlassopulos—Greek).	
Artemida	7,247
**Athamas (trips to Cuba—Lebanese—broken up).	
*E. D. Papalios	9,431
El Toro	5,949
Cypriot—Continued	
**Free Enterprise (previous trips to Cuba—British)	6,807
**Free Merchant (previous trips to Cuba—British)	5,237
**Free Navigator (previous trips to Cuba under ex-name, Newdene—British)	7,181
**Free Trader (previous trips to Cuba—Lebanese)	7,067
**Kallithea (previous trips to Cuba under ex-name, Swift River—British—broken up)	7,251
**Newforest (previous trips to Cuba—British)	7,185
**Newgrove (previous trips to Cuba—British and Haitian—constructive total loss)	7,172
**Newmeadow (previous trips to Cuba—British—sunk)	5,654
**Sunrise (previous trips to Cuba under ex-name, Anatoli—Greek)	7,187
Italian (15 ships)	123,058
Achille	6,950
Agostino Bertani	8,380
**Andrea Costa (tanker—broken up)	10,440
**Aspromonte (broken up)	7,154
Caprera	7,189
Elia (tanker)	11,377
**Geremia (previous trips to Cuba under ex-name, Mariasusanna—Italian)	2,479
Giuseppe Giulietti (tanker)	17,519
**Graziella Zeta (trips to Cuba under ex-name, Montiron—Italian).	
**Mariasusanna (now Geremia—Italian).	
**Montiron (now Graziella Zeta—Italian)	1,595
Nazareno	7,173
Nino Bixio	8,427
San Francesco	9,284
San Nicola (tanker)	12,461
Santa Lucia	9,278
**Somalia (now Chenchang—Nationalist Chinese)	3,352
Yugoslav (8 ships)	53,534
Bar	7,233
Cetinje	7,200
Dugi Otok	6,997
Kolasin	7,217
Mojkovac	7,125
Plod	3,657
Promina	6,960
**Trebisnjica (wrecked)	7,145
French (9 ships)	48,758
**Arsinoe (tanker—sunk)	10,426
**Avranches (now Avranchoise—Panamanian)	7,282
Circe	2,874
Enee	1,232
Foulaya	3,739
Mungo	4,820
Nelee	2,874
**Neve (now Drameoumar—Guinean)	852
Senanque (tanker)	14,659
Moroccan (5 ships)	35,828
Atlas	10,392
**Banora (sunk)	3,082
Marrakech	3,214
Mauritanie	10,392
Toubkal	8,748
Maltese (5 ships)	33,788
**Amalia (previous trips to Cuba—British)	7,304
Ispahan	7,156
**St. Antonio (broken up, previous trip to Cuba—British)	6,704
**Socivye (previous trips to Cuba—British)	7,291
Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Finnish (5 ships)	36,835
Atlas	3,916
Augusta Paulin	7,096
**Hermia (trip to Cuba under ex-name, Amfred—Swedish).	
Margrethe Paulin	7,251
Ragni Paulin	6,823
Sword (tanker)	11,749
Netherlands (2 ships)	999
Meike	500
Tempo	499
Norwegian (2 ships)	10,002
Ole Bratt	5,252
**Tine (now Jezreel—Panamanian flag—wrecked)	4,750
Swedish (2 ships)	9,318
**Amfred (now Hermia—Finnish)	2,828
**Dagmar (now Bali Mariner—Panamanian)	6,490
Monaco (1 ship)	7,314
Saint Lys	7,314
Guinean:	
**Drame Oumar (trip to Cuba under ex-name, Neve—French).	
Haitian:	
**Newgrove (now Cypriot).	
Liberian:	
**Tung Yih (trip to Cuba under ex-name Aristefs—Lebanese).	
Nationalist Chinese:	
**Chenchang (trip to Cuba under ex-name, Somalia—Italian).	
Pakistani:	
**Haringhata (trip to Cuba under ex-name, Ardpatrick—British).	
**Maulabaksh (trips to Cuba under ex-name, Phoenician Dawn and East Breeze—British).	
Panamanian:	
**Agate (trips to Cuba under ex-name, Dairien—British).	
**Avranchoise (trip to Cuba under ex-name Avranches—French).	
**Bali Mariner (trips to Cuba under ex-name, Dagmar—Swedish).	
**Cathay Trader (trips to Cuba under ex-name, Suva Breeze—British).	
**Fortune Sea (trips to Cuba under ex-name, Al Amin—Lebanese).	
**Jezreel (trip to Cuba under ex-name, Tine—Norwegian—wrecked).	
**San Carlo (trip to Cuba under ex-name, Reneka—Lebanese—broken up).	
**Thalie (trip to Cuba under ex-name, Maroudio—Greek).	
**Tynlee (trip to Cuba under ex-name, Ardenode—British).	
**White Daisey (trips to Cuba under ex-name Anacreon—Greek).	

See footnotes at end of document.

Flag of Registry and Name of Ship	Gross Tonnage
South African:	
**Ingrid Anne (trip to Cuba under ex-name, Maria Theresa—Greek).	
**Wendy H. (trip to Cuba under ex-name, Mastro-Stelios II—Greek).	

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessel under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

Flag of Registry, Name of Ship	Gross Tonnage
a. Since last report:	
Lebanese: (1 ship)—Taxiarhis	7,349

b. Previous reports:	Number of ships
Flag of registry (total)	103
British	41
Cypriot	2
Danish	1
Finnish	2
French	1
German (West)	1
Greek	27
Israeli	1
Italian	5
Japanese	1
Kuwaiti	1
Lebanese	8
Norwegian	4
Spanish	6
Swedish	1
Yugoslav	1

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through February 7, 1967.

Flag of registry	Number of trips									
	1963	1964	1965	1966					1967	Total
				Jan.–Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	
British	133	180	126	78	8	2	10	2	4	543
Lebanese	64	91	58	21	1		1	2	1	239
Greek	99	27	23	22	2	2	1		2	178
Italian	16	20	24	8	2		1		1	72
Yugoslav	12	11	15	10						48
Cypriot		1	17	21	1	3		2		45
French	8	9	9	3	4		2	1		36
Spanish	8	17								25
Norwegian	14	10								24
Moroccan	9	13	1							23
Finnish	1	4	5	7	1		2	1	1	22
Maltese		2	6	1						9
Netherlands		4	2							6
Swedish	3	3								6
Kuwaiti		2	1							3
Israeli			2							2
Danish	1									1
German (West)	1									1
Haitian			1							1
Japanese	1									1
Monaco				1						1
Subtotal	370	394	290	172	19	7	17	8	9	1,286
Polish	18	16	12	7	1	1		1		56
Grand total	388	410	302	179	20	8	17	9	9	1,342

NOTE: Trip totals in this section exceed ship totals in secs. 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data become available.

*Added to Report No. 77, appearing in the FEDERAL REGISTER issue of December 22, 1966.

**Ships appearing on the list that have been sunk, scrapped, or have had changes in name and/or flag of registry.

Dated: February 9, 1967.

By order of the Acting Maritime Administrator.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 67-1904; Filed, Feb. 17, 1967; 8:48 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

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 February.