FEDERAL REGISTER

VOLUME 32 • NUMBER 44

Tuesday, March 7, 1967 • Washington, D.C.

Pages 3759–3803

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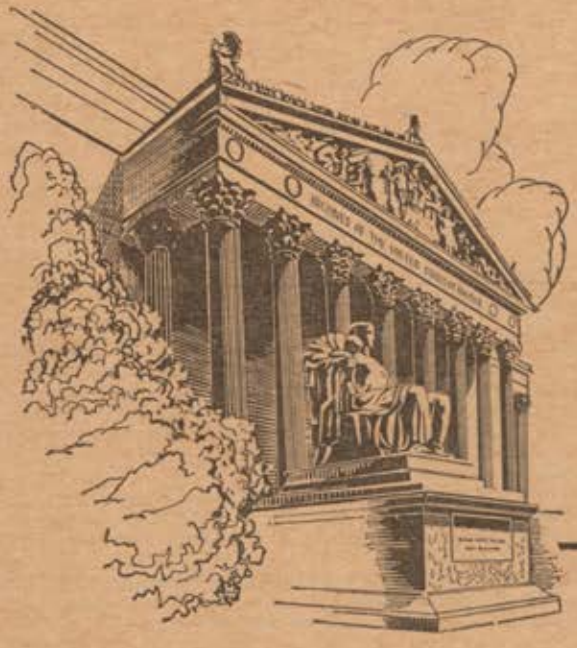

FEDERAL REGISTER

Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., Ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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(Codification Guide)

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332 is amended to show that the position of Special Assistant to the Associate Administrator for Investment is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (kk) is added to § 213.3332 as set out below.

§ 213.3332 Small Business Administration.

* * * * *

(kk) One Special Assistant to the Associate Administrator for Investment.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-2533; Filed, Mar. 6, 1967; 8:51 a.m.]

PART 550—PAY ADMINISTRATION (GENERAL)

Basic Compensation

Section 550.703 is amended to change the severance pay regulations to include premium pay paid on an annual basis for standby duty as part of an employee's basic compensation. Effective the first day of the first pay period after November 2, 1966, § 550.703(b) is amended as set out below.

§ 550.703 Definitions.

* * * * *

(b) "Basic compensation" means the rate of compensation fixed by law or administrative action for the position held by an employee at the time of separation, including premium pay for standby duty paid to an employee on an annual basis under § 550.141, but excluding other additional compensation.

* * * * *

(Sec. 9(c), P.L. 89-301, 79 Stat. 1119; E.O. 11257)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-2525; Filed, Mar. 6, 1967; 8:50 a.m.]

Title 7—AGRICULTURE

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

PART 991—HOPS OF DOMESTIC PRODUCTION

Identification of Reserve Hops

Notice was published in the February 17, 1967, issue of the FEDERAL REGISTER (32 F.R. 3023) regarding a proposal to establish methods of identifying reserve hops. The establishment of identification requirements is pursuant to § 991.32 of Marketing Order No. 991 (7 CFR Part 991; 31 F.R. 9713, 10072) regulating the handling of hops of domestic production effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Hop Administrative Committee and other available information, it is hereby found that identification of reserve hops shall be as follows:

§ 991.132 Identification of reserve hops.

As provided in §§ 991.32 and 991.39, identification of reserve hops shall be completed prior to November 15 or such other date established pursuant to § 991.39. Also, prescribed reports are required with respect to reserve hops held and not delivered by the closing date for pooling.

(a) Any hops which become reserve hops pursuant to § 991.39 shall, prior to November 15 of the year of production or such other date as may be established pursuant to § 991.39, be identified by such devices and in such manner as the Committee finds necessary to maintain surveillance over such hops to assure disposition thereof in accordance with this part and to prevent their unauthorized use in outlets for salable hops. Such identification of bales of reserve hops held by a producer-handler or cooperative marketing association, as provided in § 991.39, shall be by Committee-approved seals or stencils, or such other means as the Committee may approve in writing, applied to the individual bales. Each such producer-handler or association holding reserve hops shall be responsible for having the Committee-approved seals, stencils, or other identification applied to such hops; and representatives of the Committee and the Secretary shall have access to all premises on which such producer-handler and associations, hold reserve hops.

(b) No such producer-handler or association holding reserve hops shall alter or remove any identification applied to such reserve hops except under supervision of the Committee exercised by either the presence of a representative of the Committee or specific written authorization.

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) in that: (1) The Committee has already approved the identification applicable to the 1966 crop hops; (2) except for a few lots not delivered to the reserve pool, all hops have already been identified; (3) the unidentified hops are readily accessible and can be quickly identified; and (4) issuance of the regulation will enhance order operations, hence, effectuating the declared policy of the act.

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

Dated March 2, 1967, to become effective 10 days after publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 67-2500; Filed, Mar. 6, 1967; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Reserve Percentages

1. Section 204.5 (Supplement to Regulation D) is amended to read as follows:

§ 204.5 Supplement.

(a) *Reserve percentages.* Pursuant to the provisions of section 19 of the Federal Reserve Act and § 204.2(a) and subject to paragraph (b) of this section, the Board of Governors of the Federal Reserve System hereby prescribes the following reserve balances which each member bank of the Federal Reserve System is required to maintain on deposit with the Federal Reserve Bank of its district:

(1) If not in a reserve city—

(i) 4 percent of the following deposits until the opening of business on

March 2, 1967, 3½ percent of such deposits from March 2, 1967, to March 15, 1967, inclusive, and 3 percent of such deposits thereafter: (*a*) Savings deposits and (*b*) time deposits, open account, that constitute deposits of individuals, such as Christmas club accounts and vacation club accounts, that are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than 3 months; plus

(ii) 4 percent of its other time deposits up to $5 million until the opening of business on March 2, 1967, 3½ percent of such deposits from March 2, 1967, to March 15, 1967, inclusive, and 3 percent of such deposits thereafter; plus 6 percent of such deposits in excess of $5 million; plus

(iii) 12 percent of its net demand deposits.

(2) If in a reserve city (except as to any bank located in such a city which is permitted by the Board of Governors of the Federal Reserve System, pursuant to § 204.2(a)(2), to maintain the reserves specified in subparagraph (1) of this paragraph)—

(i) 4 percent of the following deposits until the opening of business on March 2, 1967, 3½ percent of such deposits from March 2, 1967, to March 15, 1967, inclusive, and 3 percent of such deposits thereafter: (*a*) Savings deposits and (*b*) time deposits, open account, that constitute deposits of individuals, such as Christmas club accounts and vacation club accounts, that are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than 3 months; plus

(ii) 4 percent of its other time deposits up to $5 million until the opening of business on March 2, 1967, 3½ percent of such deposits from March 2, 1967, to March 15, 1967, inclusive, and 3 percent of such deposits thereafter; plus 6 percent of such deposits in excess of $5 million; plus

(iii) 16½ percent of its net demand deposits.

(b) *Currency and coin.* The amount of a member bank's currency and coin shall be counted as reserves in determining compliance with the reserve requirements of paragraph (a) of this section.

2a. This amendment is issued pursuant to the authority granted to the Board of Governors by section 19 of the Federal Reserve Act to set reserve ratios (12 U.S.C. 462). The change is to reduce from 4 percent to 3 percent, in two steps, the reserves that must be maintained by a member bank against its savings deposits, Christmas and vacation club accounts, and first $5 million of other time deposits.

b. There was no notice and public participation with respect to this amendment as such procedure would result in delay that would be contrary to the public interest and serve no useful purpose. The effective dates were deferred for less than the 30-day period referred to in section 553(d) of title 5, United States Code, because the action falls within the exception thereto with respect to granting relief from a restriction and because the Board found that the general credit situation and the public interest compelled it to make the action effective no later than the dates adopted.

Dated at Washington, D.C., this 28th day of February 1967.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67-2494; Filed, Mar. 6, 1967; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 8006; Amdt. 39-364]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Model F-27, FH-227

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive was adopted March 1, 1967, by telegram and made effective immediately as to all known operators of Fairchild Model F-27 and FH-227 series airplanes. An elevator torque tube was found to be cracked 370 degrees around its circumference at an approximate 45-degree angle. The directive requires inspection of the elevator torque tube and supporting rings for cracks.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known operators of F-27 and FH-227 airplanes by individual telegrams dated March 1, 1967. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In consideration of the foregoing, § 39.13 of Part 39 is amended by adding the following airworthiness directive.

FAIRCHILD. Applied to Model F-27 and FH-227 series airplanes.

Compliance required as indicated.

To detect cracks in the elevator torque tube and supporting rings, accomplish the following:

(a) Within the next 10 hours' time in service after the effective date of this AD, unless already accomplished, visually inspect the inside area of the elevator torque tube P/N 27-223002-3 between elevator stations 11.811 (inboard end rib) and 15.748 (next rib outboard) and the elevator end (inboard) rib and internal elevator structure adjacent to the elevator torque tube for cracks using a mirror and light or an equivalent inspection approved by an FAA maintenance inspector. If a crack is found, comply with paragraph (c) before further flight.

(b) Within the next 75 hours' time in service after the effective date of this AD, unless already accomplished, inspect the elevator torque tube P/N 27-223002-3 between elevator stations 11.811 and 15.748 and the torque tube supporting rings P/N 27-223006-9 (inboard end rib) and P/N 27-223006-3 (next rib outboard) for cracks using X-ray or dye-penetrant with a glass of at least 10 power or an equivalent inspection approved by an FAA maintenance inspector. If a crack is found comply with paragraph (c) before further flight.

(c) Replace any part found cracked with a part of the same part number that has been inspected for cracks in accordance with paragraph (b) or with an equivalent part approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

(d) Upon request of the operator an FAA maintenance inspector may, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, increase the initial compliance times specified in this AD by not more than 5 hours' time in service if the request contains substantiating data to justify the increase for that operator.

(Fairchild Hiller Alert Service Bulletins No. F-27-55-13A and FH-227-55-2A dated Feb. 21, 1967, pertain to this subject.)

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those to whom it was made effective immediately by telegram dated March 1, 1967.

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

Issued in Washington, D.C., on March 2, 1967.

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

[F.R. Doc. 67-2511; Filed, Mar. 6, 1967; 8:49 a.m.]

[Airspace Docket No. 66-EA-79]

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

Alteration of Control Zone

On pages 14991 and 14992 of the FEDERAL REGISTER for November 29, 1966, the Federal Aviation Agency published proposed regulations which would alter the Richmond, Va., control zone.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t. April 27, 1967.

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

Issued in Jamaica, N.Y., on January 30, 1967.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Richmond, Va., control zone, the letters and numerals, "230°" and "SW" and insert in lieu thereof, "359°" and "N".

[F.R. Doc. 67-2468; Filed, Mar. 6, 1967; 8:45 a.m.]

[Airspace Docket No. 66-EA-78]

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

Alteration of Control Zone and Transition Area

On page 15242 of the FEDERAL REGISTER for December 6, 1966, the Federal Aviation Agency published proposed regulations which would alter the Quantico, Va., control zone and 700-foot floor transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t. April 27, 1967.

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

Issued in Jamaica, N.Y., on January 30, 1967.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Quantico, Va., control zone and insert in lieu thereof, "Within a 5-mile radius of the center (38°30'10" N., 77°18'20" W.), of MCAS Quantico, Va., and within 2 miles each side of the Brooke, Va., VOR 013° radial extending from the 5-mile radius zone to 2 miles north of the VOR.".

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Quantico, Va., 700-foot floor transition area in its entirety and designate a new one as follows:

QUANTICO, VA.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center (38°30'10" N., 77°18'20" W.), of MCAS Quantico, Va.; and within 2 miles each side of the Brooke, Va., 013° radial extending from the 7-mile radius area to the VOR.

[F.R. Doc. 67-2469; Filed, Mar. 6, 1967; 8:45 a.m.]

[Airspace Docket No. 66-SO-83]

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

Alteration of Transition Area and Control Zone

On November 17, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 14653) stating that the Federal Aviation Agency was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Birmingham, Ala., 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 on the basis that the proposed 700-foot transition area is not justified by air traffic operational requirements; that adequate controlled airspace protection can be provided aircraft within currently designated airspace by raising the authorized minimum IFR altitudes within the terminal area; and that the transition area, as proposed, would constitute an inefficient use of airspace.

Further review of terminal airspace requirements for Birmingham Municipal Airport was conducted in light of the comments submitted by the AOPA. The review substantiated the fact that the existing 700-foot transition area is not adequate to protect IFR operations in the Birmingham terminal area. A 700-foot floor transition area within a 17-mile radius of the radar antenna site, excluding an area northwest of the airport, is required for the protection of IFR aircraft operating in the Birmingham terminal area.

Consideration was given to the AOPA's suggestion to raise the authorized minimum IFR altitudes within the terminal area from 2,500 AMSL to 3,000 AMSL. This action would contain IFR aircraft within currently designated airspace and obviate the necessity for enlarging the transition area. However, this would derogate the instrument procedures by requiring excessively long final approaches and would not contribute to efficient utilization of airspace or to the expeditious flow of IFR aircraft within the terminal area.

In the review, it was determined that an area in the northwest quadrant of the proposed 700-foot floor transition area is not required for the protection of IFR aircraft. Due to lower terrain in that area, IFR aircraft are protected by the 1,200-foot floor transition area. In keeping with the Agency's policy of designating only that airspace which is required for the protection of instrument operations, action is taken herein to exclude that portion of the proposed 17-mile radius transition area that is not required by applicable criteria. Since this modification is less restrictive on the public, notice and public procedure hereon are unnecessary.

Subsequent to circularization of the notice, it was determined that the longitudinal ordinate of the Birmingham Municipal Airport radar antenna site was in error by two seconds. In addition, it has also been determined that the coordinate for the Birmingham Municipal Airport, as published in the control zone description, is erroneous. Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary. Therefore, the correct coordinates are incorporated herein.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended as hereinafter set forth.

1. In § 71.171 (32 F.R. 2071) the Birmingham, Ala., control zone is amended, effective immediately, by deleting "* * * latitude 32°33'49" N., longitude 86°45'-31" W. * * *" and substituting "* * * latitude 33°33'50" N., longitude 86°45'-30" W. * * *" therefor

2. In § 71.181 (32 F.R. 2148) the 700-foot floor portion of the Birmingham, Ala., transition area is amended, effective 0001 e.s.t., April 27, 1967, to read:

That airspace extending upward from 700 feet above the surface beginning at the intersection of a line 2 miles west of and parallel to the extended centerline of Runways 18/36 north of the Birmingham Municipal Airport and the arc of a 17-mile radius circle centered at Birmingham Airport surveillance radar antenna site (latitude 33°34'24" N., longitude 86°45'23" W.); thence clockwise along this arc to the intersection of the 270° bearing from the radar antenna site; thence east along the 270° bearing from the radar antenna site to the intersection of the arc of a 13-mile radius circle centered at the radar antenna site; thence clockwise along this arc to a line 2 miles northeast of and parallel to the Birmingham VORTAC 313° radial; thence southeast along this line to the intersection of the arc of a 10-mile radius circle centered at the radar antenna site; thence clockwise along this arc to the intersection of a line 2 miles west of and parallel to the extended centerline of Runways 18/36; thence north along this line to the point of beginning.

The Birmingham, Ala., transition area extending upward from 1,200 feet above the surface is not changed by this action.

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

Issued in East Point, Ga., on February 23, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-2476; Filed, Mar. 6, 1967; 8:46 a.m.]

[Airspace Docket No. 66-CE-89]

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

Alteration of Control Zone and Transition Area

On December 24, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 16497) stating that the Federal Aviation Agency proposed to alter controlled airspace at Grand Forks, N. Dak.

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

The Grand Forks, N. Dak., International Airport coordinates recited in the notice of proposed rule making have been changed slightly in this final rule. Since this change is minor in nature and imposes no additional burden on anyone, it is being incorporated in the Rule without notice and public procedure.

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 Grand Forks, N. Dak., control zone is amended to read:

GRAND FORKS, N. DAK. (GRAND FORKS AIR FORCE BASE)

Within a 5-mile radius of Grand Forks AFB (latitude 47°57'40" N., longitude 97°24'00" W.), within 2 miles each side of the Red River VOR 360° radial extending from the 5-mile radius zone to 1 mile N of the VOR, and within 2 miles each side of the Red River TACAN 004° radial, extending from the 5-mile radius zone to 7 miles N of the TACAN.

(2) In § 71.181 (32 F.R. 2148), the Grand Forks, N. Dak., transition area is amended to read:

GRAND FORKS, N. DAK.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Grand Forks International Airport (latitude 47°57'05" N., longitude 97°10'35" W.), within 5 miles W and 8 miles E of the Grand Forks VORTAC 173° radial, extending from the 8-mile radius area to 12 miles S of the VORTAC, and within a 10-mile radius of Grand Forks AFB (latitude 47°57'40" N., longitude 97°24'00" W.); and that airspace extending upward from 1,200 feet above the surface within a 35-mile radius of Grand Forks AFB, and within a 29-mile radius of Red River VOR, extending clockwise from a line 5 miles E of and parallel to the Red River VOR 180° radial to a line 5 miles W of and parallel to the Red River VOR 209° radial.

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

Issued in Kansas City, Mo., on February 17, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-2482; Filed, Mar. 6, 1967; 8:46 a.m.]

[Airspace Docket No. 67-SO-19]

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

Alteration of Control Zones and Transition Areas

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the Columbus, Ga. (Lawson AAF) and Muscogee County Airport) control zones and the Augusta, Ga., Gulfport, Miss., Johns Island, S.C., Key West, Fla., Miami, Fla., and Raleigh, N.C., transition areas.

The above-named control zones are described in 32 F.R. 2071. The above-named transition areas are described in 32 F.R. 2148.

Because § 91.95 of the Federal Aviation Regulations requires a pilot to obtain permission from the appropriate authority prior to operating an aircraft within a restricted area, and because of changes in the status of certain warning and restricted areas, it is necessary to alter the above-named control zones and transition areas.

Since these amendments are editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (32 F.R. 2071) the following control zones are amended as specified:

1. In Columbus, Ga. (Lawson AAF), "* * * excluding that portion within R-3002" is deleted and "* * * excluding that portion within R-3002A" is substituted therefor.

2. In Columbus, Ga. (Muscogee County Airport), "* * * excluding that portion within R-3002" is deleted and "* * * excluding that portion within R-3002A" is substituted therefor.

In § 71.181 (32 F.R. 2148) the following transition areas are amended as specified:

1. In Augusta, Ga., "* * * excluding the portions which would coincide with R-3003, R-3004, and R-6004" is deleted and "* * * excluding that portion within R-6004" is substituted therefor.

2. In Gulfport, Miss., "* * * excluding the portion within R-4401" is deleted.

3. In Johns Island, S.C., "* * * excluding that portion within R-6003 and the Charleston, S.C., 700-foot transition area" is deleted and "* * * excluding that portion within the Charleston, S.C., 700-foot transition area" is substituted therefor.

4. In Key West, Fla., "* * * excluding the portion within W-173 and W-465" is deleted and "* * * excluding that portion within W-465" is substituted therefor.

5. In Miami, Fla., "* * * excluding the portion within W-173" is deleted.

6. In Raleigh, N.C., "* * * excluding that portion within R-5311" is added.

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

Issued in East Point, Ga., on February 27, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-2483; Filed, Mar. 6, 1967; 8:46 a.m.]

[Airspace Docket No. 66-EA-90]

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

Designation of Transition Area

On pages 16469 and 16470 of the FEDERAL REGISTER for December 23, 1966, the Federal Aviation Agency published proposed regulations which would designate a part time 700-foot floor transition area over Sussex Airport, Sussex, N.J.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., April 27, 1967.

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

Issued in Jamaica, N.Y., on January 30, 1967.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a part-time 700-foot-floor transition area for Sussex Airport, Sussex, N.J., as follows:

SUSSEX, N.J.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (41°12'00" N., 74°37'25" W.) of Sussex Airport, Sussex, N.J.; within 2 miles each side of the Sparta, N.J. VOR 334° radial extending from the 5-mile radius area to the VOR; within 2 miles each side of the centerline of Runway 3 extended to 9 miles NE of the end of the runway; within 2 miles each side of the centerline of Runway 21 extended to 10 miles SW of the end of the runway; within 2 miles each side of the centerline of Runway 26 extended to 12 miles W of the end of the runway; within 2 miles each side of the centerline of Runway 8 extended to 10 miles E of the end of the runway, excluding the portion within the Andover, N.J., 700-foot-floor transition area. This transition area shall be in effect from sunrise to sunset daily.

[F.R. Doc. 67-2466; Filed, Mar. 6, 1967; 8:45 a.m.]

[Airspace Docket No. 66-EA-85]

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

Alteration of Transition Area

On page 15242 of the FEDERAL REGISTER for December 6, 1966, the Federal Aviation Agency published proposed regulations which would alter the Chicopee Falls, Mass., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t. March 30, 1967.

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

Issued in Jamaica, N.Y., on January 30, 1967.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to add in the description of the Chicopee Falls, Mass., transition area after the words, "Barnes Airport, Westfield, Mass.," the phrase, "and within 8 miles west and 5 miles east of the Westfield, Mass., 009° radial extending from the VOR, to 12 miles north of the VOR."

[F.R. Doc. 67-2467; Filed, Mar. 6, 1967; 8:45 a.m.]

[Airspace Docket No. 66-EA-67]

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

Alteration of Transition Area

On page 14558 of the FEDERAL REGISTER for November 15, 1966, the Federal Aviation Agency published proposed regulations which would alter the Wilmington, Del. 700-foot floor transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., April 27, 1967.

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

Issued in Jamaica, N.Y., on January 30, 1967.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the description of the Wilmington, Del., 700-foot floor transition area by inserting after the phrase, "New Castle, Del., VORTAC 278° radial extending from the 7-mile radius area to 8 miles west of the VORTAC.", the phrase, "within a 4-mile radius of the center (39°31'20" N., 75°-43'25" W.) of Summit Airpark Airport; and within 2 miles each side of the New Castle, Del., VORTAC 207° radial extending from the Summit Airpark 4-mile radius area to the VORTAC."

[F.R. Doc. 67-2470; Filed, Mar. 6, 1967; 8:45 a.m.]

[Airspace Docket No. 66-EA-86]

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

Designation of Transition Area

On page 14992 of the FEDERAL REGISTER for November 29, 1966, the Federal Aviation Agency published proposed regulations which would designate a part-time 700-foot floor transition area over Oneonta Municipal Airport, Oneonta, N.Y.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., April 27, 1967.

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

Issued in Jamaica, N.Y. on January 30, 1967.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a part time 700-foot floor transition area for Oneonta, N.Y., as follows:

ONEONTA, NEW YORK

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (42°31'26" N., 75°03'56" W.), of Oneonta Municipal Airport, Oneonta, N.Y.; and within 2 miles each side of the Rockdale VOR 066° radial, extending from the 5-mile radius area to the Rockdale VOR, excluding the portion within the Sidney, N.Y. transition area. This transition area shall be effective from sunrise to sunset, daily.

[F.R. Doc. 67-2471; Filed, Mar. 6, 1967; 8:45 a.m.]

[Airspace Docket No. 66-EA-71]

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

Alteration of Transition Area

The Federal Aviation Agency is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Laconia, N.H., 700-foot floor transition area.

The Laconia, N.H., ADF final approach course predicated on the Laconia radio beacon has been altered from the 263° magnetic bearing to 267° magnetic bearing from the radio beacon requiring a 4-degree change in the transition area. Additionally, Coast and Geodetic Survey has refined the geographical position of the airport.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and it may be made effective in less than 30 days.

In view of the foregoing, the amendment is hereby adopted effective 0001 e.s.t., April 27, 1967 as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the description of the Laconia, N.H., 700-foot floor transition area the coordinates, "(43°34'24" N., 71°25'30" W.)" and the phrase, "within 2 miles each side of the 247° bearing from the Laconia RBN" and insert in lieu thereof the coordinates, "(43°34'30" N., 71°25'25" W.)" and the phrase, "within 2 miles each side of the 251° bearing from the Laconia RBN.", respectively.

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

Issued in Jamaica, N.Y., on February 2, 1967.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 67-2472; Filed, Mar. 6, 1967; 8:45 a.m.]

[Airspace Docket No. 67-EA-3]

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

Revocation of Transition Area

The Federal Aviation Agency is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to revoke the Cooperstown Airport, Cooperstown, N.Y., 700-foot floor transition area.

Due to the cancellation of the instrument approach procedure to Cooperstown, N.Y., Airport, there is no requirement for the transition area.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, the amendment is hereby adopted effective upon publication in the FEDERAL REGISTER as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to revoke the Cooperstown, N.Y., 700-foot floor transition area.

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

Issued in Jamaica, N.Y., on February 2, 1967.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 67-2473; Filed, Mar. 6, 1967; 8:45 a.m.]

[Airspace Docket No. 66-EA-70]

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

Designation of Transition Area

On page 15545 of the FEDERAL REGISTER for December 9, 1966, the Federal Aviation Agency published proposed regulations which would designate a 700-foot floor transition area over Hershey Air Park, Hershey, Pa.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., April 27, 1967.

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

Issued in Jamaica, N.Y., on February 1, 1967.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor transition area for Hershey, Pa., described as follows:

HERSHEY, PA.

That airspace extending upward from 700 feet above the surface within a 4-mile radius of the center (40°17'35" N., 76°39'40" W.) of Hershey Air Park Airport, Hershey, Pa.; and within 2 miles each side of the Runway 8 centerline extended from the 4-mile radius area to 5 miles east of the end of the runway, excluding that portion which coincides with Harrisburg, Pa., transition area. This transition area shall be effective from sunrise to sunset, daily.

[F.R. Doc. 67-2474; Filed, Mar. 6, 1967; 8:46 a.m.]

[Airspace Docket No. 66-EA-62]

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

Alteration of Transition Area

On pages 14557 and 14558 of the FEDERAL REGISTER for November 15, 1966, the Federal Aviation Agency published proposed regulations which would alter the Columbus, Ohio, 700-foot floor transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., April 27, 1967, except as follows:

1. Amend Item 1 of the notice of proposed rule making so as to delete the coordinates "(40°04'30" N., 83°04'15" W.)" and insert in lieu thereof the coordinates "(40°04'47" N., 83°04'54" W.)"

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

Issued in Jamaica, N.Y., on February 2, 1967.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the description of the Columbus, Ohio, 700-foot floor transition area by inserting after the phrase, "of Anchor Hocking Airport, Lancaster, Ohio;", the phrase, "within a 6-mile radius of the center, (40°04'45" N., 83°04'20" W.), of Ohio State University Airport; within 2 miles each side of the Ohio State University RBN. (40°04'47" N., 83°04'54" W.) 273° bearing extending from the Ohio State University 6-mile radius area to 8 miles W of the RBN;".

[F.R. Doc. 67-2475; Filed, Mar. 6, 1967; 8:46 a.m.]

[Airspace Docket No. 66-EA-59]

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

Designation of Transition Area

On page 14408 of the FEDERAL REGISTER for November 9, 1966, the Federal Aviation Agency published proposed regulations which would designate a part-time 700-foot floor transition area for Wurtsboro, N.Y.

Interested parties were given 30 days after publication in which to submit written data or views. AOPA had submitted written objection but has subsequently withdrawn any objection to the proposed regulations.

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., April 27, 1967, as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a part-time 700-foot floor transition area for Wurtsboro, N.Y., described as follows:

WURTSBORO, N.Y.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center (41°35'50" N., 74°27'35" W.) of Wurtsboro Mamakating Airport, Wurtsboro, N.Y.; and within 2 miles each side of the Huguenot, N.Y., VOR 028° radial extending from the 5-mile radius area to the VOR excluding that portion that coincides with the Newburgh, N.Y., Transition Area, effective from sunrise to sunset daily.

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

Issued in Jamaica, N.Y., on February 15, 1967.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 67-2478; Filed, Mar. 6, 1967; 8:46 a.m.]

[Airspace Docket No. 66-CE-93]

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

Designation of Transition Area

On December 13, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 15703) stating that the Federal Aviation Agency proposed to designate controlled airspace in the Ashland, Wis., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was from the Air Transport Association. The Association offered no objection to the proposal provided that adequate communications exist between the controlling facility and IFR arrivals/departures at the John F. Kennedy Memorial Airport, Ashland, Wis., so as not to unduly penalize other airspace movements within the area. The Federal Aviation Agency has determined that such adequate communications do exist.

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:

ASHLAND, WIS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of John F. Kennedy Memorial Airport (latitude 46°32'55" N., longitude 90°55'00" W.) and within 2 miles each side of the 208° bearing from John F. Kennedy Memorial Airport, extending from the 5-mile radius area to 8 miles SW of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles W and 8 miles E of the 208° bearing from John F. Kennedy Memorial Airport extending from the airport to 12 miles SW of the airport.

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

Issued in Kansas City, Mo., on February 17, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-2480; Filed, Mar. 6, 1967; 8:46 a.m.]

[Airspace Docket No. 66-CE-91]

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

Designation of Transition Area

On December 6, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 15243) stating that the Federal Aviation Agency proposed to designate controlled airspace in the Zionsville, Ind., terminal area.

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

Subsequent to the issuance of the subject Notice, the Federal Aviation Agency has determined that, based on current instrument approach procedure criteria, the transition area extension designated in the proposed Zionsville, Ind., transition area is not required and, consequently, will be eliminated in this final rule.

Since this change is less restrictive in nature and imposes no additional burden on any person, further notice and public procedure hereon are unnecessary.

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:

ZIONSVILLE, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Terry Memorial Airport (latitude 40°02'05" N., longitude 86°15'00" W.).

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

Issued in Kansas City, Mo., on February 17, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-2481; Filed, Mar. 6, 1967; 8:46 a.m.]

[Airspace Docket No. 67-EA-10]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to reduce the time of designation of Restricted Area R-2801, Bethany Beach, Del., and to designate Salisbury Flight Service Station (Federal Aviation Agency) as Controlling Agency.

The U.S. Army has concurred in a Federal Aviation Agency proposal that Restricted Area R-2801 be activated by NOTAM 48 hours in advance of actual requirements rather than on a continuous basis during specified periods.

Since this amendment is less restrictive in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days notice.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER as hereinafter set forth.

In § 73.28 (32 F.R. 2303), Restricted Area R-2801, Bethany Beach, Del., is amended as follows:

a. Change time of designation to read: "By NOTAM 48 hours in advance during the following periods: June 1 through September 30, 0800-2000 local time, Monday through Friday; October 1 through May 31, 0800-1600 local time, Saturdays and Sundays."

b. Add: "Controlling Agency. Federal Aviation Agency, Salisbury, Md., Flight Service Station."

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

Issued in Washington, D.C., on February 28, 1967.

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

[F.R. Doc. 67-2499; Filed, Mar. 6, 1967; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

PART 2—PROCEDURES FOR HANDLING AND SETTLEMENT OF CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT

The following regulations were issued by the Secretary of Commerce effective January 18, 1967, as Department Order 70.

Part 2, Subtitle A, Title 15 of the Code of Federal Regulations (24 F.R. 3184 of Apr. 24, 1959, and 24 F.R. 9306 of Nov. 18, 1959) is revised in its entirety to read as follows:

Sec.
2.1 Purpose.
2.2 Provisions of law.
2.3 Delegation of authority.
2.4 Procedure for filing claims.
2.5 Adjudication and settlement of claim.
2.6 Payment of claims.
2.7 Annual report.
2.8 Supplementary regulations.

Appendix A—Procedure for handling and settlement of claims under the Federal Tort Claims Act accruing on or before Jan. 17, 1967

AUTHORITY: The provisions of this Part 2 issued under sec. 2672, 62 Stat. 983, as amended; 28 U.S.C. 2672.

§ 2.1 Purpose.

(a) The purpose of this part is to delegate authority to settle or deny claims under the Federal Tort Claims Act (in part, 28 U.S.C. 2671–2680) as amended by Public Law 89–506, 80 Stat. 306, and to establish procedures for the administrative adjudication of such claims accruing on or after January 18, 1967.

(b) Appendix A of this part delegates authority to settle or deny claims under the Federal Tort Claims Act (in part, 28 U.S.C. 2671–2680) and establishes procedures for the administrative adjudication of claims accruing on or before January 17, 1967.

§ 2.2 Provisions of law and regulations thereunder.

(a) Section 2672 of Title 28, U.S. Code, as above amended, provides that:

The head of each Federal agency or his designee, in accordance with regulations prescribed by the Attorney General, may consider, ascertain, adjust, determine, compromise, and settle any claim for money damages against the United States 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 agency while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred: *Provided*, that any award, compromise, or settlement in excess of $25,000 shall be effected only with the prior written approval of the Attorney General or his designee.

Subject to the provisions of this title relating to civil actions on tort claims against the United States, any such award, compromise, settlement, or determination shall be final and conclusive on all officers of the Government, except when procured by means of fraud.

Any award, compromise, or settlement in an amount of $2,500 or less made pursuant to this section shall be paid by the head of the Federal agency concerned out of appropriations available to that agency. Payment of any award, compromise, or settlement in an amount in excess of $2,500 made pursuant to this section or made by the Attorney General in any amount pursuant to section 2677 of this title shall be paid in a manner similar to judgments and compromises in like causes and appropriations or funds available for the payment of such judgments and compromises are hereby made available for the payment of awards, compromises, or settlements under this chapter.

The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release of any claim against the United States and against the employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

(b) Subsection (a) section 2675 of said Title 28 provides that:

An action shall not be instituted upon a claim against the United States 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 Government while acting within the scope of his office or employment, unless the claimant shall have first presented the claim to the appropriate Federal agency and his claim shall have been finally denied by the agency in writing and sent by certified or registered mail. The failure of an agency to make final disposition of a claim within 6 months after it is filed shall, at the option of the claimant any time thereafter, be deemed a final denial of the claim for purposes of this section. The provisions of this subsection shall not apply to such claims as may be asserted under the Federal Rules of Civil Procedure by third party complaint, crossclaim, or counterclaim.

(c) Section 2678 of said Title 28 provides that no attorney shall charge fees in excess of 25 percent of a judgment or settlement after litigation, or over 20 percent of administrative settlements.

(d) Section 2679 of said Title 28 provides that tort remedies against the United States by reason of operation by any Government employee of a motor vehicle while acting within the scope of his employment shall be exclusive of any other action against the employee.

(e) Section 2401(b) of said Title 28 provides that:

A tort claim against the United States shall be forever barred unless it is presented in writing to the appropriate Federal agency within 2 years after such claim accrues or unless action is begun within 6 months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the agency to which it was presented.

(f) The Tort Claims Act as amended provides that it shall apply to claims accruing 6 months or more after date of enactment (date of enactment, July 18, 1966).

(g) Pursuant to section 2672 as amended, the Attorney General has issued regulations (herein referred to as "the Regulations"; 28 CFR Part 14) prescribing standards and procedures for settlement of tort claims (31 F.R. 16616). Persons delegated authority under this part shall follow and be guided by such Regulations (28 CFR Part 14).

§ 2.3 Delegation of authority.

(a) The following are hereby named as designees of the Secretary of Commerce with respect to tort claims filed under section 2672 of Title 28, U.S. Code, as described in § 2.2, with authority to act on such claims as provided in said section 2672, including denial thereof:

(1) The Assistant Secretary of Commerce for Administration for the Office of the Secretary, and Secretarial Officers for constituent operating units (as defined in Department Order 83) reporting to them; and

(2) The head of each primary operating unit, for his unit.

(b) Authority delegated under this section may, with the approval of the Assistant Secretary for Administration, be redelegated to other designees.

(c) Any proposed settlement of a tort claim for an amount exceeding $5,000, and any proposed denial of a claim made for more than $5,000, shall be subject to review and approval by the Assistant Secretary for Administration, and no such settlement or denial shall be made without such approval: *Provided, however*, That the Assistant Secretary for Administration may permit any unit to settle or deny claims for amounts not to exceed $10,000 without such review and approval.

(d) Settlement or denial of any claim under this part is final for the Department of Commerce.

(e) No action with respect to any tort claim regardless of amount shall be taken without prior legal review and approval by the General Counsel of the Department or his designee.

§ 2.4 Procedure for filing claims.

(a) The procedure for filing and the contents of claims shall be pursuant to §§ 14.2, 14.3, and 14.4 of the Regulations (28 CFR Part 14).

(b) Claims shall be filed with the Assistant Secretary for Administration, Department of Commerce, Washington, D.C. 20230.

(c) If a claim is filed elsewhere in the Department, it shall immediately be recorded and transmitted to the Assistant Secretary for Administration.

§ 2.5 Adjudication and settlement of claims.

(a) Upon receipt of a claim, the time and date of receipt shall be recorded. If such claim involves a unit other than one for which the Assistant Secretary for Administration is responsible under paragraph (a) of § 2.3, he shall, after recording of such claim, transmit it to the head of such unit, who shall in turn transmit it to the appropriate official of his unit. The appropriate official shall

prepare a file, make or cause such investigation to be made, and obtain such information as necessary. If the investigative facilities of the unit are insufficient for a proper and complete investigation, such unit shall consult with the departmental Office of Investigations and Security with a view to (1) having such office conduct the investigation or (2) requesting another Federal agency to conduct such investigation as necessary, pursuant to § 14.8 of the Regulations (28 CFR Part 14), all on a reimbursable basis.

(b) If the amount of the proposed award exceeds $25,000 (in which case, approval by the Attorney General is required), or if consultation with the Department of Justice is desired or required pursuant to § 14.6 of the Regulations, the unit involved will prepare and compile the material required by the Department of Justice under § 14.7 of the Regulations (28 CFR Part 14) and submit such material to the General Counsel of the Department for consultation with or referral to the Department of Justice.

(c) Denial of a claim shall be communicated as provided by § 14.9 of the Regulations (28 CFR Part 14).

(d) Designees hereunder are responsible for the control over and expeditious handling of claims, bearing in mind the applicable statutory time limitations for adjudications of claims.

§ 2.6 Payment of claims.

When an award is made, the file on the case shall be transmitted to the appropriate fiscal office for payment by the Department or for transmittal for payment as prescribed by § 14.10 of the Regulations (28 CFR Part 14). Prior to payment appropriate releases shall be obtained, as provided in said section.

§ 2.7 Annual report.

Designees hereunder shall compile a report for their respective areas covering the preceding fiscal year, describing actions, including denials, taken under this part, name of claimant, amount claimed, amount of any award, and a brief description of the claim. The report shall be filed by August 15 of each year, one copy to be submitted to the Assistant Secretary for Administration and one to the General Counsel of the Department.

§ 2.8 Supplementary regulations.

(a) The Assistant Secretary for Administration may from time to time issue such supplementary regulations or instructions as he deems appropriate to carry out the purpose of this part.

(b) Any designee mentioned in paragraph (a) of § 2.3 may issue regulations or instructions covering his area of responsibility hereunder which are consistent with this part and with those issued under paragraph (a) of this section, such regulations and instructions to be approved by the Assistant Secretary for Administration and the General Counsel.

Dated: March 2, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

APPENDIX A—PROCEDURES FOR HANDLING AND SETTLEMENT OF CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT ACCRUING ON OR BEFORE JANUARY 17, 1967

A. Purpose:

The purpose of this Appendix A to Part 2, is to delegate authority to settle claims for personal injury or property damage under the Federal Tort Claims Act (28 U.S.C. 2671–80) and to establish procedures for the adjudication of such claims accruing on or before January 17, 1967.

B. Provisions of law:

1. Title 28 U.S.C., section 2672, provides:

"(a) The head of each Federal agency, or his designee for the purpose, acting on behalf of the United States, may consider, ascertain, adjust, determine, and settle any claim for money damages of $2,500 or less against the United States accruing on and after January 1, 1945, for injury or loss of property or personal injury or death caused by the negligent wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

"(b) Subject to the provisions of this title relating to civil actions on tort claims against the United States, any such award or determination shall be final and conclusive on all officers of the Government, except when procured by means of fraud.

"(c) Any award made pursuant to this section, and any award, compromise, or settlement made by the Attorney General pursuant to section 2677 of this title, shall be paid by the head of the Federal agency concerned out of appropriations available to such agency.

"(d) The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release of any claim against the United States and against the employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter."

2. Under Title 28, section 2401(b), it is provided in part that a claim not exceeding $2,500 must be presented in writing within 2 years after the claim accrues.

3. Title 28, Section 2678, of the act provides in part as follows:

"* * * the head of the Federal agency or his designee making an award pursuant to section 2672 of this title * * * may, as a part of such judgment, award, or settlement, determine and allow reasonable attorney fees, which, if the recovery is $500 or more, shall not exceed 10 per centum of the amount recovered under section 2672 of this title * * * to be paid out of but not in addition to the amount of judgment, award, or settlement recovered, to the attorneys representing the claimant."

C. Delegation of authority for adjudication and settlement of claims:

1. The head of each primary operating unit is hereby authorized to exercise with respect to claims authorized to be considered, ascertained, adjusted, determined, and settled under sections 2672 and 2678 of Title 28, in accordance with sections D and E of this Appendix, all authority vested in the Secretary of Commerce by said sections. The General Counsel of the Department of Commerce is authorized to exercise such authority with respect to claims arising out of the wrongful acts or omissions of any employees of the constituent units of the Office of the Secretary.

2. The authority delegated under paragraph 1 of this section may be redelegated to such officers of the primary operating units and of the Office of the General Counsel as the heads thereof may deem appropriate.

3. The adjudication and settlement of any claim in accordance with the provisions of this Appendix constitutes final action in the case insofar as the Department of Commerce is concerned and no further review in the Department may be obtained.

D. Procedure for making claims:

1. Claims may be filed with the primary operating unit involved or in any of its field offices, or with the Office of the General Counsel where a constituent unit of the Office of the Secretary is involved.

2. A claim may be filed by the individual or firm sustaining injury or damages in his or its own right or by an attorney.

3. Claims shall be filed on Standard Form No. 95, "Claim for Damage or Injury." The file in each claim should also include a statement of the employee involved and statements of any witnesses. This evidence should be supported by any other documentary evidence that will be helpful in adjudicating the claims.

E. Adjudication and settlement of claims:

1. Upon receipt of a claim the date of receipt shall be made a matter of record. After recording, the claim will be forwarded to appropriate legal counsel for review of the evidence and recommended disposition, including amount of award, if any, and attorneys' fees. When deemed necessary, additional evidence or investigation of the facts in any given case may be requested. Claims involving unusual or novel questions of law may be submitted to the General Counsel of the Department for consideration and recommendation.

2. The officer to whom authority is delegated to settle tort claims shall make the final determination as to whether or not an award shall be made in each case, and, if an award is to be made, the amount of the award, and the amount to be allowed for attorneys' fees.

F. Payment of claims:

When an award is made, the file on the case will be transmitted to the appropriate fiscal office for payment out of funds appropriated, or to be appropriated, for the purpose. Prior to the payment of any claim which is administratively settled, there shall be obtained from the claimant or claimants a release stating that the award or settlement is final and conclusive and constitutes a complete release by the claimant of any claim against the United States and against the employee of the Government arising out of the circumstances which resulted in the claim.

G. Annual report:

An annual report shall be submitted by each primary operating unit, and the General Counsel to the Office of Administrative Services by August 15 of each year covering the preceding fiscal year and showing, with respect to each claim settled, the name of each claimant, the amount claimed, and the amount of any award, and a brief description of the claim.

[F.R. Doc. 67-2509; Filed, Mar. 6, 1967; 8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 518—RECORDS AND REPORTS

Supply of Maps to the General Public

A new § 518.10 is added, relating to the supply of maps to the general public, as follows:

§ 518.10 Supply of maps to the general public.

(a) The sale or distribution of unclassified maps and related materials to individuals and commercial firms is incidental to the primary function of the Army. When requests for maps and related material are received, the following criteria for sale or release will apply:

(1) Material supplied will contain no copyright data.

(2) Maps of foreign areas supplied will be at a scale of 1:500,000 and smaller except as provided in subparagraph (3) of this paragraph.

(3) Unclassified maps of foreign areas at a scale larger than 1: 500,000 but smaller than 7: 75,000 may be supplied when considered in the best interests of the United States subject to third-nation restrictions. Questionable cases will be referred to the Chief of Engineers, Department of the Army, or appropriate oversea command. All materials so released will contain an appropriate note restricting its use to the individual or firm concerned.

(4) Suitable materials are not available through commercial organizations or in civil agencies of the Federal Government.

(5) Sale will not deplete stocks below quantity deemed necessary to fulfill requirements of the military services.

(6) Large-scale maps, aerial photographs and geodetic control of foreign areas may be released on a need-to-know basis as determined by the Chief of Engineers or appropriate oversea command subject to third-nation restrictions or desire of nation concerned. All material so released will contain an appropriate note restricting its use to the individual or firm concerned.

(b) A sales list of maps and related material available to the public can be obtained on request to: Army Map Service, Corps of Engineers, 6500 Brooks Lane, Washington, D. C. 20315.

(c) Loan of maps to foreign elements: Exhibit, loan, or supply of domestic or foreign maps or related products to foreign elements including governments, military organizations, commercial firms, individuals, and foreign military or civil students attending U.S. military schools:

(1) Requests will be forwarded directly to the Assistant Chief of Staff for Intelligence, Department of the Army for decision.

(2) Most maps of foreign areas at scales of 1:250,000 or larger are subject to third party agreements. That is, the country originally providing the maps (first party) to the United States (second party) has required an agreement that the map will not be released to any third party without prior consent of the first party.

(3) Domestic maps on the public sale list may be released without approval of the Assistant Chief of Staff for Intelligence, U.S. Army.

[AR 117-5, Feb. 5, 1964] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

C. A. STANFIEL,
Colonel, AGC,
Acting The Adjutant General.

[F.R. Doc. 67-2464; Filed, Mar. 6, 1967; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1171]

PART 13—PROHIBITED TRADE PRACTICES

C. M. Gourdon, Inc., and Charles M. Gourdon

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* 13.1053-30 Flammable Fabrics Act. Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, C. M. Gourdon, Inc., et al., New York, N.Y., Docket C-1171, Feb. 13, 1967]

Consent order requiring a New York City distributor of fabrics to cease importing or selling dangerously flammable fabrics and furnishing false guaranties to its customers.

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

It is ordered, That respondents C. M. Gourdon, Inc., and its officers, and Charles M. Gourdon, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

(a) Importing into the United States; or

(b) Selling, offering for sale, introducing, delivering for introduction, transporting, or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

(c) Transporting or causing to be transported, for the purpose of sale or delivery after sale in commerce,

any fabric which, under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

It is further ordered, That respondents C. M. Gourdon, Inc., and its officers, and Charles M. Gourdon, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from furnishing a false guaranty that any fabric is not so highly flammable as to be dangerous when worn by individuals when respondents have reason to believe such fabric may be introduced, sold, or transported in commerce.

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: February 13, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-2495; Filed, Mar. 6, 1967; 8:47 a.m.]

[Docket No. C-1169 o]

PART 13—PROHIBITED TRADE PRACTICES

Procter & Gamble Co.

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [The order of divestiture, the Procter & Gamble Co., Cincinnati, Ohio, Docket C-1169, Feb. 9, 1967]

Consent order requiring the Nation's largest producer of numerous household consumer products with its principal place of business in Cincinnati, Ohio, to divest itself of the Houston, Tex., coffee plant, within 5 years—one of five plants of the J. A. Folger & Co. coffee firm acquired through acquisition in November 1963—and prohibits further acquisitions of household product firms for 7 years without prior approval of the Commission, and to comply with other related provisions of the divestiture order as set forth below:

The order of divestiture, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondent, the Procter & Gamble Co. ("Procter"), a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors and assigns, within 5 years from the date of service upon it of this order, shall, unless the period of 5 years is extended by further order of the Commission on application of Procter, divest, absolutely and in good faith, to a purchaser or purchasers approved by the Federal Trade Commission, the coffee plant of the Folger Coffee Co., a subsidiary of Procter, located in Houston, Tex., and all assets, facilities and properties related to the Houston, Tex., coffee plant, which were acquired by Procter as a result of the acquisition of the assets of J. A. Folger & Co., together with all machinery, buildings, improvements, and equipment which have been added to the Houston, Tex., coffee plant since the acquisition and used in the production and sale of coffee together with a freeze dry unit now at the plantsite but not in operation, if the purchaser desires to acquire this unit along with the plant.

II. *It is further ordered,* That none of the assets or properties, described in paragraph I of this order, shall be sold or transferred, directly or indirectly, to any person who is at the time of the divestiture an officer, director, employee, or agent of, or under the control or direction of, Procter or any of Procter's subsidiary or affiliated corporations, or owns or controls, directly or indirectly, more than one (1) percent of the outstanding shares of common stock of

Procter, or to any purchaser who is not approved in advance by the Federal Trade Commission.

III. *It is further ordered*, That pending divestiture, Procter shall not make or permit any deterioration in the plant, machinery, buildings, equipment, or other property or assets of the Houston, Tex., coffee plant, other than ordinary wear and tear, which may impair present capacity of such plant unless such capacity is restored prior to divestiture.

IV. *It is further ordered*, That Procter, for a period of 7 years from the date of service upon it of this order, shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, without the prior approval of the Federal Trade Commission, the whole, or any part, of the stock or other share capital of any corporation engaged in commerce and in the manufacture, production, sale or distribution of any household consumer product or any assets valued in excess of $25,000 used by such a corporation in the manufacture, production, sale or distribution of any household consumer product in the United States. A household consumer product is any product made for use or consumption in the home and generally sold through the grocery market as defined in the complaint.

V. *It is further ordered*, That Procter, for a period of 10 years from the date of service upon it of this order, shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, without the prior approval of the Federal Trade Commission, any interest in any organization engaged in growing, producing, importing, manufacturing, processing or selling green coffee, regular coffee, soluble coffee or other coffee products in the commerce of the United States or any assets of such organization used in such activities.

VI. *It is further ordered*, That Procter, for a period of 5 years from the date of service upon it of this order, shall cease and desist from the acceptance of discounts or reductions in media rates of any kind on its purchase of advertising for regular coffee, soluble coffee or other coffee products in any media, other than discounts or reductions in rate resulting solely from Procter's purchases of advertising for regular coffee, soluble coffee or other coffee products.

VII. *It is further ordered*, That Procter, for a period of 5 years from the date of service upon it of this order, shall cease and desist from initiating or conducting any type of promotion in which regular coffee, soluble coffee or other coffee product is promoted in conjunction with any of Procter's other products in the same promotion.

VIII. *It is further ordered*, That Procter, for a period of 5 years from the date of service upon it of this order, shall cease and desist from granting or allowing any price discrimination, directly or indirectly, in or in connection with the sale or offering for sale of regular coffee, soluble coffee, or other coffee products to different purchasers unless any different price to a purchaser (a) makes only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such products are to such purchaser sold or delivered, or (b) is granted in good faith to meet an equally low price of a competing seller of such products.

IX. *It is further ordered*, That Procter, having by acquisition succeeded to the business of J. A. Folger & Co., shall accept the responsibilities and duties imposed on J. A. Folger & Co. prior to the acquisition under the cease and desist order in Federal Trade Commission Docket No. 8094 with respect to the offer for sale, sale or distribution of regular coffee, soluble coffee or other coffee products.

X. As used in this order, the word "person" shall include all members of the immediate family of the individual specified and shall include corporations, partnerships, associations and other legal entities as well as natural persons.

XI. *It is further ordered*, That Procter shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the orders to cease and desist as set forth herein. Within such sixty (60) days and every six (6) months thereafter until complete divestiture of the Houston, Tex., coffee plant and facilities is effected, Procter shall file a report in writing with the Commission, detailing its actions, plans and progress in complying with the divestiture provisions of this order, including the name of every person who shall in writing have indicated to Procter a bona fide interest in purchasing said plant. On or before March 31 of each year for a period of 10 years from the date of this order, Procter shall report for that portion of the preceding year this order is in effect: (a) Any stock or share capital of any domestic concern purchased or acquired by Procter, directly or indirectly, and (b) any assets of any domestic concern valued in excess of $100,000 purchased or acquired by Procter, directly or indirectly, except assets purchased or acquired in the normal course of business for use, processing or resale.

Issued: February 9, 1967.

By the Commission.

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

[F.R. Doc. 67-2496; Filed, Mar. 6, 1967; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

Sonoma Creek and Mare Island Strait, Napa River, Calif.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), § 203.712 is hereby amended with respect to paragraphs (h)(1) and (i)(1) deleting reference to the State of California highway drawbridge across Napa River at Vallejo, Calif., effective on publication in the FEDERAL REGISTER, since the drawbridge has been replaced by a fixed bridge, as follows:

§ 203.712 Tributaries of San Francisco Bay and San Pablo Bay, Calif.

* * * * *

(h) *Sonoma Creek*—(1) *State of California highway bridge.* At least 4 hours' advance notice required.

* * * * *

(i) *Mare Island Strait, Napa River, and their tributaries*—(1) *Department of the Navy bridge (Mare Island Causeway) at Vallejo.* From 7 a.m. to 8 a.m. and from 4:15 p.m. to 5:15 p.m. daily, except Saturdays, Sundays, and holidays, the draw need not be opened for the passage of vessels other than vessels owned, operated, or controlled by the United States.

* * * * *

[Regs., Feb. 3, 1967, 1507-32 (Sonoma Creek and Mare Island Strait, Napa River, Calif.)-ENGCW-ON] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

C. A. STANFIEL,
Colonel, AGC,
Acting The Adjutant General.

[F.R. Doc. 67-2465; Filed, Mar. 6, 1967; 8:45 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 8 is amended as follows:

PART 8-1—GENERAL

1. Section 8-1.317 is revised to read as follows:

§ 8-1.317 Noncollusive bids and proposals.

(a) The head of a field station, the Assistant Director, Supply Service for Veterans Administration Supply Depots and the Assistant Director, Supply Service for Marketing, are authorized to make the determinations set forth in paragraph (d) of the certification required by FPR 1-1.317(a).

(b) The Assistant Administrator for Construction, Manager, Administrative Services and the Director, Supply Service are authorized to make these determinations for the Central Office purchasing activities under their respective jurisdictions.

PART 8-2—PROCUREMENT BY FORMAL ADVERTISING

2. Section 8-2.205-1 is added to read as follows:

§ 8–2.205–1 Establishment of lists.

Prospective bidders, dealing in commodities for which the procurement activity has a need, and who have submitted a Bidder's Mailing List Application, SF 129, will be added to the bidders mailing list. The submission of a request for proposal, request for quotation, or an invitation to bid will fulfill the requirement of notification to the prospective bidder. If for any reason, the prospective bidder's name is not added to the list, he shall be advised as to the reason why such action has been taken.

3. Section 8–2.205–2 is revised to read as follows:

§ 8–2.205–2 Removal of names from bidders mailing lists.

Except as provided for in FPR 1–2.205–2, no Veterans Administration Contracting Officer, or other employee, shall remove from the bidders mailing list the name of any prospective bidder. This list shall, however, be reviewed annually to assure that it contains only accurate, up-to-date information essential to the proper functioning of a procurement activity.

4. Section 8–2.407–3 is added to read as follows:

§ 8–2.407–3 Discounts.

Invitations for bids or requests for proposals involving a trade-in shall provide that when a prompt payment discount is offered, the discount shall be computed on the gross purchase price.

5. In § 8–2.407–8, that portion of paragraph (b) preceding subparagraph (1) is amended to read as follows:

§ 8–2.407–8 Protests against awards.

* * * * *

(b) *Protests before award.* When a written protest has been lodged with the Contracting Officer, and he considers it desirable to do so, he may obtain the views of the Comptroller General. The submission will be made direct to him and will include the material indicated in FPR 1–2.406 which is pertinent to the protest.

* * * * *

PART 8–3—PROCUREMENT BY NEGOTIATION

6. Section 8–3.401 is revoked.

§ 8–3.401 Types of contracts. [Revoked]

7. In § 8–3.403, paragraphs (b) and (c) are amended, and paragraph (d) is added to read as follows:

§ 8–3.403 Selection of contract type.

* * * * *

(b) Contracts of the type specified in paragraph (a) (2) and (3) of this section will be entered into only when such contracts are clearly shown to be advantageous to the Veterans Administration. The Contracting Officer shall document the contract file to show the specific and compelling reasons for his selection of the particular type contract.

(c) If a contract is made for a period which extends beyond the appropriation of the year in which the contract period begins, a statement shall be incorporated in the contract to the effect that it is made for the period of time covered by the contract, subject to the availability of appropriations in the ensuing fiscal year(s).

(d) Architect-engineer contracts, construction contracts, or professional engineer contracts, financed by "no year appropriations" are not subject to the requirements of paragraph (c) of this section.

8. Section 8–3.405–5 is revised to read as follows:

§ 8–3.405–5 Cost-plus-a-fixed-fee contract.

(a) Contracts of this type may be entered into only after the Contracting Officer has made the determination required by FPR 1–3.302(b). The determination shall be made a part of the contract file.

(b) The amount of the fee to be paid or allowed to a prime contractor or subcontractor under this type of contract shall be negotiated by the Contracting Officer within the statutory limitations set forth in FPR 1–3.405–5(c)(2).

(c) A determination to include in a cost reimbursement type contract, a proviso that will permit an interim payment in excess of 80 percent of the costs incurred, shall be made by the department or staff head concerned.

9. Sections 8–3.606–1 and 8–3.606–3 are revoked.

§ 8–3.606–1 General. [Revoked]

§ 8–3.606–3 Establishment of account. [Revoked]

10. Section 8–3.606–5 is revised to read as follows:

§ 8–3.606–5 Agency implementation.

(a) Blanket purchase arrangements for open market transactions may be made without regard to a limitation of time or dollar amount.

(b) The duplicate and triplicate copies of the VA Form 07–2237, Request, Turn-in and Receipt for Property or Services, requesting the purchase will be used as the receiving report and property voucher for each individual purchase made under these arrangements.

(c) Items procured under blanket purchase arrangements will be analyzed periodically to determine if they can be procured more economically by consolidating requirements and making periodic procurements.

(d) Blanket purchase arrangements made under existing contracts are restricted only to the period covered by the contract.

PART 8–7—CONTRACT CLAUSES

11. In § 8–7.150–4, paragraph (b) is amended to read as follows:

§ 8–7.150–4 Estimated quantities for requirements contracts.

* * * * *

(b) The following clause will be used for general equipment, supplies and services.

ESTIMATED QUANTITIES

As it is impossible to determine the exact quantities that will be required during the contract term, each bidder whose bid is accepted wholly or in part will be required to deliver all articles or services that may be ordered during the contract term, except as he otherwise indicates in his bid and except as otherwise provided herein. Bids will be considered if made with the proviso that the total quantities delivered shall not exceed a certain specified quantity. Bids offering less than 75 percent of the estimated requirement or which provide that the Government shall guarantee any definite quantity, will not be considered. The fact that quantities are estimated shall not relieve the Contractor from filling all orders placed under this contract to the extent of his obligation. Also, the Veterans Administration shall not be relieved of its obligation to order from the Contractor all articles or services that may, in the judgment of the ordering officer, be needed except that in the public exigency procurement may be made without regard to this contract.

When invitations for bids will result in Decentralized Contracts, the following will be included as a part of the above provision:

It is further provided that any item covered by this contract, required for delivery to a Veterans Administration supply depot may at the option of the Veterans Administration be procured without regard to this contract. The bidder or offeror also agrees that any contract made as a result of this invitation for bid or request for proposal will not be mandatory on the Veterans Administration for any purchase transaction of $50 or less; the contractor may, however, at his option accept such orders. Failure to return such orders by mailing or delivering it to the ordering office within 3 working days after receipt, shall indicate acceptance of the order and all provisions of the contract shall apply.

* * * * *

12. In § 8–7.150–8, the clause "Technical Industry Standards" is amended to read as follows:

§ 8–7.150–8 Technical industry standards.

* * * * *

TECHNICAL INDUSTRY STANDARDS

The supplies or equipment required by this invitation for bid or request for proposal must conform to the standards of the ----------[1] and ----------[1] as to----------[2]. The successful bidder or offeror will be required to submit proof that the item(s) he furnishes conforms to this requirement.

This proof may be in the form of a label or seal affixed to the equipment or supplies, warranting that they have been tested in accordance with and conform to the specified standards. The seal or label of any nationally recognized laboratory such as those listed by the National Fire Protection Association, Boston, Mass., in the current edition of their publication "Research on Fire", is acceptable. Proof may also be furnished in the form of a certificate from one of these laboratories certifying that the item(s) furnished have been tested in ac-

cordance with and conform to the specified standards.

13. Section 8–7.150–22 is added to read as follows:

§ 8–7.150–22 Services provided eligible beneficiaries.

The following clause will be included in all contracts covering services provided to eligible beneficiaries:

NONDISCRIMINATION IN SERVICES PROVIDED BENEFICIARIES

The Contractor agrees to provide all services specified in this contract for any person determined eligible by the Chief Medical Director, or his designee, regardless of the race ,creed, color, or national origin of the person for whom such services are ordered. In addition, the contractor warrants that he will not resort to subcontracting as a means of circumventing this provision.

(Sec. 205(c), 63 Stat. 390, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective immediately.

Approved: March 1, 1967.

By direction of the Administrator.

[SEAL] A. H. MONK,
Associate Deputy Administrator.

[F.R. Doc. 67–2503; Filed, Mar. 6, 1967; 8:48 a.m.]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

[Docket No. 66–31]

PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Effective Date of Amendments

On October 22, 1966, the Commission published an order in the FEDERAL REGISTER adopting amendments to General Order 4, 46 CFR Part 510, regulating licensed independent ocean freight forwarders. The rules were to be effective 30 days from the date of publication.

On November 14, 1966, a petition for reconsideration and application for postponement of effective date was filed by New York Foreign Freight Forwarders & Brokers Association, Inc. This petition was directed to the rules contained in §§ 510.22(a), 510.23(f), 510.24 (a) and (f), and 510.21(1).

Good cause appearing, the Commission on November 18, 1966, postponed the effective date of amendments of §§ 510.22 (a), 510.23(f), 510.24(a), and 510.24(f) until further order.

National Customs Brokers & Forwarders Association of America and National Association of Secondary Material Industries (not heretofore a party to the proceeding) have also petitioned for reconsideration of certain of the rules. Far East Conference, United States Atlantic and Gulf/Australia-New Zealand Conference, 21 conferences and their member lines represented by the firm of Casey, Lane & Mittendorf, and Hearing Counsel have replied.

The New York Association asks us to reconsider whether we have authority to promulgate the rules in question here. Our report specifically discussed and rejected each point raised by the New York Association concerning our authority. There is no need to reiterate such discussion here. We need only say that sections 43 and 44 of the Shipping Act, 1916, contain authority for the promulgation of these rules.

Reconsideration of the amendment to § 510.22(a) is requested. This amendment would permit ocean carriers to perform free forwarding services to the extent they so specify in their tariffs. Reconsideration is requested in light of our predecessor's decision in Docket No. 765, Freight Forwarder Investigation, Etc., 6 F.M.B. 327, in which the Board found that performance of free forwarding services by common carriers constituted a violation of section 16 of the Act. This finding, however, when considered in light of the circumstances in Docket 765, will not preclude the adoption of this amendment. The practice condemned in Docket 765 involved the performance by carriers of free forwarding services for New York forwarders at certain outports, while refusing to perform similar free forwarding services for the outport forwarders. Such practices resulted in loss of revenue by and discrimination against outport forwarders.

What was condemned in Docket 765 was the practice of affording some persons transportation services at less than established rates. Such a result cannot occur under this amendment. This amendment permits free forwarding services by a carrier only to the extent such free services are established by tariff and are made available on an equal basis to all.

The only reason offered for reconsideration of the amendment to § 510.23(f) is that we lack authority to issue the rule. As stated above, sections 43 and 44 of the Act contain the proper authority.

Reconsideration is requested of the amendment to section 510.24(a) which would require disclosure of the shipper's name on the bill of lading. It is stated that the former rule which required such disclosure on the "line copy" only was sufficient to prevent rebating; a declared purpose of the amendment. It is also suggested that if the purpose of the rule is to facilitate enforcement of dual rate contracts it is improper to attempt to do so through such an unrelated proceeding. The petitions for reconsideration contain nothing to cause us to reconsider this amendment. The best way to prevent unlawful rebating is to discourage secrecy and this amendment will be of great assistance in that respect. This Commission is charged with the duty of policing dual rate contracts and this rule will enable us to better perform that duty. An evidentiary hearing on this matter is requested but it has not been shown what might be gained by such a hearing.

Reconsideration is requested of the amendment to § 510.24(f) which would require carriers to include in their tariffs the rate of compensation to be paid to forwarders. It is suggested that we erred in concluding that section 18 of the Act confers authority to require such information in a carrier's tariff.

The legislative history of the forwarder legislation indicates that Congress intended the Commission to closely scrutinize the payment of compensation. This amendment would accomplish that purpose.

We are also asked to reconsider our decision that any amendment to § 510.21 (1), which defines "beneficial interest," would require legislation by Congress. It is suggested that the "beneficial interest" rule be amended to allow a forwarder to have a lien interest in a shipment. The statute and legislative history bar the adoption of such a rule. Congress in drafting the forwarder legislation specifically deleted a phrase from the definition of "independent ocean freight forwarder" which would have allowed a forwarder to have a lien interest in a shipment. We are bound by that decision.

In view of the foregoing, it is ordered:

1. That the petitions for reconsideration are hereby denied.

2. That the amendments to §§ 510.22 (a), 510.23(f), 510.24 (a) and (f) of Title 46 CFR, published in the FEDERAL REGISTER of October 22, 1966 (31 F.R. 13650), shall become effective 30 days from the date of publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

[F.R. Doc. 67–2515; Filed, Mar. 6, 1967; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC–40]

PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

Emergency Equipment on All Power Units

At a session of the Interstate Commerce Commission, Motor Carrier Safety Board, held at its office in Washington, D.C., on the 15th day of February 1967.

The matter of parts and accessories necessary for safe operation under the Motor Carrier Safety Regulations, prescribed by order of April 14, 1952, as amended, being under consideration; and

It appearing, that continuing study of accident experience, observations by our staff, and expressions of many informed persons concerned with highway safety, support the need for improved and more effective warning devices to be carried on vehicles for use in event of breakdown or other stopping on or near the traveled portion of highways; that some

time will be required for determination of appropriate performance standards for such improved devices, and that in the interim period optional use of a device extensively used in European countries and in some Canadian provinces should be authorized in addition to presently authorized devices.

It appearing, that representations have been made to the Commission to the effect that a traffic hazard warning device in the form of an equilateral triangle with red reflective surfaces affords to drivers a more meaningful indication of a hazard than currently authorized devices; that such triangular devices have been authorized for use in certain countries other than the United States and in some Canadian provinces and, consequently, are recognized as warning devices internationally; and that such triangular devices, made to afford reflective performance equal to or better than that provided by certain reflective materials for which specifications have been published by the Federal Supply Service, General Services Administration, may properly be authorized for optional use at least until such time as more adequate standards for hazard warning devices are promulgated and adopted after prescribed rule making procedures;

It further appearing, that pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) for good cause it is found that notice of proposed rule making is unnecessary;

Upon consideration of the record and good cause appearing therefor:

It is ordered, That paragraphs (f), (g), (h), and (i) of § 193.95 of Title 49, Code of Federal Regulations be, and they are hereby amended to read as follows:

§ 193.95 Emergency equipment on all power units.

On every bus, truck, truck-tractor, and every driven vehicle in driveaway-towaway operation, there shall be:

* * * * *

(f) *Warning devices for stopped vehicles.* Except as provided in paragraph (g) of this section, one of the following combinations of warning devices:

(1) Three liquid burning emergency flares which satisfy the requirements of SAE Standard J597, "Liquid Burning Emergency Flares," and three fusees and two red flags; or

(2) Three electric emergency lanterns which satisfy the requirements of SAE Standard J596, "Electric Emergency Lanterns," and two red flags; or

(3) Three red emergency reflectors which satisfy the requirements of paragraph (i) of this section, and two red flags; or

(4) Three red emergency reflective triangles which satisfy the requirements of paragraph (h) of this section.

(g) *Flame producing devices prohibited on certain vehicles.* Liquid burning emergency flares, fusees, oil lanterns, or any signal produced by a flame shall not be carried on any motor vehicle transporting explosives, Class A or Class B; any cargo tank motor vehicle used for the transportation of flammable liquids or flammable compressed gas whether loaded or empty; or any motor vehicle using compressed gas as a motor fuel.

(h) *Requirements for red emergency reflective triangle.* (1) Each reflector shall be a collapsible equilateral triangle, with legs not less than 17 inches long and not less than 2 inches wide, with reflective material covering the exposed leg surface, front and back. The reflective surface, front and back, shall be approximately parallel. When placed in position, one point of the triangle shall be upward. The area within the sides of the triangle shall be open.

(2) Reflective material: The reflecting material covering the legs of the equilateral triangle shall comply either with:

(i) The requirements for reflex-reflector elements made of red methyl-methacrylate plastic material, meeting the color, sealing, minimum candlepower, wind test, vibration test, and corrosion resistance test of sections 3 and 4 of Federal Specification RR-R-1185, dated November 17, 1966, or

(ii) The requirements for red reflective sheeting of Federal Specification L-S-300, dated September 7, 1965, except that the aggregate candlepower of the assembled triangle, in one direction, shall be not less than 8 when measured at 0.2 degrees divergence angle and −4 degrees incidence angle, and not less than 80 percent of the candlepower specified for 1 square foot of material at all other angles shown in Table II, Reflective Intensity Values, of L-S-300.

(3) Reflective surfaces alignment: Every reflective triangle shall be so constructed that, when the triangle is properly placed, the reflective surfaces shall be in a plane perpendicular to the plane of the roadway surface with a permissible tolerance of ±10°. Reflective triangles which are collapsible shall be provided with means for holding the reflective surfaces within the required tolerance. Such holding means shall be readily capable of adjustment without the use of tools or special equipment.

(4) Reflectors, mechanical adequacy: Every reflective triangle shall be of such weight and dimensions as to remain stationary when subjected to a 40-mile per hour wind when properly placed on any clean, dry paved road surface. The reflective triangle shall be so constructed as to withstand reasonable shocks without breakage.

(5) Reflectors, incorporation in holding device: Each set of reflective triangles shall be adequately protected by enclosure in a box, rack, or other adequate container specially designed and constructed so that the reflectors may be readily extracted for use.

(6) Certification: Every red emergency reflective triangle designed and constructed to comply with these requirements shall be plainly marked with the certification of the manufacturer that it complies therewith.

(i) *Requirements for red emergency reflectors.* Each red emergency reflector shall conform in all respects to the following requirements:

(1) Reflecting elements required: Each reflector shall be composed of at least two reflecting elements or surfaces on each side, front and back. The reflecting elements, front and back, shall be approximately parallel.

(2) Reflecting elements to be Class A: Each reflecting element or surface shall meet the requirement for a red Class A reflector contained in the SAE Recommended Practice[1] "Reflex Reflectors." The aggregate candlepower output of all the reflecting elements or surfaces in one direction shall not be less than 12 when tested in a perpendicular position with observation at one-third degree as specified in the Photometric Test contained in the above-mentioned Recommended Practice.

* * * * *

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304)

It is further ordered, That this order shall become effective April 1, 1967, and continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to motor carriers and the general public by depositing a copy thereof in the Office of the Secretary of the Interstate Commerce Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Motor Carrier Safety Board.

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

[F.R. Doc. 67-2519; Filed, Mar. 6, 1967; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1063, 1070, 1078, 1079]

[Docket Nos. AO 105–A24, AO 229–A15, AO 272–A10, AO 295–A12]

MILK IN QUAD CITIES-DUBUQUE, CEDAR RAPIDS-IOWA CITY, NORTH CENTRAL IOWA, AND DES MOINES, IOWA, MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

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 Cedar Rapids, Iowa, on December 8, 1966, pursuant to notices thereof issued on October 25, 1966 (31 F.R. 13864), and November 8, 1966 (31 F.R. 14523).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator on February 3, 1967 (32 F.R. 2644; F.R. Doc. 67–1509) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (32 F.R. 2644; F.R. Doc. 67–1509) are hereby approved and adopted and are set forth in full herein.

The material issues on the record of the hearing relate to the Class II price.

Findings and Conclusions

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

The Class II price. The Class II price in the Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa, and Des Moines, Iowa, orders should be established at the level of the basic formula price for the month. The basic formula price in these four orders is the average price per hundredweight paid for manufacturing grade milk in Minnesota and Wisconsin as reported by the U.S. Department of Agriculture, adjusted to a 3.5 percent butterfat test.

The Class II price in the Quad Cities-Dubuque, Cedar Rapids-Iowa City, and North Central Iowa orders is now the average reported basic paying prices at four milk manufacturing plants in Illinois and Iowa (herein referred to as the local condensery price). In the Des Moines order, the Class II price is the higher of the above described local condensery price or a formula price based on the market prices of butter and nonfat dry milk. The butter-nonfat dry milk formula has been the effective formula in only 1 month during the past 4 years.

The present pricing provisions are no longer appropriate as a basis for determining Class II prices under these four orders. The number of local condensery plants reporting prices has dwindled from 12 to 4; of the 4 remaining plants 3 are operated by the same company. Further, the reported prices at these plants do not include all payments for milk such as premiums paid for bulk tank milk.

Producers and handlers proposed that prices paid at manufacturing plants in Wisconsin and Minnesota be used in establishing the Class II prices under these four orders. There was no opposition to the use of this price series. There was disagreement, however, regarding the inclusion of an alternative Class II pricing formula in the orders. One cooperative association representative urged that the monthly Class II prices be based on the present Class II price formula in the Des Moines order whenever such formula yields a higher price than the Minnesota-Wisconsin price series.

Handlers, on the other hand, argued that the monthly Class II prices should be based solely on the Minnesota-Wisconsin price series. However, they testified that if an alternative formula is to be considered, it should be similar to the one in the Indianapolis market. The Class II price formula in the Indianapolis order provides that the Class II price be based on the Minnesota-Wisconsin series but may not exceed by more than 10 cents a butter-nonfat dry milk formula. For October 1966, the Indianapolis Class II price, which was based on the butter-nonfat dry milk formula, was $4.02 per hundredweight for 3.5 percent milk while the Minnesota-Wisconsin price was $4.26.

The Minnesota-Wisconsin price series is representative of prices paid to dairy farmers for about one-half of the manufacturing grade milk sold in the United States. There are many plants in these States which are competing for such milk supplies. This price series reflects a price level determined by competitive conditions which are affected by demand in all the major uses of manufactured dairy products. Further it reflects the supply and demand for manufactured dairy products within a highly coordinated marketing system which is national in scale. Milk products that are manufactured from the excess milk in these four Iowa markets compete within this system. Using the Minnesota-Wisconsin price series to determine Class II prices under these four orders would yield an appropriate Class II price level in each of these markets.

For the year ending November 30, 1966, this would have obtained an average Class II price of $3.86; the actual Class II price under these four orders in the same 12 months averaged $3.83.

Representatives of two cooperative associations stated that their associations receive a price in excess of the present Class II price for milk they sell for manufacturing purposes. Further, three Iowa manufacturing plants to which excess milk is moved from some of these four markets have consistently paid higher prices for manufacturing grade milk than the Class II prices computed under the present formulas. Prices at these three manufacturing plants have been about equal to or above the Minnesota-Wisconsin price series.

No alternative Class II price formula should be provided in the orders. As set forth above, the Minnesota-Wisconsin price series reflects the supply and demand conditions in a marketing system which is national in scope. Also, plants regulated under these four Iowa orders must compete within this system and such plants are located in relatively close proximity to manufacturing plants in the States of Minnesota and Wisconsin. Any significant variation in prices between plants regulated under these four orders and prices in Minnesota and Wisconsin would have a direct bearing upon the competitive position of the plants regulated under these orders in the national market. Accordingly, the Class II prices under each of these four orders should be based solely upon the Minnesota-Wisconsin price series. Therefore, the proposals to provide an alternative Class II price formula in the orders are denied.

The Minnesota-Wisconsin price series, which is the basic formula used in most Federal orders for determining Class I prices, has also gained wide acceptance in various orders as a formula for pricing milk used for manufacturing purposes. This formula is used for such purpose in 39 other Federal orders, including the nearby orders of Central Illinois, Rock River Valley, and Madison, Wis. Utilizing it in these Iowa orders will tend to obtain a Class II price level consistent with that prevailing in other markets and will assure an equitable return to producers for Class II milk.

Proposals were contained in the notice of hearing which would have used the average monthly prices reported to have been paid to farmers for bulk tank milk received at seven manufacturing plants in Illinois and Iowa as an alternative in determining the Class II prices. Proponents abandoned these proposals. Since they were not supported at the hearing, no further consideration of

these proposals is warranted on this record.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

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

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 orders 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 agreements and the orders, 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 areas, and the minimum prices specified in the proposed marketing agreements and the orders, 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 agreements and the orders, 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

In arriving at the findings and conclusions, and the regulatory provisions of this decision, the exception received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with the exception, such exception is hereby overruled for the reasons previously stated in this decision.

MARKETING AGREEMENTS AND ORDERS

Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa, and Des Moines, Iowa, Marketing Areas," and "Order Amending the Orders Regulating the Handling of Milk in the Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa, and Des Moines, Iowa, Marketing areas," 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 January 1967 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa, and Des Moines, Iowa, marketing areas, is approved or favored by producers, as defined under the terms of the orders, 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 areas.

REFERENDUM ORDER; AND DESIGNATION OF REFERENDUM AGENT

It is hereby directed that a referendum be conducted to determine whether the issuance of the attached order regulating the handling of milk in the Cedar Rapids-Iowa City marketing area, is approved or favored by the producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Mr. E. H. McGuire is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (30 F.R. 15412), such referendum to be completed on or before the 30th day from the date this decision is issued.

Signed at Washington, D.C., on March 1, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Orders Regulating the Handling of Milk in the Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa, and Des Moines, Iowa, Marketing Areas

§ ____.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 orders 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 agreements and to the orders regulating the handling of milk in the Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa, and Des Moines, Iowa, marketing areas. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said orders 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 orders 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 orders as hereby amended, regulate 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 Quad Cities-Dubuque, Cedar Rapids-Iowa City, North Central Iowa, and Des Moines, Iowa, marketing areas shall be in conformity to and in com-

[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.

pliance with the terms and conditions of the aforesaid orders, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the orders contained in the recommended decision issued by the Deputy Administrator, on February 3, 1967, and published in the FEDERAL REGISTER on February 8, 1967 (32 F.R. 2644; F.R. Doc. 67-1509) shall be and are the terms and provisions of these orders, and are set forth in full herein.

Amendment to Quad Cities-Dubuque order. Section 1063.50(c) is revised to read as follows:

§ 1063.50 Basic formula and class prices.

* * * * *

(c) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

Amendment to Cedar Rapids-Iowa City order. Section 1070.50(c) is revised to read as follows:

§ 1070.50 Basic formula and class prices.

* * * * *

(c) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

Amendment to North Central Iowa order. Section 1078.50(c) is revised to read as follows:

§ 1078.50 Basic formula and class prices.

* * * * *

(c) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

Amendment to Des Moines, Iowa, order. Section 1079.50(c) is revised to read as follows:

§ 1079.50 Basic formula and class prices.

* * * * *

(c) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

[F.R. Doc. 67-2531; Filed, Mar. 6, 1967; 8:51 a.m.]

POST OFFICE DEPARTMENT

[39 CFR Part 531]

DOMESTIC AIR TRANSPORTATION

Air Carriers' Responsibilities and Handling of Mail

Notice is hereby given of proposed rule making consisting of proposed amendments to Part 531 of Title 39, Code of Federal Regulations. One proposed amendment to § 531.3(g)(2) will show that changes to existing airmail schedules must be filed with the Department not less than 10 days prior to the effective date, except that not less than 20 days must elapse for processing major time changes. Another proposed amendment to § 531.3(g)(3) would extend the procedure for designating airmail flights now applicable to local service carrier flights to all flights. A third proposed amendment would add a new paragraph (d)(4) to § 531.5 showing that when irregular operations occur, airmail is to be dispatched to the best advantage, and if two carrier routing has advantage over holding for single carrier, then two carrier dispatch will be used.

Although the procedures in 39 CFR Part 531 relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003), in order that patrons of the Postal Service may have an opportunity to comment on the proposed amendments. Written data, views, and arguments may be filed with the Director, Air Transportation Branch, Bureau of Transportation and International Services, Post Office Department, Washington, D.C. 20260, at any time prior to the 30th day following the date of publication of this notice in the FEDERAL REGISTER.

Accordingly, the proposed amendments to Part 531 read as follows:

§ 531.3 Air carriers' responsibilities.

* * * * *

(g) *For preparing and submitting schedules.* * * *

(2) *Submission.* (i) Air carriers shall submit with proposed new schedules a brief explanatory letter or cover sheet detailing proposed changes.

(ii) Copies of changes to existing schedules must be filed with the Post Office Department, Air Transportation Branch, Bureau of Transportation and International Services, Washington, D.C. 20260, not less than 10 days prior to effective date, except not less than 20 days must elapse for processing major time changes. The date of filing will be the date of receipt by the Air Transportation Branch.

(iii) Air carriers shall distribute copies of proposed new schedules or changes to existing schedules as follows:

(*a*) Two copies to Air Transportation Branch.

(*b*) One copy to transportation division in each region concerned.

(*c*) States-Alaska and Inter-Alaska air carriers must send one copy to the Director, Transportation Division, Post Office Department, Post Office Box 9000, Seattle, Wash. 98109.

(3) *Designation of service.* The Transportation Division will advise the Air Transportation Branch of all flights that are not needed for the transportation of mail. The Air Transportation Branch will notify the air carriers of flights designated for transportation of the mail.

* * * * *

NOTE: The corresponding Postal Manual sections are 531.372 and 531.373 respectively.

§ 531.5 Handling of mail.

* * * * *

(d) *Disposition of mail—cancelled or irregular flights.* * * *

(4) When irregular operations occur, dispatch airmail to best advantage. If two carrier routing has advantage over holding for single carrier, use the two carrier dispatch.

* * * * *

NOTE: The corresponding Postal Manual section is 531.54.

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

TIMOTHY J. MAY,
General Counsel.

MARCH 2, 1967.

[F.R. Doc. 67-2502; Filed, Mar. 6, 1967; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[45 CFR Part 308]

MERGERS OF FEDERAL CREDIT UNIONS

Notice of Proposed Rule Making

Notice is hereby given that the regulation set forth below in tentative form is proposed to be prescribed by the Director of the Bureau of Federal Credit Unions with the approval of the Commissioner of Social Security and the Secretary of Health, Education, and Welfare.

Section 308.4 *Approval by members* is amended by addition of a clause which provides that a plan for merger of two or more credit unions, one or more of which are Federal credit unions, must be approved by a majority of the members of each of the Federal credit unions involved who have cast their votes at a membership meeting or filed written ballots within 30 days following the meeting.

Under the present regulation, such a plan requires the affirmative vote of a majority of all of the members of each of the Federal credit unions involved. This requirement works a hardship on many Federal credit unions, especially those serving military groups or other widely scattered fields of membership, which find it practically impossible to get a majority of all members to respond to a proposal, because many of the members are overseas and are not particularly concerned about which credit union serves them.

Liberalizing the regulation to require merely a majority vote of the members of each credit union who cast their votes at a membership meeting or by written ballot within 30 days of the meeting will provide an adequate opportunity for all members to make their wishes known. Moreover, when a majority of those who do respond, vote in the affirmative, it can be assumed that the vote is representative of the wishes of the rest of the members as well. Any member who is opposed to the merger will have the same opportunity that he now has to vote against the merger.

For the above reasons, we believe that the proposed amendment is in the best

interests of both the members and the credit unions concerned.

Prior to official adoption of the proposed regulation, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Director of the Bureau of Federal Credit Unions, Department of Health, Education, and Welfare, Washington, D.C. 20201 within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Part 308, Chapter III, Title 45 of the Code of Federal Regulations is amended by revising § 308.4 to read as follows:

§ 308.4 Approval by members.

Upon approval of the plan of the proposed merger by the Director it may be submitted to the members of each Federal credit union at their annual meetings if such are scheduled within 120 days after such approval, or it shall be submitted to the members of each Federal credit union at special meetings to be called within 120 days after such approval; it shall be submitted to the members of any State credit union included in the proposed merger, and acted upon thereby, in accordance with the requirements of applicable State law. Federal credit union members shall have the right to vote on the proposition in person at the meeting, or by written ballot to be filed not later than 30 days following the date of the meeting. Written notice of the Federal credit union meetings, annual or special, at which the proposed merger is to be considered, shall include a summary of the plan of the proposed merger, shall inform the members of the opportunity to vote on the proposition by written ballot, and when and where such written ballots may be filed, and shall contain a form of written ballot for the use of those members who will vote thereby instead of in person at the meeting. The written notice shall be handed to each member in person, or mailed to each member at his address as the same appears on the records of the credit union, as provided in the bylaws. In order for the plan to be approved and acted upon further by the Federal credit unions it must receive the affirmative vote of a majority of the members of each such Federal credit union, who have cast their votes at the membership meeting or have filed a written ballot not later than 30 days following the date of the meeting. The results of the votes shall be certified to the Regional Representative by the president and secretary of each of the credit unions promptly after expiration of the period for the voting.

Effective date. Interested persons may submit to the Director of the Bureau of Federal Credit Unions, Department of Health, Education, and Welfare, Washington, D.C. 20201 in writing in duplicate, any views, data, or arguments pertaining to the amendment within 30 days after the publication of this notice in the FEDERAL REGISTER.

(Sec. 21, 73 Stat. 635, 12 U.S.C. 1766)

Dated: February 3, 1967.

[SEAL] J. DEANE GANNON,
Director,
Bureau of Federal Credit Unions.

Approved: February 15, 1967.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: February 28, 1967.

WILBUR J. COHEN,
Acting Secretary of Health, Education, and Welfare.

[F.R. Doc. 67-2527; Filed, Mar. 6, 1967; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 67-SW-5]

TRANSITION AREA

Proposed Alteration

Correction

In F.R. Doc. 67-1644, appearing at page 2860 of the issue for Tuesday, February 14, 1967, the following corrections are made:

1. In the seventh line of the fourth paragraph, the words "to latitude 29°-27'00'' N.," should read "to latitude 29°46'00'' N.,".

2. In the eighth and ninth lines of the fourth paragraph, the words "to latitude 29°50'00'' N.," should read "to latitude 29°52'00'' N.,".

[14 CFR Part 71]

[Airspace Docket No. 66-EA-77]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Agency is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the John F. Kennedy International Airport, N.Y., control zone.

A new instrument approach procedure VOR-22L, has been authorized for John F. Kennedy International Airport, replacing VOR-Runways 22 R and L. The VOR-Runways 13 L and R approach procedure has also been revised. Coast and Geodetic verification necessitates a minor change in the geographic position of the John F. Kennedy International Airport. Therefore, an alteration of the New York, N.Y. (John F. Kennedy International Airport) control zone will be required.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Agency officials by contacting the Chief, Airspace and Standards Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Agency, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430.

The Federal Aviation Agency, having completed a review of the airspace requirements for the terminal area of New York, N.Y., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the description of the John F. Kennedy International Airport, N.Y., control zone by deleting the coordinates "(40°38'30'' N., 73°47'10'' W.)" and the phrase, "within 2 miles each side of the Kennedy VOTAC 053° radial, extending from the 5.5-mile radius zone to 7 miles E of the VORTAC;" and insert in lieu thereof the coordinates, "(40°38'20'' N., 73°47'10'' W.)" and the phrase, "within 2 miles each side of the Kennedy VORTAC 037° radial, extending from the 5.5-mile radius zone to 8 miles NE of the VORTAC;". After the phrase, "extending from the 5.5-mile radius zone to 8 miles SW of the OM-RBN;", insert the phrase, "within 2 miles each side of the Canarsie VOR 030° radial, extending from the VOR to 4.5 miles NE of the VOR;".

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Jamaica, New York on January 27, 1967.

WAYNE HENDERSHOT,
Deputy Director, Eastern Region.

[F.R. Doc. 67-2484; Filed, Mar. 6, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-WE-11]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate controlled airspace in the Omak, Wash., area.

A city owned radio beacon located on the Omak Airport, Wash., will provide navigational guidance for aircraft executing proposed instrument approach, departure and holding procedures. Communications with aircraft, down to the surface, will be provided through a Limited Remote Communications Outlet monitored by the FAA Flight Service Station, Wenatchee, Wash., 700- and 1,200-foot transition areas will be required to provide controlled airspace for

aircraft executing the aforementioned instrument procedures.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Agency, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

In view of the foregoing, the FAA proposes the following airspace action:

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

OMAK, WASH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Omak Airport (latitude 48°28'10" N., 119°31'19" W.), within 2 miles each side of the 177° bearing from the Omak radio beacon (latitude 48°27'30" N., longitude 119°30'45" W.), extending from the 5-mile radius area to 8 miles S of the radio beacon; and that airspace extending upward from 1,200 feet above the surface, within 7 miles E and 10 miles W of the 177° and 357° bearings from the Omak radio beacon, extending from 8 miles N to 20 miles S of the radio beacon.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on February 24, 1967.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 67-2485; Filed, Mar. 6, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-15]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the controlled airspace in the Faribault-Owatonna, Minn., terminal area.

The Faribault-Owatonna, Minn., transition area is presently designated as follows:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Faribault Municipal Airport (latitude 44°19'35" N., longitude 93°18'30" W.); within a 5-mile radius of Owatonna Municipal Airport (latitude 44°07'15" N., longitude 93°15'15" W.); within 2 miles each side of the 200° bearing from Faribault Municipal Airport, extending from the Faribault 5-mile radius area to 9 miles S of the airport; and within 2 miles each side of the 315° bearing from Owatonna Municipal Airport, extending from the Owatonna 5-mile radius area to 9 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface within 5 miles west and 8 miles east of the 200° bearing from Faribault Municipal Airport, extending from 9 miles to 21 miles south of the airport; within 5 miles northeast and 8 miles southwest of the 315° bearing from Owatonna Municipal Airport extending from the airport to 21 miles northwest of the airport; within 5 miles each side of the 015° bearing from Faribault Municipal Airport, extending from the airport to the arc of a 36-mile radius circle centered on the Minneapolis-St. Paul International Airport (latitude 44°53'08" N., longitude 93°13'11" W.); and within 5 miles each side of the 140° bearing from Owatonna Municipal Airport, extending from the airport to 12 miles southeast of the airport, excluding the portion which overlies the Hope, Minn., transition area.

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

Redesignate the Faribault-Owatonna, Minn., transition area as that airspace extending upward from 700 feet above the surface within a 5-mile radius of Faribault Municipal Airport (latitude 44°19'35" N., longitude 93°18'30" W.); within a 5-mile radius of Owatonna Municipal Airport (latitude 44°07'15" N., longitude 93°15'15" W.); within 2 miles each side of the 200° bearing from Faribault Municipal Airport extending from the Faribault 5-mile radius area to 9 miles south of the airport; and within 2 miles each side of the 315° bearing from Owatonna Municipal Airport, extending from the Owatonna 5-mile radius area to 9 miles northwest of the airport; and that airspace extending upward from 1,200 feet above the surface in the Faribault Owatonna terminal area bounded on the north by the arc of a 36-mile radius circle centered on the Minneapolis-St. Paul International Airport (latitude 44°53'08" N., longitude 93°13'11" W.), on the east by V-82, on the south by V-24 and on the west by V-170, excluding the portion which overlies the Hope, Minn., and Rochester, Minn., transition areas.

The proposed transition area does not change that portion of the present designation extending upward from 700 feet above the surface. However, it will enlarge that portion of the transition area extending upward from 1,200 feet above the surface to include the area required to provide controlled airspace protection for aircraft executing the prescribed instrument approach procedures for Faribault and Owatonna Municipal Airports during the portion of those procedures executed at and above 1,500 feet above the surface and for radar vectoring of air traffic en route to and from the Minneapolis terminal area.

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

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

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

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

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

Issued at Kansas City, Mo., on February 20, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-2486; Filed, Mar. 6, 1967; 8:47 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

National Park Service

LAKE MEAD NATIONAL RECREATION AREA

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, Public Law 89–249, public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Temple Bar Marina, Inc., authorizing it to continue to provide concession facilities and services for the public at the Temple Bar site, Arizona, in Lake Mead National Recreation Area for a period of fifteen (15) years. Before doing so, however, and before granting a new contract pursuant to the Act cited above, the Secretary hereby gives public notice of his intention in the matter and will consider and evaluate all proposals received as a result of this notice.

Interested parties should contact the Director of the National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

HOWARD W. BAKER,
Acting Director,
National Park Service.

FEBRUARY 17, 1967.

[F.R. Doc. 67–2497; Filed, Mar. 6, 1967; 8:48 a.m.]

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 67]

ASSISTANT ADMINISTRATOR FOR ADMINISTRATION

Delegation of Authority

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, from the Secretary of State, and in furtherance of my decision relating to the "Reorganization for Increased Emphasis on the Private Sector and the War on Hunger" announced in AID/W Notice of February 10, 1967, by the Assistant Administrator for Administration, it is hereby ordered as follows:

SECTION 1. Delete the title "Assistant Administrator for Material Resources" wherever it appears and substitute the title "Assistant Administrator for Administration" in the following delegations of authority:

(a) Delegation of Authority No. 15 of June 1, 1962 (27 F.R. 5152), relating to advance acquisition of excess property;

(b) Delegation of authority No. 17 of June 14, 1962 (27 F.R. 5914), as amended by Delegation of Authority No. 17.1 dated April 12, 1963 (28 F.R. 4037), relating to contracting functions; and

(c) Delegation of Authority No. 64 of July 14, 1966 (31 F.R. 9811), relating to domestic excess property.

SEC. 2. Current redelegations of authority issued prior to this order by the Assistant Administrator for Material Resources based on the Delegation of Authority Nos. 15, 17, and 64 shall continue in effect according to their terms until modified or revoked by the Assistant Administrator for Administration.

SEC. 3. The authorities delegated to the Assistant Administrator for Administration by section one hereof may be redelegated to the extent specified in each of the delegations of authority, and shall be subject to such limitations or restrictions as are provided in such delegations.

SEC. 4. Any functions or authorities of the Assistant Administrator for Material Resources which are specified in any regulation, published or unpublished, manual order, policy determination, manual circular or circular airgram or instruction or communication of any nature relating to procurement, transportation and government excess property functions transferred under the Reorganization mentioned above shall henceforth be the responsibility of the Assistant Administrator for Administration.

SEC. 5. This delegation of authority is effective immediately.

WILLIAM S. GAUD,
Administrator.

MARCH 1, 1967.

[F.R. Doc. 67–2498; Filed, Mar. 6, 1967; 8:48 a.m.]

POST OFFICE DEPARTMENT

PARCEL POST FOR FRENCH TERRITORIES

Notice of Increased Weight Limits

On March 1, 1967, the weight limit of parcel post (surface and air) for Comoro Islands, French Polynesia, French Somaliland, New Herbrides, and St. Pierre, and Miquelon was increased to 44 pounds.

The Appendix of Subchapter C of Title 39, Code of Federal Regulations will be appropriately amended as soon as practicable.

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

TIMOTHY J. MAY,
General Counsel.

MARCH 2, 1967.

[F.R. Doc. 67–2501; Filed, Mar. 6, 1967; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Application for Duty Free Entry of Scientific Articles

The following is a notice of the receipt of an application for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importatior Act of 1966 (Public Law 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

Regulations issued under cited Act, published in the February 4, 1967, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of the application is on file, and may be examined during ordinary Commerce Department business hours at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C.

Docket No. 67–00001–01–77095. Applicant: Massachusetts Institute of Technology, Cambridge, Mass. 02139. Article: Electron spectrometer, iron-free, double focusing, combining a Beta-ray spectrometer with an X-ray source and Geiger counter detector. Manufacturer: The Physics Institute, University of Uppsala, Sweden. Manufacturer's sales agent: Nuclesa (Nuclear Engineering & Equipment, S.A.) Geneva, Switzerland. Intended use of article: Analytical chemistry—direct determination of elemental ratios in compounds, determination of valence state of elements and for structural analysis of organic compounds. Application received by Commissioner of Customs: February 27, 1967.

CHARLEY M. DENTON,
Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration.

[F.R. Doc. 67–2518; Filed, March 6, 1967; 8:50 a.m.]

National Bureau of Standards

NBS RADIO STATIONS

Notice of Standard Frequency and Time Broadcasts

In accordance with National Bureau of Standards policy of giving monthly notices regarding changes of phases in seconds pulses, notice is hereby given that there will be no change in the phase of seconds pulses emitted from radio station WWVB, Fort Collins, Colo., on April 1, 1967. The carrier frequency of WWVB is 60 kHz and is broadcast without offset. These emissions are made following the stepped atomic time (SAT) system as coordinated by the Bureau International de l'Heure (BIH).

Notice is also hereby given that there will be no change in the phase of time pulses emitted from radio stations WWV, Fort Collins, Colo., and WWVH, Maui, Hawaii, on April 1, 1967. These pulses at present occur at intervals which are longer than one second by 300 parts in 10^{10}. This is due to the offset maintained in the carrier frequencies of these stations, following the universal time (UTC) system as coordinated by the BIH.

A. V. ASTIN,
Director.

[F.R. Doc. 67-2508; Filed, March 6, 1967; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16236; Order No. E-24799]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of March 1967.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conferences 1–2, 3–1, and 1–2–3 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated January 31, 1967,[1] names rates under an existing commodity description as set forth below. Additionally, the agreement amends the description for Commodity Item 4702, applicable via the North Atlantic, by the inclusion of "anchors, bolts, nails, nuts, screws, and/or studs made of brass, copper, iron, or steel." The new rates reflect reductions of 29.9 and 31.5 percent, respectively, and are consistent with the present level of specific commodity rates within the applicable areas.

Commodity Item 1026—Fish, Live, Inedible; 212 cents per kg., minimum weight 100 kgs.; Colombo, Ceylon to New York. 244 cents per kg., minimum weight 100 kgs.; Colombo, Ceylon to West Coast.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered:

That Agreement CAB 19276, R–9 and R–10, be approved provided approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-2505; Filed, Mar. 6, 1967; 8:48 a.m.]

[Docket No. 18224; Order No. E-24798]

TRANS WORLD AIRLINES, INC. AND UNITED AIR LINES, INC.

Jet and Propeller Commuter Fare Increases Between Las Vegas and Los Angeles; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of March 1967.

By tariff revisions marked to become effective March 3,[1] and March 5, 1967,[2] Trans World Airlines, Inc. (Trans World), and United Air Lines, Inc. (United), propose to increase their respective commuter fares between Las Vegas and Los Angeles from $13 to $15 to equal the recently filed fare of Bonanza Air Lines, Inc. (Bonanza). The tariff filings are not marked with expiration dates and no complaints have been filed.

In support of their respective fares, the carriers state that the proposed fares are to match the recent filing of Bonanza. In addition, United alleges that the increases would not have any significant effect on its 1967 revenue, and that unless its fares are filed at the same level as Bonanza's it is unlikely that Bonanza will be able to maintain the higher fares.

Upon consideration of all relevant matters, the Board has determined that the proposed tariff revisions may be unjust or unreasonable, or unduly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated.

Although the proposed increased fares would be equal to those of Bonanza which recently became effective, the Board finds that the particular circumstances which supported Bonanza's fare increases do not support similar increases of Trans World and United. Bonanza's system earnings were moderately substandard and it alleged it was unable to earn a fair rate of return on its unsubsidized operations at reasonably attainable load factors. Neither Trans World nor United has made a showing of economic need; either a general economic need to improve system earnings, or a specific economic need caused by unprofitable operations in the Las Vegas-Los Angeles market.

The Board therefore concludes that the proposed fare increases are not warranted, and should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 204(a), 403, 404, and 1002 thereof.

It is ordered, That:

1. An investigation is instituted to determine whether the jet commuter fares and propeller commuter fare between Las Vegas and Los Angeles on 21st revised page 271 and 34th revised page 292–E of CAB No. 44 issued by Airline Tariff Publishers, Inc., Agent, and rules, regulations, and practices affecting such fares, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares, and rules, regulations, or practices affecting such fares;

2. Pending hearing and decision by the Board, the jet commuter fares and propeller commuter fare between Las Vegas and Los Angeles on 21st revised page 271 and 34th revised page 292–E of CAB No. 44 issued by Airline Tariff Publishers, Inc., Agent, are suspended and their use deferred to and including May 31, 1967, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. A copy of this order be served upon Bonanza Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[1] Received in the Board Feb. 6, 1967.

[1] Airline Tariff Publishers, Inc., Agent, Local and Joint Passenger Fares Tariff No. PF–5, CAB No. 44, 21st revised page 271, filed Feb. 1, 1967.

[2] Airline Tariff Publishers, Inc., Agent, Local and Joint Passenger Fares Tariff No. PF–5, CAB No. 44, 34th revised page 292–E, filed Feb. 3, 1967.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-2506; Filed, Mar. 6, 1967; 8:48 a.m.]

[Docket No. 17769]

EASTERN AIR LINES; REMMERT-WERNER ACQUISITION

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 27, 1967, at 10 a.m., e.s.t. in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., March 1, 1967.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[F.R. Doc. 67-2507; Filed, Mar. 6, 1967; 8:49 a.m.]

CIVIL SERVICE COMMISSION

NURSES, VARIOUS LOCATIONS

Notice of Adjustment of Minimum Rates and Rate Ranges

1. Under authority of 5 U.S.C. 5303 and E.O. 11073, the Civil Service Commission has increased the minimum rates and date ranges for Clinical Nurses in various grade levels in the GS-610 series in several geographic locations. The Commission has determined that the special rates now in effect for the Clinical Nurses are extended to include GS-610 Nurses in occupational health programs and GS-615 Public Health Nurses in the same grade levels and geographic locations.

2. The following locations are affected by this determination (Grade level coverage, geographic coverage, and salary rates will be found in the appropriate FPM Letter.):

a. Staten Island, New York, N.Y.	FPM LTR 530-35.	Sept. 9, 1966
b. San Francisco, Calif.	FPM LTR 530-38.	Dec. 16, 1966
c. Seattle and Bremerton, Wash.	FPM LTR 530-39.	Dec. 30, 1966
d. Suffolk County (includes Boston), Mass.	FPM LTR 530-40.	Do.
e. Washington, D.C.	FPM LTR 530-41.	Jan. 13, 1967
f. Los Angeles County and Fort Ord, Calif.	FPM LTR 530-42.	Jan. 27, 1967
g. San Diego and Sacramento Counties, Calif.	FPM LTR 530-44.	Feb. 10, 1967
h. Detroit, Mich.	FPM LTR 530-45	Feb. 24, 1967

3. Under authority of 5 U.S.C. 5303 and E.O. 11073, the Civil Service Commission has increased the minimum rates and rate ranges for positions of PFS-610 Nurse in various grades and locations as follows:

TABLE A—GEOGRAPHIC COVERAGE: BOSTON, MASS.; SEATTLE, WASH.; WASHINGTON, D.C.

[Per annum rates]

Level	1[1]	2	3	4	5	6	7	8	9	10	11	12
PFS-5	$6,270	$6,461	$6,652	$6,843	$7,034	$7,225	$7,416	$7,607	$7,798	$7,989	$8,180	$8,371
PFS-6	6,519	6,722	6,925	7,128	7,331	7,534	7,737	7,940	8,143	8,346	8,549	8,752

[1] Corresponding statutory rates: PFS-5—Fourth; PFS-6—Third.

TABLE B—GEOGRAPHIC COVERAGE: LOS ANGELES, CALIF.; DETROIT, MICH.

[Per annum rates]

Level	1[1]	2	3	4	5	6	7	8	9	10	11	12
PFS-5	$6,652	$6,843	$7,034	$7,225	$7,416	$7,607	$7,798	$7,989	$8,180	$8,371	$8,562	$8,753
PFS-6	6,925	7,128	7,331	7,534	7,737	7,940	8,143	8,346	8,549	8,752	8,955	9,158
PFS-7	7,199	7,417	7,635	7,853	8,071	8,289	8,507	8,725	8,943	9,161	9,379	.....

[1] Corresponding statutory rates: PFS-5—Sixth; PFS-6—Fifth; PFS-7—Fourth.

TABLE C—GEOGRAPHIC COVERAGE: SAN FRANCISCO, CALIF.

[Per annum rates]

Level	1[1]	2	3	4	5	6	7	8	9	10	11	12
PFS-5	$6,843	$7,034	$7,225	$7,416	$7,607	$7,798	$7,989	$8,180	$8,371	$8,562	$8,753	$8,944
PFS-6	7,128	7,331	7,534	7,737	7,940	8,143	8,346	8,549	8,752	8,955	9,158	9,361
PFS-7	7,417	7,635	7,853	8,071	8,289	8,507	8,725	8,943	9,161	9,379	9,597	.....

[1] Corresponding statutory rates: PFS-5—Seventh; PFS-6—Sixth; PFS-7—Fifth.

4. The effective date will be the first day of the first pay period beginning on or after February 25, 1967.

5. All new employees in the specified occupational levels will be hired at the new minimum rate.

6. As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the rates of the statutory rate range shall receive basic compensation at the corresponding numbered rate authorized by this notice on and after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-2526; Filed, Mar. 6, 1967; 8:50 a.m.]

BUREAU OF THE BUDGET

TRANSFER OF CERTAIN FUNCTIONS RELATING TO COMMERCIAL FISHERIES TO DEPARTMENT OF INTERIOR

Modification of Determination of March 22, 1958

Pursuant to authority vested in the Director of the Bureau of the Budget by section 6(a) of the Act of August 8, 1956, popularly known as the Fish and Wildlife Act of 1956 (16 U.S.C. 742e), section 3 of the determination of March 22, 1958 (23 F.R. 2304), is hereby modified to read as follows:

3. All functions of the Maritime Administration, Department of Commerce, which pertain to Federal ship mortgage insurance for fishing vessels under authority of Title XI of the Merchant Marine Act of 1936, as amended (46 U.S.C. 1271-1279), provided that the amount of loans outstanding under this transferred authority shall not exceed $20 million at any one time.

This modification shall be effective March 1, 1967.

PHILLIP S. HUGHES,
Acting Director.

MARCH 1, 1967.

[F.R. Doc. 67-2530; Filed, Mar. 6, 1967; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16890, 16891; FCC 67R-67]

LUIS PRADO MARTORELL AND AUGUSTINE L. CAVALLARO, JR.

Memorandum Opinion and Order Enlarging Issues

In re applications of Luis Prado Martorell, Loiza, P.R., Docket No. 16890, File No. BP-16000; Augustine L. Cavallaro, Jr., Bayaomon, P.R., Docket No. 16891, File No. BP-16182; for construction permits.

1. The applicants both are requesting the assignment of Class II frequency 1030 kc/s with a power of 10 kw, Martorell at Loiza, P.R., Day only, Cavallaro at Bayaomon, P.R., unlimited time with a directional antenna. After lengthy prehearing submissions, the applications were designated for hearing by the Commission in a memorandum opinion and order (FCC 66-866) released October 4, 1966. In this order, the Commission treated at length and disposed of many

of the questions now made the subjects of an additional series of twelve pleadings. These pleadings are divided into three groups and will be discussed by group in this document.

Group I. 2. The first group of pleadings begins with a petition to modify issues filed by Cavallaro on October 24, 1966.[1] The deletion of Issues 2 and 3, specified in the designation order, is requested.

3. Issue 2, which pertains to site suitability, was specified by the Commission for the reasons expressed in paragraph 16 of the designation order. Cavallaro contends the issue was included as the result of an error because if the site is leveled, as proposed, "the suitability issue is illusory." According to Cavallaro, "an issue dealing with the suitability of a site which Cavallaro does not plan to utilize in its present condition, serves no valid regulatory purpose." Both Martorell and the Broadcast Bureau oppose deletion, the Bureau arguing that "the substance of the matters now urged by Cavallaro in support of his position were considered" by the Commission in the designation order. The Bureau refers to the designation order and concludes that the Commission specified the issue "in light of considerations other than Cavallaro's financial ability to level it." Reliance is also placed upon Fidelity Radio, Inc., 6 RR 2d 140 (1965), where the Commission indicated that it did not expect subordinate officials to modify actions taken in a designation order "in the face of a clear record showing of thorough consideration of the particular question at the time of designation * * *." Replying, Cavallaro argues that the site's technical utility cannot be determined until the site is leveled, it is futile to include an issue dealing with its suitability and, instead, any grant to Cavallaro should be conditioned.

4. Paragraph 16 of the designation order, supra, recounts the reasons why a site suitability issue was added by the Commission, and it is plain that deficiencies in Cavallaro's own showing were among the reasons for the specification. These included failure to submit photographs from which the presence of structures in the vicinity could be determined and a statement in the application that the terrain in the vicinity exceeds the proposed tower height. Petitioner has not alleged and the Board's examination has not revealed that the Commission incorrectly read the application. Therefore, the request to delete the issue has not been substantiated. The designation order contains "a reasoned analysis" of the site suitability question and the petition contains no "additional information on the subject previously unknown" to the Commission.

[1] The other pleadings in this group are: Revision of petition to modify issues filed by Cavallaro on Nov. 17, 1966; reply statement filed by Martorell on Nov. 17, 1966; opposition filed by the Broadcast Bureau on Nov. 28, 1966; and reply filed by Cavallaro on Jan. 3, 1967.

Atlantic Broadcasting Co. (WUST), 5 FCC 2d 717 (1966).[2]

5. Issue 3, consisting of six parts, relates to Cavallaro's financial qualifications, and it was added for the reasons discussed in paragraph 17 of the Commission's designation order. By way of a general attack on inclusion of this issue, Cavallaro asserts that unlike Martorell, who was informed by letter of questions concerning the adequacy of his financing and given 60 days to respond, he was given no such notification, with the result that financial issues were specified as to him. Cavallaro argues he should be accorded the same opportunity previously extended to Martorell to amend and avoid a costly hearing on this issue.[3]

6. Martorell's opposition does not address itself to this general argument. In its opposition, the Bureau denies that there was discrimination, Cavallaro having written to the Commission (3 weeks prior to the date of the Commission letter to Martorell) asking for time to amend to meet the then new Ultravision financial standards,[4] and having filed a series of financial amendments thereafter. Replying to the Bureau, petitioner repeats that it was not apprised of deficiencies in its showing, as Martorell was, that this constituted unequal treatment, that the failure to notify him of weaknesses in his showing led to the insertion of the financial issue against him. Thus, says Cavallaro, he should be permitted to amend.

7. Even if Cavallaro, during the predesignation period, had been treated differently than Martorell was, this would not constitute a reason for deleting the financial issue, and that is the question which is now before the Board. The argument of unequal treatment might have some bearing on the question whether good cause had been shown for the filing of an amendment relating to the financial issues specified in the designation order, but no petition for leave to amend and amendment is now pending before the Hearing Examiner, who would be the one initially to consider such requests. Certainly, the Board is unable to conclude from the facts before it that it should take the extraordinary step of halting the proceeding to permit petitioner to file.[5]

8. Subissue (a) of Issue 3 in the designation order questions whether Cavallaro's estimate of the cost of clearing and preparing his proposed transmitter-antenna site is reasonable. The issue was included because Cavallaro's $33,250 estimate for this work "is unsupported by either an adequate description of the work to be performed or a clear identification of the engineer, 'Ydrach' whose plan would be used."[6]

9. Petitioner argues that the issue should not have been specified because the $33,250 figure is an actual bid, and not an estimate, to which there has been no challenge since it was submitted to the Commission. The Bureau opposes deletion because the Commission was in no position to accept the bid as dispositive "particularly in light of the affidavits of apparently competent engineering firms that the costs would be far in excess of Cavallaro's figure." Replying, Cavallaro repeats that inasmuch as the bid stands unchallenged and uncontradicted since it was submitted to the Commission, there is no matter open for resolution.

10. All of the material upon which petitioner now relies was specifically before the Commission at the time of designation and was the basis for the action taken, as paragraph 17(a) makes clear. It is also plain that the Commission was unwilling to rely on the "bid" submitted by Cavallaro in the face of "estimates" from others showing a much higher cost. Examination of the "bid" makes the reason for doubt evident. The bid was part of an amendment filed March 9, 1965, and it consists of a one page letter the substance of which reads as follows:

> For leveling according to the topographical plan of engineer Ydrach, spreading the material toward the edges, using it as fill: $33,250.00.

In the first sentence of the letter, Ydrach is more fully referred to as Otto Gonzales Ydrach. The topographical plan referred to is not on file in the Docket, and there is no way of determining what it proposed for site preparation. No new or additional information is supplied in the petition, and the basis for the doubt expressed in the designation order is not removed merely because Cavallaro has a "bid," as distinguished from an estimate for the preparation of the site. What preparation is contemplated is still unknown. The request to delete Issue 3(a) is denied.

11. Cavallaro partially relies for financing upon a $100,000 loan from the San Martin Mortgage & Investment Corp.

[2] On Jan. 5, 1967, the Commission denied Cavallaro's petition for reconsideration which attacked inclusion of Issues 2 and 3, stating, inter alia, that such a petition was of the type "for which it has provided ample opportunity for consideration by subordinate officials." 6 FCC 2d 262 (1967).

[3] That the Commission did send letters to Cavallaro is evidenced by material in Cavallaro's application file, which among others, contains the following:

Letter from Commission to Cavallaro concerning Cavallaro's finances: Dec. 18, 1964.

Cavallaro's reply letter of Jan. 4 filed with the Commission: Jan. 7, 1965.

Letter from Commission to Cavallaro concerning Cavallaro's finances: Jan. 22, 1965.

Cavallaro files amendment which contains reference to contents of Commission letter of Jan. 22: Feb. 11, 1965.

Letter filed by Cavallaro, dated July 19, asking that Commission defer action on Cavallaro's application until Aug. 15 to accord him opportunity to amend his application: July 21, 1965.

Amendments to application filed by Cavallaro: Oct. 12, 1965, Jan. 11, 1966, Mar. 15, 1966, Apr. 25, 1966, May 24, 1966, Sept. 30, 1966.

[4] Ultravision Broadcasting Co., 1 FCC 2d 544, 5 RR 2d 343 (1965) and Public Notice, 1 FCC 2d 550, 5 RR 2d 349 (1965).

[5] As counsel for Cavallaro is doubtless aware, postdesignation amendments designed to satisfy issues going to statutory qualifications are viewed, under appropriate circumstances, in a different light than those which bear upon the comparative issues.

[6] Designation order, supra, par. 17(a).

Issue 3(d) would determine whether the Corporation has sufficient liquid assets to enable it to lend this amount and whether the loan will be available. The loan agreement has a condition making it subject to the corporation's "satisfaction at the time the loan is advanced with the borrower's financial condition and the proposed management of the station." In view of this "unusual language" and the age of the corporation's balance sheet, the Commission specified Issue 3(d).[7]

12. Contending for deletion of this issue, Cavallaro relies upon Consolidated Industries, Inc., 19 RR 1370 (1960) for the acceptability of the language in the condition and asserts that the condition "merely is expressive of commonsense prudence inherent in any financial institution." The balance sheet should be accepted, says Cavallaro, since it is no staler than one of the balance sheets submitted by Martorell and not questioned by the Commission. The Bureau, opposing deletion, argues the issue was included for a combination of factors, including the unusual language in the loan commitment, and that the Consolidated case, supra, contains nothing to suggest a different result.

13. Once more, Cavallaro has submitted no new facts, nothing that was not before the Commission at designation and explicitly discussed. The Commission found the balance sheet for the Corporation to be stale and there is nothing before the Board to warrant a different characterization. The submission of a more up-to-date statement would not seem to impose an appreciable burden on Cavallaro. The condition in the instant loan commitment differs in various respects from that in Consolidated, and the surrounding circumstances are not the same. Therefore, and since nothing new has been offered by petitioner, the Board has no grounds for reaching a result different than that contained in the designation order.

14. Cavallaro proposes to borrow $50,000 from his father, Dr. Cavallaro. Issue 3(b) requires a determination whether the father has sufficient cash and other liquid assets available to meet the loan commitment. The reasons for the inclusion of this issue are given in paragraph 17(d); the Commission was unwilling to accept Dr. Cavallaro's own appraisal of the value of his real estate, despite the fact that he may have had considerable experience as an appraiser of property values. Attacking this evaluation, Cavallaro argues that it does not follow from the fact that the appraisal may not be impartial that the evaluation "is so grossly in error that he cannot obtain less than $50,000 from property he appraised at over $200,000." The Bureau sees no valid basis for disturbing the Commission's determination, and we agree. Cavallaro has submitted nothing new, such as an appraisal from a disinterested appraiser and the weakness noted by the Commission remains. Thus, deletion is not warranted. In its reply, Cavallaro contends that the Commission "had no right arbitrarily to reject Dr. Cavallaro's representations," but this is a misconstruction of what the Commission did. It did not reject them, it simply put them in issue. They may or may not ultimately be relied upon depending upon the evidence submitted at the hearing.

Group II. 15. Cavallaro has petitioned to enlarge the issues against Martorell in several respects.[8] First, it is requested that Martorell's financial qualifications be placed in issue. Petitioner argues that the $25,000 loan from Martorell's cousin, Miguel A. Martorell, cannot be relied upon as available because the lender's balance sheet is unaudited and out of date and reveals only $17,440.33 in demonstrated liquid assets compared to $103,800 in liabilities. Responding, Martorell states that the loan is available and that he will "submit any requested document." The Bureau agrees that the balance sheet was not current, but regards this as "not so material a deficiency" as to justify adding an issue. The Bureau also concludes that without reference to Miguel Martorell's other assets, it has not been shown that sufficient funds are available to enable him to lend $25,000 to the applicant, but contends that since Miguel Martorell has total assets of $1,021,363.18 and liabilities of $103,800, no serious question exists as to his ability to lend $25,000. The Bureau relies on the Board's ruling in United Artists Broadcasting, Inc., 4 RR 2d 453, 459 (1964). Cavallaro, in its reply, asserts that the principle relied on by the Bureau applies only to parties to an application, or the equivalent, and that Miguel Martorell is not a party. Thus, says Cavallaro, he lacks the financial urgency of a party and might not liquidate assets if a monetary loss were entailed, there being no statement in the application in which he commits himself to liquidate his assets to provide money to meet the loan commitment. Cavallaro relies on International Broadcasting Co., 7 RR 2d 302, 305 (1966).

16. As further grounds for addition of a financial issue against Martorell, Cavallaro contends that the equipment credit letter is out of date, it contains language that financing is subject to further review of Martorell's financial condition, the price of equipment has gone up leaving it doubtful that the equipment can now be purchased for the quoted price and that, therefore, the availability of financing from the equipment supplier is no longer assured. Martorell, in his reply, says he has a new credit letter from the equipment supplier which will be submitted if ordered. The Bureau does not comment on this argument.

17. Cavallero attacks as unacceptable Martorell's reliance upon the use of equipment on hand, the estimate of the utility and worth of this equipment being "no more impartial than Dr. Cavallaro's estimate of the worth of his realty." Moreover, says Cavallaro, the equipment has aged 2 years and its suitability cannot be assumed. Martorell replies requesting that the Commission's District Engineer conduct an investigation and render a statement as to the results. The Bureau made no comment on this argument.

18. Lastly, on the financial question, Cavallaro maintains that Martorell has underestimated his costs which were given as $44,600 (approximately). Petitioner declares that this total falls to include $6,773 for installment payments on equipment and interest during the first year of $1,250. Also, Cavallaro states that it is impossible to operate a 10 kw radio station in Puerto Rico for the cost given by Martorell. Martorell responds that the total figure given by petitioner is too high because he has a down payment of $5,000 with the equipment supplier. No comment on this argument was made by the Bureau.

19. Underlying the Cavallaro contentions thus far discussed is the claim that he was treated more harshly than Martorell, and that if the financial tests applied to him had been used in evaluating Martorell's financial proposal, a financial issue would have been added against the latter. The Bureau in responding to this makes a general analysis of Martorell's financial situation and concludes that there is a cushion available which justifies the finding that he is financially qualified. Thus, the Bureau points out that Martorell has shown he will have revenues of about $55,000 which, if realized, make it unnecessary to rely on the $25,000 from Miguel Martorell. On the other hand, if the full revenue amount is not forthcoming, the difference would be offset by the proceeds from the loans. Accordingly, the Bureau maintains that "Martorell's financial plan, taken as a whole, shows with sufficient reasonableness his ability to meet his estimated construction and first-year operating costs * * *." Turning to the dual standard argument, the Bureau asserts that it is based upon Cavallaro's oversimplification of the reasons given by the Commission, in the designation order, for putting Cavallaro's financial qualifications in issue, and that the Commission's decision to specify the issue "arose out of a complex of pleadings and facts" as indicated in the document and the appendix attached to it listing all the pleadings the Commission had under consideration at the time of designation. The Bureau concludes that although enlargement is not justified from the matters alleged by Cavallaro, "should the Review Board deem such enlargement desirable to clear the air of any of the unfounded charges of discrimination being levelled at the Commission by Cavallaro, then the Bureau sees no great burden on Martorell, for the proof under such an issue need

[7] Designation order, supra, par. 17(c).

[8] Petition to enlarge issues, filed by Cavallaro on Oct. 24, 1966. The other pleadings in this group are: Reply statement filed by Martorell on Nov. 17, 1966; opposition filed by Broadcast Bureau on Nov. 28, 1966; and reply to oppositions filed by Cavallaro on Jan. 3, 1967.

not be broad in light of the rather narrow areas of contest being projected by Cavallaro."

20. In its reply, Cavallaro insists that Martorell's first year operating cost estimate of approximately $21,000 is unrealistic and compares it to the much higher average expenses for broadcast stations in Puerto Rico taken from a Commission Public Notice (Mimeo No. 90562, Oct. 18, 1966), AM–FM Broadcast Financial Data—1965.

21. The Commission's designation order contains no analysis of the financial qualifications of Martorell similar to that which led to the specification of financial issues against Cavallaro. Consequently, the Board must make such an analysis in light of the contentions made by petitioner and rule on the merits of the request for enlargement.[9]

22. Following the rationale of the Board's ruling in United Artists, supra, Miguel Martorell must be found to have sufficient assets to lend $25,000 to his cousin. Miguel Martorell has total assets, liquid and nonliquid, in excess of $1 million, and total liabilities of $103,800. In view of his substantial assets and net worth, his ability to honor his commitment of $25,000 is sufficiently established. Although Cavallaro reads International Broadcasting Co., supra, as limiting the use of this rule to those who are parties to an application, the Board cannot so construe that case, for the distinction between parties and nonparties was not raised. Cavallaro's interpretation is too narrow; although the fact that the lender is not a party to the proceeding is certainly a factor which can be taken into account in evaluating a particular showing. The Board has taken it into consideration here, but the commitment is a firm one and the lender is clearly capable of raising this sum of money. There is no requirement that the financial statement of a proposed lender be audited nor is it fatal to Martorell's showing that Miguel Martorell's statement is out-of-date by a short period of time. Under other circumstances, where the excess of assets over liabilities is very small, it might be essential to have an up-dated sheet, but that is not the case here. While Miguel Martorell has not said that he would sell some of his nonliquid assets, if necessary, to obtain the funds for the loan, it would be unreasonable to require such a showing for it is implicit in his agreement to lend that the necessary steps will be taken to obtain the funds.

23. Specification of a limited financial issue on the question of the availability of credit from the equipment supplier is required. Martorell, in his opposition to the petition to enlarge, says that he has a new letter of credit, thus seeming to concede that the one on file is no longer applicable. However, the new letter has not been submitted.[10] Thus, the Board is not in a position to assess the credit arrangements, and a limited issue will have to be added.

24. Examination of Martorell's application reveals that in an amendment filed September 11, 1964, applicant declared as a part of his financial showing that "A large amount of equipment, both technical and nontechnical, including tower, studio equipment, miscellaneous operating equipment, vehicles, tools, office equipment, etc., is on hand and sufficient for the proposed operation." In his financial statement of August 31, 1964, also a part of the aforesaid amendment, Martorell includes in his statement of assets a figure of $24,563 for equipment on hand, which amount must have been mostly for broadcast equipment inasmuch as separate sums for vehicular and office equipment were included in the stated assets.[11] Page 1, section III of the same amendment shows antenna system costs of only $1,083 and no costs for frequency and modulation monitors, these being "on hand." In an amendment filed September 3, 1965, equipment on hand is valued at $24,895, and in an amendment received April 5, 1966, applicant states he has on hand a power plant, valued at $10,000, which will be used as an auxiliary source of power for the proposed station.

25. Cavallaro's challenge of the valuation placed upon equipment on hand has significance only if a lesser valuation would impair Martorell's ability to meet his commitment to the applicant. Martorell's financial statement of August 31, 1965, shows cash on hand of over $17,500, and he is committed for less than $17,000. Moreover, if all of the equipment listed in this statement as part of Martorell's assets were omitted in computation of his financial status, his assets would still exceed his liabilities by more than $80,000. Therefore, assumed inaccuracies in the equipment valuations do not require specification of an issue.

26. Turning to the questions directed to the utility and suitability of the equipment on hand, Cavallaro's petition suffers from a total absence of specificity. This shortcoming, when considered in the light of what appears from a careful examination of the application and amendments, forecloses formulation of an issue based thereon.

27. Cavallaro's contention that Martorell has underestimated his expenses has been partially answered by the latter's reference to the $5,000 down payment already made. Taking this into account, the small discrepancy made up of first year interest payments and the difference between the down payment and actual first year installments is not significant. However, greater emphasis is given by petitioner to the proposition that Martorell's first year costs and expenses are underestimated. Aside from the failure to specify those expenses for which insufficient provision has been made, the argument that Martorell's estimate cannot be accepted because it is below the average for other stations in Puerto Rico is not convincing. The data derived from the financial material published by the Commission are averages in which many substantial variations may be and undoubtedly are concealed. The most that can be said for them is that they indicate that Martorell may have difficulties in operating at the expense level predicted in the application, but this is not enough basis for the formulation of an issue. Moreover, hours of operation (82 hours a week) are quite restricted and his staff will be small (seven, including his wife and two daughters), giving added acceptibility to the estimates which are being questioned. Finally, the Board agrees with the Broadcast Bureau that Martorell has a cushion in his financial proposal which gives added assurance of his financial qualification. The argument that Martorell and Cavallaro were treated differently is based upon Cavallaro's misinterpretation of the designation order, as has already been stated in the Board's disposition of the pleadings in Group I.

28. The next issue requested in this group of pleadings would put in issue Martorell's qualifications because of his alleged intent to provide service to only the suburban portions of the service area and ignore San Juan. In his opposition Martorell says his main purpose is to serve the people of the town of Loiza, for which he has applied. The Bureau opposes the requested issue because Martorell's purported intention to serve as a local outlet for Loiza rather than San Juan is already the subject of issues which can be fully explored at the hearing. Replying, the petitioner argues that an issue must be added because it is against well settled Commission policy to ignore part of a station's service area, citing, among others, Petersburg Television Corp., 19 RR 567 (1954).

29. Issues 4 and 5 of the designation order constitute the usual "suburban community" issues as to Martorell.[12] No additional issues are necessary. The basis for including Issues 4 and 5 is to determine whether Martorell will, in fact, provide a local transmission facility for the selected community rather than for another larger community. Thus, petitioner's argument that Martorell's programming is directed to Loiza rather than San Juan misses the point of the entire inquiry. The cases relied upon by Cavallaro, especially Petersburg, supra, which involved television rather than AM broadcasting, must be read in the light of the more recent pronouncements stemming from the Policy Statement, supra.

30. The final request in this group of pleadings if for an issue to learn whether Martorell has abused Commission processes or attempted to interfere with the regulatory functions of the Commission

[9] Atlantic Broadcasting Co., supra.

[10] During the earlier stages, Mr. Martorell was represented by legal counsel. However, with respect to many of the pleadings under consideration in this document, he is representing himself.

[11] In the original application a breakdown of the nonbroadcast equipment was given. The first reference to broadcast equipment on hand is found in the Sept. 11, 1964, amendment.

[12] Policy statement on sec. 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190 (1965).

by making errors, nondisclosures, unwarranted charges or inadvertent statements about Cavallaro and by seeking to deceive, threaten, cajole, or frighten persons from cooperating with or entering into business arrangements with Cavallero. The basic charge is that "Martorell accused Cavallero of fraudulent behavior in connection with the latter's transmitter site when Martorell knew that the accusations were baseless." Petitioner relies on a number of affidavits, some of which are attached to the pleading and others of which were attached to a motion to strike filed by Cavallaro on November 19, 1964, prior to designation.

31. Martorell denies abuse of Commission processes and contends, in the main, that the charges he has made were based "in cryptic and misleading information submitted by Cavallaro," largely about the latter's transmitter site. The Bureau, after analyzing cases pertaining to character issues, states that the test is fidavits which either in and of themselves, or in the light of counter affidavits, raise material questions of fact as to misrepresentation in applications, or falsification of sworn testimony, or concealment of material facts as to one's proposal, or matters of like import * * *." The Bureau concludes that Cavallaro's pleading does not satisfy this test. The substance of the affidavits relied on by Cavallaro were before the Commission at the time of designation, the Bureau asserts, and these affidavits add nothing new and do not establish that Martorell misrepresented or deceived the Commission or that his pleadings were filed with reckless indifference for the truth. The Bureau believes that there was sound reason for Martorell to call the matters referred to, to the Commission's attention, as is indicated by the specification of issues against Cavallaro. Relying on Fidelity Radio, Inc., 6 RR 2d 140 (FCC 65-754), it is concluded by the Bureau that no enlargement is warranted since the Commission has made its determinations on all of the essential areas of controversy.

32. Cavallaro's reply to the oppositions is quite lengthy, rearguing matters raised in the petition and setting forth in great detail material which more properly should have been made a part of the petition to enlarge. One of the crucial points of controversy pertains to the time when Cavallaro made his arrangements for a transmitter site, whether this took place before or after Cavallaro filed his application on April 27, 1964. In pleadings filed before designation Martorell submitted an affidavit from one, Hernandez, who owned the site and who indicated that he had not talked to Cavallaro about making the site available until May 1964. Cavallaro contends that Martorell knew this was not correct and that Victor Martin, an agent representing Hernandez in the transaction, had fixed the date as being in April. Cavallaro also relies on these numerous affidavits to establish that Martorell has sought "directly to undermine Cavallaro's plans to construct a broadcast station by appeals to fear, ignorance, and prejudice." Hernandez is the person against whom these efforts allegedly were made.

33. The Board has examined all the affidavits referred to in the several pleadings, and it is clear that most of the trouble stems from the conflicting and inconsistent affidavits of Hernandez. Thus, in his June 16, 1964, affidavit attached to a Cavallaro pleading, Hernandez stated that Cavallaro and realtor Martin visited him at his farm about April 14, 1964, and discussed a lease for the purpose of erecting towers; that the next day Cavallaro came back to take photographs of the site but said he could not make a definite lease commitment then; that they visited him again on June 12, 1964, and that an option agreement was signed that day. Then, in an affidavit of October 3, 1964, given to Martorell, Hernandez said that Cavallaro and Martin visited him in May 1964, that Cavallaro showed no inclination "to engage in any transaction", that Cavallaro came the next day to take photographs but said nothing about purchasing the farm, that Cavallaro, Martin, and an attorney visited him in June and talked about a lease, that later that day an option agreement was signed.[13] In his affidavit of October 26, 1964, also given to Martorell, Hernandez repeats the facts stated in the October 3 affidavit, adding that he was never in accord with the option agreement he signed with Cavallaro and for which he was paid $300. Martorell's own affidavit of December 8, 1964, filed at the same time as Hernandez's of October 26, tells of going to Hernandez, calling his attention to conflicts in his affidavits, and advising him this was a serious matter and could lead to his being punished for swearing to false statements. Martorell also avers that Hernandez told him he was confused when he signed the October 3 affidavit, that he had no clear idea what was in his June 16 affidavit or about the time Cavallaro visited him, and that Hernandez said Cavallaro's attorney had written the June 16 affidavit. Martorell goes on to say that it is apparent to him that Hernandez's affidavits cannot be relied upon fully. Finally, Hernandez signed another affidavit, dated November 24, 1964, in which he said that he gave Martorell and an investigator information out of which the October 3 affidavit was prepared, that "they have not put the facts clearly, they interpret me wrongly," that what he told them isn't what appears in the October 3 statement, and that his June 16 affidavit is correct.

34. With the foregoing in mind, it is unnecessary to consider in detail all the arguments Cavallaro has constructed. They all are based on Hernandez's apparent weakness for signing affidavits which contain conflicting statements.[14] Looking at the affidavits Martorell obtained from Hernandez, there were grounds for his argument that Cavallaro had no site when his application was filed on April 27, 1964. Although Cavallaro argues that Martorell knew that Cavallaro had visited Hernandez in April because Martin, the realtor, had told him so, Martorell replies that he was unable to obtain an affidavit supporting such statement from Martin, and that therefore he relied on Hernandez sworn statements rather than Martin's oral statement. The Board cannot find in Martorell's actions any support for the assertion that Hernandez was intimidated or coerced by Martorell into giving false information. In short, the request to add a character issue will be denied.

Group III. 35. The final group of pleadings relates to enlargement of the issues against Cavallaro.[15] Martorell first asks for an issue to determine the availability of land at the site proposed by Cavallaro, that is, the Hernandez site heretofore referred to. Contending that the Commission did not dispose of this portion of his predesignation requests, Martorell first argues that more land than is proposed will be needed, as indicated by the engineering affidavits attached to the predesignation pleadings. In these, it is indicated that the necessary leveling of the site will require land fill extending beyond the boundaries of the site. Petitioner asserts that no showing has been made that additional land will be available, and that there are dangers to other property owners and existing roads, there is need for an adequate drainage system and for suitable land on which to relocate Hernandez's home.

36. In opposition, Cavallaro argues that since the Commission declined to add an availability issue when that question was before it at designation, it would be contrary to Board policy to entertain an enlargement request on this point now. Cosmopolitan Enterprises, Inc., 4 FCC 2d 639 (1966) is cited. The Bureau, on the other hand, supports enlargement of the issues to determine whether Cavallaro has sufficient land available to him to accommodate the antenna system and maintains that the Commission did not address itself to this area of concern in formulating the hearing issues.

37. It has already been noted that the test which the Board must use in deciding whether a question has been ruled on by the Commission in a designation order is that given in Atlantic Broadcasting Co. (WUST), supra. Paragraphs 4 through 16 of the designation order contain a discussion and analysis of the site availability and suitability questions; nowhere in these paragraphs or elsewhere in that document is there an analysis of the particular point now at issue in the pleadings. Therefore, the Board must make such an analysis and dispose of the requested enlargement.

[13] The October 3 affidavit was submitted to the Commission first, as a part of Martorell's Petition for Relief, filed Oct. 29, 1964. The earlier affidavit of June 1964, was an exhibit to Cavallaro's Motion To Strike filed Nov. 19, 1964.

[14] The affidavits of June 16, Oct. 26, and Nov. 24, 1964, show Hernandez as single, the affidavit of Oct. 3, 1964, shows him as married.

[15] The pleadings are: Petition To Enlarge Issues filed by Martorell on Oct. 24, 1966; Broadcast Bureau Comments filed Nov. 23, 1966; and Cavallaro's Comments filed Nov. 28, 1966.

38. Attached to a reply statement filed by Martorell on December 8, 1964, are the affidavits of three engineering consultants. Each contains analysis of the work necessary to make Cavallaro's antenna site ready in the manner proposed in his application. Each of them states that the required grading and filling to make the site level will encroach on adjacent property not encompassed in the Hernandez site. Cavallaro did not then respond to this contention, and he has not done so here. Thus, it appears on the basis of the information now before the Board that if Cavallaro's site is to be made usable in the manner proposed in the application, additional land will be needed. Therefore, the issues must be enlarged to determine whether sufficient land is available.

39. Next, Martorell requests an issue directed to Cavallaro's good faith and reliability to fulfill the duties and responsibilities of a licensee. Primary reliance is placed upon the contention that Cavallaro's site is so unsuitable and would require such great expense to make suitable that it is to be doubted that he seriously intends to build on that site. Martorell asserts that this question was not considered by the Commission in the designation order, even though the pleadings had posed such a question. Cavallaro responds that there is nothing in the request which warrants an answer. The Bureau, opposing this enlargement, does not agree that Cavallaro's proposal is so suspect as to require a good faith issue and also points out that the good faith issue, in all essentials, was considered and rejected by the Commission in paragraph 18 of the designation order, that nothing new has been alleged, and that there is no sound reason for the Board to make a contrary determination on this question.

40. Paragraph 18 contains an analysis of the basic points now urged upon the Board as grounds for adding a good faith issue. A good faith issue is essentially a qualifications matter. The Commission specifically refused to put Cavallaro's qualifications in issue under these circumstances. Therefore, the request is denied.[16]

41. Thirdly, a staffing issue against Cavallaro is requested. Martorell asserts that with a 163½ hour broadcast week, consisting of 25.4 percent live commercial and 16.4 percent live sustaining (constituting in all nearly 10 hours of live programing per day), a staff of 13 full-time persons is inadequate where four have no production or programing responsibilities, four others combine engineering and announcing functions, and only five have job classifications of a programing nature. Petitioner also calls attention to the fact that the directional array will require special attention by the technical staff and that programing will originate in several different studios some distance from the principal community.

42. Opposing the staffing issue, Cavallaro asserts that he will have 2 part-time and 13 full-time employees, that the planning is based on his 13 years of broadcasting experience, and that about half the live programs bear that label because they constitute rewritten wire news reports. An affidavit of Cavallaro is attached to the comments, and in it Cavallero spells out in great detail how the staff will be utilized. The Bureau also opposes, noting that the bulk of the live time is devoted to newscasts and talk presentations which require little by way of staff other than the participants in the program itself. In the Board's view, insufficient facts have been alleged, especially in view of the detailed showing made by Cavallaro in his affidavit, to warrant inclusion of a staffing issue.

43. Martorell's fourth request is for the Board to make clear that exploration of the high local live programing proposal will be permissible under the contingent standard comparative issue. Noting the statement in the Commission's Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393 (1965) that it will not be assumed "that an unusually high percentage of time to be devoted to local or other particular types of programs is necessarily to be preferred", petitioner asserts that Cavallaro has not dispelled the doubts which arise when unrealistic live programing proposals are advanced and has not related this programing with any specific needs of the area. Cavallaro supports the request, noting that the differences between the two proposals are "of such magnitude as prima facie to be of decisional significance."

44. The Board cannot read the Policy Statement, supra, as requiring a comparison of the programing of these two applicants just because Cavallaro proposes a high percentage of local programing. Especially is this so when it is noted that much of his programing acquires this classification because it is nonnetwork news which, it is stated, is classified as local live because it is to be substantially rewritten before being broadcast. In any event, to permit inquiry into programing would require specification of an issue, if the Policy Statement is followed, rather than a ruling by the Board that this subject could be explored under the contingent comparative issue. The allegations before us are insufficient for the specification of such an issue.

45. Finally, enlargement or clarification of the Cavallaro financial issue is requested. Issue 3(a), which is part of the financial issue, reads as follows:

(a) Whether Cavallaro's estimate of the cost of clearing and preparing his proposed transmitter-antenna site is reasonable, and, in light of the evidence adduced with respect to that question, whether his estimate of initial construction and first-year operating costs is reasonable.

Petitioner observes that this issue appears to be too narrow to permit inquiry into areas of substantial doubt as to the reliability and adequacy of the financial proposal in other respects, and, therefore, requests that 3(a) be revised to read:

(a) The basis for Cavallaro's estimate of the cost of clearing and preparing his proposed transmitter-antenna site, the basis for his estimate of initial construction and first-year operating costs, and whether such estimates are reasonable.

To support the change, Martorell says that although Cavallaro originally gave $84,000 as his first-year operating costs, his proposal has changed by expanding the broadcast week 30 hours, increasing his staff to 15 from 13, and using two auxiliary studios. Moreover, it is contended that $6,500 for legal, engineering, and other items is inadequate particularly in view of the complex hearing issues to be adjudicated.

46. Cavallaro, in opposing this request, argues that this matter was passed on by the Commission. He also contends that since he has told the Commission that the changes required no alteration in first-year costs, and since there is no evidence to the contrary, revision of the issue is unnecessary. The two auxiliary studios, says Cavallaro, were a part of his initial proposal. The opposition concludes with the statement that $27,500 was budgeted in the initial proposal for legal, engineering, miscellaneous, contingencies, working capital, and auxiliary studios. The Bureau also opposes enlargement, agreeing with Cavallaro that $27,500, not $6,500, is the amount set aside for legal, engineering, etc., expenses. The Bureau states that the matters were before the Commission at designation and finds nothing in the petition warranting enlargement or clarification of the issue.

47. The Board can find no grounds for so enlarging or clarifying the issues, particularly in light of the detailed discussion of Cavallaro's financial qualification in paragraph 17 of the designation order.

Accordingly, it is ordered, This 28th day of February 1967, that:

(a) The petition to modify issues filed by Augustine L. Cavallaro, Jr., on October 24, 1966, is denied;

(b) The petition to enlarge issues filed by Augustine L. Cavallaro, Jr., on October 24, 1966, is granted to the extent of adding the following issue:

To determine whether and the extent to which credit arrangements for the purchase of equipment are available to Luis Prado Martorell and, therefore, whether he is financially qualified.

and is denied in all other respects;

(c) The petition to enlarge issues filed by Luis Prado Martorell on October 24, 1966, is granted to the extent of adding the following issue:

To determine whether Augustine L. Cavallaro, Jr., has sufficient land available to him to accommodate the directional antenna system for his proposed facility.

and is denied in all other respects.

Released: March 1, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[17]

[SEAL] BEN F. WAPLE, *Secretary.*

[F.R. Doc. 67-2477; Filed, Mar. 6, 1967; 8:46 a.m.]

[16] Atlantic Broadcasting, supra.

[17] Review Board Members Nelson and Kessler absent.

[Docket Nos. 17086, 17087; FCC 67M-336]

CHEROKEE BROADCASTING CO. AND FANNIN COUNTY BROADCASTING CO.

Order Continuing Hearing

In re applications of Max M. Blakemore, trading as Cherokee Broadcasting Co., Murphy, N.C., Docket No. 17086, File No. BPH-5246; Robert P. Schwab, trading as Fannin County Broadcasting Co., Blue Ridge, Ga., Docket No. 17087, File No. BPH-5309; For construction permits.

To formalize the agreements and rulings made on the record at a prehearing conference held on February 28, 1967 in the above-entitled matter concerning the future conduct of this proceeding:

It is ordered, This 28th day of February 1967 that;

Exchange of exhibits is scheduled for March 21, 1967;

Notification of witnesses is scheduled for March 31, 1967; and

Hearing presently scheduled for March 22, 1967, is continued to April 13, 1967.

Released: March 1, 1967.

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

[F.R. Doc. 67-2479; Filed, Mar. 6, 1967; 8:46 a.m.]

[Docket No. 16070; FCC 67-288]

COMMUNICATIONS SATELLITE CORPORATION

Order Regarding "Deferred Credit" Requirement

In the matter of Communications Satellite Corporation.; 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 transmission and reception of voice, record, data, telephoto, facsimile, television, and other signals; Docket No. 16070.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 2d day of March 1967;

The Commission having before it the transcript of the prehearing conference herein held on February 21, 1967, which was certified to it by the Hearing Examiner on motion of counsel for the Communications Satellite Corporation (Comsat) so that the Commission may consider Comsat's request made on the record therein, that the "deferred credit" accounting requirement imposed by the Commission's order instituting this investigation be eliminated.

It appearing, that our memorandum opinion and order of June 22, 1965, instituting this investigation into the lawfulness of Comsat Tariff FCC No. 1 directs that "all revenues obtained from satellite communications by the Communications Satellite Corporation under the provisions of the tariff shall be placed in a 'deferred credit' account as proposed by the Communications Satellite Corporation and shall not be reclassified or otherwise disposed of in any manner, except as may be authorized or ordered by the Commission, until the investigation herein is concluded and the appropriate reclassification or disposition has been finally determined by the Commission," and that similar language is contained in our orders of July 28, 1965 (1 FCC 2d 533) and January 11, 1967 (FCC 67-57) in this proceeding and in our Memorandum Opinion, Order, and Authorization of June 22, 1965, File Nos 1-CSS-L-65 and 1-CSG-L-65 (38 FCC 1298);

It further appearing, that such requirement was imposed at a time when Comsat had no commercial operating experience, and when very little information concerning its financial projections or its accounting procedures was available;

It further appearing, that the passage of time has provided in part such experience and information;

It further appearing, that such requirement is a bar to the keeping of regular accounts and to the issuance by Comsat of conventional financial statements to the Commission, to its stockholders, and to the public generally, and should now be eliminated to the extent consistent with the public interest;

It further appearing, that the accounting proposal of Comsat set out in the transcript before us appears to furnish a reasonable basis for the elimination of the "deferred credit" requirement insofar as is necessary to permit Comsat to make an accounting reclassification of the balances within such deferred credit account for the past and calendar year 1967 and so regularize its accounting so as to publish conventional financial statements in the period to and including the 1967 calendar year; and

It further appearing, that all parties to the investigation herein have stated on the record before us that they do not object to the elimination of the deferred credit requirement to permit accounting on the basis proposed by Comsat:

It is ordered, That the "deferred credit" requirement imposed on Comsat by the several orders and authorizations referred to in the first appearing paragraph hereinabove is hereby withdrawn insofar as it is a bar to the regularization by Comsat of its accounting and the publishing of financial statements for accounting periods prior to January 1, 1968: *Provided*, That accounting herein authorized is performed in accordance with the accounting plan set out in the prehearing transcript before us: *And provided further*, That Comsat shall not advance proposals in the proceeding herein which are inconsistent with the aforementioned accounting plan.

Released: March 2, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-2516; Filed, Mar. 6, 1967; 8:49 a.m.]

[Docket Nos. 17178-17180; FCC 67M-338]

LAWRENCE COUNTY BROADCASTING CORP. ET AL.

Order Rescheduling Hearing

In re applications of Lawrence County Broadcasting Corp., New Castle, Pa., Docket No. 17178, File No. BP-16602; Brownsville Radio Inc., Brownsville, Pa., Docket No. 17179, File No. BP-16648; Shawnee Broadcasting Co., Aliquippa, Pa., Docket No. 17180, File No. BP-16880; for construction permits:

It is ordered, This 1st day of March 1967, Hearing Examiner Chester F. Naumowicz, Jr., having withdrawn from the above-entitled proceeding by his order released February 28, 1967 (FCC 67M-333), that Hearing Examiner Millard F. French shall serve as Presiding Officer herein; that the dates designated by order released February 16, 1967 (FCC 67M-255), for commencement of hearings and hearing conference in the proceeding are hereby set aside; that the hearings shall be convened on April 26, 1967, at 10 a.m.; that the prehearing conference shall be held on March 24, 1967, commencing at 9 a.m.; and that all proceedings shall take place in the offices of the Commission, Washington, D.C.

Released: March 1, 1967.

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

[F.R. Doc. 67-2517; Filed, Mar. 6, 1967; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

H. C. MINER & CO. ET AL.

Independent Ocean Freight Forwarder Licenses and Applicants Therefor

Notice is hereby given of the cancellation of the following independent ocean freight forwarder licenses.

H. C. Miner & Co., Port Laudania Building 2, Dania, Fla. 33004; License No. 1038, canceled February 1, 1967.

Traeger Shipping Corp., 127 Northeast Ninth Street, Miami, Fla. 33132; License No. 418, canceled February 9, 1967.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission, applications for licenses as independent ocean freight

[1] Commissioner Wadsworth absent.

forwarders, pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Domestic Regulation, Federal Maritime Commission, Washington, D.C. 20573.

Grieve & Mitchel Shipping, Inc., Cotton Exchange Building, Houston, Tex.; David E. Grieve, president; Aubrey S. Mitchel, vice president; Robert M. Davant, director and trustee; Mary E. Mitchel, secretary; Josephine Grieve, treasurer.

Rocky Mountain International Freight Forwarding Co., 5725 East 39th Avenue, Denver, Colo. 80207; Earl C. Price, president and treasurer; Edward B. Almon, vice president; Charles Henrikson, secretary.

Export Enterprises of N.Y., Inc., 16 Beaver Street, New York, N.Y. 10004; Shermon J. Fromme, president.

Jaime E. Maduro, Post Office Box 203, Playa-Ponce, P.R. 00731; Jaime E. Maduro, owner.

Luis A. Ayala Parsi, Post Office Box 803, Ponce, P.R.; Luis A. Ayala Parsi, owner.

Intraworld Shipping & Forwarding Corp., 42 Broadway, New York, N.Y.; Chendra Dutt, president; Irving Lehat, secretary.

Quast & Co., Inc., 327 South La Salle Street, Chicago, Ill.; Karl H. Quast, president and director; Julius Groner, secretary; Heino C. Weiger, vice president and director; Werner E. Rutenberg, treasurer and director.

Metro Shipping Corp., 50 Doncaster Road, Malverne, N.Y., 11565; Walter Siegler, president and treasurer; Gerda Siegler, secretary.

Charles C. Rudd Cargo Expediters, (Charles C. Rudd, d.b.a), Howard Amman Building, Room 218, Port Everglades, Fla. 33316; Charles C. Rudd, owner.

Gilscot Forwarding Co. (Mrs. Helen Guillott Scott, d.b.a.), No. 2 Canal Street, New Orleans, La. 70130; Mrs. Helen Guillott Scott, owner.

American Oceanic Forwarders (Kee Shew Chang Joe, d.b.a.), 465 California Street, San Francisco, Calif. 94104; Kee Shew Chang Joe, owner.

World Trade Forwarding Co. (Jose S. Lopez, d.b.a.), World Trade Building, 1520 Texas Avenue, Houston, Tex. 77002; Jose S. Lopez, owner.

Notice is hereby given of changes in the following independent ocean freight forwarder licenses.

ADDRESS CHANGES

T.M.A. Shipping Co., 56 West 45th Street, New York, N.Y. 10036; License No. 755.

World Wide Air Marine Freight Forwarders, 2903 Northwest Seventh Street, Miami, Fla. 33125; License No. 411.

L. V. De Malio, 1420 Avenue R, Brooklyn, N.Y. 11229; License No. 1125.

H. E. Schurig & Co. of Louisiana, 1810 International Trade Mart Building, No. 2 Canal Street, New Orleans, La.; License No. 988.

C. A. Hartnett, 830 Saratoga Street, East Boston, Mass.; License No. 180.

Comparato Air Cargo Express, 70 West 38th Street, New York, N.Y. 10018; License No. 248.

CHANGE OF OFFICERS

Alltransport, Inc., 17 Battery Place, New York, N.Y.; License No. 300, Angelo Mariano, Vice President.

CHANGE OF NAME

George Stern to George Stern Co., Inc., 416 Marine Office Building, 33 South Gay Street, Baltimore, Md. 21202; License No. 943.

Regal Shipping Corp., & Metro Shipping Corp., to Regal Shipping Corp., 24 Stone Street, New York, N.Y.; License No. 368.

CHANGE OF NUMBER

Metro Shipping Corp., 50 Doncaster Road, Malverne, N.Y. 11565; License No. 368 to License No. 1143.

NEW APPLICANTS LICENSED

February 1967

San Francisco Freight Forwarders, Inc., 465 California Street, San Francisco, Calif. 94104; License No. 1141, Issued February 7, 1967.

Grieve & Mitchel Shipping, Inc., Cotton Exchange Building, Houston, Tex. 77002; License No. 1142, Issued February 10, 1967.

Metro Shipping Corp., 50 Doncaster Road, Malverne, N.Y.; License No. 1143, Issued February 7, 1967.

Mangili Shipping Corp., 39 Broadway, New York, N.Y.; License No. 1144, Issued February 14, 1967.

Export Enterprises of N.Y., Inc., 16 Beaver Street, New York, N.Y.; License No. 1145, Issued February 27, 1967.

P & O Lines (North America), Inc. (Formerly the License of Union SteamShip Co. of New Zealand, Ltd.), 155 Post Street, San Francisco, Calif. 94108; License No. 1102, Issued February 14, 1967.

GRANDFATHER LICENSED

Arthur J. Fritz & Co., 80 Broad Street, New York, N.Y.; Subsidiaries: Arthur J. Fritz & Co. of Los Angeles (Los Angeles); Arthur J. Fritz & Co., Inc. (Seattle); Arthur J. Fritz & Co. (Houston); Arthur J. Fritz & Co., Inc. (New Orleans); Arthur J. Fritz & Co. (Portland); Arthur J. Fritz & Co. of Hawaii, Inc. (Honolulu); Mattoon & Co., Inc. (San Francisco & New Orleans); Page Brothers, Inc. (Portland); H. S. Dorf & Co., Inc. of California (Los Angeles & San Francisco); G. E. Posey Corp. (Houston); License No. 275, Issued February 21, 1967.

Dated: March 2, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-2512; Filed, Mar. 6, 1967; 8:49 a.m.]

[Docket No. 67-16]

JOINT CONFERENCE AGREEMENT ET AL.

Investigation and Hearing

Investigation and hearing of Agreement 9482, Joint Conference Agreement; Agreement 6200-12, Modification of Conference Agreement; Agreement 6200, as amended, U.S. Atlantic and Gulf/ Australia-New Zealand Conference Agreement; and modification to the U.S. Atlantic and Gulf/Australia-New Zealand Conference's approved form of dual rate contract.

Agreement 9482 is a "rate maintenance" agreement filed for approval under section 15 of the Shipping Act, 1916, by substantially the same carriers in their dual capacities as common carriers (1) engaged in the foreign commerce of the United States as members of the U.S. Atlantic and Gulf/Australia-New Zealand Conference (the American Conference)[1] and (2) as common carriers engaged in a foreign-to-foreign commerce as members of the Eastern Canada/Australia-New Zealand Conference (the Canadian Conference).[2]

As their titles indicate, both conferences are engaged in the Southbound trades to Australia and New Zealand (the trades).

Significant provisions of Agreement 9482 are:

(1) The two conferences agree to maintain the "same rates and similar conditions" on all cargo carried from and to ports covered by the scope of their respective Conference Agreements;

(2) The two conferences agree to confer with respect to changes in existing rates and/or conditions, or the establishment of "new or initial rates" and/or conditions "with the object of agreeing thereto." In the event of "failure to agree" either party will give the other 48 hours notice of the rates and conditions intended to be quoted;

(3) No rate changes will be undertaken with the "sole object of inducing American shippers to ship from Canadian ports or vice versa;"

(4) Both conferences agree that the exclusive patronage contracts of each shall contain a clause to the effect that should the contract signator route any of his shipments through ports of the other conference he will confine his shipments to member lines of that conference.[3]

(5) As far as is "possible", both conferences agree that the rates of the U.S. Atlantic and Gulf ports are to be "equated" with those of the Canadian Atlantic and St. Lawrence River ports; and the rates applicable to U.S. Great Lakes ports are to be "equated" with those "similar areas" in the Canadian Great Lakes.

(6) Any new members of either conference automatically becomes party to Agreement 9482.

Agreement 6200-12, also filed for approval under section 15 of the Act by members of the American Conference, and the proposed modification to the U.S. Atlantic and Gulf Australia-New Zealand form of exclusive contract, filed for approval under section 14(b) of the

[1] The U.S. Atlantic and Gulf/Australia-New Zealand Conference consists of the following lines: American & Australian Steamship Line (a joint service comprised of Ellerman Lines, Ltd., and Federal New Zealand Lines), A/B Atlanttrafik; Blue Star Line, Ltd.; Columbus Line; Port Line, Ltd.; Bank Line, Ltd.; and Farrell Lines.

[2] The Eastern Canada/Australia-New Zealand Conference consists of A/B Atlanttrafik; Blue Star Line; Columbus Line, and the MANZ Line Joint Service. The joint service is composed of Ellerman Line, Ltd.; Port Line, Ltd., and Federal New Zealand Line.

[3] As an example, a shipper who is party to an exclusive patronage contract with the American Conference and who routes his cargo through a Canadian port would be required to patronize member lines of the Canadian Conference. Conversely, a Canadian shipper would be bound by the terms and conditions of the American Conference's contract.

Act are essentially ancillary agreements designed to implement the American Conference's part of the bargain as reflected in Agreements 9482, viz:

(7) Agreement 6200–12:

(a) Authorizes the Conference Secretary to "enter into, modify or cancel" rate maintenance agreements when authorized by the Conference membership. All actions in this respect would be subject to Commission approval;

(b) Requires freight contracts; i.e., exclusive patronage contracts to "contain all provisions which may be required by such rate maintenance agreements."

(c) Requires Conference members, not members of the Eastern Canada/Australia-New Zealand Conference, to assess the same U.S. Atlantic (New York) rates when loading in Canadian ports. Any "exception" to this requirement would require the excepting line to give the American Conference 48 hours notice of its intentions.

The modification to the dual rate contract substantively reiterates (4) above; i.e., requires contract signators who route any of their cargoes through Canadian ports to patronize member lines of the Eastern Canada/Australia-New Zealand Conference only, provided that they are accorded the "same rates and conditions as are available to signatories" of the Canadian Conference's contract.

The arrangements proposed here differ somewhat from that existing in the past in the form of Agreement 6200–A, initially approved November 2, 1938, and canceled on June 1, 1965. Under that arrangement the MANZ Line, the only Canadian carrier, promised to observe the rates established by the American Conference when lifting Canadian cargoes at Canadian ports provided (1) no American Conference carrier called at Canadian ports (nor would MANZ call at American ports); and (2) all "freight contracts" entered into by either would include the Conference and MANZ Line.

The first question confronting the Commission is whether or not Agreement 9482 can be approved. The reason for this is that section 15 concerns itself with agreements among common carriers by water subject to the Act as defined in section 1. The several carriers of the Canadian Conference—by the definition contained in the preamble to Agreement 9482—operate in the foreign commerce of Canada to Australia and New Zealand. Consequently, they are not persons subject to the Act. Accordingly, the parties here are directed to argue, on brief, and in argument how and to what extent the Commission may exercise its jurisdiction over Agreement 9482.

As to the merits of Agreement 9482, the Commission is unable to determine with desired certainty the economic impact and effect of this arrangement upon the U.S. foreign commerce with Australia, New Zealand and other places within the geographic scope of Agreement 6200 generally; nor can we ascertain what deleterious conditions and factors exist mutually in these trades which the proposed agreement seek to remedy.

Generally, then, with respect to Agreements 9482 and 6200–12 the investigation contemplated here will seek to determine the magnitude and structure of the trades; the nature and extent of any competition between the two; the trade experience and service contributions of the carriers; the rate making policies of the two conferences now; how the conferences conduct their rate making and ancillary prerogatives now; and how the proposed arrangements will alter or affect such policies and procedures. Additionally, the investigation here will seek to determine whether or not carriers serving Gulf ports under Agreement 6200 should or should not be accorded the same rate making prerogatives as their Great Lakes counterparts, pursuant to the Commission's decision in Docket 1166, In the Matter of Agreements 6200–7, 6200–8, and 6200–B—U.S. Atlantic and Gulf/Australia-New Zealand Conference, mimeo decision served June 24, 1965, re-affirmed by report on remand dated December 20, 1966.

The proposed modification to the American Conference's approved form of exclusive patronage contract has been protested by the Dow Chemical Co., Dow Chemical International, S.A., and Union Carbide Corp. who have requested that the legality of the proposed modification be put to the test of an investigation and hearing in which they be permitted to participate. Protestants have also objected to Agreements 9482 and 6200–12 (a) insofar as any freight contracts entered into by the two Conferences are reciprocally binding upon shipper signators in the trades and (b) to the extent that American shippers' requests and complaints cannot be fairly considered, as statutorily required, if passed upon by carriers engaged in the foreign commerce of Canada.

Now, therefore, by virtue of the authority vested in the Commission:

It is ordered, That an investigation and hearing pursuant to section 14(b), 15, and 22 of the Shipping Act, 1916, be instituted in order to determine (1) whether Agreements 9482 and 6200–12, if approved, would operate so as to be unjustly discriminatory or unfair as between carriers, shippers, or ports, or between exporters from the United States and their foreign competitors, to the detriment of the commerce of the United States, contrary to the public interest, or in violation of the Shipping Act, 1916, and thus require disapproval under section 15; (2) whether Agreement 6200, as amended, should be modified, pursuant to section 15, in a manner consonant with the Commission's decision in Docket 1166; and (3) whether the proposed modification to the American Conference's approved form of exclusive patronate will, if approved, result in unequal terms and conditions being accorded contract signators in violation of section 14(b) or will otherwise be detrimental to the commerce of the United States or contrary to the public interest, or unjustly discriminatory or unfair as between shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors.

It is further ordered, That the parties to this proceeding argue, on brief and in arguments, the basis and extent, if any, of the Commission's jurisdiction over Agreement 9482; and

It is further ordered, That the carriers listed in Appendix A hereto be party respondents in the proceeding; and

It is further ordered, That the protestants listed in Appendix B hereto be named as petitioners in this proceeding; and

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents; and

It is further ordered, That any person, other than respondents, who desires to become a party to this proceeding and participate therein, shall file a motion to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 23, 1967, with copy to respondents.

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI,
Secretary.

APPENDIX A

U.S. Atlantic and Gulf/Australia-New Zealand Conference, Mr. Marcus E. Rough, Secretary, 39 Broadway, New York, N.Y. 10006.

A/B Atlanttrafik (Atlanttrafik Express Service), Garcia & Diaz, Inc., General Agents, 25 Broadway, New York, N.Y. 10004.

American & Australian Steamship Line, Joint Service, Norton Lilly & Co., Inc., Agents, 26 Beaver Street, New York, N.Y. 10004.

Blue Star Line, Ltd., c/o Booth American Shipping Corp., 17 Battery Place, New York, N.Y. 10004.

Columbus Line, 26 Broadway, New York, N.Y. 10004.

Port Line, Ltd., Punch, Edye & Co., Inc., General Agents, 25 Broadway, New York, N.Y. 10004.

Farrell Lines, Inc., 1 Whitehall Street, New York, N.Y. 10004.

Mrs. E. Furlong, Secretary, Eastern Canada/Australia-New Zealand Conference, 465 St. John Street, Montreal, Province of Quebec.

A/B Atlanttrafik (Atlanttrafik Express Service), c/o March Shipping Agency, Ltd., 400 Craig Street West, Montreal, Province of Quebec.

Blue Star Line, Ltd., c/o Robert Redford Co., Ltd., 221 St. Sacrament Street, Montreal, Province of Quebec.

Columbus Line, c/o Kerr Steamships, Ltd., 468 St. John Street, Montreal, Province of Quebec.

Montreal Australia New Zealand Line, Ltd., 410 St. Nicholas Street, Montreal, Province of Quebec.

APPENDIX A—Continued

The Bank Line, Ltd., c/o Boyd, Weir & Sewell, Inc., 17 Battery Place, New York, N.Y. 10004.

APPENDIX B

The Dow Chemical Co., Dow Chemical International, S.A., Jerome H. Heckman, Esq., and/or Robert R. Tiernan, Esq., Keller and Heckman, 1712 N Street NW., Washington, D.C. 20036.

Union Carbide Corp., Jerome H. Heckman, Esq., and/or Robert R. Tiernan, Esq., Keller and Heckman, 1712 N Street NW., Washington, D.C. 20036.

[F.R. Doc. 67-2513; Filed, Mar. 6, 1967; 8:49 a.m.]

[Docket No. 65-5]

OVERCHARGE CLAIMS

Time Limit on Filing; Order Reopening Proceeding

On June 28, 1966, the Federal Maritime Commission issued a report and order in the subject proceeding in which it declined at that time to promulgate a proposed rule which would have prohibited the limitation of time within which claims for adjustment of freight charges may be presented to carriers to less than two years after date of shipment.

The proposed rule was as follows:

Common carriers by water as defined in section 1 of the Shipping Act, 1916, as amended (46 U.S.C. 801), shall not by tariff rule or otherwise limit to less than two years after the date of shipment the time within which claims for adjustment of freight charges may be presented.

Ocean Freight Consultants, Inc. (OFC), petitioned on July 25, 1966, for a reopening of the rulemaking proceeding, the adoption of the purposed rule, and the institution of a Commission investigation or such further proceedings as may be necessary to outlaw the present practices of carriers with respect to claims for adjustment of freight charges.

The Commission on October 21, 1966, requested further comment from interested persons indicating (1) the sections of the Act under which the existing carrier-imposed time limitation rules are challenged and under which the proposed rule would be promulgated together with a full statement of the facts and law relied upon, and (2) the type of hearing required if the proceeding is to be reopened.

Various shippers, shipper organizations, the U.S. General Accounting Office and OFC have filed comments indicating their opposition to the conferences' present practices, and conferences and carriers have filed replies. Allegations have been made of actual and possible violations of sections 14 Fourth, 15, 16 First, 18(b)(3) (and section 2 of the Intercoastal Shipping Act, 1933), and 22 of the Shipping Act, 1916. Various shippers have, moreover, indicated their willingness to participate in further proceedings with respect to the proposed rule.

Therefore, upon consideration of the comments and replies:

It is ordered, That the Commission, under Rule 16 of its rules of practice and procedure, pursuant to the provisions of sections 14 Fourth, 15, 16 First, 18(b)(3) (and section 2 of the Intercoastal Shipping Act, 1933), 22 and 43 of the Shipping Act, 1916, reopen Docket No. 65-5 to permit the receipt of testimony, evidence, and further argument to enable the Commission to determine whether the present carrier time limitation rules:

1. Have resulted in or will result in unfair or unjust discrimination in the adjustment and settlement of claims contrary to section 14 Fourth;

2. Have resulted in or will result in unjust discrimination, detriment to the commerce of the United States, contrariness to the public interest, or the failure or refusal to adopt and maintain reasonable procedures or have prompt and fair hearing and consideration of shippers' requests and complaints under section 15;

3. Have resulted in or will result in undue or unreasonable preference or advantage or undue or unreasonable prejudice or disadvantage contrary to section 16 First;

4. Have resulted in or will result in retention of unlawful charges by carriers under section 18(b)(3) and section 2 of the Intercoastal Shipping Act, 1933;

5. Have resulted in or will result in preventing shippers from filing for or recovering reparation pursuant to claims under section 22; and

6. Necessitate the promulgation of the proposed rule under section 43.

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER; and

It is further ordered, That the Office of Hearing Counsel shall participate in the proceeding; and

It is further ordered, That any interested person who desires to participate in this proceeding shall file notice of intent to so participate with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 30, 1967;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] THOMAS LISI, *Secretary.*

[F.R. Doc. 67-2514; Filed, Mar. 6, 1967; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. AR67-1 etc.]

AREA RATE PROCEEDING ET AL.

Order Instituting Area Rate Proceeding

FEBRUARY 28, 1967.

On September 28, 1960, the Commission in its decision in the Phillips case (24 FPC 537), and its statement of general policy No. 61-1 (24 FPC 818), stated that it proposed to fix just and reasonable rates for independent producers of natural gas on an area basis. Since that time four area rate proceedings have been instituted. The Permian Basin proceeding (Docket No. AR61-1) has been decided by the Commission and a decision was rendered on appeal by the U.S. Court of Appeals for the Tenth Circuit on January 20, 1967, in which the Commission's decision was affirmed in part and remanded on certain issues.[1] The hearing in the Southern Louisiana proceeding (Docket No. AR61-2) has been concluded and the presiding examiner has rendered his intermediate decision. The hearings in the Hugoton-Anadarko (Docket No. AR64-1) and the Texas Gulf Coast (Docket No. AR64-2) proceedings have also been concluded. These area proceedings will establish just and reasonable rates for about 79 percent of gas sales in interstate commerce, based on 1962 sales.

By this order we initiate a proceeding to determine just and reasonable rates for the Other Southwest Area described in Appendix A below. Sales in this area in 1962 accounted for approximately 14 percent of total sales in that year, so that upon conclusion of that proceeding rates will have been established for about 93 percent of the natural gas sold in interstate commerce. The remaining 7 percent of sales which are in widely scattered areas will be treated separately from this proceeding.

The parties have had an opportunity in the current Hugoton-Anadarko and Texas Gulf Coast proceedings to present evidence directed not only to the principles enunciated in the Permian Basin decision but also to the questions raised in that decision on which other evidence was invited. Thus, presumably there exists in the record of these proceedings extensive evidence with respect to current gas costs, demand-supply conditions, reserve-production ratios, nationwide flowing gas costs, allocation methods and other similar matters, much of such evidence substantially duplicating that presented in the Permian and Southern Louisiana records. No good reason exists for a retrial or further duplication of this evidence in the proceeding being initiated by this order. Accordingly, the

[1] The Commission intends to request the Solicitor General to seek Supreme Court review on behalf of the Commission.

presiding examiner is directed to incorporate by reference all the evidence adduced in the joint record in the Hugoton-Anadarko—Texas Gulf Coast proceedings (and may permit incorporation by reference to the Permian and Southern Louisiana proceedings): *Provided*, That specific portions of the joint record may be excluded upon a clear showing of irrelevance or immateriality. Evidence may be presented on any new issues not raised in the joint record and witnesses may supplement data presented or opinions expressed in the joint record but cumulative or repetitive direct evidence, cross-examination or rebuttal shall not be permitted. It is our intention that, absent new evidence, the same issues shall not again be tried in this proceeding but that nonrepetitive testimony or cross-examination be allowed by any of the parties on new issues or respecting matters incorporated by reference. This would include theoretical concepts related to issues applicable to the instant areas. This proceeding essentially should require and be limited to new evidence respecting area conditions, area costs, and rate design.

The length of prior area rate proceedings has been a matter of concern to the Commission. These proceedings have imposed a heavy burden upon respondents and intervenors as well as upon the Commission staff. While we are aware that the institution of a new proceeding will require continued attention of the parties, we are confident that the experience gained in the past and pending proceedings will do much to expedite the hearings herein and lighten the burden of all parties concerned. The new procedures we are providing for should likewise serve this objective.

The basic data respecting area costs are obtainable from the All Areas Questionnaire issued by Commission letter order of October 30, 1963. At the request of a number of Questionnaire respondents, however, the Commission, by orders issued January 9, 1964, and June 12, 1964, indefinitely deferred the requirement to furnish certain data including that involving gathering and processing costs in the subject area. It is now appropriate that the gathering and processing data be furnished for the Other Southwest area and we are accordingly today terminating the deferral of the submission of such data. While we would normally require submission of questionnaire data within 4 months, we have extended the period to 8 months in order that the parties may have the opportunity at the prehearing conference to consider stipulations or agreements as to gathering and processing costs to be utilized in the proceedings. If, after the initial prehearing conference, the presiding examiner reports to the Commission that agreement has been reached which may make it unnecessary to obtain the deferred data as required by the order referred to, the Commission will then reconsider the order. If no such agreement or other satisfactory disposition is reached, the respondents will proceed to furnish the data in accordance with the order.

To expedite the proceedings at the prehearing conference and the disposition of data requests, any parties interested in making data requests or in receiving copies of such requests made by others shall so advise the Secretary of the Commission within 4 weeks of the date of the order instituting this proceeding. The Secretary will then prepare a preliminary service list of such parties and this list will be available to all parties requesting the same.

This proceeding, like the Permian and pending proceedings, will result in the establishment of just and reasonable rates under sections 4(e) and 5(a) of the Act applicable to all persons making sales of gas in interestate commerce from the production areas delimited herein. These persons are listed in Appendix B below and are made respondents in this proceeding.

A number of pipeline companies make purchases in the producing areas covered by this proceeding. The Commission has recognized that pipeline purchasers are directly concerned with the determinations which the Commission makes in area rate proceedings (see 29 FPC 981, 983). The contracts which have heretofore or will hereafter be entered into by pipeline companies for the purchase of gas in this area are subject to examination and review by the Commission. Consequently it is appropriate that these pipeline purchasers be made respondents in this proceeding. In Appendix C are listed the pipelines making purchases in the area covered by this proceeding.

This proceeding will also establish the refunds, if any, which may be required under section 4 of the Natural Gas Act, and all proceedings involving increased rate filings suspended by the Commission for sales in the area will be consolidated in this proceeding. A list of the pending proceedings is set forth in Appendix D below.

Three weeks prior to the initial prehearing conference all data requests shall be served on the parties on the preliminary service list. At the initial prehearing conference all proposals for stipulations as to gathering and processing costs and all other requests for data previously made shall be considered and disposed of by the presiding examiner. At the initial and subsequent prehearing conferences which the presiding examiner may schedule, consideration should be given to the incorporations by reference herein required and such other matters as may be deemed relevant to expedite conclusion of this proceeding.

The Commission orders:

(A) A proceeding is hereby instituted pursuant to sections 4, 5, 10, 14, 15, and 16 of the Natural Gas Act to determine the just and reasonable rate or rates for the sales of natural gas subject to the jurisdiction of the Commission produced in the geographical areas designated in Appendix A below and public hearings shall be held in this proceeding as determined by the presiding examiner. All persons named in Appendix B hereto and all parties on whose behalf such persons have filed FPC gas rate schedules for sales in such areas are hereby made respondents herein.

(B) All pipeline purchasers named in Appendix C below are hereby made respondents herein.

(C) The proceeding hereinbefore instituted shall also encompass the investigation of facts, conditions, practices, or matters relating to the sale of natural gas produced in said geographical area to aid in the enforcement of the provisions of the Act or in prescribing rules and regulations thereunder, and shall also encompass issues as to whether any rate or charge demanded, observed, charged, or collected by any natural gas company in connection with such sales is unjust, unreasonable, unduly discriminatory, or preferential.

(D) The section 4 proceedings listed in Appendix D below are hereby consolidated for purposes of hearing with the proceeding herein instituted.

(E) Any persons other than the respondents specifically named in Appendices B and C who desires to participate as intervenor in the hearings designated hereinabove ordered to be held, shall, on or before March 28, 1967, file a notice of intervention or petition to intervene with the Secretary of the Commission in accordance with § 1.8 of the Commission's rules of practice and procedure.

(F) All respondents or intervenors making data requests or wishing to have such requests served upon them shall so notify the Secretary of the Commission on or before March 28, 1967.

(G) A prehearing conference shall be held pursuant to the Commission's rules of practice and procedure in a Hearing Room of the Commission at 441 G Street NW., Washington, D.C. commencing at 10 a.m., June 28, 1967, before a hearing examiner designated to act as the presiding examiner in this proceeding for the purpose of but not limited to affording all interested persons an opportunity to be heard with respect to the procedures to be followed in expeditiously determining the issues to be tried in these proceedings. At the conclusion of the prehearing conference or as soon thereafter as may be feasible, the presiding examiner shall set the dates for the service of testimony and exhibits by the staff, parties, and interveners, and the date for commencement of the hearing and cross-examination.

(H) Howell Purdue, a duly qualified and appointed hearing examiner, or any officer or officers of the Commission designated by the chief hearing examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d) etc.), is designated to act as presiding examiner in this proceeding as of the date of the issuance of this order and is authorized and directed in so doing to exercise all of the functions and authority prescribed by the Administrative Procedure Act and the Commission's rules of practice and procedure, including the holding of the above-scheduled prehearing conference and such other prehearing conferences

as he may deem advisable to expedite the proceeding herein.

(I) A copy of this order shall be published in the FEDERAL REGISTER and served upon each of the respondents set out in Appendices B and C and upon interested State Commissions as is provided for in section 1.19 of the Commission's rules of practice and procedure.

By the Commission.[2]

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

APPENDIX A

The other Southwest Area comprises:

(a) The State of Mississippi;

(b) In the State of Alabama: Marion, Fayette, Lamar, and Pickens Counties;

(c) The State of Louisiana, north of the 31 degree parallel;

(d) In the State of Texas: Texas Railroad Commission District Nos. 5, 6, and 9;

(e) In the State of Oklahoma: Adair, Atoka, Byran, Carter, Cherokee, Choctaw, Cleveland, Coal, Comanche, Cotton, Craig, Creek, Delaware, Garvin, Greer, Harmon, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kiowa, Latimer, Le Flore, Lincoln, Logan, Love, McClain, McCurtain, McIntosh, Marshall, Mayes, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburgh, Pontotoc, Stephens (except Carter-Knox Area), Tillman, Tulsa, Wagoner, Washington, Pottawatomie, Pushmataha, Rogers, Seminole, and Sequoyah Counties;

(f) The State of Arkansas.

APPENDIX B—RESPONDENTS TO THE AREA RATE PROCEEDING (OTHER SOUTHWEST AREA)

J. S. Abercrombie Mineral Co.
Adams, N. L., Sr.
Alexander, C. W.
Alexander, E. B., Jr.
Allied Materials Corp.
Alston, Francis H.
Amax Petroleum Corp.
A'Mell Oil Properties.
Amerada Petroleum Corp.
Americana Oil & Gas Properties of Texas, Inc.
American Exploration Development Corp.
American Petrofina, Inc.
American Petrofina Company of Texas.
American Realty & Petroleum Corp.
American Trading & Production Corp.
Amigos Oil & Gas Ventures.
Anadarko Production Co.
An-Son Corp.
Anderson, Jacqueline.
Anderson Petroleum.
Andrewski, H. C.
Anisman, M., Trustee.
Anisman, Morris.
Apache Corp.
Apco Oil Corp.
Argo, M. M.
Arkla Exploration Co.
Arrington, J. H.
Ascher, M.
Ashland Oil & Refining Co.
Athens, E. J.
Atkins, Katherine Adger.
Atlantic Richfield Co.
Austral Oil Co., Inc.
B & A Pipe Line Co.
Bailey, Virginia Mitchell.
K. Baker, Receiver.
Bander, Joe.
Barker, Walter L.
Barnes, Earl E.
Barnwell Debardeleben Oil Co.
Barnwell & Kinzler.
Barnwell, Inc.
Barnwell Production Co.
Barrett, Charlotte Osborn.
Basin Operating Co.
Bass, Harry W.
Baton, J. W.
Thelma Bauerdorf and Constance Cartwright, Trustees for George F. Bauerdorf, Deceased.
Beacon Oil & Refining Co.
Beall, Alton G.
Beard Oil Co.
Beckett, C. M.
Behring's Production Co., Inc.
Belgam Oil Co., Inc.
Berry, Thomas E.
Thomas N. Berry & Co.
Biedenharn, Betty Osborn.
Big Chief Drilling Co.
Biggs, Robert A., Jr.
Biglane, D. A.
Blackburn Gasoline Plant.
Blair, B. B.
Bodcaw, Co.
Bohnsack, Richard L.
Bond, Durbin.
Bond Oil Corp.
Bond, Roland S.
Borden, S. P.
Boteler, R. H.
Boteler, R. T.
Bracken Oil Co.
Brandenburg, R. P.
Breckenridge Gasoline Co.
Brian, C. A.
Bridewell, Billy.
Brightwell, Donald.
Briscoe, Powel.
Powel Briscoe, Inc.
Briscoe, Roy E.
Bristol, R. A.
Brooks, Jesse M.
Brooks, Jesse M. & M. James Brooks.
Zach Brooks Drilling Co.
Brown, George R.
Brown, L. D. and Trant, Sam.
Broyles, C. W.
Broyles, Harvey.
Bryant, W. H.
Buckwalter, Charles F.
Burk Gas Corp.
Burk Royalty Co.
Burnett, T. C. and Ruby C., Estate.
Burnham, Joe M.
Burns, L. T., Estate.
Burns, R. G.
Burns, R. H.
Burton, C. P.
Butler, J. R.
C. P. & H. Oil Co., Inc.
Caddo Pine Island Corp.
California Company, a Division of Chevron Oil Co., The.
Inez Calmes Executrix of the Estate of Kermit W. Calmes, Deceased.
Calto Oil Co.
Calvert-Mid American, Inc.
Cameron, A. A., doing business as Cameron Oil Co.
George E. Cameron, Inc.
Canary, S. C.
Canaras, Jerome A.
Caraway, Reagan J.
Cargill, Robert.
Carpenter, E. M.
Carter-Jones Drilling Co., Inc.
Car-Tex Producing Co.
Caruthers, J. D.
Caruthers Operating Co., Inc.
Carver, Mrs. Helen, doing business as Anthony Oil Co.
Casey, Carl.
Caska Corp.
Cassard, A. R.
J. G. Catlett Co.
Central Commercial Co.
Central Oil Co.
Champlin Petroleum Co.
Chapman, Harry Allen.
Chastain, M. B.
Chicago Mill & Lumber Co.
Chisholm, Alexander F.
A. F. Chisholm, doing business as The Brandon Co.
Cities Service Co.
Cities Service Oil Co.
Citizens Bank of Hattiesburg, Mississippi.
Claiborne Gasoline Co.
Clark, Anson L.
Clark and Cowden.
Clark, F. A.
Clay, Thomas W.
Cleary Petroleum, Inc.
Cloud, Robert E.
Coastal States Gas Producing Co.
Coats, Alton.
Cochran, Phil K.
Coffield, H. H.
Cohen, Don.
Coles, Marvin J.
Coles, Otis C., Jr.
Collins, George Fulton, Jr.
Colpitt, James R.
Columbian Fuel Corp.
Comegys, W. M., Jr.
Commercial Solvents Corp.
Compadre Oil Corp.
Consolidated Oil & Gas, Inc. (Colo.).
Continental Oil Co.
Cook, Tom, Jr.
Cook, William H.
Corban, Charlie.
Cotton, Doyle W., Jr.
Cotton Valley Community.
Coulston Drilling Co.
Coutant, A. E.
Cox, Edwin L.
Crescent Drilling Co., Inc.
Creslenn Oil Co.
Crestmont Oil Co.
Crest Petroleum Inc., Agent.
Crichton, John H.
Criner Processing.
Crockett, M. W. and Charles Kelly, doing business as Crockett & Kelly.
Crow, Mrs. Cordelia K.
Crow, David, Trustee.
Crow Drilling & Producing Co.
Milton Crow Inc.
Crystal Oil & Land Co.
Culpepper, Curtis.
Curry, W. C.
Cuttychamp Oil & Gas Corp.
Cyprus Mines Corp.
Dal-Rock Production Co.
Darby, Beulah K.
Daube, Olive H., doing business as Daube Co.
Davidor & Davidor, Inc.
Davis, C. D.
Davis, Paul R.
Davis, Waymon L.
Davon Drilling Co.
Debardeleben, Charles F., Jr.
Dees, M. H.
Delaney, W. A., Jr.
Delhi Taylor Oil Corp.
Delta Drilling Co.
Delta Gulf Drilling Co.
Deposit Guarantee Bank & Trust Co.
Despot, George J.
Dial, J. B.
Discovery Oil & Gas Co., Inc.
Dorchester Gas Production Co.
Dorfman, Elizabeth F., Trust.
Dorfman, Louis.
Dorfman, Sam Y., Jr.
Draughn, Paul V., Jr.
Draughn, Paul V., Sr.
Dunbar, Blaine.
N. V. Duncan Drilling Co.
Estate of N. V. Duncan.
Duncan, Walter.
Dunford, O. D.

[2] Statement of Commissioner Ross, dissenting in part, filed as part of original document.

E. Dunlap, Jr., & State Oil Co.
Eason Oil Co.
Everett Eaves.
Ward M. Edinger, Inc.
Edwards, Robert J., Jr.
Elledge, Vernon and Hall.
Ells, H. A., doing business as All Star Gas Co.
Elm Grove Gathering System Inc.
Erickson, E. L.
Evans, James P., Jr.
Fagadau, Sanford P.
Fair Oil Co.
Fairfield Oil Co.
Falcon Seaboard Drilling Co.
Feazel, W. C., Estate.
Felsenthal, S. J., Estate.
Fender, Harris R.
Ferguson, Hershal C.
Ferguson Oil Co., Inc.
Fields, Bert, Estate.
Fleet, Howard W.
Flesh, David J.
Florsheim, S. L.
Fohs, Julius F., Estate of.
Fontaine, W. B.
Ford, Evon A.
Helen H. Feldman, Gertrude M. Reilly, and Raymond J. Gertz, Trustees, Estate of Joseph Feldman.
Forest Oil Corp.
Forgey, R.
Forgotson, James M.
Foster, W. H.
Four States Drilling Co., Inc.
Franks, John.
Franks Petroleum.
John N. Free, doing business as Free Lichty Drilling Co.
Joseph F. Fritz.
Fryer & Hanson Drilling Co.
Gage, Coke L.
Gammill, Dave.
Gant, Walter H.
Garrett, J. M.
Gas Rock Corp.
Gas Transmission Co.
Genecov, A. S., Trustee.
General American Oil Company of Texas.
Genere Gas Industries, Inc.
Geochemical Surveys.
Geological Exploration Co.
Gerhig Company of Arkansas.
Gibbons, Ed.
Gilbert, Arch B.
Gilmer Oil Co.
Glassell, A. C.
Glassell, Alfred C., Jr.
Glassell & Glassell.
Glen Rose Gasoline Co.
Godfrey, Roy A.
Goins, J. L.
Gose, Steve.
Gragg Drilling Co.
Gnokla Gas Corp.
Graridge Corporation of Texas.
Graves, A. R.
Graves, A. R. and Wetzel, Guy
Greenbaum, R. R., doing business as Time Petroleum Co.
Greenville Gasoline Co., Inc.
Grigsby, Jack W.
Grimes, Otha H.
Gulf Mobile & Ohio R.R. Co.
Gulf Natural Gas Corp.
Gulf Oil Corp.
H & H Oil & Gas Corp.
Hall, Frank J.
Hall, G. C.
Hall, Stanton A.
Hamill, Claud B.
Hamilton Gas Co.
Hamman, Blake.
Hamon, Jake L.
Hansbro, M. G.
Estate of M. G. Hansbro.
Harden, Jack.
Hardey, Charles O.
Hargrave, Horace C.
Harper Oil Co.
Harris, James W.
Harrison, Wallace.
Harvey, W. W. & Sojourner, W. C.
Hawkins, H. L. & H. L., Jr.
Hayes, Marshall A., Jr.
Heape, Gene.
Hearnsberger, H. G.
The Hefner Co.
Hefner, Robert A., Jr.
Heidelberg, Cecil F., Jr.
Roy Heidelberg II.
Heldt, James D.
Helmerich & Payne Inc.
Henry, S. O., Jr.
Herold, Simon.
Maxwell Herring Drilling Corp.
Hewell, W. A., Trustee.
Hibbert, R. E., Agent.
Hilburn, C. A.
Hinton, Charles A.
Hinton Producing Co.
Hodge, T. F.
A. J. Hodges Industries, Inc.
Hodges, R. M.
Hoffman, L. C.
Mrs. Luna T. Holcomb.
Hollandsworth, G. J.
Hollandsworth & Travis.
Holleman, Wilbur J.
Hollyfield & McFarlene.
Home-Stake Production Co.
Hood, F. M.
Hooper, S. J.
Houston Royalty Co.
J. M. Huber Corp.
Huffines, V. R.
Dudley, J. Hughes.
Hughey, W. R.
Hughey, W. R. Operating Co.
Humble Oil & Refining Co.
Hunt, H. L.
Haroldsen L. Hunt, Jr., Trust Estate.
Hassie Hunt Trust.
Hunt Industries.
Lamar Hunt.
Lamar Hunt Trust Estate.
Hunt, Nelson Bunker, Trust Estate.
Hunt Oil Co.
Hunt Petroleum Corp.
William Herbert Hunt Trust Estate.
The Hunter Co., Inc.
Hunter, James A.
Hurley Oil & Gas Co.
Hutton, H. L.
Ben C. Hyde, Jr.
Hynson, R. C.
Imperial Production Corp.
Inabnet, W. B.
Inger, Henry S.
Ingersoll Power & Fabricating Co., Inc.
International Helium, Inc.
Investors Royalty Co., Inc.
Jabco, Inc.
Jackson, F. R.
Jackson, J. E.
Jackson, J. E., Inc.
L. B. Jackson Co.
T. L. James & Co., Inc.
Javelin Oil Co., Inc.
The Jaybird Corp.
Jenkins, Charles L.
Jenkins-Ray Supply.
Jennings, R .L. and Clogg, M., doing business as Jennings and Clogg.
Jernigan, J. E. & Morgan, M. V., doing business as Jernigan & Morgan Oil Co.
Jernigan & Morgan Transmission Co.
Johnson, E. Lyle.
Johnson, Gilbert S.
Johnson, Howard C.
Johnson, Rubein V.
Jones, Carroll G.
Jones, James Marshall.
Jones, Joseph M.
L. E. Jones Drilling Co.
Jones, O'Brien, Inc.
Jones, Shelburne & Pellow Oil.
Jorden, Jack C., Jr.
Josaline Production Co.
Jowoco, Inc.
Karll, R. P.
K. B. Compression Co., Inc.
Keener Oil Co.
Kemp, James E.
Kenyon, Clarence.
Kerr-McGee Corp.
Ketchum, Ralph F., doing business as Ketchum Oil Co.
Key, Edmund M.
Killingsworth, S. H.
King, Liberto Investments.
King, Robert E.
Kinnebrew, Lee.
Kinsey, Norman V.
Kirby Petroleum Co.
Kirkpatrick Oil & Gas Co.
Kubler, E. C., Jr.
R. Lacy, Inc.
Ladner, Heber.
Laffoon Oil Co.
La Gloria Oil & Gas Co.
P. G. Lake, Inc.
William H. Lambdin.
The Lancer Corp.
Landa Oil Co.
Langford Drilling Co.
Lankford, K. D., Jr.
Larco Drilling Co.
Lario Oil & Gas Co.
Larson, Perry E. and Max L. Thomas.
Larue, Fred, doing business as Larue-Smith Production Co.
Latham, Joe.
Latimer, D. C.
Lechner and Hubbard.
LeCuno Oil Corp.
Lee Drilling Co.
Lee, R. A. and Ladner, H. L.
Lee, Robert A.
Le Gendre, P. G.
Lemon, I. M., Mrs.
Lerner, W. Zolley, doing business as Ko-Ler Oil Co.
Lewis, Ethel May Neel.
Lillystrand, T. O., Jr.
The Lincoln Converse Co.
Little, Quintin.
Livingston Oil Co.
Lomac Drilling Co.
London, D. E.
London Gas Co.
Lone Star Producing Co.
Longhorn Production Co.
Lubell Oil Co.
Lynn Drilling Co.
Lyons, C. H., Jr.
Lyons and Logan.
Lyons, C. H., Sr.
McAlester Fuel Co.
W. C. McBride, Inc.
McCain, M. F.
McCalman Drilling Co., Inc.
McCamic, Charles.
McCasland, T. H.
McCausland, Oscar B.
McCommons Oil Co.
McCommons, William E., doing business as McCommons Exploration Co.
McConnell, D. B.
McCord, Charles T., Jr., doing business as McCord Oil Co.
McCulloch Oil Corporation of California.
McGoldrick and Watson Drilling Co.
McGuire, T. W.
McKnight, Peyton, Jr.
McLemore, B. Regan.
McMahon, C. L., Jr.
McMillin, Frank E.
McMurrey, Jim, Estate.
McNeish, George R.
McRae, Ethel C.
McWood Corp.
M & M Producing Co.
Machin Oil, Ltd.
Mack Oil Co.
Mackey, Earl T.
Madole, J. D.
Magna Oil Corp.

APPENDIX B—Continued

MaGuire, Russell.
Malernee Oil Co.
Manziel, Bobby.
Manziel, Dorothy N.
Mapco Production Co.
Marathon Oil Co.
Marcus, Earl
Marks, E. W., Sr.
Marr, M. H.
Marshall Exploration Co., Inc.
C. F. Martin, Inc.
W. T. Massey and Harry A. Moore, doing business as Massey & Moore.
Mathews, Howard.
Mayfield Corp.
Maynard Oil Co.
Mayronne, R. W., Jr., doing business as Riverside Oil Co.
Maytex Co.
Medallion Oil Co.
Menefee, J. M.
Mercury Drilling Co.
Merrick, Ward S., Jr.
Mid-America Minerals, Inc.
Mid Century Oil & Gas Co.
Midhurst Oil Corp.
Midway Oil Co.
Midwest Oil Corp.
Miles Kimball Co.
Miller, Paul L.
Miss-Tex Oil Producers.
Mitchell, George & Associates, Inc.
Mitchell, W. H.
Mobil Oil Corp.
Mobley and Stephens.
Moffatt, Robert J.
Moffitt, Mrs. Tom J.
Moise, Mrs. Leah H.
W. A. Moncrief.
Monia Gas Co., Inc.
Monroe Gas System, Inc.
Monsanto Co.
Morgan Bros.
Morgan, Dave.
Morgan, Fred.
Morgan, J. A.
Morgan, Margaret M., Mrs.
Morris, C. L.
Morris, P. D.
Mortimer, Mrs. Betty D.
Mosbacher, Robert.
Moss, H. S.
Murphy, Charles H., Jr.
Murphy Oil Company of Oklahoma, Inc.
Murphy Oil Corp.
Muslow, James.
Mutual Investment Co.
Myers, Sidney G., Jr.
Nafco Oil & Gas Co., Inc.
National Bank of Commerce of Houston.
National Fuels Corp.
National Oil Co., Inc.
Natol Petroleum Corp.
Natural Gas & Oil Corp.
Neal, T. J.
Nemours Corp.
Neustadt, Doris W.
Newton Naval Stores Co., Inc.
Nichols, Irl A.
Nolan, William C. and T. M.
North Central Oil Corp.
North Louisiana Gas Co., Inc.
Norton, Annie.
Norton Oil Co., Inc.
Norville Oil Co., Inc.
Nowery, James R.
O'Boyle, John W.
O'Boyle, Kathleen, Trust No. 2.
O'Rourke, D. P.
OK & B Drilling Co.
Oklahoma Natural Gas Co.
Oliver, Rees R.
Oliphant, A. G.
Olympic Oil Co.
Omega Petroleum Corp.
Onstott, L. J., doing business as Progress Petroleum Products.
Orr, B. B.
Osborn, Jewel.
Osborn, W. B., Jr.
W. B. Osborn, Jr., Executor The Estate of W. B. Osborn, Sr.
Owen, K. D.
Oxley, John C.
Ozark Gas Corp.
P.S. & G., Inc.
Page, Wiley.
Palmer, Milo T.
Pan American Petroleum Corp.
Panola Trading Co., Inc.
Parker, G. C.
Patterson, H. I. and Williams, R. E.
Peake Petroleum Co.
Penn, G. E.
Perkins, Elizabeth.
Perkins, J. R.
Perkins, J. R., doing business as Perkins Production Co.
Perritt, H. W.
Petroleum Exploration, Inc., of Texas.
Petroleum Corporation of Texas.
Petroleum Management, Inc.
Pewitt, Paul H.
Phillips, B. F., Estate of.
Phillips, Jack L.
Phillips, Leonard W.
Phillips, Loyce.
Phillips, O. A., Estate of.
Phillips Petroleum Co.
Pickens, W. L.
Pioneer Oil & Gas Co., Inc.
Pioneer Oil Investment Co.
Placid Oil Co.
Porter, L. B.
Potter, Tom.
Powers, M. F. Estate.
Prentice, Paul R.
Prentiss, W. P.
Price, Jack E.
Proctor, Douglas E., Jr.
Pruet, Chesley.
Quisenberry, W. Y.
R. A. P. Natural Gas Corp.
Radford, C. H.
Ralgorodsky, Paul M.
Ray, Lucie L.
Raymond Oil Co., Inc.
Read, Paul L.
Howard M. Redwine.
Reed, M. T.
Republic Royalty Co.
Reserve Oil & Gas Co.
Reynolds Mining Corp.
Rhoades Oil Co.
Richardson Oils, Inc.
Richenthal, Arthur.
C. R. Ridgway and W. B. Ridgway.
Ridgway Management, Inc.
Rimrock Tidelands, Inc.
Rio Rojo Gathering System, Inc.
Robbins, J. C., Jr.
Robbins Petroleum Corp.
Roberts, J. I.
Roberts, J. I. and Murphy, C. H., Jr., d/b/a Roberts & Murphy.
Robinson, L. L.
Robinson & Marshall Drilling Co.
Rogers, Hellena Fox Wright.
Roosth and Genecov Production Co.
Roper, Frank C.
Rorem, S. D.
Rosario Production Co.
Henry R. Rose.
Ross Production Co.
Ross, R. M.
Wilhelmina duP. Ross.
Rougon, Dr. and Mrs. A. L.
Rowan, J. Mike.
R. D. Roy & Co., Inc.
Rozeman, A. M.
Rudco Oil & Gas Co.
Rudman, Rose.
Ruffin, J. F., Jr. Trustee.
Rushing, J. S.
Russ, John.
Ryan, Fred H.
Ryan, P. H.
Ryan, Ray.
Sabianna Oil Co., Inc.
Samedan Oil Corp.
Martin A. Samuelson.
Sanders, Nell E.
Sanford, John T.
Schafer Drilling Co.
Schober, Henry I.
Schwartz, C. B.
Scott, Francis W.
Joseph E. Seagram & Sons, Inc. d/b/a Texas Pacific Oil Co.
Sells Petroleum, Inc.
Sellwood & Myers.
Service Gas Products Co.
Sesco Production Co.
Shadid, Fred V.
Shalett, H. T. and Crow, David.
Shear, Warren.
Shell Oil Co.
Shields, Jay M.
Sho Van Gas Producing Co.
R. H. Siegfried, Inc.
Siesta Oil & Exploration Co., Inc.
Signal Oil & Gas Co.
Simmons, D. J., d/b/a Farrell and Company of Louisiana.
Simmons, Jay.
Simmons, Maxwell D.
Sinclair Oil & Gas Co.
Singer, Joseph B.
Skeeters, A. Z.
Skelly Oil Co.
Skelton, D. W.
Sklar, Sam.
Slack, Bob B.
Smith, Douglas V.
Smith, E. D.
Smith, H. S.
Smith, J. J.
Smith, L. E.
Smith Operating & Management Co.
Smith, P. E.
Smith, R. E.
Smith, Walter R.
Snee, William E.
Sohio Petroleum Co.
Sohoma Natural Gas Co., Inc.
South Central Natural Gas Corp.
Southern Union Production Co.
Southwest Gas Producing Co.
Southwestern Exploration Consultants, Inc.
Stack, J. E., Jr.
R. A. Stacy, Jr.
Standard Oil Company of Texas, a Division of Chevron Oil Co.
States Oil Co., Inc.
Stephens Production Co.
Stephenson, J. F.
Stewart, Austin E.
D. W. Stewart, Jr., and E. L. Stewart.
Strahan, Joe G.
Strength, (Mrs.) Janie R.
Harry J. Strief, Estate of.
Stringer, Murray D.
Sun Oil Co.
Sunnyland Contracting Co., Inc.
Sunray DX Oil Co.
Sunset International Petroleum Corp.
The Superior Oil Co.
Sutton, Carol Daube.
Tacony Co., The.
Talbot, C. P.
Tanner, J. W.
Tate, Ernest W.
Taubert, J. E.
Taylor, Mrs. Douglas Havard.
Taylor, McCleland.
Teekel, Lloyd G.
Tenneco Corp.
Tenneco Oil Co.
Texaco, Inc.
Texas Gas Exploration Corp.
Texas San Juan Oil Corp.
Thomas, Evan A.
Thomason, D.
D. Thomason Production Co., Inc.
Thompson, J. Cleo.

Tidewater Oil Co.
Tittle, W. M.
Todd, Dr. John D.
Toto Gas Co.
Trahan, J. C.
J. C. Trahan Drilling Contractor, Inc.
Trans-State Oil Co., Division of Hess Oil & Chemical Corp.
Trant, Mike, d/b/a Mike Trant Drilling Co.
Trant, Sam.
Treat, Frank B.
Tri J., Inc.
Trice Production Co.
Tuttle, R. M. d/b/a R. M. Tuttle Pipe Line.
Twin Gas Co.
Union Oil Company of California.
Union Producing Co.
Union Texas Petroleum, a Division of Allied Chemical Corp.
Vanson Production Corp.
Vaughn, G. H., Jr. and Jack C.
Vaughn, G. H., Jr.
Vaughn Petroleum Inc., Agent.
Vaughey & Vaughey.
Venters, Harley E.
The Vickers Petroleum Co., Inc.
Wager, Dan R.
Walker, Keith F.
Walker, Ross.
Walsh, Frank H.
Wandel, Philip.
Wannop, Mary Pitts.
Warren American Oil Co.
Warren Petroleum Corp.
Wegmann, W. A.
Westates Petroleum Co.
Westheimer Neustadt Corp.
Westland Oil Development Corp.
Whelan, D. E. and R. J.
Wheless Drilling Co.
Wheless, Joseph Sidney, Jr.
N. H. Wheless Oil Co.
Wheless, W. M.
Whitaker, Douglas.
Whitaker, John C.
White, Blanche N.
White, Janet.
White, T. J., Jr.
Whitehall Oil Co., Inc.,
Whittington Number Four.
Wichita River Oil Corp.
Wico Oil Co.
Wiederhold, William C., Agent.
Williams, Charles K.
Williams, E. B., Jr.
Williams, E. B., Sr.
Williams, George H. and Hill.
Williams Pressure Service Co.
Williams, Robert Gordon.
Wilson, Bruce L.
Wilson, Norton F.
Winwell, Inc.
Wise Operating, Inc., of Tyler.
Wood Oil Co.
Woods, Harold L.
Woods Petroleum Corp.
Woolf, Geraldine H.
Worldwide Petroleum Corp.
Worth Drilling Co.
Wrather, J. D., Jr.
Hattie C. Wright, Administratrix to J. F. Wright.
Wunderlich Development Co.
W. R. Yinger.
Yoakam, Coler, Jr.
Young, Marshall R.
Marshall R. Young Oil Co.
Zephyr Drilling Corp.
Zephyr Oil Co.

APPENDIX C—PIPELINE PURCHASERS MADE RESPONDENTS TO THE AREA RATE PROCEEDING (OTHER SOUTHWEST AREA), DOCKET NO. AR67-1 ET AL.

Arkansas Louisiana Gas Co.
Cimarron Transmission Co.
Cities Service Gas Co.
Cushing Gas Transmission Co.
El Paso Natural Gas Co.
Fort Smith Gas Corp. (now Arkansas Oklahoma Gas Corp.).
Humble Gas Transmission Co.
Lone Star Gas Co.
Louisiana Nevada Transit Co.
Michigan Wisconsin Pipe Line Co.
Mississippi River Transmission Corp.
Natural Gas Pipeline Company of America.
Panhandle Eastern Pipe Line Co.
Rio Sabine, Inc.
Southern Natural Gas Co.
Tennessee Gas Pipeline Co., A Division of Tenneco, Inc.
Tensas Gas Gathering Corp.
Texas Eastern Transmission Corp.
Texas Gas Transmission Corp.
Trunkline Gas Co.
Union Gas System, Inc.
United Fuel Gas Co.
United Gas Pipe Line Co.
Valley Gas Transmission, Inc.

APPENDIX D—SECTION 4 RATE SUSPENSION PROCEEDINGS[1] CONSOLIDATED FOR HEARING WITH AREA RATE PROCEEDING (OTHER SOUTHWEST AREA), DOCKET NO. AR67-1

NAME[2] AND DOCKET NUMBERS

Amerada Petroleum Corp.; RI65-334.
American Petrofina Company of Texas (Operator) et al.; RI64-442.
Apache Corp.; RI63-332.
Arkla Exploration Co.; RI64-233, RI64-240, RI64-277, RI66-339.
Ashland Oil & Refining Co. et al.; RI60-288.
Bander, Joe, et al.; RI67-54.
Biglane, D. A., et al.; G-20190.
Bond, Durbin; G-20184.
Borden, S. P.; G-20191.
Bracken Oil Co. (Operator) et al.; G-16084.
Bridewell, Billy (Operator) et al.; RI63-241.
Cameron, A. A., doing business as Cameron Oil Co. et al.; RI65-521, RI67-80.
Carter-Jones Drilling Co., Inc. (Operator), et al.; RI61-546.
Champlin Petroleum Co.; RI63-304.
Claiborne Gasoline Co.; RI64-260.
Cohen, Don (Operator) et al.; RI64-421.
Coles, Marvin J., et al.; RI64-134.
Continental Oil Co.; G-19734, G-19919, G-20197, RI60-193, RI60-223, RI61-249, RI63-217, RI63-350, RI63-368, RI64-165, RI64-166, RI64-784, RI65-231, RI67-72.
Continental Oil Co. (Operator) et al.; RI63-240, RI65-128.
Cook, Tom, Jr. (Operator) et al.; G-16638, RI60-133.
Cox, Edwin L.; RI63-219, RI63-428, RI64-68, RI64-573.
Cyprus Mines Corp. and Skelly Oil Co. (Operator); RI64-8.
Coastal States Producing Co.; RI67-159.
Davis, C. D., et al., and Car-Tex Producing Co. et al.; RI65-374.
Draughn, Paul V., Sr.; RI65-422.
Draughn, Paul V., Jr.; RI65-424.
Ells, H. A., et al., doing business as All Star Gas Co.; RI63-178.
Falcon Seaboard Drilling Co. et al.; RI63-221.
Fields, Bert, Estate, et al.; RI64-290.
Forest Oil Corp.; RI63-230.
Forest Oil Corp. (Operator) et al.; RI65-125.
Four States Drilling Co., Inc. (Operator) et al.; G-20081.
Gant, Walter H. (Operator) et al.; RI64-254.
General American Oil Co. of Texas; RI63-377, RI65-345.
Greenville Gasoline Co., Inc. (Operator); RI63-275.
Gulf Oil Corp.; G-11335, G-13519, G-13581, G-16657, G-19742, G-20560, RI60-214, RI61-169, RI161-212, RI162-114, RI63-148, RI64-198, RI64-231, RI64-247, RI65-600.
Gulf Oil Corp. and Ashland Oil & Refining Co.; RI65-599.
Hall, Stanton A.; RI65-421.
Hamman, Blake (Operator) et al.; RI64-710.
Harper Oil Co. (Operator) et al.; RI63-450, RI65-274.
Hefner Co., The (Operator) et al.; RI63-472.
Helmerich & Payne, Inc. (Operator) et al.; RI63-445.
Home-Stake Production Co. (Operator) et al.; RI64-124.
Humble Oil & Refining Co. (Operator) et al.; RI66-24, RI66-149, RI66-279, RI67-108.
Hunt, H. L.; G-13531, G-16642, G-19754.
Hunt, H. L., et al.; RI61-203, RI62-136, RI64-44, RI66-131.
Haroldson L. Hunt, Jr., Trust Estate; RI66-239, RI67-180.
Hassie Hunt Trust; G-19752, RI61-206, RI63-104, RI64-213, RI65-265, RI67-100.
Hassie Hunt Trust (Operator) et al.; RI66-130.
Hunt, Lamar; G-14936, G-16615, RI61-195, RI62-137, RI63-151, RI64-212, RI65-263, RI66-134, RI67-101.
Lamar Hunt Trust Estate; G-14938, G-16618, RI61-194, RI62-105, RI63-150, RI64-215, RI65-264, RI66-135, RI67-102.
Lamar Hunt Trust Estate et al.; RI66-240, RI67-181.
Hunt, Nelson Bunker, Trust Estate; G-14939, G-16616, RI61-196, RI62-139, RI63-149, RI64-211, RI65-262, RI66-136, RI66-241, RI67-103, RI67-182.
Hunt Oil Co.; RI63-229, RI66-127, RI66-243, RI67-98, RI67-178, RI67-179.
Hunt Oil Co. (Operator) et al.; RI66-237, RI66-270.
Hunt Oil Co. et al.; RI66-242.
Hunt Petroleum Corp.; RI65-261.
Hunt, William Herbert, Trust Estate; G-14937, G-16617, RI61-197, RI62-140, RI64-216, RI65-253, RI66-125, RI66-238, RI67-104, RI67-183.
Hunter Co. Inc., The; G-19920.
Hurley Oil & Gas et al.; G-16645.
Hurley Oil & Gas (Operator) et al.; and Mobil Oil Corp.; RI62-318, RI64-201.
Hyde, Ben C. W., Jr. (Operator); RI63-279.
T. L. James & Co., Inc., et al.; RI66-172, RI66-173.
Jernigan, J. E. and Morgan, M. V., doing business as Jernigan & Morgan Oil Co.; RI63-233.
Jernigan & Morgan Transmission Co., RI63-234.
R. Lacy, Inc., et al.; G-14315.
Laffoon Oil Co.; RI64-689.
Landa Oil Co.; G-19028, RI64-730, RI64-740, RI65-397.
Lario Oil & Gas Co.; RI64-601.
D. C. Latimer; RI61-410.
LeCuno Oil Corp.; RI60-459.
LeCuno Oil Corp., and Landa Oil Co.; RI61-210.
London Gas Co. et al.; RI61-112, RI63-176, RI63-177.
McCommons Oil Co. et al.; RI64-21, RI65-568.
McCommons, W. E., doing business as McCommons Exploration Co. et al.; RI63-281.
Mack Oil Co.; RI64-18.
Mapco Production Co. (Operator) et al.; RI66-20.
Marathon Oil Co., RI66-140, RI67-121, RI66-33, RI66-74.
Marathon Oil Co. (Operator) et al.; RI66-19.
Marks, E. W., Sr., et al.; RI62-272.
Marr, M. H.; RI66-144.
C. F. Martin, Inc.; RI65-372.
Maynard Oil Co.; RI64-288, RI67-17, RI67-18.
Maynard Oil Co. (Operator) et al.; RI64-287, RI66-10.

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[1] These proceedings are consolidated only insofar as they pertain to sales in the areas enumerated in Appendix A.

[2] This producer designation is for general identification and may not include all of the respondents designated in the respective orders initiating rate suspension proceedings.

APPENDIX D—Continued

NAME AND DOCKET NUMBERS—Continued

Midway Oil Co. et al.; RI64–87.
Midwest Oil Corp.; RI64–195.
Midwest Oil Corp. (Operator) et al.; RI64–214.
George Mitchell & Associates, Inc., Agent for Ann W. Alexander, Executrix, et al.; RI61–239.
Mobil Oil Corp.; RI61–113, RI61–188, RI65–196.
Mobil Oil Corp. (Operator) et al.; RI61–114, RI64–210, RI65–276, RI66–98.
Mortimer, Mrs. Betty D., et al.; G–20194.
Murphy Oil Corp. et al.; RI61–145.
Murphy Oil Corp.; RI61–146.
Newton Naval Stores Co., Inc.; RI65–346.
North Central Oil Corp. et al.; G–19026.
Norville Oil Co., Inc.; RI64–19.
Page, Wiley (Operator) et al.; RI64–203.
Pan American Petroleum Corp.; G–13516, G–16629, G–17058, G–19641, G–19765, RI61–167, RI61–192, RI62–151, RI63–81, RI63–138, RI63–231, RI64–222, RI64–231, RI65–178, RI65–277, RI65–294, RI66–129.
Pan American Petroleum Corp. (Operator) et al.; RI65–112.
Perkins, Elizabeth, et al.; RI64–114.
Phillips Petroleum Co.; G–12283, G–16112, G–16113, RI60–257, RI63–394, RI64–619, RI65–127, RI65–577, RI66–324.
Phillips Petroleum Co. (Operator) et al.; RI61–284, RI67–173.
Pioneer Oil & Gas Co., Inc., et al.; G–20195, RI61–51.
Placid Oil Co. (Operator) et al.; G–15370, G–15371, G–17423, G–19767, RI61–176, RI61–193, RI61–213, RI62–104, RI62–144, RI63–132, RI64–202, RI64–239, RI65–259, RI66–132, RI67–91.
Ridgway, C. R. and W. B.; G–19932.
Ridgway Management, Inc.; G–20068.
Rimrock Tidelands, Inc., et al.; G–15073.
Robbins, J. C., Jr.; RI–63–475.
Robbins Petroleum Corp. (Operator) et al. and Pan American Petroleum Corp.; RI63–476.
Roper, Frank C.; RI60–389.
Ross, R. M.; RI65–318.
Rowan, J. Mike (Operator) et al.; RI63–293.
Ruffin, J. F., Jr.; Trustee; G–20192.
Samedan Oil Corp.; RI63–466, RI63–467.
Joseph E. Seagram Sons, Inc., doing business as Texas Pacific Oil Co.; RI63–183, RI63–443.
Shell Oil Co.; RI64–791, RI65–474, RI65–477, RI65–483.
Shell Oil Co. (Operator), RI65–485.
Shell Oil Co. (Operator) et al.; RI66–14, RI65–476.
Shell Oil Co., Cabot Corp. (SW) (Operator) et al., Herman George Kaiser, & Phillips Petroleum Co. (Operator) et al.; RI65–475.
R. H. Siegfried, Inc., et al.; RI62–380, RI64–677.
Simmons, Maxwell D. (Operator) et al.; RI63–477.
Sinclair Oil & Gas Co.; RI61–530, RI62–152, RI63–131, RI64–257, RI65–14, RI65–38, RI66–77, RI66–86, RI66–345.
Sinclair Oil & Gas Co. et al.; RI60–231, RI61–172.
Sinclair Oil & Gas Co. (Operator) et al.; RI64–256, RI65–28, RI66–166.
Skelly Oil Co.; RI60–253, RI67–10.
Sohio Petroleum Co.; RI66–276, RI67–81.
Southern Union Production Co.; RI65–587.
Southwest Gas Producing Co., Inc.; RI66–351.
Southwestern Explor. Consultants, Inc. (Operator) et al.; RI60–245, RI60–360.
Standard Oil Company of Texas, Division of Chevron Oil Co., RI63–462.
Sun Oil Co., RI66–401.
Sunray DX Oil Co.; RI64–335.
Sunset International Petroleum Corp.; RI61–545.
The Superior Oil Co.; G–20347, RI61–83.
The Superior Oil Co. (Nevada) and James W. Harris; G–14106.
The Superior Oil Co. and Gas Rock Corp.; G–18694.
Ernest W. Tate; RI66–357.
Tenneco Oil Co.; RI63–474, RI65–145.
Tenneco Oil Co. (Operator) et al.; RI64–741, RI65–534, RI66–87, RI66–369.
Tenneco Oil Co., Continental Oil Co.; RI62–539.
Texaco, Inc.; RI66–329, RI66–383, RI67–2.
Tidewater Oil Co. (Operator) et al.; RI64–726, RI65–129, RI67–78.
Tidewater Oil Co. and James W. Harris (Operator) et al.; RI64–762.
Todd, Dr. John D.; RI60–352.
J. C. Trahan Drilling Construction, Inc. and Marshall R. Young Oil Co.; RI61–499, RI64–722.
J. C. Trahan Drilling Construction, Inc. (Operator) et al.; RI63–21, RI64–329, RI64–380, RI65–548.
Twin Gas Co.; RI63–464.
Twin Gas Co. (Operator); RI63–465.
Union Oil Company of California (Operator) et al.; RI66–316, RI66–317, RI66–426.
Union Texas Petroleum, Division of Allied Chemical Corp. (Operator) et al.; RI64–742, RI65–126.
Union Texas Petroleum, Division of Allied Chemical Corp. et al.; RI63–461.
Vaughn, G. H., Jr., et al.; RI61–182.
Venters, Harley E.; RI66–356.
Walker, Ross; RI65–499.
Whelan, D. E. and R. J.; RI62–39.
Wichita River Oil Corp.; RI64–151.
Wunderlich Development Co. (Operator) et al.; RI65–124.

[F.R. Doc. 67-2488; Filed, Mar. 6, 1967; 8:47 a.m.]

[Docket No. CP67-235]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

FEBRUARY 28, 1967.

Take notice that on February 21, 1967, Kansas-Nebraska Natural Gas Co., Inc., 300 North St. Joseph Avenue, Hastings, Nebr. 68901, filed in Docket No. CP67–235 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 for the construction and operation of the following facilities:

(1) 14.3 miles of new 12-inch pipeline between Huntsman Storage Field and Sidney-Big Springs, Nebr., line.

(2) 13.4 miles of 12-inch pipeline to parallel the existing 10-inch pipeline between Paxton and Hershey, Nebr.

(3) 10.5 miles of new 8-inch pipeline to parallel the existing 8-inch pipeline between Grand Island and Albion, Nebr.

(4) 9.5 miles of new 8-inch pipeline to parallel the existing 6-inch pipeline between Albion and Neligh, Nebr.

(5) An 1,100 horsepower addition to the Big Springs, Nebr., compressor station.

(6) An 1,100 horsepower addition to the Albion, Nebr., compressor station.

(7) A 2,700 horsepower addition at the Holcomb, Kans., compressor station.

Applicant states that these new facilities will increase its transmission capacity by 7,000 Mcf of natural gas per day and that said facilities are required to meet the growth of its firm customer's requirements.

Applicant estimates the cost of the proposed construction at approximately $1,860,000, said cost to be financed out of current working capital and, if necessary, interim bank loans.

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 proceduce (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 24, 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. 67-2489; Filed, Mar. 6, 1967; 8:47 a.m.]

[Docket No. CP67-232]

LOUISIANA GAS SERVICE CO. AND TRUNKLINE GAS CO.

Notice of Application

FEBRUARY 24, 1967.

Take notice that on February 17, 1967, Louisiana Gas Service Co. (Applicant), Post Office Box 433, Harvey, La. 70058, filed in Docket No. CP67–232 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Trunkline Gas Co. (Respondent) to establish physical connection of its transportation facilities with the distribution system proposed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution within the village of Kilbourne, West Carroll Parish (County), La., all as more fully set forth in the Application which is on file with the Commission and open to public inspection.

Applicant estimates the maximum daily requirements for the first 3 years at approximately 100 Mcf of natural gas per day, and the estimated yearly requirements for the first 3 years are as follows:

	First year	Second year	Third year
In Mcf.	10,792	11,344	11,712

Applicant states that there will be no industrial users of the proposed service. Applicant further states that this will be an initial connection with Respondent.

The estimated cost of the proposed distribution system is approximately $40,637, said cost to be financed through funds available from company revenues and, if necessary, through funds available under a 5-year credit agreement with the Whitney National Bank of New Orleans.

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 21, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2490; Filed, Mar. 6, 1967; 8:47 a.m.]

[Docket No. CP61-149]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Petition To Amend

FEBRUARY 27, 1967.

Take notice that on February 20, 1967, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP61-149 a petition to amend the order issued by the Commission in said docket January 3, 1963, and amended on December 30, 1963, June 2, 1964, May 25, 1965, and September 12, 1966, by extending the period of authorization from April 30, 1967, until April 30, 1968, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The abovementioned order, as amended to date, gave authorization to Petitioner for the construction and operation of certain natural gas facilities for the exchange of up to 35,000 Mcf of natural gas per day between Petitioner, Colorado Interstate Gas Co. (Colorado) and Arkansas Louisiana Gas Co. (Arkansas) limited in duration to a period extending through April 30, 1967.

By letter agreement dated November 22, 1966, Petitioner, Colorado and Arkansas have agreed to extend the term through April 30, 1968. On this basis Petitioner seeks authorization to extend the previously authorized exchange of natural gas until April 30, 1968.

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 23, 1967.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-2491; Filed, Mar. 6, 1967; 8:47 a.m.]

[Docket No. CP67-234]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

FEBRUARY 28, 1967.

Take notice that on February 21, 1967, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP67-234 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 and the transportation in interstate commerce of additional quantities of natural gas for resale, 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:

(1) 66.12 miles of 42-inch main line loop.

(2) 10.4 miles of 30-inch loop line on its Southeast Louisiana Gathering System.

(3) 3.03 miles of 24-inch pipeline loop to its existing West End extension in New Jersey.

(4) A new sales meter and regulator station for Applicant's existing customer, Public Service Electric & Gas Co. (Public).

In addition to the above, Applicant proposes to sell an additional volume of 43,000 Mcf per day of natural gas commencing November 1, 1967, and an additional quantity of 40,000 Mcf per day of natural gas by November 1, 1969.

Applicant estimates the cost of the proposed construction at approximately $20,300,000, said cost to be financed initially from temporary bank loans and company funds. Long-term financing will be accomplished as required as a part of one of Applicant's continuing long-term financing programs.

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 24, 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. 67-2492; Filed, Mar. 6, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 2, 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. 40919—*Common salt from points in Utah.* Filed by Western Trunk Line Committee, agent (No. A-2491), for interested rail carriers. Rates on common salt, as described in the application, in carloads, from Saltair Junction, Saltus, Solar, and Spray, Utah, to points in Minnesota and North Dakota.

Grounds for relief—Market competition.

Tariffs—Supplement 18 to Denver and Rio Grande Western Railroad Co. tariff ICC 1079 and Union Pacific Railroad Co. tariff ICC 5630.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-2521; Filed, Mar. 6, 1967; 8:50 a.m.]

[Notice 347]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 2, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte Mo. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in

the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2253 (Sub-No. 34 TA), filed February 27, 1967. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, Post Office Box 697, Cherryville, N.C. 28021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Florida, to points in Georgia, for 180 days. Supporting shippers: Florida Citrus Canners Cooperative, Lake Wales, Fla. 33853; Tropicana Products Sales, Inc. (Port Canaveral) General Offices: Post Office Box 338, Bradenton, Fla. 33505. Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 61396 (Sub-No. 179 TA), filed February 27, 1967. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. 68110, Post Office Box 189, Downtown Station, Omaha, Nebr. 68101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials*, from the plantsite of W. R. Grace & Co., at or near Henry, Ill., to points in Minnesota, Wisconsin, Iowa, Missouri, Indiana, Kentucky, Ohio, and Michigan, for 180 days. Supporting shipper: W. R. Grace & Co., Nitrogen Products Division, Post Office Box 277, 147 Jefferson Avenue, Memphis, Tenn. 38101. Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 61396 (Sub-No. 180 TA), filed February 27, 1967. Applicant: HERMAN BROS., INC., 2501 North 11th Street, Omaha, Nebr. 68110, Post Office Box 189, Downtown Station, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions, anhydrous ammonia, nitric acid, ammonium, nitrate, and urea*, from the plantsite of Terra Chemicals International, Inc., Port Neal, Iowa, and storage facilities at Sergeant Bluff, Iowa, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, Illinois, Missouri, and Colorado, for 180 days. Supporting shipper: Terra Chemicals International, Inc., 507 Sixth Street, Sioux City, Iowa 51101 (L. R. Garaghty, traffic manager). Send protests to: Keith P. Kohrs, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 705 Federal Office Building, Omaha, Nebr.

No. MC 61396 (Sub-No. 181 TA), filed February 28, 1967. Applicant: HERMAN BROS., INC., Post Office Box 189, Downtown Station, 2501 North 11th Street, Omaha, Nebr. 68110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and solid fertilizer materials*, in bulk and bag, from International Minerals & Chemical Corp. at or near Clinton, Iowa, to points in Minnesota, Wisconsin, Illinois, Missouri, Nebraska, and Indiana, for 180 days. Supporting shipper: International Minerals & Chemical Corp., Skokie, Ill. 60078, Paul B. St. Onge, materials management specialist. Send protests to: Keith P. Kohrs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 705 Federal Office Building, Omaha, Nebr. 68102.

No. MC 112801 (Sub-No. 65 TA), filed February 27, 1967. Applicant: TRANSPORT SERVICE CO., a corporation, 5100 West 41st Street, Post Office Box 272, Chicago, Ill. 60650, Cicero Station. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, from Clinton, Iowa, to points in Illinois, Indiana, Minnesota, Missouri, Nebraska, and Wisconsin, for 180 days. Supporting shipper: International Minerals & Chemical Corp., Clinton, Iowa. Send protests to: District Supervisor, Charles J. Kudelka, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 113855 (Sub-No. 154 TA), filed February 27, 1967. Applicant: INTERNATIONAL TRANSPORT, INC., South Highway 52, Rochester, Minn. 55901. Applicant's representative: Herbert J. Hilken (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, valves and fittings, compound joint sealer, bonding cement, and accessories and hand tools used in the installation of such products*, from the plantsite of Ethyl Corp. at Terre Haute, Ind., to points in Michigan, Iowa, Minnesota, and Illinois, for 180 days. Supporting shipper: Ethyl Corp., Post Office Box 341, Baton Rouge, La. 70821. Send protests to: C. H. Bergquist, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 114533 (Sub-No. 151 TA), filed February 27, 1967. Applicant: B.D.C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, and incidental dealer handling supplies* (except motion picture film and supplies used in connection with commercial and television pictures), between Milwaukee, Wis., and Grand Rapids, Mich., for 150 days. Supporting shipper: The L. L. Cook Co., 1830 North 16th Street, Milwaukee, Wis. 53201. Send protests to: District Supervisor Charles J. Kudelka, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 117427 (Sub-No. 58 TA), filed February 27, 1967. Applicant: G. G. PARSONS TRUCKING CO., Post Office Box 1085, North Wilkesboro, N.C. 28659. Applicant's representative: Francis J. Ortman, Suite 770, Mills Building, 1700 Pennsylvania Avenue NW., Washington, D.C. Authority sought to operate a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos cement pipe and accessories*, from Rootstown Township, Portage County, Ohio, to points in North Carolina and South Carolina, for 150 days. Supporting shipper: Orangeburg Manufacturing Co., division of The Flintkote Co., Post Office Box 151, Ravenna, Ohio 44266. Send protests to: Jack K. Huff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 206, 327 North Tryon Street, Charlotte, N.C. 28202.

No. MC 118282 (Sub-No. 11 TA), filed February 27, 1967. Applicant: NURSERYMAN SUPPLY, INC., 6801 Northwest 74th Avenue, Miami, Fla. 33166. Applicant's representative: Monty Schumacher, Suite 693, 1375 Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as *a common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Seabrook, N.J., to Cincinnati, Columbus, Dayton, and Solon, Ohio; Chicago, Ill.; Fort Wayne, Ind.; Lavonia, Mich.; and points in Georgia and Florida, for 180 days. Supporting shipper: Seabrook Farms Co., a division of Francis H. Leggett & Co., Seabrook, N.J. 08302.

No. MC 124972 (Sub-No. 1 TA), filed February 27, 1967. Applicant: FIGOL DISTRIBUTORS, LIMITED, 9727 110th Street, Edmonton, Alberta, Canada. Applicant's representative: Gabriel Bass, 43600 Florida Avenue, Hemet, Calif. 92343. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nickel* in powder and briquette form, in drums, from the United States-Canadian border at ports of entry from Sweetgrass, Mont., and west, to Seattle and points in the Seattle, Wash., commercial zone, Portland, Oreg., and points in the Portland, Oreg., commercial zone, San Francisco and points in the San Francisco, Calif., commercial zone and points in Los Angeles County, Calif., for 180 days. Supporting shippers: Fred H. Lenway & Co., Inc., 100 California Street, San Francisco, Calif. 94111, Sherritt Gordon Mines, Ltd., Metal & Chemical Division, Fort Saskatchewan, Alberta, Canada; Stoody Co., Post Office Box 901, Whittier, Calif., 90608; Bartlett-Snow-Pacific, Inc., 3100 19th Street, San Francisco, Calif. 94110; Dameron Alloy Foundries, 927 South Santa Fe Avenue, Compton, Calif.; Superior Alloys Co., 150 Harbor Way, South San Francisco, Calif. 94080; Victor Equipment Co., Alloy Rod & Metal Division, 13808 East Imperial Highway, Norwalk, Calif. 90652; Esco Corp., 2141 Northwest 25th Avenue, Portland, Oreg. 97210; Westlectric Castings, Inc., 2040 South Camfield Avenue, Los Angeles, Calif. 90022; Southern California Chemical Co., Inc., Post Office Box 2127, Los Nietos, Calif. 90606. Send protests to:

Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 126420 (Sub-No. 7 TA), filed February 27, 1967. Applicant: ALASKA STEAMSHIP COMPANY, Skinner Building, Fifth and Union, Seattle, Wash. 98101. Applicant's representative: George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, and commodities requiring special equipment), between Ketchikan and Juneau, Alaska, on the one hand, and, on the other, Wrangell, Petersburg, and Sitka, Alaska, for 180 days. Supporting shippers: The application is supported by statements from 20 shippers which are on file and may be examined here at the Interstate Commerce Commission, in Washington, D.C. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 128900 TA, filed February 27, 1967. Applicant: MALCOLM D. COOK, doing business as COOK'S PRODUCE, 600 East Franklin Street, Evansville, Ind. 47711. Applicant's representative: David M. Keck, 315 Old National Bank Building, Evansville, Ind. 47708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., Gulfport, Miss., Tampa, and Jacksonville, Fla., to Evansville, Ind., for 180 days. Supporting shipper: Federal Produce Co., Inc., Evansville, Ind. Send protests to: District Supervisor R. M. Hagarty, Interstate Commerce Commission, Bureau of Operations and Compliance, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

By the Commission.

[SEAL] H. Neil Garson,
Secretary.

[F.R. Doc. 67-2522; Filed, Mar. 6, 1967; 8:50 a.m.]

[Notice 1486]

MOTOR CARRIER TRANSFER PROCEEDINGS

March 2, 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-69434. By order of February 28, 1967, the Transfer Board approved the transfer to Texas Transport, Inc., San Antonio, Tex., of certificate of registration No. MC-96994 (Sub-No. 1), issued August 24, 1966, to Louis E. Hart, Jr., doing business as Texas Transport, San Antonio, Tex., evidencing a right to engage in transportation in interstate or foreign commerce, as restricted, corresponding generally in scope to the service authorized by the specialized motor carrier's permanent certificate of convenience and necessity No. 5401, Docket No. S-7418, dated September 16, 1965, issued by the Railroad Commission of Texas. Benton Coopweed, 904 Lavaca, Austin, Tex. 78701, attorney for applicants.

No. MC-FC-69436. By order of February 28, 1967, the Transfer Board approved the transfer to Schalk Express, Inc., Glencoe, Mo., of the certificate in No. MC-74497, issued March 11, 1941, to E. W. Schalk, Glencoe, Mo., and authorizing the transportation, over irregular routes, of feed and fertilizer from East St. Louis, Ill., to points and places in St. Louis County, Mo., and livestock between points and places in St. Louis County, Mo., on the one hand, and, on the other, National Stock Yards, Ill. Milton S. Jaeger, Route 1, Box 515, Glencoe, Mo. 63038, representative for applicants.

No. MC-FC-69452. By order of February 28, 1967, the Transfer Board approved the transfer to Frank Murphy Contract Carrier, Inc., Staten Island, N.Y. 10301, of the operating rights of Frank Murphy, Staten Island, N.Y. 10301, in permits Nos. MC-35211, MC-35211 (Sub-No. 4), and MC-35211 (Sub-No. 5), issued October 30, 1956, October 8, 1959, and July 26, 1966, respectively, authorizing the transportation, over irregular routes, of building materials, except cement, lumber, brick, and liquid commodities in bulk, gypsum board paper, lime and lime products, except liquid commodities in bulk, pulpboard, pallets used in the transportation of the above-named commodities, limestone, copperas, agricultural insecticides, and fertilizer, from and to specified points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, varying with the commodities transported; building materials (not including cement, lumber, and brick), between New York, N.Y., and Harrison, N.J., on the one hand, and, on the other, points in Connecticut, Middlesex, Union, Bergen, Monmouth, Warren, Sussex, Hunterdon, Hudson, Passaic, Ocean, Essex, Somerset, Morris, and Mercer Counties, N.J., and those in Dutchess, Queens, Westchester, Suffolk, Nassau, Kings, Rockland, Putnam, Sullivan, Orange, Ulster, Richmond, Bronx, and New York Counties, N.Y.; building materials, as defined, except cement, lumber, brick, and commodities in bulk, and empty pallets, from and to New Brighton, Staten Island, New York, N.Y., Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem Counties, N.J., varying with the commodities transported; building materials, as defined (except cement, lumber and brick, and liquid commodities, in bulk, in tank vehicles), and materials and supplies used in the manufacture of the commodities last described herein, and empty containers, pallets, and skids, from and to New York, N.Y., points in Berkshire, Hampshire, and Hampden Counties, Mass., Columbia, Rensselaer, Schenectady, Albany, Greene, Schoharie, and Delaware Counties, N.Y., and Bucks, Lehigh, Northampton, Carbon, Luzerne, Monroe, Pike, Wayne, Lackawanna, Wyoming, and Susquehanna Counties, Pa., as restricted, varying with the commodities transported. Robert B. Pepper, 297 Academy Street, Jersey City, N.J. 07306, representative for applicants.

No. MC-FC-69453. By order of February 28, 1967, the Transfer Board approved the transfer to Fern A. Weaver, doing business as Roof Garden Moving & Storage, Windber, Pa. 15963, in certificate No. MC-71226, issued September 30, 1955, to J. Millard Gardner, Stoystown, Pa. 15563, authorizing the transportation, over irregular routes, of household goods, between Stoystown, Pa., and points within 25 miles thereof, on the one hand, and, on the other, points in Ohio, Michigan, West Virginia, Maryland, Virginia, New York, New Jersey, and Connecticut, and telephone telegraph line construction materials and supplies, between points in Pennsylvania within 75 miles of Stoystown, Pa., including Stoystown, except points in Allegheny County. John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108, attorney for applicants.

No. MC-FC-69455. By order of February 28, 1967, the Transfer Board approved the transfer to Tri-State Transportation Co., Inc., Vineland, N.J., of the operating rights in certificates Nos. MC-30374, MC-30374 (Sub-No. 11), and MC-30374 (Sub-No. 16), issued November 19, 1963, July 31, 1964, and March 22, 1966, respectively, to Moey Lihn, doing business as Tri-State Transportation Co., Vineland, N.J., and authorizing the transportation of, among other things, men's and women's garments, and materials, supplies, equipment and machinery used in the manufacture thereof, over a regular route between Philadelphia, Pa., and New York, N.Y., and Bordentown, N.J., serving the intermediate points of Minotola, Hammonton, Camden, and Vineland, N.J., and the off-route points of Richland, Mizpah, Mays Landing, Egg Harbor City, Millville, Bridgeton, and New Brunswick, N.J.; general commodities, with usual exceptions, over irregular routes, between Egg Harbor City, N.J., and points within 20 miles thereof, on the one hand, and, on the other, New York, N.Y.; men's clothing, in containers and on hangers, over irregular routes from Vineland, N.J., to Baltimore, Md., and Washington, D.C.; and general commodities, with

usual exceptions, over a regular route between Philadelphia, Pa., and Egg Harbor City, N.J., serving all intermediate points, and the off-route points of Tansboro, Cedar Brook, Blue Anchor, and Winslow, N.J., and those within 5 miles of Egg Harbor City. Charles H. Trayford, 220 East 42d Street, New York, N.Y. 10017, representative for applicants.

No. MC-FC-69461. By order of February 28, 1967, the Transfer Board approved the transfer to Paramount Moving & Storage Co., Inc., Garden City, N.Y., of the operating rights in certificate No. MC-19242, issued May 11, 1954, to Buck Nilsson Moving & Storage, Inc., Richmond Hill, N.Y., authorizing the transportation of: Household goods, between New. York, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, Pennsylvania, and New York. Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica, N.Y. 11432, attorney for transferor, Alvin Altman, 1776 Broadway, New York, N.Y. 10019, attorney for transferee.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-2523; Filed, Mar. 6, 1967; 8:50 a.m.]

[Notice 1486-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 2, 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-69288, Corrected order.[1] By order of January 31, 1967, the Transfer Board approved the transfer to Barnes Express, Inc., Omaha, Nebr., of the operating rights of Nolte Bros. Truck Line, Inc., Omaha, Nebr., in certificates Nos. MC-25869 (Sub-No. 19), MC-25869, (Sub-No. 20), MC-25869 (Sub-No. 21), MC-25869 (Sub-No. 22), MC-25869 (Sub-No. 23), MC-25869 (Sub-No. 24), MC-25869 (Sub-No. 25), MC-25869 (Sub-No. 28), MC-25869 (Sub-No. 29), MC-25869 (Sub-No. 30), MC-25869, (Sub-No. 35), MC-25869 (Sub-No. 37), MC-25869 (Sub-No. 39), MC-25869 (Sub-No. 41), MC-25869 (Sub-No. 43), issued December 2, 1964, June 2, 1965, January 22, 1965, March 26, 1965, March 16, 1965, June 11, 1965, March 29, 1965, July 9, 1965, June 11, 1965, September 28, 1966, January 21, 1966, April 11, 1966, July 5, 1966, July 5, 1966, and January 20, 1966, respectively, authorizing the transportation of: Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses, as described by the Commission, and other specified commodities, between points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Wisconsin, and Wyoming. Donald E. Leonard, Box 2028, 606 South 14th, Lincoln, Nebr., attorney for applicants.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-2524; Filed, Mar. 6, 1967; 8:50 a.m.]

[1] Corrected to show the transfer of the operating rights of "Nolte Bros. Truck Line, Inc., Omaha, Nebr.," which was inadvertently omitted in the notice shown in the FEDERAL REGISTER dated Feb. 15, 1967, on p. 2917.

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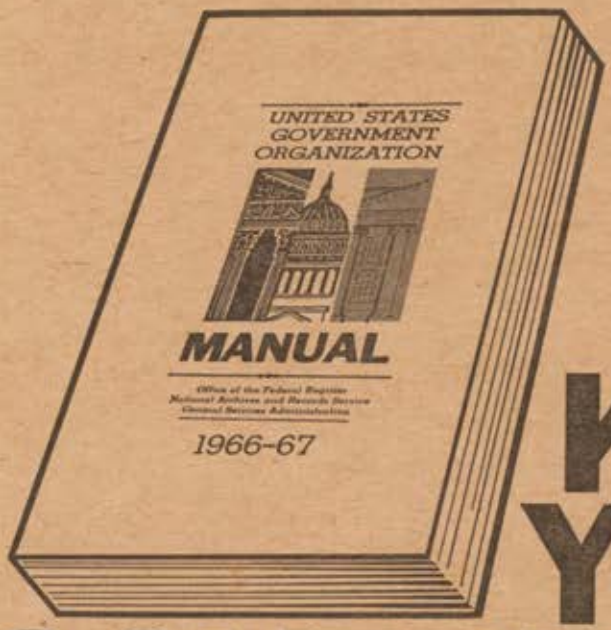

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