FEDERAL REGISTER

VOLUME 32 • NUMBER 67

Friday, April 7, 1967 • Washington, D.C.

Pages 5667–5723

Agencies in this issue—

Detailed list of Contents appears inside.

Current White House Releases

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Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

**Order from: Superintendent of Documents,
U.S. Government Printing Office,
Washington, D.C. 20402**

FEDERAL REGISTER
Area Code 202 Phone 963-3261

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Contents

(Continued on next page)

List of CFR Parts Affected

(Codification Guide)

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

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

5 CFR

213 (2 documents) 5671

7 CFR

722 5671
1427 5671

PROPOSED RULES:

989 5690
1001 5694
1002 5694
1003 5694
1004 5694
1005 5695
1008 5695
1009 5695
1011 5695
1015 5694
1016 5694
1031 5695
1032 5695
1033 5695
1034 5695
1035 5695
1036 5695
1038 5695
1039 5695
1040 5695
1041 5695
1043 5695
1044 5695
1045 5695
1046 5695
1047 5695
1048 5695
1049 5695
1050 5695
1051 5695
1060 5696
1062 5695
1063 5695
1064 5695
1065 5696
1066 5696
1067 5695
1068 5695
1069 5696
1070 5695
1071 5695
1073 5696
1075 5696
1076 5696
1078 5695
1079 5695
1090 5695
1094 5694
1096 5694
1097 5695
1098 5695
1099 5695
1101 5695
1102 5695
1103 5694
1104 5695
1106 5695
1108 5695
1120 5695
1125 5696
1126 5695
1127 5695
1128 (2 documents) 5695, 5696
1129 5695
1130 5695
1131 5696
1132 5695
1133 5696
1134 5696
1136 5696
1137 5696
1138 5695
1205 5696

13 CFR

106 5672

14 CFR

39 5676
71 (3 documents) 5677
97 5678

PROPOSED RULES:

23 5698
71 5706

21 CFR

121 (3 documents) 5674, 5675

24 CFR

200 5681

32 CFR

151 5682

33 CFR

207 5685

39 CFR

122 5686
143 5686
148 5686
149 5686

41 CFR

101-32 5687

42 CFR

54 5676

43 CFR

2240 5689

50 CFR

33 5689

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that in the Bureau of Mines the position of Associate Director, Health and Safety, is expected under Schedule C and that the position of Assistant Director (Health and Safety) is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (d) of § 213.3312 is amended by revoking subparagraph (3) and adding a new subparagraph (8) as set out below.

§ 213.3312 **Department of the Interior.**

* * * * *

(d) *Bureau of Mines.* * * *

(3) [Revoked]

* * * * *

(8) One Associate Director, Health and Safety.

* * * * *

(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. 67-3841; Filed, Apr. 6, 1967; 8:47 a.m.]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Special Assistant for Labor Relations in the Office of the Secretary is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (22) is added to paragraph (a) of § 213.3384 as set out below.

§ 213.3384 **Department of Housing and Urban Development.**

(a) *Office of the Secretary.* * * *

(22) One Special Assistant for Labor Relations.

* * * * *

(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. 67-3840; Filed, Apr. 6, 1967; 8:47 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1968 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

REFERENDA ON OUT-OF-COUNTY TRANSFERS OF ALLOTMENTS BY SALE OR LEASE

Basis and purpose. Section 722.474 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of § 722.474 is to fix the period of time for holding referenda in designated counties on out-of-county transfers of upland cotton allotments by sale or lease effective during 1968 and 1969 under section 344a of the act.

Notice of the proposed fixing of the period of time for holding these referenda was published in the FEDERAL REGISTER of March 3, 1967 (32 F.R. 3714). No submissions in response to such notice were received. Since it is desirable that the period of time for holding these referenda be made known to farmers as early as possible, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 (80 Stat. 383) is impracticable and contrary to the public interest. Accordingly, § 722.474 shall be effective upon publication in the FEDERAL REGISTER.

§ 722.474 **Referenda on out-of-county transfers of upland cotton allotment by sale or lease.**

(a) *Designated counties.* A referendum of producers of upland cotton of the 1967 crop in designated counties is required to be held under section 344a (b) (ii) of the act to determine whether such producers favor out-of-county transfers of upland cotton allotments within the same State by sale or lease. The counties listed in the notice of proposed fixing of the period of time for holding each county referendum (32 F.R. 3714) are hereby designated as counties in which these referenda shall be held.

(b) *Transfer years covered.* The referenda held under this section cover transfers of upland cotton allotments to take effect during 1968 and 1969 by sale or lease out of a county to another county in the same State.

(c) *Period of time for holding referenda.* The referenda held under this section shall be held during the period May 15–19, 1967, each inclusive, by mail ballot in accordance with Part 717 of this chapter.

(d) *Determination that referenda cannot be held in conjunction with 1968 national marketing quota referendum.* Under subsection (b) of section 344a of the act the period for filing applications for transfers of allotment is prescribed for each year as the period beginning June 1 and ending December 31.

In order to permit owners and operators to utilize such period to the fullest extent, it is hereby found and determined that it is impracticable to hold the referenda under this section in conjunction with the 1968 national marketing quota referendum for upland cotton under section 343 of the act which will be held after any proclamation of national marketing quota for the 1968 crop of upland cotton is made.

(Secs. 344a, 375, 79 Stat. 1197, 52 Stat. 66, as amended; 7 U.S.C. 1344b, 1375)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on April 3, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-3834; Filed, Apr. 6, 1967; 8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Cotton Loan Program Regs., Amdt. 4]

PART 1427—COTTON

Subpart—Cotton Loan Program Regulations

EARLY DELIVERY AND ACQUISITION OF 1966-CROP UPLAND LOAN COTTON

In order to provide for delivery of 1966-crop upland loan cotton to Commodity Credit Corporation in satisfaction of the loans on such cotton prior to maturity, paragraph (e) of § 1427.1368 of the Cotton Loan Program Regulations issued by Commodity Credit Corporation (30 F.R. 8096, 31 F.R. 4389 and 9791) is hereby amended to read as follows:

§ 1427.1368 **Maturity.**

* * * * *

(e) Producers having outstanding loans on 1966-crop upland cotton may deliver such cotton to CCC in full satisfaction of the loans on such cotton at any time between March 17, 1967, and the maturity date of the loans, July 31, 1967. Any producer desiring to make delivery of the cotton securing any such

loan may do so by submitting a notice, in the form prescribed by CCC to the county office which keeps the farm records for the farm on which the cotton was produced. Similarly, any cotton cooperative marketing association which has outstanding loans on 1967-crop upland cotton may deliver any such cotton to CCC in full satisfaction of the amount due with respect to such cotton at any time between March 17, 1967, and July 31, 1967, by submission to the New Orleans Office of a notice in the form prescribed by CCC. Upon acceptance of such notices by CCC, full title to the loan cotton listed thereon shall vest in CCC in satisfaction of the loans on such cotton: *Provided, however,* That with respect to any cotton listed on any such notice as to which there is a basis for a claim by Commodity Credit Corporation against the borrower under the terms of the loan agreement, the acceptance of such notice shall not constitute a satisfaction of any claims of Commodity Credit Corporation against the borrower arising out of the loans on such cotton.

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C., 1441, 1444, 1421)

Signed at Washington, D.C., on April 3, 1967.

H. D. GODFREY,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 67-3861; Filed, Apr. 6, 1967; 8:49 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

PART 106—LEASE GUARANTEE

GENERAL

Sec.
106.1 Statutory provisions.
106.2 Policy.
106.3 Definitions.
106.4 Eligibility.
106.5 Procedures for lease guarantee applications.
106.6 Lease guarantees.
106.7 Lease guarantee administration.

AUTHORITY: The provisions of this Part 106 issued under Title IV of the Small Business Investment Act of 1958, 72 Stat. 689 (1965).

GENERAL

§ 106.1 Statutory provisions.

Title IV—Lease guarantees.

Authority of the Administration.

Section 401(a). The Administration may, whenever it determines such action to be necessary or desirable, and upon such terms and conditions as it may prescribe, guarantee the payment of rentals under leases of commercial and industrial property entered into by small business concerns that are (1) eligible for loans under section 7(b)(3) of the Small Business Act, or (2) eligible for loans under title IV of the Economic Opportunity Act of 1964, to enable such concerns to obtain such leases. Any such guarantee may be made or effected either directly or in cooperation with any qualified surety company or other qualified company through a participation agreement with such company. The foregoing powers shall be subject, however, to the following restrictions and limitations:

(1) No guarantee shall be issued by the Administration (i) if a guarantee meeting with the requirements of the applicant is otherwise available on reasonable terms, and (ii) unless the Administration determines that there exists a reasonable expectation that the small business concern in behalf of which the guarantee is issued will perform the covenants and conditions of the lease.

(2) The Administration shall, to the greatest extent practicable, exercise the powers conferred by this section in cooperation with qualified surety or other companies on a participation basis.

(b) The Administration shall fix a uniform annual fee for its share of any guarantee under this section which shall be payable in advance at such time as may be prescribed by the Administrator. The amount of any such fee shall be determined in accordance with sound actuarial practices and procedures, to the extent practicable, but in no case shall such amount exceed, on the Administration's share of any guarantee made under this title, 2½ per centum per annum of the minimum annual guaranteed rental payable under any guaranteed lease; provided that the Administration shall fix the lowest fee that experience under the program established hereby has shown to be justified. The Administration may also fix such uniform fees for the processing of applications for guarantees under this section as the Administrator determines are reasonable and necessary to pay the administrative expenses that are incurred in connection therewith.

(c) In connection with the guarantee of rentals under any lease pursuant to authority conferred by this section, the Administrator may require, in order to minimize the financial risk assumed under such guarantee—

(1) That the lessee pay an amount not to exceed one-fourth of the minimum guaranteed annual rental required under the lease, which shall be held in escrow and shall be available (i) to meet rental charges accruing in any month for which the lessee is in default, or (ii) if no default occurs during the term of the lease, for application (with accrued interest) toward final payments of rental charges under the lease.

(2) That upon occurrence of a default under the lease, the lessor shall, as a condition precedent to enforcing any claim under the lease guarantee, utilize the entire period for which there are funds available in escrow for payment of rentals, in reasonably diligent efforts to eliminate or minimize losses, by releasing the commercial or industrial property covered by the lease to another qualified lessee, and no claim shall be made or paid under the guarantee until such effort has been made and such escrow funds have been exhausted.

(3) That any guarantor of the lease will become a successor of the lessor for the purpose of collecting from a lessee in default rentals which are in arrears and with respect to which the lessor has received payment under a guarantee made pursuant to this section, and

(4) Such other provisions, not inconsistent with the purposes of this title, as the Administrator may in his discretion require.

POWERS

Section 402. Without limiting the authority conferred upon the Administrator and the Administration by § 201 of this Act, the Administrator and the Administration shall have, in the performance of and with respect to the functions, powers, and duties conferred by this title, all the authority and be subject to the same conditions prescribed in section 5(b) of the Small Business Act with respect to loans, including the authority to execute subleases, assignments of lease, and new leases with any person, firm, organization, or other entity, in order to aid in the liquidation of obligations of the Administration hereunder.

FUND

Section 403(a). There is hereby established a revolving fund for use by the Administration in carrying out the provisions of this title. Initial capital for such fund shall consist of not to exceed $5 million transferred from the fund established under section 4(c) of the Small Business Act: *Provided,* That the last sentence of such section 4(c) shall not apply to any amounts so transferred. Into the fund established by this section there shall be deposited all receipts from the guarantee program authorized by this title. Moneys in such fund not needed for the payment of current operating expenses or for the payment of claims arising under such program may be invested in bonds or other obligations of, or bonds or other obligations guaranteed as to principal and interest by the United States; except that moneys provided as initial capital for such fund shall be returned to the fund established by section 4(c) of the Small Business Act, in such amounts and at such times as the Administration determines to be appropriate, whenever the level of the fund herein established is sufficiently high to permit the return of such moneys without danger to the solvency of the program under this title.

(b) Section 201 of such Act is amended by striking out the third sentence and inserting in lieu thereof the following:

The powers conferred by this Act upon the Administration and upon the Administrator, with the exception of those conferred by titles IV and V hereof, shall be exercised through the Small Business Investment Division and through the Deputy Administrator appointed hereunder. The powers conferred by this Act upon the Administration and upon the Administrator by titles IV and V hereof shall be exercised through such division, section, or other personnel as the Administrator in his discretion shall determine.

(c) The table of contents of such Act is amended by inserting after the analysis of title III the following:

TITLE IV—LEASE GUARANTEES

Sec.
401. Authority of the Administration.
402. Powers.
403. Fund.

(d) Section 4(c) of the Small Business Act is amended—(1) by striking out "$1,716,000,000" and inserting in lieu thereof "$1,721,000,000"; and (2) by striking out the period at the end of the fifth sentence and inserting in lieu thereof the following: "*Provided,* That such limitation shall not apply to functions under the title IV thereof."

§ 106.2 Policy.

It is the intent of the Congress to strengthen the competitive free enterprise system by assisting certain qualified small business concerns to obtain leases of commercial and industrial property, where stringent credit requirements tend to exclude such concerns, by authorizing the Small Business Administration to guarantee, directly or in cooperation with others, the payment of rentals under such leases.

§ 106.3 Definitions.

For the purposes of this part:

(a) "Administrator" means the Administrator of the Small Business Administration.

(b) "SBA" means the Small Business Administration.

(c) "Small business concern" means a business concern which would qualify as a small business under § 121.3–10 or § 121.3–11 of this chapter.

(d) A "qualified surety company or other qualified company" means a corporation authorized under applicable State law which agrees to guarantee the payment of the minimum rent provided for in a lease for commercial or industrial property to a small business concern.

(e) "Commercial or industrial property" means any property, personal or real, to be leased and to be used by the small business concern in the conduct of its business.

(f) "Lessor" means the owner of the right to occupancy and possession of the property leased which is the subject of the guarantee.

(g) "Lease" means the agreement between the lessor and the small business concern covering the use of property subject to the guarantee.

(h) "Lessee" means the qualified small business concern which by the terms of the lease uses the leased property subject to the guarantee.

(i) "DBL" means a displaced business loan under section 7(b)(3) of the Small Business Act, as amended.

(j) "EOL" means an economic opportunity loan under Title IV of the Economic Opportunity Act of 1964, as amended.

(k) "Vacant possession" means that the premises subject to the guarantee have been vacated and restored to a condition which will permit immediate releasing.

(l) "Participation" means sharing the responsibility for the payment of the guaranteed rental between SBA and qualified surety company or other qualified company.

§ 106.4 Eligibility.

In order to be eligible for guarantee of a lease, the lessee must be a small business eligible for displaced business loan assistance under § 123.4(c) of this chapter or be eligible for economic opportunity loans under Part 124 of this chapter.[1]

§ 106.5 Procedure for lease guarantee applications.

(a) *Form of application.* An application for a lease guarantee shall be made on SBA-FA Temporary Form 3 or on a similar form approved by SBA and shall include all pertinent information required in supporting schedules and forms. The application and supporting material shall be submitted in duplicate if the request is for a direct lease guarantee. If the lease guarantee is to be made in participation or cooperation with a qualified surety company or other qualified company, the application and supporting material shall be in triplicate.

[1] Copies of the regulations may be obtained from the Small Business Administration, Imperial Building, 1441 L Street NW., Washington, D.C. 20416.

(b) *Place of filing.* Application shall be made in the SBA field office serving the area in which the applicant is located if no participation or cooperation of a qualified surety company or other qualified company is involved. If participation or cooperation is available, the application may be submitted to such qualified surety company or other qualified company which, in turn, will execute the Application for Participation (Reinsurance) on the last page of SBA-FA Temporary Form 3 and transmit two copies of the application and supporting materials to the SBA field office serving the area in which the applicant is located.

§ 106.6 Lease guarantees.

To insure participation or cooperation to the greatest extent practicable of qualified surety companies or other qualified companies in guarantees of leases to small business concerns, the SBA shall require that:

(a) An applicant to the SBA for a guarantee certify that a guarantee meeting the requirements of the applicant is not available on reasonable terms from qualified companies not participating with SBA.

(b) Any agreements to participate (reinsure) with a qualified surety company or other qualified company shall provide that the company shall be responsible for paying all claims arising out of a guarantee covered by the agreement up to an amount equal to 12 times the monthly rent guaranteed and not less than 20 percent of any claim in excess of this amount unless a different percentage of participation be approved by the Administrator. Any agreement for participation shall provide that the premium and all other charges made by the company on account of gurantees covered by the agreement are not unreasonable.

(c) Fees:

(1) *Guarantee fee.* The fee for any guarantee shall be due not later than the effective date of the lease guarantee and shall be paid in advance. The guarantee fee or premium that will be charged by SBA on a lease that it guarantees exclusively shall not exceed 2½ percent of the aggregate of the minimum annual rental payable in accordance with the provisions of the guaranteed lease. The Administrator cannot participate in any guarantee for which the premium and any other charges are unreasonable and SBA's fee on its share of any such participation shall not exceed 2½ percent of the aggregate of the minimum annual rental payable in accordance with the provisions of the guarantee lease. In the event of participation, a portion of this premium shall be paid by the insurance company to SBA as a premium for the coinsurance provided by SBA. The premium payable to SBA will be determined by negotiation and shall depend upon the degree and extent of the participation.

(2) *Application fee.* In the case of a participation, an application fee may be imposed upon the applicant lessee for the lease guarantee. The application fee shall be payable at the time of the acceptance for processing of the application for a lease guarantee.

(d) Amount to be guaranteed: SBA may guarantee a portion of the rental payable under the lease when participating or cooperating with a qualified surety company or other qualified company or, if participation or cooperation is not available, SBA may guarantee the full amount of the minimum rental payable under the lease, or any portion thereof, as the Administrator may find appropriate.

(e) Term of the lease guarantee: The maximum term of the guarantee by SBA may extend for the term of the lease being guaranteed or for 20 years, whichever is the shorter term. The minimum term of a lease eligible for guarantee by SBA shall be 5 years: *Provided, however,* That any deviation from the maximum or minimum term of the lease guarantee may be approved by the Administrator. If application is made for guarantee of three or more leases of premises in a proposed development, the application must be accompanied by a feasibility study provided by the applicant.

(f) Reasonable expectation: No guarantee shall be issued unless the analysis made by the use of the system of risk analysis developed by SBA or a similar system approved by SBA indicates that there exists a reasonable expectation that the small business concern in behalf of which the guarantee is issued will perform the covenants and conditions of the lease.

(g) Minimizing the risk:

(1) In order to minimize the financial risk assumed under a lease guarantee which SBA guarantees, either directly or in cooperation or participation with a qualified surety company or other qualified company, the Administrator requires that:

(i) Upon execution of the lease, the lessee pay an amount not to exceed one-quarter of the minimum guaranteed annual rental required under the lease, which amount shall be held by the Administrator or, in the case of participation, by the qualified surety company or other qualified company, in an escrow interest-bearing account and shall be available (*a*) to meet the rental charges accruing in any month in which the lessee is in default; or (*b*) if no default occurs during the term of the lease, for application (with interest accrued at the rate of 4 percent per annum) toward payments of final rental charges under the lease. If, prior to expiration, the lease term is terminated by mutual consent of the lessor and the lessee, the total funds held in escrow with accumulated interest shall be paid to the lessee upon written notice to the escrowee, signed by both the lessor and the lessee, of the termination of the lease and payment by the lessee of all rents due and payable in accordance with the guarantee to the date of termination of the lease.

(ii) Upon occurrence of a default under the lease:

(*a*) The lessor shall notify the guarantor of a default within 30 days of such default.

(b) The lessor shall, as a condition precedent to enforcing any claim under the lease guarantee, utilize the entire period for which there are funds available in escrow for payment of rentals, in reasonably diligent efforts to eliminate or minimize losses by rerenting the commercial or industrial property covered by the lease to another qualified lessee; and no claim shall be made or paid under the guarantee unless such effort is shown to have been made and such escrow funds have been exhausted. Default by the lessee shall forfeit the funds in escrow and, if any portion of the escrow funds remains unused after the rerenting of the property and settlement has been agreed upon, the remainder shall be paid to the lessor as liquidated damages in order to restore or upgrade the demised property.

(c) When the lessor expects to take resort to the guarantee unless requested by the guarantor within 5 days to delay, he will take prompt action to terminate the occupancy of the lessee and to secure vacant possession of the premises and to make such repairs to the property as are necessary to restore it to its original condition, ordinary wear and tear excepted.

(d) If the lessor or the guarantor, after notification of default, and either before or after the running of the period for which funds are available in escrow for payment of rentals, succeeds in finding a lessee who agrees to enter into a new lease agreement with the lessor of the property covered by the guaranteed lease, the lessor may, by giving prompt notice to the guarantor, enter into such agreement upon such terms and conditions as are acceptable to him, without the consent of the guarantor, provided that the guarantee and the interest of the guarantor in the premises shall terminate on the date the lessor enters into any such agreement and no losses shall be accrued or claim be allowed for losses sustained by the lessor after that date. If the lessor, with the consent of the guarantor, enters into a new lease with a qualified lessee subsequent to a default, a new premium must be paid, as in the initiation of a guarantee de novo.

(e) The lessor, before entering into an agreement with a new lessee, may notify the guarantor of the terms of such a proposed agreement and of his wish to negotiate a lump-sum settlement of his losses, both accrued and prospective, under the terms of the proposed agreement and, upon arriving at agreement in such a negotiation between the guarantor and the lessor, the guarantee may be terminated and final settlement of all claims arising out of the guarantee may be made by payment of the negotiated sum to the lessor by the guarantor.

(f) Upon filing a claim for guaranteed rent in default, the lessor shall give vacant possession to the guarantor as successor in possession to the lessee with the right to rerent the premises to any other lessee and on such terms and conditions as are satisfactory to the guarantor. The lessor will further make reasonably diligent efforts to minimize losses by assisting the guarantor to rerent the premises.

(g) The guarantor of the lease will become a successor to the lessor for the purpose of collecting from the lessee in default rentals which are in arrears and with respect to which the lessor has received payment under a guarantee made pursuant hereto and for the purpose of collecting other damages which have occurred.

(h) If either the lessor or the guarantor succeeds in finding a lessee who agrees to sublease from the guarantor, the lessor agrees to allow the guarantor to assign or to sublease, at such rentals and to any such lessee as are acceptable to the guarantor, provided that no such assignee or sublessee shall use the premises for any purpose for which their use is prohibited by the lease. Any such assignment or sublease, however, shall not terminate the obligation of the guarantor to make payment to the lessor of any rentals subsequently falling due under the terms of the lease.

(iii) If the lessee vacates or surrenders possession of the demised property to the lessor or to any other lessee, with the consent of the lessor, then the guarantee shall be terminated. The interest of the lessee may not be assigned or transferred nor may the lessee enter into a sublease without the consent of the lessor. If the lessor gives such consent without first obtaining the approval of the guarantor to the assignment or sublease, the guarantee shall be terminated. Upon requesting the consent of the guarantor, the lessor shall submit to the guarantor such information concerning the proposed assignee or sublessee as may be required to be submitted by the original lessee of the guaranteed lease. If the guarantor finds, upon examination of this and other information he may secure, that the risk to the guarantor involved in the proposed assignment or sublease is not increased, he shall give consent; if he finds that the risk is increased, he shall give consent only if the lessor agrees to pay a premium consonant with the increased risk.

(iv) No refund of premium will be paid by the guarantor in settlement of any claim, and application for the guarantee of any new lease negotiated by either the lessor or the guarantor subsequent to a default shall be accompanied by the payment of a new premium, as in the initiation of a guarantee de novo.

(v) No claim will be paid for rent falling due after the escrow funds have been exhausted unless the lessor has complied with the previously stated conditions or has presented evidence on the basis of which the Administrator may find that the failure to conform to these conditions was not the fault of the lessor, in which case the Administrator may extend the period for compliance and provide that the guaranteed rent to be paid shall begin on the day when the funds in escrow are exhausted.

(vi) An agreement shall be reached between the lessor and the lessee as to the distribution of any award that may be made to either party as a result of condemnation of the entire property or of a substantial portion of it by public authority or total destruction by casualties against which the lessor and the lessee are insured, and the guarantee shall be terminated as of the date of vesting title in a condemnor or upon final settlement of the total casualty loss. In case of condemnation of a minor portion of the property and an award to the lessor and the lessee, the amount of the guaranteed rent shall be reduced by the ratio which the award bears to the total value of the property before taking.

(vii) An agreement on the part of the lessor that any amount paid as rent to the lessor in excess of the minimum periodic rent specified in the lease (that is, any overages so called on account of a percentage of sales or other basis) shall be deducted from the total rent guaranteed over the term of the lease; such deductions, however, will not have the effect of reducing the minimum amount payable periodically as provided in the lease, but shall in effect shorten the term over which the total rent to be paid is guaranteed.

(2) The Administrator may waive any of the requirements set forth in subparagraph (1) of this paragraph, upon a proper showing that such waiver will not impair the purposes of the guarantee.

§ 106.7 Lease guarantee administration.

(a) *Direct guarantees.* (1) All leases which are guaranteed directly by SBA will be serviced by SBA Washington Office unless otherwise specified by the Administrator.

(2) SBA shall have the right to inspect the lessee's premises and operations and to examine and audit the lessee's books and records at any time during the term of the lease guarantee.

(b) *Participation guarantees.* Lease guarantees which are made in participation or cooperation with a qualified surety company or other qualified company will be serviced by the qualified surety company or other qualified company with which SBA participates.

Effective date: March 31, 1967.

R. C. MOOT,
Acting Administrator.

[F.R. Doc. 67-3833; Filed, Apr. 6, 1967; 8:47 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SLIMICIDES

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6H2036) filed by Nalco Chemical Co., 6216 West 66th Place, Chicago, Ill. 60638, and other relevant material, has concluded that the food additive regu-

lations should be amended to provide for the safe use of methylenebisthiocyanate as a slimicide in the manufacture of paper and paperboard that contact food. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.2505(c) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2505 Slimicides.

* * * * * *

(c) * * *

List of substances	Limitations
* * *	* * *
Methylenebisthiocyanate	
* * *	* * *

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

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 30, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3854; Filed, Apr. 6, 1967; 8:49 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

1,2-DIHYDRO-2,2,4-TRIMETHYLQUINOLINE, POLYMERIZED

Sections 121.2520, 121.2526, 121.2562, and 121.2571 of the food additive regulations provide for the use of 1,2-dihydro-2,2,4-trimethylquinoline, polymerized, as a component of certain food-contact articles under prescribed conditions of safe usage that preclude any significant migration of the substance to food.

The Commissioner of Food and Drugs has evaluated newly received information reporting that the substance induces cancer when ingested by test animals and concludes that the food additive regulations should be amended to delete provision for use of said substance as a component of food-contact articles.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409(c)(3)(A), 701(a), 52 Stat. 1055, 72 Stat. 1786, as amended 76 Stat. 785; 21 U.S.C. 348(c)(3)(A), 371(a)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended by deleting the item "1,2 - Dihydro - 2,2,4-trimethylquinoline, polymerized" from the lists in: Paragraph (c)(5) of § 121.2520 *Adhesives;* paragraph (a)(5) of § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods;* paragraph (c)(4)(iii) of § 121.2562 *Rubber articles intended for repeated use;* and paragraph (b)(2) of § 121.2571 *Components of paper and paperboard in contact with dry food.*

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

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 409(c)(3)(A), 701(a), 52 Stat. 1055, 72 Stat. 1786, as amended, 76 Stat. 785; 21 U.S.C. 348(c)(3)(A), 371(a))

Dated: March 30, 1967.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 67-3852; Filed, Apr. 6, 1967; 8:48 a.m.]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ETHYLENE–ACRYLIC ACID COPOLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 6B1944) filed by The Dow Chemical Co., Post Office Box 467, Midland, Mich. 48640, and other relevant material, has concluded that the food additive regulations should be amended to provide for additional use of ethylene-acrylic acid copolymers as articles or components of articles for food-contact use. The Commissioner has further concluded that § 121.2514 should be amended by deleting provision for use of ethylene-acrylic acid copolymers as a component of resinous and polymeric food-contact coatings since § 121.2564, hereinafter set forth, provides for such use of the additive, subject to acidified chloroform-soluble extractives limitations which (new information shows) are necessary to ensure safe use.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), Part 121 is amended in the following respects:

§ 121.2514 [Amended]

1. In § 121.2514 *Resinous and polymeric coatings*, paragraph (b)(3)(xviii) is amended by deleting from the list of substances the item "Ethylene-acrylic acid copolymer containing * * *."

2. The following new section is added to Subpart F:

§ 121.2564 Ethylene-acrylic acid copolymers.

The ethylene-acrylic acid copolymers identified in paragraph (a) of this section may be safely used as components of articles intended for use in contact with food subject to the provisions of this section.

(a) For the purpose of this section, ethylene-acrylic acid copolymers consist of basic copolymers produced by the copolymerization of ethlene and acrylic acid such that the finished basic copolymers contain no more than 10 weight-percent of total polymer units derived from acrylic acid.

(b) The finished food-contact article, when extracted with the solvent or solvents characterizing the type of food and under the conditions of its intended use as determined from Tables 1 and 2 of § 121.2526(c), yields net acidified chloroform-soluble extractives not to exceed 0.5 milligram per square inch of food-contact surface when tested by the methods prescribed in § 121.2582(c), except that net acidified chloroform-soluble extractives from paper and paperboard complying with § 121.2526 may be corrected for wax, petrolatum, and mineral oil as provided in § 121.2526(d)(5)(iii)(*b*). If the finished food-contact article is itself the subject of a regulation in this Subpart F, it shall also comply with any specifications and limitations prescribed for it by that regulation. (NOTE: In testing the finished food-contact article, use a separate test sample for each extracting solvent.)

(c) The provisions of this section are not applicable to ethylene-acrylic acid copolymers used in food-packaging adhesives complying with § 121.2520.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room

5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 30, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3853; Filed, Apr. 6, 1967; 8:49 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 54—GRANTS FOR SPECIALIZED SERVICE FACILITIES

Subpart A—Grants for Construction of University Affiliated Facilities for the Mentally Retarded

Subpart B—Grants for Construction of Facilities for the Mentally Retarded (General)

EQUIPMENT; COMPETITIVE BIDDING

Notice of proposed rule making, public rule making procedures, and delay of effective date have been omitted as unnecessary in the issuance of the following amendments to Subparts A and B of Part 54, which relate solely to grants for construction of facilities for the mentally retarded. These amendments relate to the definition of the term "equipment" and competitive bidding on fixed equipment.

1. Paragraph (d) of § 54.1 is revised to read as follows:

§ 54.1 Definitions.

* * * * *

(d) "Equipment" includes those items which are necessary for the functioning of the facility, but does not include items of current operating expense such as food, fuel, drugs, paper, printed forms, and soap.

2. Paragraph (c) of § 54.4 is revised to read as follows:

§ 54.4 Terms and conditions.

* * * * *

(c) That applicant will perform actual construction work by the lump sum (fixed price) contract method; employ adequate methods of obtaining competitive bidding prior to awarding the construction contract, either by public advertising or circularizing three or more bidders, and award the contract to the responsible bidder submitting the lowest acceptable bid; and will purchase all fixed equipment by adequate methods of competitive bidding (including such fixed equipment as is not purchased through the construction contract) and award the contract to the responsible bidder submitting the lowest acceptable bid, except that competitive bidding procedures need not be employed for the purchase of specific fixed equipment items which are not included in the construction contract where such action is found by the Surgeon General, upon written justification by the applicant, to be required by the needs of the program.

* * * * *

3. Paragraph (d) of § 54.101 is revised to read as follows:

§ 54.101 Definitions.

* * * * *

(d) "Equipment" includes those items which are necessary for the functioning of the facility, but does not include items of current operating expense such as food, fuel, drugs, paper, printed forms, and soap.

* * * * *

4. Paragraph (c) of § 54.112 is revised to read as follows:

§ 54.112 Assurances from applicant.

* * * * *

(c) That applicant will perform actual construction work by the lump sum (fixed price) contract method; employ adequate methods of obtaining competitive bidding prior to awarding the construction contract, either by public advertising or circularizing three or more bidders, and award the contract to the responsible bidder submitting the lowest acceptable bid; and will purchase all fixed equipment by adequate methods of competitive bidding (including such fixed equipment as is not purchased through the construction contract) and award the contract to the responsible bidder submitting the lowest acceptable bid, except that competitive bidding procedures need not be employed for the purchase of specific fixed equipment items which are not included in the construction contract where such action is found by the State agency and the Surgeon General, upon written justification by the applicant, to be required by the needs of the program.

* * * * *

(Sec. 122, 77 Stat. 284; 133, 77 Stat. 287; 42 U.S.C. 2662, 2673; Rev. Stat. sec. 161, 5 U.S.C. 22)

Effective date: February 1, 1967.

Dated: March 23, 1967.

[SEAL] WILLIAM H. STEWART,
Surgeon General.

Approved: March 31, 1967.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 67-3860; Filed, Apr. 6, 1967; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT

[Airworthiness Docket No. 67-WE-12-AD; Amdt. 39-389]

PART 39—AIRWORTHINESS DIRECTIVES

Hughes Model 269 Series Helicopters

There have been failures of the Huck Bolts P/N SALP-T10-7 that attach the main rotor drive shaft coupling to the ring gear carrier in the Main Rotor Gear Drive Assembly P/N 269A5175 of Hughes Model 269 Series helicopters. Such failures can result in total failure of the Assembly. Since this condition is likely to exist or develop in other Hughes Model 269 Series helicopters equipped with Huck Bolts P/N SALP-T10-7, an Airworthiness Directive is being issued to require replacement of the Huck Bolts with fasteners of a different type and to require an inspection of the Main Rotor Gear Drive Assembly to detect damage that may have resulted from operation of the helicopter with the Huck Bolts installed.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

HUGHES. Applies to Model 269A, 269A-1, 269A-2, and 269B Series helicopters equipped with Main Rotor Gear Drive Assembly P/N 269A5175 bearing Serial Nos. 0001 to 1424 inclusive.

Compliance required within the next 25 hours' time in service, unless already accomplished, for helicopters having a Main Rotor Gear Drive Assembly with 1,200 or more hours' time in service on the effective date of this AD; or prior to the accumulation of 1,225 hours' time in service, unless already accom-

plished, for helicopters having a Main Rotor Gear Drive Assembly with less than 1,200 hours' time in service on the effective date of this AD.

To prevent malfunction of the Main Rotor Gear Drive Assembly P/N 269A5175 caused by failure of the Huck Bolts P/N SALP–T10–7 that attach the main rotor drive shaft coupling to the ring gear carrier, and to detect damage that may have resulted from operation of the helicopter with the Huck Bolts installed, accomplish the following in accordance with Hughes Service Information Notice No. N–29 or later FAA-approved revision unless otherwise specified herein:

(a) Remove Huck Bolts P/N SALP–T10–7 and Collars P/N 6LC–C10 from the Main Rotor Gear Drive Assembly P/N 269A5175. Visually inspect the resulting holes for deformity or other damage and check the vertical and horizontal diameters of the holes by means of a hole gauge. Line ream all out-of-tolerance holes to correspond to the tolerance specified for the holes.

(b) Replace Huck Bolts P/N SALP–T10–7 and Collars P/N 6LC–C10, respectively, with Hi-Lok bolts P/Ns HL–20–PB–10–7, HL–20–PB–10–8, or HL–64–PB–10–7 and Collars P/N HL–87–10.

(c) Inspect the Main Rotor Gear Drive Assembly P/N 269A5175 for defects specified in Hughes Service Information Notice No. N–29, or later FAA-approved revision. If defects are observed, maintain the affected part or parts in accordance with the Hughes Handbook of Maintenance Instructions applicable to the particular helicopter model (including the Overhaul Addendum for the Main Rotor Gear Drive Assembly applicable to all helicopter models) or in accordance with a method approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) Operators who have not kept records of hours' time in service of individual Main Rotor Gear Drive Assemblies shall substitute in lieu thereof hours' time in service of the helicopter.

This amendment becomes effective upon publication in the FEDERAL REGISTER for all persons except those who are served in accordance with section 1005(c) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1485(c)), and upon whom the amendment becomes effective immediately upon receipt.

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

Issued in Los Angeles, Calif., on March 28, 1967.

JOSEPH H. TIPPETS,
Regional Director,
FAA Western Region.

[F.R. Doc. 67–3813; Filed, Apr. 6, 1967; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 67–SO–32]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Mobile, Ala. (Brookley AFB), control zone.

The Mobile (Brookley AFB) control zone is described in § 71.171 (32 F.R. 2071 and 2440).

Because of the terminating of weather reporting service between the hours 0000 and 0800 local time, it is necessary to alter the control zone by reducing the hours of operation to be effective from 0800 to 2400, local time, daily.

Since this amendment lessens the burden on the public, 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 Mobile, Ala. (Brookley AFB), control zone (32 F.R. 2440) is amended to read:

MOBILE, ALA. (BROOKLEY AFB)

Within a 5-mile radius of Brookley AFB (latitude 30°37'39" N., longitude 88°04'10" W.); within 2 miles each side of the Brookley VORTAC 150° radial, extending from the 5-mile radius zone to 12 miles southeast of the VORTAC; within 2 miles each side of the Brookley VORTAC 140° radial, extending from the 5-mile radius zone to 4.5 miles southeast of the VORTAC, effective from 0800 to 2400 hours, local time, daily.

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

Issued in East Point, Ga., on March 28, 1967.

W. B. RUCKER,
Acting Director, Southern Region.

[F.R. Doc. 67–3814; Filed, Apr. 6, 1967; 8:45 a.m.]

[Airspace Docket No. 67–SO–37]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Elizabeth City, N.C., control zone.

The Elizabeth City control zone is described in § 71.171 (32 F.R. 2071 and 2440).

Extensions to the control zone are described as "* * * within 2 miles each side of the Elizabeth City VOR 068° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR * * *" and "* * * within 2 miles each side of the Elizabeth City VOR 226° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR * * *."

Because of the canceling of AL–617–VOR–RWY–7 and AL–617–VOR–RWY–25 Standard Instrument Approach Procedures, it is necessary to alter the control zone by revoking the above described extensions.

Since this amendment lessens the burden on the public, 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 Elizabeth City, N.C., control zone (32 F.R. 2440) is amended as follows:

The portions "* * * within 2 miles each side of the Elizabeth City VOR 068° radial, extending from the 5-mile radius zone to 8 miles northeast of the VOR * * *" and "* * * within 2 miles each side of the Elizabeth City VOR 226° radial, extending from the 5-mile radius zone to 8 miles southwest of the VOR * * *" are deleted.

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

Issued in East Point, Ga., on March 28, 1967.

W. B. RUCKER,
Acting Director, Southern Region.

[F.R. Doc. 67–3815; Filed, Apr. 6, 1967; 8:45 a.m.]

[Airspace Docket No. 67–SW–1]

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

Designation of Transition Area and Alteration of Transition Area

On February 4, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 2453) stating that the Federal Aviation Agency proposed to designate a transition area at Batesville, Ark., and alter the Little Rock, Ark., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t. June 22, 1967, as hereinafter set forth.

1. In § 71.181 (32 F.R. 2148) the Batesville, Ark., transition area is designated to read:

BATESVILLE, ARK.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Batesville Municipal Airport (latitude 35°43'50" N., longitude 91°38'25" W.), and within 2 miles each side of the 106° bearing from the Batesville RBN (latitude 35°43'44" N., longitude 91°38'17" W.), extending from the 5-mile radius area to 8 miles east of the RBN; and that airspace extending upward from 1,200 feet above the surface within 8 miles north and 5 miles south of the 106° bearing, extending from the Batesville RBN to a point 12 miles east, and that airspace within 5 miles each side of the Walnut Ridge VORTAC 236° radial, extending from the Walnut Ridge transition area to the Batesville RBN.

2. In § 71.181 (32 F.R. 2213) the Little Rock, Ark., transition area is amended by adding "and excluding the Batesville, Ark., transition area."

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

Issued in Fort Worth, Tex., on March 30, 1967.

A. L. COULTER,
Acting Director, Southwest Region.

[F.R. Doc. 67–3816; Filed, Apr. 6, 1967; 8:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8057; Amdt. 530]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

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

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following low or medium frequency range procedures prescribed in § 97.11(a) to read:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	

PROCEDURE CANCELED, EFFECTIVE 27 APR. 1967, OR UPON DECOMMISSIONING OF FACILITY.

City, Presque Isle; State, Maine; Airport name, Presque Isle Municipal; Elev., 534'; Fac. Class., SMLZW; Ident., SPR; Procedure No. 1, Amdt. 1; Eff. date, 8 Apr. 61; Sup. Amdt. No. Orig.; Dated, 27 Aug. 60

2. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Grandlake Int	Ashland NDB	Direct	3000	T-dn	300-1	300-1	200-½
Washburn Int	Ashland NDB	Direct	3000	C-d	700-1	700-1	700-1½
				C-n	700-1½	700-1½	700-1½
				S-dn-2	700-1	700-1	700-1
				A-dn	NA	NA	NA

Procedure turn E side of crs, 205° Outbnd, 025° Inbnd, 3000' within 10 miles.
Minimum altitude over facility on final approach crs, 1520'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of NDB, make left-climbing turn to 3000' on 205° bearing from NDB within 10 miles.
NOTES: (1) Use Ironwood altimeter setting. When Ironwood altimeter setting not available, use Duluth altimeter setting. (2) Circling and straight-in ceiling minimums are raised 100' when using Duluth altimeter setting.
MSA within 25 miles of facility: 000°-090°—2100'; 090°-180°—3000'; 180°-360°—2600'.

City, Ashland; State, Wis.; Airport name, John F. Kennedy Memorial; Elev., 826'; Fac. Class., MHW; Ident., ASX; Procedure No. NDB (ADF) Runway 2, Amdt. Orig.; Eff. date, 27 Apr. 67

Liberty VHF Int	Prospect VHF Int	Via radar vectors to JFK VOR, R 269° and 043° bearing to LG LOM.	2500	T-dn	300-1	300-1	200-½
				C-dn	700-1	700-2	700-2
				S-dn-4	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2
Prospect VHF Int	LG LOM (final)	Via LGA VOR, R 220°.%	1300				
LGA VOR	LG LOM	Direct	2500				

Radar available.
Procedure turn S side of crs, 223° Outbnd, 043° Inbnd, 2500' S of Prospect Int within 10 miles of LG LOM.#
Minimum altitude over facility on final approach crs, 1300'.
Crs and distance, facility to airport, 043°—3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LG LOM, climb to 4000' on LGA VOR R 043° to Stamford Int. Cross Scarsdale Int at 3000' or above. Hold NE, Stamford Int, 1-minute left turns, Inbnd crs, 225°.
AIR CARRIER NOTE: Sliding scale not authorized.
CAUTION: Unlighted obstructions in approach zone (Runway 4) protruding 40' above lights at beginning of approach lightlane decreasing to 10' above lights at 1100' from approach end of runway.
#Maintain 2500' Inbnd on final approach crs until crossing Prospect Int.
%LGA VOR, R 220° must be monitored on ADF approach until passing LG LOM.
MSA within 25 miles of facility: 000°-090°—2600'; 090°-180°—1600'; 180°-270°—2600'; 270°-360°—2600'.

City, New York; State, N.Y.; Airport name, La Guardia; Elev., 21'; Fac. Class., LOM; Ident., LG; Procedure No. NDB (ADF) Runway 4, Amdt. 25; Eff. date, 29 Apr. 67; Sup. Amdt. No. ADF1, Amdt. 24; Dated, 24 Sept. 66

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Presque Isle VOR	SPR RBn	Direct	2800	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-1#	600-1	600-1	600-1
				A-dn	NA	NA	NA

Radar available.
Procedure turn E side of crs, 190° Outbnd, 010° Inbnd, 2800' within 10 miles.
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 010°—3.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing SPR RBn, make left-climbing turn to 2800' direct SPR RBn. Hold S of SPR RBn, 010° Inbnd, 1-minute right turns.
NOTES: (1) Final approach from a holding pattern not authorized. Procedure turn required. (2) Use Loring altimeter setting.
#Reduction not authorized.
MSA within 25 miles of facility: 000°-090°—2500'; 090°-180°—3100'; 180°-270°—2700'; 270°-360°—2800'.

City, Presque Isle; State, Maine; Airport name, Presque Isle Municipal; Elev., 534'; Fac. Class., MHW; Ident., SPR; Procedure No. NDB (ADF) Runway 1, Amdt. Orig.; Eff. date, 27 Apr. 67 or upon commissioning of facility.

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

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn*	300-1	300-1	300-1
				C-d	900-1	900-1	900-1½
				C-n	900-2	900-2	900-2
				Minimums with DME:			
				C-d	500-1	500-1	500-1½
				C-n	500-2	500-2	500-2

Procedure turn N side of crs, 267° Outbnd, 087° Inbnd, 2200' within 10 miles.
Minimum altitude over facility on final approach crs, 2200' (1485' over 5-mile DME Fix).
Crs and distance, facility to airport, 087°—7.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.8 miles after passing MBS VOR, climb to 2600' on MBS, R 087° and proceed to Reese Int via MBS, R 087° and FNT, R 003°.
NOTE: Use Saginaw altimeter setting.
CAUTION: Two 779' towers near SE boundary of airport.
MSA within 25 miles of facility: 000°-090°—2300'; 090°-180°—2700'; 180°-270°—2600'; 270°-360°—1900'.

City, Bay City; State, Mich.; Airport name, James Clements Municipal; Elev., 585'; Fac. Class., L-BVORTAC; Ident., MBS; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 27 Apr. 67

				T-d	300-1	300-1	200-½
				C-d	600-1	600-1	600-1½
				S-d-32*	600-1	600-1	600-1
				A-d#	NA	NA	NA

Procedure turn N side of crs, 125° Outbnd, 305° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1000'.
Crs and distance, facility to airport, 305°—3.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing VOR, make climbing right turn to 2000' and return to VOR, or when directed by ATC, climb to 2000' on Marianna, R 270° to Chipley Int, hold E.
NOTES: (1) Contact Dothan FSS on appropriate frequency and receive on MAI VOR frequency for obtaining or canceling IFR clearance. (2) Use Dothan FSS altimeter setting.
*No reduction authorized.
#No weather reporting facilities available.
MSA within 25 miles of facility: 000°-090°—1500'; 090°-180°—1600'; 180°-270°—2100'; 270°-360°—2600'.

City, Marianna; State, Fla.; Airport name, Marianna Municipal; Elev., 113'; Fac. Class., L-BVOR; Ident., MAI; Procedure No. VOR Runway 32, Amdt. Orig.; Eff. date, 27 Apr. 67

15-mile DME Fix (R 348°)	10-mile DME/Radar Fix or Central Int (final).	Direct	1200	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
R 073°, MEM VORTAC counterclockwise	R 348°	15-mile DME Arc	2300	S-dn-17#	400-1	400-1	400-1
R 257°, MEM VORTAC clockwise	R 348°	15-mile DME Arc	1800	A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side of crs, 348° Outbnd, 168° Inbnd, 1800' within 10 miles of Central Int/Radar Fix or 10-mile DME.
Minimum altitude over 10-mile DME/Radar Fix or Central Int on final approach crs, 1200'.
Crs and distance 10-mile DME/Radar Fix or Central Int to airport, 168°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles after passing 10-mile DME/Radar Fix or central Int, climb to 1900' on R 348°, proceed direct to MEM VORTAC.
NOTE: TDZ-35, CL 35/17, VASI 27.
#400-¾ authorized, with operative high-intensity runway lights, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°-090°—2400'; 090°-180°—1700'; 180°-270°—1600'; 270°-360°—1800'.

City, Memphis; State, Tenn.; Airport name, Memphis Metropolitan; Elev., 331'; Fac. Class., H-BVORTAC; Ident., MEM; Procedure No. VOR Runway 17, Amdt. 3; Eff. date, 29 Apr. 67; Sup. Amdt. No. VOR Runway 17, Amdt. 2; Dated, 4 Feb. 67

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
IND VOR	Terry DME/Radar Fix (final)	Direct	2400	T-dn	300-1	300-1	300-1
				C-dn	500-1	500-1	500-1¼
				S-dn-1	500-1	500-1	500-1
				A-dn	NA	NA	NA

Radar available.
Procedure turn not authorized. Final approach crs, 022°.
Minimum altitude over Terry DME/Radar Fix on final approach crs, 2400'.
Crs and distance, Terry DME/Radar Fix to airport, 022°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing Terry DME/Radar Fix, make climbing left turn to 2400' and proceed direct to IND VOR.
NOTES: (1) Use Indianapolis altimeter setting. (2) DME or radar required.
MSA within 25 miles of facility: 000°–180°—2900'; 180°–360°—2300'.

City, Zionsville; State, Ind.; Airport name, Terry Memorial; Elev., 920'; Fac. Class., H-BVORTAC; Ident., IND; Procedure No. VOR Runway 1, Amdt. Orig.; Eff. date, 27 Apr. 67

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

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Kennsburg VHF Int	Prospect VHF Int	Direct	2500	T-dn	300-1	300-1	200-½
LGA VOR	Prospect VHF Int	Direct	2580	C-dn	700-1	700-2	700-2
Liberty VHF Int	Int SW crs, LGA ILS and JFK, R 269°	Via Radar vectors to JFK, R 269°.	2500	S-dn-4	400-¾	400-¾	400-¾
				A-dn	700-2	700-2	700-2
				With glide slope inoperative:			
Int SW crs, LGA ILS and JFK, R 269°	Prospect Int (final)	Direct	2500	S-dn-4*	600-1	600-1	600-1

Radar available.
Procedure turn S side SW crs, 223° Outbnd, 043° Inbnd, 2500' S of Prospect Int but within 10 miles of LOM.
Minimum altitude at glide slope intercept Inbnd, 2500' at Prospect Int.
Altitude of glide slope and distance to approach end of runway at OM, 1325'—3.9 miles; at MM, 290'—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing OM, climb to 4000' on LGA VOR, R 045° to Stamford VHF Int, cross Scarsdale VHF Int at 3000' or above. Hold NE, Stamford Int, 1-minute left turns, Inbnd crs, 225°.
NOTE: Back crs unusable.
CAUTION: Unlighted obstructions in approach zone (Runway 4) protruding 40' above lights at beginning of approach lightlane decreasing to 10' above lights at 1100' from approach end of runway.
*Sliding scale not authorized.
MSA within 25 miles of facility: 000°–090°—2600'; 090°–180°—1600'; 180°–270°—2600'; 270°–360°—2600'.

City, New York; State, N.Y.; Airport name, La Guardia; Elev., 21'; Fac. Class., ILS; Ident., I-LGA; Procedure No. ILS Runway 4, Amdt. 23; Eff. date, 29 Apr. 67; Sup. Amdt. No. ILS-4, Amdt. 22; Dated, 27 Mar. 65

San Antonio VOR	LOM	Direct	2200	T-dn*	300-1	300-1	200-½
Wetmore Int	LOM	Direct	2200	C-dn	400-1	500-1	500-1¼
Losoya Int	LOM	Direct	2200	S-dn-3#	200-½	200-½	200-½
Collins Int	LOM (final)	Direct	2100	A-dn	600-2	600-2	600-2

Radar available.
Procedure turn E side of SW crs, 212° Outbnd, 032° Inbnd, 2200' within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 2100'.
Altitude of glide slope and distance to approach end of runway at OM, 2050'—3.9 miles; at MM, 1000'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left, climb direct to SAT VOR, continue climbing to 3300' on R 353° within 20 miles of SAT VOR, or when directed by ATC, turn right and climb to 3000' on R 158° within 20 miles of SAT VOR, or climb to 3000' on NE crs of SAT ILS within 20 miles of SA LOM.
#400-¾ required when glide slope not utilized.
*RVR 2400' authorized Runway 3.

City, San Antonio; State, Tex.; Airport name, San Antonio International; Elev., 808'; Fac. Class., ILS; Ident., I-SAT; Procedure No. ILS Runway 3, Amdt. Orig.; Eff. date, 29 Apr. 67

SAT VOR	Wetmore Int	Via R 143°—4.8 miles.	2500	T-dn	300-1	300-1	200-½
				C-dn	400-1	500-1	500-1¼
Bracken Int #	Wetmore Int (final) #	Direct	1800	S-dn-21**	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side of NE crs, 032° Outbnd, 212° Inbnd, 2500' within 10 miles of Wetmore Int.
Minimum altitude over Wetmore Int on final approach crs, 1800'.#
Crs and distance, Wetmore Int to Runway 21, 212°—2.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing Wetmore Int, turn left, climb to 3000' on R 158° within 20 miles of SAT VOR, or when directed by ATC, turn right, climb direct to SAT VOR, continue climbing to 3300' on R 353° within 20 miles of SAT VOR.
NOTE: No glide slope. No outer marker.
Maintain 2500' until SW of Bracken Int on final approach.
** 400-¾ authorized with operative high-intensity runway lights, except for 4-engine turbojets.

City, San Antonio; State, Tex.; Airport name, San Antonio International; Elev., 808'; Fac. Class., ILS; Ident., I-SAT; Procedure No. LOC (BC) Runway 21, Amdt. Orig.; Eff. date, 29 Apr. 67

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

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				Precision approach			
				T-dn-14/32	200-1	300-1	200-½
				C-dn-All	600-1	600-1	600-1½
				S-dn-14/32	300-¾	300-¾	300-¾
				A-dn-All	600-2	600-2	600-2

No terminal area maneuvering altitudes. Radar transitions and vectoring utilizing McChord RAPCON Radar.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runway 14—turn left, climb to 2000' direct to GRF RBn, Runway 32—climb to 2000' direct to GRF RBn.

Alternate missed approach: All runways—Climb to 3000' on crs, 270° to intercept R 020° OLM VOR, thence to OLM VOR.

NOTE: Authorized for military use only except by prior arrangement.

City, Fort Lewis; State, Wash.; Airport name, Gray AAF; Elev., 301'; Fac. Class., Ident., Gray AAF Radar (PAR) and McChord RAPCON Radar (ASR); Procedure No. 1, Amdt. 6; Eff. date, 29 Apr. 67; Sup. Amdt. No. 1, Amdt. 5; Dated, 31 Oct. 64

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, Federal Aviaton Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on March 22, 1967.

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

[F.R. Doc. 67-3479; Filed, Apr. 6, 1967; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

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

SUBCHAPTER A—GENERAL

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

ASSISTANT COMMISSIONER FOR MULTIFAMILY HOUSING ET AL.

In Part 200 in the Table of Contents § 200.60 is deleted, new §§ 200.58a, 200.58b, 200.58c, 200.58d, and 200.58e are added, and pertinent section headings are amended as follows:

Sec.
200.58 Director of the Project Mortgage Insurance Division and Deputy.
200.58a Chief of the Rental Housing Branch.
200.58b Chief of the Cooperative and Condominium Branch.
200.58c Chief of the Low and Moderate Income Housing Branch.
200.58d Chief of the Elderly, Nursing Homes, and Medical Facilities Branch.
200.58e Chief of the Rent Supplement Branch.
200.59 Director of the Project Mortgage Servicing Division and Deputy.
200.60 [Deleted]
200.73 Director, Audit Division and Deputy.
200.102 Assistant Commissioners, General Counsel, and Director, Audit Division.

In § 200.57 paragraphs (b) and (c) are amended to read as follows:

§ 200.57 Assistant Commissioner for Multifamily Housing and Deputy.

* * * * *

(b) To develop and recommend policies and establish operating plans and procedures for the insurance and servicing of multifamily housing mortgages, including rental housing, cooperative and condominium housing, housing for the elderly, and nursing homes; equity investments in multifamily housing; mortgages for the construction and equipment of group medical facilities; for urban renewal housing rehabilitation loans; and for the administration of the rent supplement program.

(c) To be responsible for the coordination and general supervision of the Project Mortgage Insurance Division, and the Special Assistants for Cooperative Housing and Nursing Homes.

* * * * *

Section 200.58 is amended to read as follows:

§ 200.58 Director of the Project Mortgage Insurance Division and Deputy.

To the position of Director of the Project Mortgage Insurance Division and under his general supervision to the position of Deputy Director of the Project Mortgage Insurance Division there is delegated the following basic authority and functions:

(a) To develop and recommend policies and establish operating plans and procedures for the insurance of multifamily housing mortgages, including rental housing, cooperative and condominium housing, housing for the elderly, and nursing homes; equity investments in multifamily housing; mortgages for the construction and equipment of facilities for the group practice of medicine; for urban renewal housing rehabilitation loans; and for the administration of the rent supplement program.

(b) To provide technical advice and guidance to consumer groups concerning the organization, financing, and management of cooperative housing projects.

In Part 200 new §§ 200.58a, 200.58b, 200.58c, 200.58d, and 200.58e are added to read as follows:

§ 200.58a Chief of the Rental Housing Branch.

To the position of Chief of the Rental Housing Branch there is delegated the authority to develop and recommend policies and establish operating plans and procedures for the insurance of all multifamily housing project mortgages under sections 207 and 220, title VIII, and the insurance of equity investments in multifamily housing under title VII.

§ 200.58b Chief of the Cooperative and Condominium Branch.

To the position of Chief of the Cooperative and Condominium Branch there is delegated the following basic authority and functions:

(a) To develop and recommend policies, procedures, requirements, and methods of operation for the insurance of cooperative housing mortgages and condominum mortgages.

(b) To provide technical advice and guidance to consumer groups concerning the organization, financing, and management of cooperative housing projects.

§ 200.58c Chief of the Low and Moderate Income Housing Branch.

To the position of Chief of the Low and Moderate Income Housing Branch there is delegated the following basic authority and functions:

(a) To develop and recommend policies and establish operating plans and procedures for the insurance of mortgages under section 221.

(b) To be responsible for the allocation of funds under the below-market interest rate program.

§ 200.58d Chief of the Elderly, Nursing Homes, and Medical Facilities Branch.

To the position of Chief of the Elderly, Nursing Homes, and Medical Facilities Branch there is delegated the authority to develop and recommend policies, procedures, requirements, and methods of operation for the insurance of mortgages for elderly housing, nursing homes, and for the construction and equipment of facilities for the group practice of medicine.

§ 200.58e Chief of the Rent Supplement Branch.

To the position of Chief of the Rent Supplement Branch there is delegated the following basic authority and functions:

(a) To develop and recommend policies and establish operating plans and procedures for the administration of the rent supplement program, including, but not limited to:

(1) The reservation of contract authority.

(2) The negotiation of rent supplement contracts.

(3) Tenant eligibility requirements.

(b) To direct and control the reservation of rent supplement contract authority.

Section 200.59 is amended to read as follows:

§ 200.59 Director of the Project Mortgage Servicing Division and Deputy.

To the position of Director of the Project Mortgage Servicing Division and under his general supervision to the position of Deputy Director of the Project Mortgage Servicing Division there is delegated the following basic authority and functions:

(a) To direct all project mortgage servicing operations.

(b) To develop and recommend policies and establish operating plans and procedures for the servicing of project mortgages.

(c) To approve the modification in the terms of and authorize the foreclosure of insured mortgages and mortgages assigned to the Commissioner in exchange for debentures.

(d) To exercise the authority of the Commissioner as holder of the preferred stock in any corporation or under any regulatory agreement or other agreement made for the purpose of controlling or regulating a housing project on which there is a mortgage held or insured by the Commissioner.

In Part 200 § 200.60 is revoked as follows:

§ 200.60 Director of the Cooperative Housing Division and Deputy. [Revoked]

In § 200.73 the heading and the introductory text are amended to read as follows:

§ 200.73 Director, Audit Division and Deputy.

To the position of Director, Audit Division, and under his general supervision to the position of Deputy Director, Audit Division, there is delegated the following basic authority and functions:

* * * * *

In § 200.77 a new paragraph (z) is added as follows:

§ 200.77 Assistant Commissioner-Comptroller and Deputy.

* * * * *

(z) To approve the sale and terms of sale of mortgages taken as security in connection with the sale of property acquired in connection with Federal Housing Administration insurance claims.

In § 200.102 the heading and introductory text are amended to read as follows:

§ 200.102 Assistant Commissioners, General Counsel, and Director, Audit Division.

To the position of Assistant Commissioner, and to each of them, to the position of General Counsel, and to the position of Director, Audit Division, in addition to the authority granted under the provisions of section 204(g) of the National Housing Act, there is delegated the following duties and functions:

* * * * *

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

Issued at Washington, D.C., April 3, 1967.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 67-3821; Filed. Apr. 6, 1967; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER C—REGULATIONS PERTAINING TO MILITARY JUSTICE

PART 151—STATUS OF FORCES POLICIES AND INFORMATION

The Deputy Secretary of Defense approved the following:

Sec.
151.1 Purpose.
151.2 Policy.
151.3 Procedures.
151.4 Reports on the exercise of foreign criminal jurisdiction.
151.5 Effective date and implementation.
151.6 Resolution of ratification, with reservations, as agreed to by the Senate on July 15, 1953.
151.7 Fair trial guarantees.

AUTHORITY: The provisions of this Part 151 issued under sec. 133, 76 Stat. 517, 10 U.S.C. 133.

§ 151.1 Purpose.

The purpose of this part is to restate Department of Defense policy respecting trial by foreign courts and treatment in foreign prisons of U.S. military personnel, nationals of the United States serving with, employed by, or accompanying the armed forces, and the dependents of both (hereinafter referred to collectively as U.S. personnel), and to provide for uniform reporting. It is intended that implementing directives and regulations of each of the Services shall be as nearly identical as circumstances permit.

§ 151.2 Policy.

It is the policy of the Department of Defense to protect, to the maximum extent possible, the rights of U.S. personnel who may be subject to criminal trial by foreign courts and imprisonment in foreign prisons.

§ 151.3 Procedures.

(a) *Application of Senate Resolution on Status of Forces.* It is intended to provide herein, inter alia, for the implementation of the Senate Resolution accompanying the Senate's consent to ratification of the Status of Forces Agreement (§ 151.6). Although the Senate Resolution applies only in countries where the NATO Status of Forces Agreement is currently in effect, the same procedures for safeguarding the interests of U.S. personnel subject to foreign jurisdiction will be applied insofar as practicable in all oversea areas where U.S. forces are regularly stationed.

(b) *Orientation of personnel.* The Services shall issue uniform regulations establishing an information and education policy for personnel assigned to foreign areas as to the laws and customs of the host country.

(c) *Designated commanding officer.* Formal invocation of the Senate Resolution procedure shall be the responsibility of a single military commander in each foreign country in which U.S. military forces are regularly stationed (attache personnel and other military personnel serving under the direction of a chief of a diplomatic mission will not be considered U.S. military forces for this purpose), i.e.,

(1) In the geographical areas for which a unified command exists, the commander thereof will designate within each country, the "Commanding Officer" referred to in the Senate Resolution.

(2) In other areas for which a unified command does not exist, a commanding officer in each country shall be nominated by the military departments whose recommendations shall be forwarded by the Judge Advocate General of the Army to the Secretary of Defense, for implementation through the Office of

the Assistant Secretary of Defense (International Security Affairs). In designating the commanding officer to act for all the military departments, consideration should be given to the availability of legal officers and readiness of access to the seat of the foreign government. Such an officer may also be appointed by the military departments for countries where no military forces are regularly stationed.

(d) *Country law studies.* For each foreign country in which U.S. military forces are subject to the criminal jurisdiction of foreign authorities, the designated commanding officer for such country shall make and maintain a current study of the laws and legal procedures in effect. Studies of the laws of other countries shall be made as directed. This study shall be a general examination of the substantive and procedural criminal law of the foreign country, and shall contain a comparison thereof with the procedural safeguards of a fair trial in the State courts of the United States. Copies of these studies should be forwarded to each of the Judge Advocates General of the Services. Principal emphasis is to be placed on those safeguards which are of such a fundamental nature as to be guaranteed by the Constitution of the United States in all criminal trials in State courts of the United States. (See § 151.7 for enumeration of safeguards deemed particularly important.) These country law studies shall be subject to a continuing review, and whenever in any country there is a significant change in its criminal law, the change shall be forwarded by the designated commanding officer to each of the Service Judge Advocates General.

(e) *Waivers of local jurisdiction—military personnel.* (1) In cases where it appears probable that (i) release of jurisdiction over U.S. military personnel will not be obtained and (ii) that the accused may not obtain a fair trial, the commander exercising general court-martial jurisdiction over the accused will communicate directly with the designated commanding officer, reporting the full facts of the case and supplying his recommendation.

(2) The designated commanding officer will determine, in the light of legal procedures in effect in that country, whether there is danger that the accused will not receive a fair trial. A trial shall not be deemed unfair solely for the reason that it may not be identical with trials held in the United States. Due regard, however, should be had to those U.S. trial rights listed in § 151.7 which are relevant to the particular facts and circumstances of the trial in question.

(3) If he determines that there is such danger, he will then decide, after consultation with the Chief of the Diplomatic Mission, whether to press a request for waiver of jurisdiction through diplomatic channels. If he so decides, he shall submit his recommendation through the unified commander, if any, and the Judge Advocate General of the accused's service to the Office of the Secretary of Defense. The objective in each case is to see that U.S. military personnel obtain a fair trial in the receiving state under all the circumstances.

(f) *Request to foreign authorities not to exercise their criminal jurisdiction over civilians and dependents.* The following procedures shall be observed when it appears that foreign authorities may assume criminal jurisdiction over dependents of U.S. military personnel, civilian personnel and their dependents:

(1) In all cases where the local commander determines after a careful consideration of all the circumstances that he can take suitable corrective action under existing administrative regulations, he may request the local foreign authorities to refrain from exercising their criminal jurisdiction.

(2) In cases where it appears possible that release of jurisdiction will not be obtained and that the accused may not obtain a fair trail, the commander exercising general court-martial jurisdiction over the command in which such personnel are located will communicate directly with the designated commanding officer, reporting the full facts of the case and supplying his recommendation.

(3) The designated commanding officer will then determine, in the light of legal procedures in effect in that country, whether there is danger that the accused will not receive a fair trial.

(4) If he determines that there is such danger, he will then decide, after consultation with the Chief of the Diplomatic Mission, whether a request should be submitted through diplomatic channels to foreign authorities seeking their assurances of a fair trial for the accused or, in appropriate circumstances, that they forego their right to exercise jurisdiction over the accused. If he so decides, he shall submit his recommendation through the unified commander, if any, and the Judge Advocate General of the Service concerned to the Office of the Secretary of Defense.

(g) *Trial observers and trial observer reports.* (1) The designated commanding officer shall submit to the Chief of Diplomatic Mission a list of persons qualified to serve as U.S. observers at trials before courts of the receiving state. Nominees will be lawyers, and shall be selected for maturity of judgment. The list will include, where possible, representatives of all Services whose personnel are stationed in that country, to enable the Chief of Diplomatic Mission to appoint an observer from the same Service as the accused. The requirement that nominees will be lawyers may be waived in cases of minor offenses. Incidents which result in serious personal injury or extensive property damage, or which would normally result in sentences to confinement, whether or not suspended, will not be considered minor offenses.

(2) Trial observers shall attend and shall prepare formal reports in all cases of trials of U.S. personnel by foreign courts or tribunals except minor offenses. In cases of minor offenses, the observer shall attend the trial, if any, at the discretion of the designated commanding officer, but shall not be required to make a formal report. These reports need not be classified, but shall be treated as documents "For Official Use Only," and shall be forwarded intact to the designated commanding officer through such agencies as the designated commanding officer may prescribe, for transmission to the Judge Advocate General of the accused's service with the comments, if any, of the appropriate Service commander. These reports will be forwarded immediately upon the completion of the trial in the lower court, and will not be delayed because of the possibility of a new trial, rehearing, or appeal, reports of which will be forwarded in the same manner. Copies shall also be forwarded to the unified commander, if any, and to the Chief of Diplomatic Mission.

(3) The Trial Observer Report shall contain a factual description or summary of the trial proceedings. It should be prepared keeping in mind that its main purpose is to permit an informed judgment to be made regarding (i) whether there was any failure to comply with the procedural safeguards secured by a pertinent status of forces agreement, and (ii) whether the accused received a fair trial under all the circumstances. The report shall specify the conclusions of the Trial Observer with respect to subdivision (i) of this subparagraph, and shall state in detail the basis for his conclusions. Unless the designated commanding officer directs otherwise, the report shall not contain conclusions with respect to subdivision (ii) of this subparagraph.

(4) The designated commanding officer, upon receipt of a Trial Observer Report, shall have the responsibility for determining (i) whether there was any failure to comply with the procedural safeguards secured by the pertinent status of forces agreement, and (ii) whether the accused received a fair trial under all the circumstances. Due regard should be had to those fair trial rights listed in § 151.7 which are relevant to the particular facts and circumstances of the trial in question. However, a trial shall not be deemed unfair for the sole reason that the conduct thereof was not identical with trials held in the United States. If the designated commanding officer is of the opinion that the procedural safeguards specified in pertinent agreements were denied or that the trial was otherwise unjust, he shall submit to the Office of the Secretary of Defense, through the unified commander and the Judge Advocate General of the Service concerned, his recommendations as to appropriate action to rectify the trial deficiencies and otherwise to protect the rights or interests of the accused. This shall include a statement of efforts taken or to be taken at the local level to protect the rights of the accused. An information copy of the recommendation of the designated commanding officer shall be forwarded by him to the diplomatic or consular mission in the country concerned.

(h) *Counsel fees and related assistance.* When the Secretary of the Department concerned or his designee deems such action to be in the best interests of the United States, representa-

tion by civilian counsel, and other assistance described in 10 U.S.C. 1037, may be furnished at Government expense to U.S. personnel tried in foreign countries.

(i) *Treatment of U.S. personnel confined in foreign penal institutions.* (1) Insofar as practicable and subject to the laws and regulations of the country concerned and the provisions of any agreement therewith, the Department of Defense seeks to assure that U.S. military personnel (i) when in the custody of foreign authorities are fairly treated at all times and (ii) when confined (pretrial and posttrial) in foreign penal institutions are accorded the treatment and are entitled to all the rights, privileges and protections of personnel confined in U.S. military facilities. Such rights, privileges and protections are enunciated in present Service directives and regulations, and include, but are not limited to, legal assistance, visitation, medical attention, food, bedding, clothing, and other health and comfort supplies.

(2) In consonance with this policy, U.S. military personnel confined in foreign penal institutions shall be visited at least every 30 days, at which time the conditions of confinement as well as other matters relating to their health and welfare will be observed. The Services will maintain on a current basis records of these visits as reported by their respective commands. Records of each visit should contain the following information:

(i) Names of personnel conducting visit and date of visit.

(ii) Name of each prisoner visited, serial number, and sentence for which he is serving imprisonment.

(iii) Name and location of prison.

(iv) Treatment of the individual prisoner by prison warden and other personnel (include a short description of the rehabilitation program, if any, as applied to the prisoner).

(v) Conditions existing in the prison, i.e., light, heat, sanitation, food, recreation, religious activities.

(vi) Change in status of prisoner, conditions of confinement or transfer to another institution.

(vii) Condition of prisoner, physical and mental.

(viii) Assistance given to prisoner, i.e., legal, medical, food, bedding, clothing, and health and comfort supplies.

(ix) Action taken to have any deficiencies corrected, either by the local commander or through diplomatic or consular mission.

(x) Designation of command responsible for prisoner's welfare and reporting of visits.

(xi) Information as to discharge of a prisoner from the service or termination of confinement.

(3) Should it not be practicable for the individual's commanding officer or his representative to make visits, the designated commanding officer should be requested to arrange that another unit be responsible for such visits or to request that the appropriate diplomatic or consular mission assume responsibility therefor. Whenever necessary, a medical officer should participate in the visits and record the results of his examination. If reasonable requests for permission to visit U.S. military personnel are arbitrarily denied, or it is ascertained that the individual is being mistreated or that the conditions of his custody or confinement are substandard, the case should be referred to the diplomatic or consular mission concerned for appropriate action.

(4) To the extent possible, military commanders should seek to conclude local arrangements whereby the U.S. military authorities may be permitted to accord U.S. military personnel confined in foreign institutions treatment, rights, privileges, and protection similar to those accorded such personnel confined in U.S. military facilities. The details of such arrangements should be submitted to the Judge Advocate Generals of the Services.

(5) The military authorities shall make appropriate arrangements with foreign authorities whereby custody of individuals who are members of the armed forces shall, when they are released from confinement by foreign authorities, be turned over to the U.S. military authorities. In appropriate cases, diplomatic or consular officers should be requested to keep the military authorities advised as to the anticipated date of the release of such persons by the foreign authorities.

(6) In cooperation with the appropriate diplomatic or consular mission, military commanders will, insofar as possible, assure that dependants of U.S. military personnel, nationals of the United States serving with, employed by or accompanying the armed forces, and dependents of such nationals when in the custody of foreign authorities, or when confined (pretrial and posttrial) in foreign penal institutions receive the same treatment, rights and support as would be extended to U.S. military personnel in comparable situations pursuant to the other provisions of this paragraph (i).

(j) *Discharge.* U.S. military personnel confined in foreign prisons shall not be discharged from military service until the completion of the term of imprisonment and the return of the accused to the United States, except that in unusual cases such discharges may be accomplished upon prior authorization of the Secretary of the Department concerned.

(k) *Information policy.* It is the basic policy of the DoD that the general public and the Congress must be provided promptly with the maximum information concerning status of forces matters that is consistent with the national interest. Information shall be coordinated and furnished to the public and the Congress in accordance with established procedures, including DoD Directives 5122.5, "Assistant Secretary of Defense (Public Affairs)," July 10, 1961, and 5148.5, "Assistant to the Secretary of Defense (Legislative Affairs)," November 13, 1961.

§ 151.4 Reports on the exercise of foreign criminal jurisdiction.

The following reporting system which has been implemented by the military departments will be continued after revision in accordance with the provisions herein. The Department of the Army is designated as executive agent within the Department of Defense for maintaining and collating information received on the basis of the reports submitted.

(a) *Annual reports.* Annual reports, based on information furnished by the three military departments covering the period December 1, through November 30, will be prepared by the Department of the Army and submitted within such time as may be required but not later than 120 days after the close of the reporting period. The reports shall be submitted in one reproducible copy to the Office of the General Counsel, DoD, in accordance with departmental implementation of this part. The reporting content of this requirement will be as follows:

(1) A statistical summary (DD Form 838 [1]) by country and type of offense of all cases involving U.S. personnel.

(2) A report signed by the appropriate service commander in each country for which DD Form 838 is prepared, concerning his personal evaluation of the impact, if any, the local jurisdictional arrangements have had upon accomplishment of his mission and upon the discipline and morale of the forces, together with specific facts or other information, where appropriate, substantiating his opinion.

(3) A report of the results of visits made and particular actions taken by appropriate service commanders pursuant to § 151.3(i).

(4) A report of the implementation of 10 U.S.C. 1037 showing by country and military service.

(i) The total number of cases in which funds were expended and

(ii) Total expenditures in each of the following categories:

(*a*) Payment of counsel fees,

(*b*) Provision of bail,

(*c*) Court costs and other expenses.

(b) *Quarterly reports.* Quarterly reports for the periods ending November 30, February 28, May 31, and August 31, consisting of lists of U.S. personnel imprisoned and released, will be submitted, in accordance with departmental implementation of this part to the Department of the Army and by the Department of the Army, as executive agent, to the Assistant Secretary of Defense (Administration) in four (4) copies, on or before the fifteenth day following the report quarter as follows:

(1) An alphabetical list of U.S. personnel who were imprisoned during the reporting period pursuant to sentence of confinement imposed by a foreign court, indicating for each individual his home address, grade, and serial number (where applicable), offense of which found guilty, date and place of confinement, length of sentence to confinement imposed, and estimated date of release from confinement.

[1] DD Form 838 filed as part of original document.

(2) A similar list of the names of prisoners released during the reporting period.

An information copy of these lists shall be furnished by the appropriate service commander to the diplomatic or consular mission in the country concerned.

(c) *Other reports.* (1) Each military department will maintain on a current basis, and submit monthly to the Assistant Secretary of Defense (Administration) in four (4) copies, a list of the most important cases pending, with a brief summary of the salient facts in each case. Selection of the cases to be included will be left to the judgment of the appropriate officials of each military department. Instances of deficiency in the treatment or conditions of confinement in foreign penal institutions or arbitrary denial of permission to visit such personnel shall be considered important cases. Lists covering the previous month will be submitted on the sixth (6) day of the month following.

(2) Important new cases or important developments in pending cases will be reported informally and immediately to the Office of the General Counsel, DoD, and confirmed formally.

(d) *Report Control Symbols.* Report Control Symbols are assigned to the reporting requirements in this part as follows:

§ 151.4(a) ..... DD-SD(A)705
§ 151.4(b) ..... DD-SD(Q)706
§ 151.4(c)(1) .. DD-SD(M)707
§ 151.4(c)(2) ... DD-SD(AR)708

§ 151.5 Effective date and implementation.

This part is effective immediately. Two (2) copies of revised regulations shall be forwarded to the General Counsel, DoD, for approval prior to issuance, within (60) days from the effective date hereof.

§ 151.6 Resolution of ratification, with reservations, as agreed to by the Senate on July 15, 1953.

(a) Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive T, Eighty-second Congress, second session, an agreement between the parties to the North Atlantic Treaty Regarding the Status of their Forces; signed at London on June 19, 1951.

(b) It is the understanding of the Senate, which understanding inheres in its advice and consent to the ratification of the Agreement, that nothing in the Agreement diminishes, abridges, or alters the right of the United States of America to safeguard its own security by excluding or removing persons whose presence in the United States is deemed prejudicial to its safety or security, and that no person whose presence in the United States is deemed prejudicial to its safety or security shall be permitted to enter or remain in the United States.

(c) In giving its advice and consent to ratification, it is the sense of the Senate that:

(1) The criminal jurisdiction provisions of Article VII do not constitute a precedent for future agreements;

(2) Where a person subject to the military jurisdiction of the United States is to be tried by the authorities of a receiving state, under the treaty the Commanding Officer of the armed forces of the United States in such state shall examine the laws of such state with particular reference to the procedural safeguards contained in the Constitution of the United States;

(3) If, in the opinion of such Commanding Officer, under all the circumstances of the case, there is danger that the accused will not be protected because of the absence or denial of constitutional rights he would enjoy in the United States, the Commanding Officer shall request the authorities of the receiving state to waive jurisdiction in accordance with the provisions of paragraph 3(c) of Article VII (which requires the receiving state to give "sympathetic consideration" to such request) and if such authorities refuse to waive jurisdiction, the Commanding Officer shall request the Department of State to press such request through diplomatic channels and notification shall be given by the Executive Branch to the Armed Services Committees of the Senate and House of Representatives;

(4) A representative of the United States to be appointed by the Chief of Diplomatic Mission with the advice of the senior U.S. military representative in the receiving state will attend the trial of any such person by the authorities of a receiving state under the agreement, and any failure to comply with the provisions of paragraph 9 of Article VII of the Agreement shall be reported to the Commanding Officer of the armed forces of the United States in such state who shall then request the Department of State to take appropriate action to protect the rights of the accused, and notification shall be given by the Executive Branch to the Armed Services Committees of the Senate and House of Representatives.

§ 151.7 Fair trial guarantees.

The following is a listing of "fair trial" safeguards or guarantees which are considered to be applicable to U.S. state court criminal proceedings, by virtue of the 14th Amendment as interpreted by the Supreme Court of the United States. The list is intended as a guide for the preparation of country law studies prescribed by § 151.3(d), and for the determinations made by the designated commanding officer pursuant to § 151.3 (e) through (g). Designated commanding officers should also consider in this connection other factors which could result in a violation of due process of law in state court proceedings in the United States.

(a) Criminal statute alleged to be violated must set forth specific and definite standards of guilt.

(b) Accused shall not be prosecuted under an ex post facto law.

(c) Accused shall not be punished by bills of attainder.

(d) Accused must be informed of the nature and cause of the accusation and have a reasonable time to prepare a defense.

(e) Accused is entitled to have the assistance of counsel for his defense.

(f) Accused is entitled to be present at his trial.

(g) Accused is entitled to be confronted with witnesses against him.

(h) Accused is entitled to have compulsory process for obtaining witnesses in his favor.

(i) Use of evidence against the accused obtained through unreasonable search or seizure or other illegal means is prohibited.

(j) Burden of proof is on the Government in all criminal trials.

(k) Accused is entitled to be tried by an impartial court.

(l) Accused may not be compelled to be a witness against himself. He shall be protected from the use of a confession obtained by torture, threats, violence, or the exertion of any improper influence.

(m) Accused shall not be subjected to cruel and unusual punishment.

(n) Accused is entitled to be tried without unreasonable (prejudicial) delay.

(o) Accused is entitled to a competent interpreter when he does not understand the language in which the trial is conducted and does not have counsel proficient in the language both of the court and of the accused.

(p) Accused is entitled to a public trial.

(q) Accused may not be subjected to consecutive trials for the same offense which are so vexatious as to indicate fundamental unfairness.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 67-3812; Filed, Apr. 6, 1967; 8:45 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Lake Mead and Lake Mohave (Colorado River), Ariz.-Nev.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.645 is hereby prescribed to govern the use and navigation of restricted areas at Hoover Dam, Nev., effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.645 Hoover Dam, Lake Mead, and Lake Mohave (Colorado River), Ariz.-Nev.

(a) *Lake Mead and Lake Mohave; restricted areas—(1) The areas.* That

portion of Lake Mead extending 700 feet upstream of the axis of Hoover Dam and that portion of Lake Mohave (Colorado River) extending 4,500 feet downstream of the axis of Hoover Dam.

(2) *The regulations.* The restricted areas shall be closed to navigation and other use by the general public. Only vessels owned by or controlled by the U.S. Government and the States of Arizona and Nevada shall navigate or anchor in the restricted areas: *Provided, however,* The Regional Director, Region 3, U.S. Bureau of Reclamation, Boulder City, Nev., may authorize, by written permit, individuals or groups to navigate or anchor in the restricted areas when it is deemed in the public interest. Copies of said permits shall be furnished the enforcing agencies.

(b) *Lake Mead; speed regulation.* In that portion of Lake Mead extending 300 feet upstream of the restricted area described in paragraph (a) of this section, a maximum speed of 5 miles per hour shall not be exceeded.

(c) *Enforcement.* The regulations in this section shall be enforced by the Superintendent, Lake Mead National Recreation Area, National Park Service, and such other agencies as he may designate.

[Regs., Mar. 21, 1967, 1507-32 (Lake Mead and Lake Mohave (Colorado River), Ariz.-Nev.)-ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

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

[F.R. Doc. 67-3811; Filed, Apr. 6, 1967; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

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

PART 122—ENVELOPES

I. In § 122.4, a new paragraph (g) is added to state that window envelopes may not be used for business reply mail.

§ 122.4 Window envelopes.

* * * * *

(g) They may not be used for business reply mail under the provisions of § 131.2 (c) (1) of this chapter.

NOTE: The corresponding Postal Manual section is 122.4g.

PART 148—POSTAGE DEFICIENCIES

II. A new Part 148 is added which relates to postage deficiencies developed by audit of post office records.

§ 148.1 Deficiencies developed by audit.

(a) *Developed by Postal Inspector audit—(1) Amounts of $100 or less.* The postmaster must, upon the request of the inspector, increase the proper revenue account by the amount of the deficiency. If the amount due is not collected at the time of the inspector's request, the postmaster must enter the item in A/C 11919, suspense, and liquidate the item within 30 days by collection from the mailer or with personal funds.

(2) *Amounts over $100.* The report of the deficiency will first be reviewed by the Classification and Special Services Division. By report on Form 3581, Notice of Postage Deficiency, the Classification and Special Services Division will notify the proper postal data center of the amount of the postage deficiency. A Form 813, Statement of Differences, will be issued by the postal data center to the postmaster, accompanied with a copy of Form 3581. When Form 813 is received from the postal data center the postmaster must immediately enter the deficiency in A/C 11935, Audit Difference Due United States, carry the item in A/C 11919, suspense, and take immediate action to collect the amount due from the mailer. If collection is not made within 30 days, the matter must be reported to the regional controller.

(b) *Developed by local financial examination or audit.* Whenever a postage deficiency is developed as result of an examination or audit performed in accordance with § 126.6(f) of this chapter, immediate steps must be taken to collect the deficiency and account for the revenue in the proper account. If the amount is $100 or less, the postmaster must enter the item in A/C 11919, suspense, and liquidate the item within 30 days by collection from the mailer or with personal funds. If the amount is over $100 and collection is not made within 15 days, the matter must be reported to the local inspector in charge. After attention by an inspector, the report of the deficiency will be reviewed by Classification and Special Services Division and handled as provided in paragraph (a) (2) of this section.

NOTE: The corresponding Postal Manual section is Part 148.

PART 149—MATTER DEPOSITED IN MAIL BOXES WITHOUT PREPAYMENT

III. A new Part 149 is added to show regulations regarding mail deposited in mail boxes without prepayment. These regulations were formerly contained in section 335.5 of the Postal Manual, but were not published in Title 39, Code of Federal Regulations.

§ 149.1 Mailable matter found in private mail boxes without prepayment of postage.

(a) *Penalty.* Whoever knowingly and willfully deposits any mailable matter such as statements of account, circulars, sale bills, or other like matter, on which no postage has been paid, in any letter-box established, approved, or accepted by the Postmaster General for the receipt or delivery of mail matter on any route with intent to avoid payment of lawful postage thereon, shall for each such offense be fined not more than $300. (18 U.S.C. 1725.)

(b) *Collection of postage.* Matter found in private mail boxes provided for the receipt of mail matter shall be treated as subject to postage. If the person or firm responsible for improperly depositing matter in mail receptacles is known and is within the delivery area of the post office, the local postmaster shall make demand for the total postage chargeable on all pieces. The postmaster shall also inform the person or firm that the practice is a violation of the law. See paragraph (a) of this section. An equivalent amount of postage due stamps affixed to a sheet of paper and properly canceled as a receipt for money collected shall be given the person or firm. If payment is in form of uncanceled stamps or meter stamps, they will be affixed to a sheet, canceled and returned as a receipt for payment. No other receipt will be issued.

(c) *Report to other office.* If the person or firm making improper use of private mail boxes is located at another post office, send a sample piece with a report of the facts to the postmaster at that location with request that he take the action in paragraph (b) of this section.

(d) *Repeated violations.* If a person or firm continues the improper practice after proper warning, the postmaster shall submit a sample piece and a report of the facts to the postal inspector in charge.

NOTE: The corresponding Postal Manual section is Part 149.

As the foregoing amendments to Title 39, Code of Federal Regulations, relate to a proprietary function of the Government and do not affect substantive rights, public rule making procedures and advance notice as well as a delayed effective date are unnecessary and would be contrary to the public interest.

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

TIMOTHY J. MAY,
General Counsel.

MARCH 31, 1967.

[F.R. Doc. 67-3826; Filed, Apr. 6, 1967; 8:46 a.m.]

PART 143—METERED STAMPS

Setting Meters Locally

A notice of proposed revisions to § 143.3 of Title 39, Code of Federal Regulations was published in the FEDERAL REGISTER of December 29, 1966 (31 F.R. 16625), consisting of title changes to paragraphs (a) and (b) to "Sealing meter" and "Setting meter" respectively. Another proposed revision was the renumbering of § 143.3(b)(2) to § 143.3(c) and the modification of the material therein by the addition of a new condition under which the postmaster who serves the place where a mailer is located may, when it will be convenient to the mailer, set a meter for use in paying postage on mail presented at another post office. Interested persons were given 30 days in which to submit written comments con-

cerning the proposal. After consideration of the comments received, the Department has reached the conclusion to adopt the proposed amendments. Accordingly, the amendments to be effective 30 days following the date of publication of this notice read as follows:

§ 143.3 Use of meter.

(a) *Sealing meter.* A patron may not have any postage meter in his possession until it has been set and sealed at the post office that issued the license or, if more convenient, at one of its stations or branches where meters are set. A Meter Record Book, Form 3602–A, is issued at the time of initial setting. When the Meter Record Book is filled, a new one will be issued without charge.

(b) *Setting meter.* A meter licensee must bring the meter and Meter Record Book to the post office or station or branch where it was first set, for resettings and payments of postage. Postage must be paid at time of setting. Advance deposits for meter settings may not be accepted. The postmaster will issue a Meter Setting Receipt, Form 3603, for the amount of postage paid. If a meter is not reset within a 6-month period, it must be presented with Meter Record Book, showing daily register readings, at the post office, station, or branch where last set, for examination.

(c) *Setting meter for use at another post office.* The postmaster who serves the place where a mailer is located may, when it will be a convenience to the mailer, set a meter under the following conditions for use in paying postage on mail to be presented at another post office:

(1) The postmaster must obtain through his Regional Director, from the Regional Director in whose Region the post office of mailing is located, a written statement showing that the post office of mailing has adequate facilities for accepting the mail and that it is served by transportation facilities which will enable the mailings to be effectively and economically handled in the postal transportation patterns.

(2) A meter license must be obtained from the post office where the mailing is to be presented. (See § 143.2(a).) When the license is received, it must be presented to the local post office with the meter for setting. The license will be returned to the licensee.

(3) A separate meter must be used for each post office. The postmark die must show the name of the post office of mailing.

(4) Payment for each meter setting must be made by certified or bank cashier's check payable to the postmaster at the post office where mailings will be made. The check must be presented to the local post office when the meter is set.

(5) The postmaster setting the postage meter will complete Form 3618 in duplicate. The original of this form with the check and a stamped, self-addressed envelope furnished by the mailer for return of Form 3603 will be sent in a post office penalty envelope to the postmaster where mailings are to be made. A record of each setting shall be entered on Form 3610 at the office where the mailings are made.

(6) Mail may not be consigned to the post office in bulk by freight, express, or other carrier. It must be presented at a designated receiving point in the post office by the mailer's representative. The postmaster may not act as the mailer's representative and the Department has no responsibility for the articles until they are actually accepted in the mail. See Part 152 of this chapter concerning carriage of letters outside the mail.

(7) Matter sent to other post offices for mailing must be shipped in private containers. The total weight of pieces placed in containers such as cartons, crates, etc., which are to be handled by postal employees must not exceed 80 pounds. Post offices will not furnish mail sacks for this purpose.

(8) When the use of a meter is discontinued, it must be presented to the post office where it was set, for checking out of service. Any postage adjustment will be made by the postmaster where the mailings have been made.

(d) *Faulty mechanism.* If the printing and recording mechanism is faulty in any way, do not use the meter but take it promptly to the post office, branch, or station where it is regularly set, for checking out of service.

(e) *Discontinuance.* When a licensee discontinues the use of a postage meter, it must be taken with the Meter Record Book to the post office. If the licensee has not notified the manufacturer of his intention to check out the meter, the postmaster must promptly request the manufacturer to call for the meter. The postmaster should also furnish the meter readings at time of check out to the manufacturer's representative to complete his record, since the descending register will have been cleared to zero or the lowest possible setting at that time. Unused postage in the meter may be transferred to another meter used by the licensee and registered at the same post office, or the postmaster may refund the amount in accordance with provisions on the license form. The Meter Record Book is returned to the licensee and should be kept on file for at least 1 year from date of final entry. Application for refund should be made on Form 3533, Application and Voucher for Refund of Postage and Fees, or on a special form furnished by the meter manufacturer.

(f) *Refunds for unused meter stamps.* When complete and legible meter stamps cannot be used because of misprints, spoiled envelopes or cards, and the like the licensee may apply to the postmaster for refund of postage up to 90 percent of postage value. (See § 147.2 of this chapter.)

NOTE: The corresponding Postal Manual section is 143.3.

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

TIMOTHY J. MAY,
General Counsel.

APRIL 4, 1967.

[F.R. Doc. 67-3827; Filed, Apr. 6, 1967; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Subchapter E is amended by the addition of a new Part 101–32 to establish a significantly numbered part in Subchapter E to provide for Government policies, procedures, and guidelines related to the management of automated data services and to continue in effect the provisions of Federal Property Management Regulations, Temporary Regulation No. H–3, dated September 26, 1966, providing guidance on the release and acquisition of electrical accounting machines which are leased by the Government from a supplier and the procedures for reporting and acquisition of such machines.

Subchapter E is amended by the addition of new Part 101–32, as follows:

AUTHORITY: The provisions of this Part 101–32 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 101–32.000 Scope of part.

This part provides policies, procedures, and guidelines pertaining to the Government-wide management of automated data services including revolving fund, resources utilization, utilization of excess, procurement and contracting, maintenance and repair, and related subjects.

NOTE: As material related to this subject is developed in final form, it will be promulgated in an appropriate subpart of this Part 101–32.

Subpart 101–32.1—Revolving Fund [Reserved]

Subpart 101–32.2—Automatic Data Processing Resources Utilization Program [Reserved]

Subpart 101–32.3—Utilization of Excess

§ 101–32.301 Electrical accounting machines.

Leased electric accounting machines which are determined to be excess pursuant to § 101–43.104–5 of this chapter shall be reported and transferred as provided in this § 101–32.301. This equipment includes:

(a) Government-leased; or

(b) Leased by Government contractors under cost reimbursement contracts and subcontracts when the total costs of such equipment are applied as a direct charge to such contracts (equipment used in performance of multiple contracts and the cost of which constitutes an indirect expense charged to overhead is excluded).

§ 101–32.301–1 Definition.

Electrical accounting machines (EAM) are conventional punchcard equipment such as punches, verifiers, sorters, collators, tabulators, calculators, etc.

§ 101–32.301–2 Reporting.

Except for line items with an acquisition cost of less than $1,500, excess leased EAM shall be reported to the Interagency ADP Resources Utilization Coordinator at the appropriate GSA regional office shown in § 101–32.4801. This shall be accomplished by transmitting a copy of the equipment discontinuation notification to the supplier, together with the name, address, and telephone number of the person to contact in the reporting agency.

§ 101–32.301–3 Transfers.

Prior to acquisition of available excess leased EAM equipment, agencies shall assure that the criteria for selection and acquisition of automatic data processing equipment contained in Bureau of the Budget Circular No. A–54 is met.

(a) Agencies desiring to acquire leased EAM may contact one or more of the Interagency ADP Resources Utilization Coordinators at GSA regional offices shown in § 101–32.4801 for advice on availability of such equipment. The GSA regional office will advise as to the availability of equipment and furnish the name, address, and telephone number of the contact in the releasing activity. The acquiring agency will then arrange with the holding agency for transfer of the equipment and notify the supplier of the proposed action.

(b) When a transfer is arranged, a copy of the correspondence confirming the transfer will be furnished by the transferee to the GSA regional office concerned addressed as shown in § 101–32.4801. The acquiring agency will be responsible for rental charges of equipment while in transit.

(c) The costs of care and handling of leased equipment prior to the release date designated by the holding agency, including movement and temporary storage, shall be borne by the holding agency. Costs incurred in the actual packing, preparation for shipment, loading, and transportation are the responsibility of the acquiring agency.

Subpart 101–32.4—Procurement and Contracting [Reserved]

Subpart 101–32.5—Maintenance and Repair [Reserved]

Subpart 101–32.6—Assistance to Federal Agencies [Reserved]

Subparts 101–32.7—101–32.47 [Reserved]

Subpart 101–32.48—Exhibits

§ 101–32.4800 Scope of subpart.

This subpart provides information concerning the addresses of the Interagency ADP Resources Utilization Coordinators and ADP sharing exchanges.

§ 101–32.4801 Government-wide ADP Resources Utilization Program coordinators and exchanges.

GSA Central Office, Washington, D.C.

Chief, Resources Utilization Branch—FTIR, General Services Administration, Office of Automated Data Management Services, FSS, Seventh and D Streets SW., Room 6662D, Washington, D.C. 20407. Telephone: IDS Code 13–35272, FTS 202–963–5272.

GSA Region 1, Boston, Mass.

[1] Regional Interagency ADP Resources Utilization Coordinator—1FT, General Services Administration, Post Office and Courthouse Building, Boston, Mass. 02109. Telephone: FTS 617–223–2663.

GSA Region 2, New York, N.Y.

[1] Regional Interagency ADP Resources Utilization Coordinator—2FT, General Services Administration, 30 Church Street, New York, N.Y. 10007. Telephone: FTS 212–264–8349.

Philadelphia ADP Sharing Exchange (2015/00), Veterans Administration, Post Office Box 8079, Philadelphia, Pa. 19101. Telephone: FTS 215–438–5629.

GSA Region 3, Washington, D.C.

Regional Interagency ADP Resources Utilization Coordinator—3FTIR, General Services Administration, Seventh and D Streets SW., Washington, D.C. 20407. Telephone: IDS Code 13–35272, FTS 202–963–5272.

Central ADP Sharing Exchange—FTIR, General Services Administration, Seventh and D Streets SW., Room 6662A, Washington, D.C. 20407. Telephone: IDS Code 13–20381, FTS 202–962–0381.

GSA Region 4, Atlanta, Ga.

[1] Regional Interagency ADP Resources Utilization Coordinator—4FT, General Services Administration, 1776 Peachtree Street NW., Atlanta, Ga. 30309. Telephone: FTS 404–526–5772.

Mississippi, Alabama, and Slidell, La., ADP Sharing Exchange, National Aeronautics and Space Administration, Computation Laboratory (R–COMP–MR), George C. Marshall Space Flight Center, Huntsville, Ala. 35812. Telephone: FTS 205–876–4840.

GSA Region 5, Chicago, Ill.

[1] Regional Interagency ADP Resources Utilization Coordinator—5FT, General Services Administration, U.S. Courthouse and Federal Building, 219 South Dearborn Street, Chicago, Ill. 60604. Telephone: FTS 312–828–5406.

GSA Region 6, Kansas City, Mo.

[1] Regional Interagency ADP Resources Utilization Coordinator—6FT, General Services Administration, Federal Building, 1500 East Bannister Road, Kansas City, Mo. 64131. Telephone: FTS 816–361–7540.

St. Louis ADP Sharing Exchange, General Services Administration, 1640 Federal Office Building, 1520 Market Street, St. Louis, Mo. 63103. Telephone: FTS 314–622–4579.

GSA Region 7, Fort Worth, Tex.

[1] Regional Interagency ADP Resources Utilization Coordinator—7FT, General Services Administration, 819 Taylor Street, Fort Worth, Tex. 76102. Telephone: 817–334–2516.

South Texas ADP Sharing Exchange, National Aeronautics and Space Administration, Manned Spacecraft Center, Houston, Tex. 77058. Telephone: FTS 713–483–4688.

GSA Region 8, Denver, Colo.

[1] Regional Interagency ADP Resources Utilization Coordinator—8FT, General Services Administration, Building 41, Denver Federal Center, Denver, Colo. 80225. Telephone: FTS 303–233–3611, Extension 8495.

GSA Region 9, San Francisco, Calif.

[1] Regional Interagency ADP Resources Utilization Coordinator—9FT, General Services Administration, 49 Fourth Street, San Francisco, Calif. 94103. Telephone: FTS 415–556–7877.

Los Angeles ADP Sharing Exchange (C110), Long Beach Naval Shipyard, Long Beach, Calif. 90802. Telephone: Area Code 213–831–9268.

GSA Region 10, Auburn, Wash.

[1] Regional Interagency ADP Resources Utilization Coordinator—10FT, General Services Administration, Regional Headquarters Building, Auburn, Wash. 98002. Telephone: FTS 206–833–5281.

Oregon ADP Sharing Exchange, Bonneville Power Administration, Portland, Oreg. 97208. Telephone: FTS 503–234–3513.

[1] Responsibilities include operation of a sharing exchange.

Subpart 101–32.49—Illustrations of Forms [Reserved]

Effective date. This regulation is effective upon publication in the Federal Register.

Dated: March 31, 1967.

Lawson B. Knott, Jr.,
Administrator of General Services.

[F.R. Doc. 67–3820; Filed, Apr. 6, 1967; 8:45 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

SUBCHAPTER B—LAND TENURE MANAGEMENT (2000)

[Circular No. 2225]

PART 2240—SALES AND EXCHANGES

Subpart 2244—Exchanges

LANDS SUBJECT TO EXCHANGE

The purpose of this amendment is to incorporate into the regulations the provision of the Act of July 31, 1939 (53 Stat. 1144) which permits either party to an exchange of lands to make reservations of minerals, easements, rights of use, or other interests or rights. This provision applies to lands to which title was revested in the United States by the Act of June 9, 1916 (39 Stat. 218) and to lands reconveyed to the United States by the Act of February 26, 1919 (40 Stat. 1179).

These rules involve matters relating to public property and are not required by law to be published as proposed rule making. Although this Department customarily gives such notice and follows public procedures thereon, that practice is deemed unnecessary in this case because the amendment reflects the provisions of the law and imposes no burden or obligation on any person. Accordingly, this amendment shall become effective on the date of publication in the FEDERAL REGISTER.

Subparagraph (2) of § 2244.9–1(d) is revised to read as follows:

§ 2244.9–1 O and C Lands.

* * * * *

(d) *Lands subject to exchange.* * * *

(2) Either party to an exchange may make reservations of minerals, easements, rights of use, or other interests and rights.

* * * * *

STEWART L. UDALL,
Secretary of the Interior.

MARCH 30, 1967.

[F.R. Doc. 67-3822; Filed, Apr. 6, 1967; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Wildlife Refuges in Idaho

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

General conditions:

Fishing shall be in accordance with applicable State regulations except for any special conditions listed.

All areas open to fishing are designated by signs and delineated on maps available at the respective refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

IDAHO

DEER FLAT NATIONAL WILDLIFE REFUGE

Deer Flat National Wildlife Refuge, Route 1, Box 335, Nampa, Idaho 83651.

Sport fishing is permitted on the entire refuge year round except as stipulated under special conditions.

Special conditions:

1. Fishing is not permitted on the public hunting area during the migratory waterfowl hunting season.

2. Boats with motors may be used during daylight hours only (interpreted here to be 1 hour before sunrise to 1 hour after sunset) from April 10 through September 30, 1967.

3. Shoreline fishing is prohibited between the upper and lower embankments on the north side of the reservoir.

KOOTENAI NATIONAL WILDLIFE REFUGE

Kootenai National Wildlife Refuge, Star Route No. 1, Bonners Ferry, Idaho 83805.

Sport fishing is permitted on Kootenai River, Deep Creek, and Myrtle Creek year round except during the migratory waterfowl hunting season.

MINIDOKA NATIONAL WILDLIFE REFUGE

Minidoka National Wildlife Refuge, Route 4, BSFW, Rupert, Idaho 83350.

Sport fishing is permitted on the entire refuge year round except as stipulated under special conditions.

Special conditions:

1. Fishing is not permitted on Lake Walcott during the migratory waterfowl hunting season.

2. Boats with or without motors may be used during daylight hours only (interpreted here to be 1 hour before sunrise to 1 hour after sunset) from April 10 through September 30, 1967.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through April 30, 1968.

PAUL T. QUICK,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 28, 1967.

[F.R. Doc. 67-3842; Filed, Apr. 6, 1967; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 989]

[Docket No. AO 198-A 6]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Notice of Hearing With Respect to Proposed Amendment of Marketing Agreement, as Amended, and Order, as Amended

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the 10th floor auditorium, Pacific Gas and Electric Building, 1401 Fulton Street, Fresno, Calif., beginning at 9:30 a.m., P.s.t., April 24, 1967, with respect to a proposed amendment of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The proposed amendment has not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic, marketing, and other conditions which relate to the proposed amendment hereinafter set forth and to any appropriate modifications thereof.

The Raisin Administrative Committee, the administrative agency established pursuant to the amended marketing agreement and order, submitted the following amendatory proposals and requested a hearing thereon.

1. Add a new section, § 989.12a, as follows:

§ 989.12a Cooperative bargaining association.

"Cooperative bargaining association" means a nonprofit cooperative association of raisin producers engaged within the area in selling or arranging for the sale of raisins of its members.

2. Revise § 989.13 to read:

§ 989.13 Processor.

"Processor" means any person who receives or acquires natural condition raisins, off-grade raisins, other failing raisins (as defined in paragraph (f) of § 989.59), or raisin residual material and uses them or it within the area, with or without other ingredients, in the production of a product other than raisins, for market or distribution.

3. Revise § 989.14 to read:

§ 989.14 Packer.

"Packer" means any person who, within the area, stems, sorts, cleans, or seeds raisins, grades stemmed raisins, or packages raisins for market as raisins: *Provided*, That:

(a) No producer with respect to the raisins produced by him, and no group of producers with respect to raisins produced by the producers comprising the group, and not otherwise a packer, shall be deemed a packer if he or it sorts or cleans (with or without water) such raisins in their unstemmed form;

(b) Any dehydrator shall be deemed to be a packer, with respect to raisins dehydrated by him, only if he stems, cleans with water subsequent to such dehydration, seeds or packages them for market as raisins;

(c) The committee may, with the approval of the Secretary, restrict the exceptions in paragraphs (a) and (b) of this section as to permitted cleaning if necessary to cause delivery of sound raisins; and

(d) No person shall be deemed a packer by reason of the fact he repackages for market (including any preparation therefor) raisins which, in the hands of a previous holder, have been stemmed, prepared, and packaged for market, and inspected and certified as meeting the applicable minimum grade standards for packed raisins.

§ 989.26 [Amended]

4. Revise the first sentence of § 989.26 to read: "A Raisin Advisory Board is hereby established consisting of 46 members, of whom 35 shall represent producers, 8 shall represent handlers, 2 shall represent dehydrators, and one shall represent cooperative bargaining associations."

5. Revise § 989.27 to read:

§ 989.27 Eligibility.

No person shall be selected or continue to serve as a member or alternate member of the board, who is not actively engaged in the business of the group which he represents, either in his own behalf, or as an officer, agent, or employee of a business unit engaged in such business: *Provided*, That any handler eligible to represent a particular size group at the time of his selection who later falls in a different size group shall continue to represent for the entire term the size group for which he was selected. The committee shall certify during December and January of each crop year each member's and alternate member's eligibility to continue to serve on the committee.

6. Revise § 989.28 to read:

§ 989.28 Term of office.

(a) *Producer members.* The terms of one-third or approximately one-third of the producer members and producer alternate members of the board shall end on April 30 of each year, but each such member and alternate member shall continue to serve until his respective successor is selected and has qualified. The producer members and producer alternate members of the board shall serve for terms of 3 years beginning May 1 and ending April 30 of the third following year.

(b) *Handler, dehydrator, and cooperative bargaining association members.* The handler, dehydrator, and cooperative bargaining association members, and their respective alternates, shall each serve for terms of 1 year, beginning May 1 and ending April 30 of the following year, but each shall continue to serve until his respective successor is selected and has qualified.

7. Revise § 989.29 (a) and (b) (1) and (2) to read:

§ 989.29 Initial members and nomination of successor members.

(a) *Initial members.* Members and alternate members of the board serving immediately prior to the effective date of this amended subpart shall, if thereafter they are also eligible, continue to serve on the board as the initial members and alternate members of the board for their specified terms of office and until their respective successors have been selected and have qualified.

(b) *Nomination for successor members.* (1) The board shall give reasonable publicity of a meeting or meetings of producers, handlers, dehydrators, and cooperative bargaining associations, respectively, for the purpose of making nominations for member and alternate member positions to be filled on the board: *Provided*, That with respect to producer members and producer alternate members, a meeting or meetings shall be held in each district for which nominations are to be made to fill producer member and producer alternate member positions on the board: *And provided further*, That member and alternate member nominations of handlers, dehydrators, and cooperative bargaining associations may be made to the board by mail in lieu of meetings.

(2) Only producers, as defined in § 989.11, engaged as such with respect to the most recent grape crop in the particular district for which nominations are to be made, may nominate, or vote for, any producer member or producer alternate member for such district. Any producer so engaged as such, with respect to the most recent grape crop in the particular district for which nominations are to be made, may be nominated to represent said district as a producer member or producer alternate member of the board; in the event any

of such nominees are engaged as producers in more than one district, he may be a nominee for only one district. One or more eligible producers for each producer member position to be filled on the board may be proposed for nomination and one or more eligible producers for each alternate member position to be filled may be proposed for nomination. Each producer shall cast only one vote with respect to each position for which nomination is to be made. The person receiving a majority of the votes with respect to each producer member or producer alternate member position shall be the person to be certified to the Secretary as the nominee for each such position. In the event no person receives a majority, there shall be a runoff vote between the two persons receiving the largest number of votes. The eligibility of each producer voting in a nomination meeting shall be certified by the committee promptly after the meeting and, in the event one or more who voted was not eligible and this affected the result of the vote, another meeting shall be held and the initial meeting shall be null and void.

* * * * *

8. Revise § 989.30 to read:

§ 989.30 Selection.

The Secretary shall select producer, handler, dehydrator, and cooperative bargaining association members and alternate members in the numbers specified in § 989.26, or pursuant to § 989.26a or § 989.26b, as applicable, and with the qualifications specified in § 989.27. Such selections may be made from the nominations certified pursuant to § 989.29 or from other eligible producers, handlers, dehydrators, and cooperative bargaining association members.

9. Revise § 989.35 to read:

§ 989.35 Meetings.

The board shall meet at the call of its chairman or its vice-chairman when acting as chairman, or at the call of any 3 members.

§ 989.39 [Amended]

10. Revise the second sentence of § 989.39 to read: "Such committee shall consist of 15 members, of whom 8 shall represent producers, 5 shall represent handlers, one shall represent dehydrators, and one shall represent cooperative bargaining associations."

§ 989.40 [Amended]

11. Delete the first sentence of § 989.40.

§ 989.42 [Amended]

12. In the first sentence of § 989.42(a), delete the proviso and change the colon to a period.

13. In § 989.42, reletter paragraphs (d) and (e) to (e) and (f), respectively, and add a new paragraph (d) reading:

(d) *Cooperative bargaining association member.* The cooperative bargaining association member and alternate member on the board shall be the association nominees for member and alternate member of the committee.

14. Revise § 989.43 to read:

§ 989.43 Selection.

The Secretary shall select producer, handler, dehydrator, and cooperative bargaining association members and alternate members of the committee in the numbers specified in § 989.39 or pursuant to § 989.39 (a) or (b), as applicable, and with the qualifications specified in § 989.40. Such selections may be made from the nominations certified pursuant to § 989.42, or from any other eligible producers, handlers, dehydrators, and representatives of cooperative bargaining associations.

15. Revise § 989.57 to read:

§ 989.57 Publicity and notice.

The committee shall promptly give reasonable publicity to producers, dehydrators, handlers, and cooperative bargaining associations of each meeting to consider a marketing policy or any modification thereof, and each such meeting shall be open to them. Similar notice shall be given to producers, dehydrators, handlers, and cooperative bargaining associations of each marketing policy report or modification thereof, filed with the Secretary. Copies of all such reports shall be maintained in the office of the committee, where they shall be made available for examination by any producer, dehydrator, handler, or cooperative bargaining association.

§ 989.58 [Amended]

16. In the first sentence of § 989.58(d)(1), add a new subdivision, subdivision (vi), reading: "(vi) raisins received from a cooperative bargaining association which have been inspected pursuant to subparagraph (3) of this paragraph."

17. Add a new subparagraph, subparagraph (3), to § 989.58(d), reading:

(3) In accordance with rules and procedures established by the committee with the approval of the Secretary, handlers may receive or acquire natural condition raisins from a cooperative bargaining association which have been inspected and certified on the premises of the association. In the event there shall have been compliance with committee requirements, any handler who receives or acquires such inspected and certified raisins shall be deemed to have satisfied the requirements in subparagraph (1) of this paragraph with respect to inspection and certification of natural condition raisins received or acquired by him.

§ 989.59 [Amended]

18. Revise paragraph (c) of § 989.59 to read:

(c) *Publicity and notice.* The committee shall give prompt and reasonable notice to producers, dehydrators, handlers, and cooperative bargaining associations of each recommendation submitted by it to the Secretary and of each regulation issued by the Secretary. Notice of such regulation shall be given to all handlers of record by registered or certified mail.

19. In the first sentence of § 989.59(f), delete the words "any raisins acquired by a handler as standard raisins which subsequently fail to meet the applicable grade and condition standards for shipment or final disposition as raisins", and substitute therefor "other failing raisins"; and following the first sentence of § 989.59(f), insert "For purposes of disposition and reporting, 'other failing raisins' means any raisins received or acquired by a handler either as standard raisins, or as off-grade raisins, which are processed to a point where they qualify as packed raisins and fail to meet the applicable minimum grade standards for packed raisins."

§§ 989.63, 989.64 [Amended]

20. Amend §§ 989.63, 989.64, and any other provisions as necessary to incorporate a new concept regarding preliminary percentages which would include but not be limited to the following: "During the forepart of any crop year in which the designation of percentages is anticipated, and prior to the effective time of such designations, handlers may be required by the committee, with the approval of the Secretary, to set aside a specified portion of their acquisitions for the account of the committee and under its control."

21. Revise paragraph (c) of § 989.64 to read:

(c) The Secretary shall notify the committee promptly of each such percentage so fixed. The committee shall give prompt and reasonable publicity thereof to producers and shall notify handlers, dehydrators, and cooperative bargaining associations of such percentages by registered or certified mail.

§ 989.65 [Amended]

22. Amend § 989.65 by adding at the end thereof: "However, no handler other than a cooperative association of producers shall ship or otherwise dispose of any free tonnage raisins not of his own production on which he has yet to agree with the producers as to the specific price per ton to be paid, and such agreement shall be in writing and available for examination by the committee. Any shipment or disposition of raisins which exceeds the quantity complying with this requirement as to price agreement shall be a violation of the handler's allotment and, hence, of section 8(a)(5) of the Act."

23. Revise paragraph (f) of § 989.66 to read:

§ 989.66 Reserve and surplus tonnage generally.

* * * * *

(f) Handlers shall be compensated for receiving, storing, handling, and inspection of reserve and surplus tonnage raisins held by them for the account of the committee, in accordance with a schedule of payments established by the committee and approved by the Secretary. A box rental shall be paid by the committee to producers or handlers for boxes used in storing reserve or surplus ton-

nage raisins beyond the crop year of acquisition in accordance with a rental schedule established by the committee and approved by the Secretary. Any handler may request the committee at any time after July 15, by registered or certified mail, to remove all surplus tonnage raisins held for the account of the committee and remaining in his possession from any previous crop year, and at any time after July 15 of any crop year may request removal of all surplus tonnage raisins remaining in his possession from the current crop year, and may request that the committee provide the necessary containers for such removal. In this event, the committee shall make the removal by September 15 of the subsequent crop year, supplying the necessary containers if so requested. If any handler makes such a request, the committee shall immediately give notice thereof to the Secretary.

* * * * *

24. Revise paragraph (a) of § 989.68 to read:

§ 989.68 Disposal of surplus raisins.

(a) The committee shall dispose of all surplus tonnage raisins in such a manner as to achieve, as nearly as may be practicable, complete disposal of such raisins by or before December 1 of the subsequent crop year. Any surplus tonnage raisins held unsold by the committee on December 1 of the subsequent crop year shall be physically disposed of promptly in any available outlet not competitive with normal market channels for free tonnage raisins or sales of surplus tonnage raisins in export: *Provided*, That whenever the Secretary approves a finding by the committee or finds, on the basis of information otherwise available to him that, because of national emergency, crop failure or other major change in economic conditions, retention of surplus tonnage raisins carried over is warranted, the foregoing requirements as to disposal shall not apply and such carried over raisins may be disposed of in any outlet recommended by the committee and approved by the Secretary.

* * * * *

25. Revise § 989.84 to read:

§ 989.84 Disposition limitation.

No handler shall dispose of free, reserve, or surplus tonnage raisins, offgrade raisins, or other failing raisins, except in accordance with the provisions of this subpart of pursuant to regulations and instructions issued by the committee.

§§ 989.26b, 989.96 [Amended]

26. Consider revising §§ 989.26b and 989.96 *Exhibit A* so as to provide, effective with the term of office beginning May 1, 1968, as follows: "The producer membership of the Raisin Advisory Board shall consist of no less than one member and one alternate member for each of the 21 districts. The remaining 14 members and alternate members shall be allocated to the various districts so as to achieve, as nearly as possible, representation by each member and alternate member of one thirty-fifth of the total number of producers. Producer representation shall be reviewed each 5 years and changes made as necessary to maintain this representation. In any district where the representation would be reduced, all members' terms would be terminated and new nominations and selections for the reduced number of positions shall be made."

§§ 989.39, 989.39b [Amended]

27. Consider revising §§ 989.39 and 989.39b to provide: "Effective with the term of office beginning June 1, 1968, each producer member and alternate producer member shall represent, as nearly as possible, one-eighth of the total number of producers. Producer representation shall be reviewed each 5 years and changes made in the nominations and selections so as to maintain this representation."

28. Delete present §§ 989.54, 989.55, 989.56, and insert the following in lieu thereof:

§ 989.54 Marketing policy.

(a) As soon as practicable after February 1 and no later than April 30 for years subsequent to 1967, the committee shall prepare and submit to the Secretary a report setting forth its recommended marketing policy for the ensuing crop year. In formulating such marketing policy the committee shall consider and shall include in its report to the Secretary, the following estimates and recommendations with respect to any varietal type on which volume regulations is intended:

(1) The likely carryover of free and surplus raisins as of September 1;

(2) The trade demand in free tonnage outlets;

(3) The trade demand in surplus tonnage outlets;

(4) The desirable carryout of free and surplus raisins at the end of the ensuing crop year;

(5) The salable quantity of such raisins to be allowed to be received by handlers;

(6) The producer allotment percentage for the ensuing crop year computed by dividing the salable quantity by the total of all producer allotment bases established pursuant to § 989.63;

(7) The tonnage of standard raisins which handlers may acquire and use as free tonnage (referred to as the "desirable free tonnage");

(8) The free and surplus percentages to be applied to any varietal type; and

(9) Other estimates or recommendations pertinent to the ensuing crop and relating to grade or volume regulation, unfair trade practices or other matters.

(b) The committee shall file with the Secretary, with each report of marketing policy or modification thereof, a verbatim record of the meeting or portion of the meeting relating thereto.

§ 989.55 Modification.

(a) At any time before February 15 of each crop year, the committee shall convene for the purpose of reviewing and to modify it, if appropriate, within the limitations stated hereafter. A report of such review and modification shall be prepared and submitted to the Secretary.

(b) The salable quantity and the producer allotment percentage shall not be modified once established by the Secretary.

(c) A recommendation for modification of the desirable free tonnage shall occur no later than August 15 prior to the crop year to which it applies.

(d) The committee shall recommend an increase in the free percentage and a decrease in the surplus percentage if necessary to supply handlers with a free tonnage equal to the desirable free tonnage.

§ 989.56 Establishment.

(a) If for any crop year the Secretary finds, on the basis of the committee's recommendation or other information, that limiting the quantity of raisins that may be freely marketed from any crop would tend to effectuate the declared policy of the act, he shall determine the salable quantity of raisins of any varietal type which handlers may acquire. The salable quantity shall be prorated among producers by applying an allotment percentage to each producer's base quantity. The allotment percentage shall be established by the Secretary and shall be equal to the salable quantity divided by the total of all producer allotment bases established pursuant to § 989.63.

(b) If on the basis of the committee's recommendation and other information, the Secretary concurs in the likely need for establishment of percentages for any varietal type, he shall establish the desirable free tonnage which handlers may acquire and use as free tonnage. Such establishment of the desirable free tonnage, or modification thereof, shall be made as soon as practicable after receiving the recommendation of the committee.

(c) If on the basis of the committee's recommendation and other information, the Secretary concurs in the need for establishment of free and surplus percentages, or modification thereof, he shall establish them as soon as practicable after receiving the recommendation of the committee. The sum of such percentages for any crop year shall equal 100 percent.

29. Delete present §§ 989.63 and 989.64 and insert in lieu thereof the following:

§ 989.63 Allotment of salable quantity.

(a) *Allotment bases.* (1) An allotment base shall be assigned to each producer. Such allotment base shall be the higher of:

(i) His sales in the 1965 crop year, or

(ii) His sales in the 1966 crop year.

(2) In accordance with this paragraph (a) and based on reports of handlers, producer certifications and other information, the committee shall establish each producer's allotment base and, except as hereinafter provided, assign such base quantity to such producer. The right of each producer, or his legal successor in interest, to receive such base quantity or to retain all or a part of such quantity shall be dependent upon

his continuing to make a bona fide effort to produce at least a portion of his annual allotment.

(b) *Additional allotment bases.* Each crop year the committee shall consider the need for granting, and if appropriate grant, with the approval of the Secretary, additional allotment bases, to either a new producer or an existing producer, for such purposes as satisfying the demand for one or more varieties, providing more equitable allotment bases or adjusting the total of all allotment bases to the trade demand. Administration of this provision shall be in accordance with such rules and regulations as the committee, with the approval of the Secretary, may prescribe.

(c) *Issuance of annual allotments.* As early as possible in each calendar year, the committee shall issue to each producer an annual allotment determined by applying the allotment percentage established pursuant to § 989.56 to the producer's allotment base. The committee shall require each producer to qualify for his allotment by filing with the committee an RAC Form wherein the producer states such things as where he intends to produce his annual allotment, the acreage he intends to harvest, changes of location, if any, and such other information as is necessary to administer this part. Where a producer's acreage will be insufficient to produce his computed annual allotment, the committee shall make an appropriate reduction in the allotment it issues. The committee shall recognize any assignment of an annual allotment, or portion thereof, by a producer to a dehydrator or another producer delivering the assignor's allotted quantity, in whole or part, and shall issue authorizations whereby handlers may receive the varietal type from the assignees.

§ 989.64 Transfers.

(a) Of locations: A producer may transfer from the location(s) where he produces his annual allotment to other land which he owns, rents, or leases, except that if he is leasing or renting the original land, no further annual allotments shall be issued unless the owner of such land consents to the transfer. The committee shall, by such means as are provided in § 989.63(c), obtain information as to the location(s) where each producer intends to produce each annual allotment.

(b) To another producer: A producer may transfer all or part of an allotment base from himself to another producer, but if the transferor is not the owner of the producing acreage, the concurrence of the owner shall be required prior to the committee's granting an annual allotment on such allotment base. Also, such a transfer shall be recognized only upon the transferor and transferee so notifying the committee in writing and the transferee submitting evidence of capability to produce and harvest the annual allotment referable thereto.

(c) The committee shall administer this section pursuant to rules and regulations established by the committee with the approval of the Secretary.

§ 989.66 [Amended]

30. Delete those provisions of § 989.66 relating to reserve tonnage.

31. Delete present § 989.67 and insert in lieu thereof the following:

§ 989.67 Excess over allotments.

(a) *General.* Raisins that are in excess of an effective individual producer annual allotment, or the total of such allotments to members of a cooperative marketing association, shall be excess surplus raisins. Such excess raisins may be sold or transferred to producers capable of using them to satisfy a deficiency of production relative to their annual allotment. However, no handler shall acquire or handle excess surplus raisins except for the account of the committee. Any producer, or dehydrator selling or delivering such excess to other than the committee or its designees or to a producer satisfying a deficiency, as provided in this paragraph, shall be a handler relative to such transaction. Any producer may dispose of excess surplus raisins of his own production within his own livestock feeding or other farming operation, or, may deliver them to the committee for inclusion in the excess portion of the surplus pool.

(b) *Pooling.* Excess surplus raisins held by a handler or other designee of the committee and those delivered directly to the committee or its designee shall be disposed of as soon as practicable in nonhuman consumption outlets, at the best terms and conditions obtainable, and the proceeds, after deduction of expenses, shall be returned to the equity holders.

The Raisin Bargaining Association, Fowler, Calif., a nonprofit cooperative association, submitted the following amendatory proposal and requested that it be included in this notice of hearing.

§§ 989.63, 989.64 [Amended]

32. Revise §§ 989.63, 989.64, and other provisions as necessary to achieve volume regulation by providing for free and surplus tonnages as indicated in the following:

a. On or before September 1 of each crop year the committee shall determine the desirable amount of tons to be released through the free tonnage outlet for each crop year. This tonnage shall be designated as "desirable free tonnage".

b. During the forepart of any crop year in which the designation of preliminary percentages is anticipated, and prior to the effective time of such designations, handlers may be required by the committee, with the approval of the Secretary, to set aside a specified portion of their acquisitions for the account of the committee and under its control.

c. On or before October 5 of each crop year the committee shall determine a preliminary free tonnage percentage; this percentage shall release a preliminary free tonnage equal to 85 percent of the "desirable free tonnage." In computing the preliminary free tonnage percentage the committee shall use the latest raisin production estimate as released by the California Crop and Livestock Reporting Service and any other data which normally is used in arriving at the crop estimate.

d. On February 15 (or the following business day) the committee shall determine a final free tonnage percentage based on the latest crop estimate and which will release through the free tonnage outlet that amount of tons equal to the "desirable free tonnage"; and handlers shall purchase such increase of free tonnage at not less than the prices paid each respective grower for free tonnage acquired prior to the change of percentage.

C. W. Bonner, President of the Bonner Packing Co., Fresno, Calif., submitted on behalf of certain major raisin packers, the following amendatory proposals and requested that they be included in this notice of hearing.

33. Amend § 989.27 by deleting the first sentence and revising the remainder to read:

§ 989.27 Eligibility.

No person shall be selected or continue to serve as a member or alternate member of the board, who is not actively engaged in the business of the group which he represents, either in his own behalf, or as an officer, agent, or employee of a business unit engaged in such business: *Provided*, That in order to qualify for eligibility a producer shall have produced at least 25 tons of raisins during the calendar year immediately preceding, or shall have produced raisins on _____ percent of his grape acreage during such calendar year: *Provided further*, That any handler eligible to represent a particular size group at the time of his selection who later falls in a different size group shall continue to represent for the entire term the size group for which he was selected.

§ 989.29 [Amended]

34. Revise the second sentence of subparagraph (2), § 989.29(b), to read: "Any such producer so engaged in any of the districts, and qualifying under the proviso of § 989.27, may be nominated to represent any district * * *."

35. Delete all references to the reserve pool throughout the marketing order and make conforming changes where necessary.

36. Revise § 989.54 to read as follows:

§ 989.54 Marketing policy.

No later than August 15 of each crop year, the committee shall hold a meeting to formulate and adopt a marketing policy for the marketing of raisins in the succeeding crop year, and shall recommend to the Secretary a desirable free tonnage applicable to such crop year. The committee shall submit promptly to the Secretary, a report setting forth its marketing policy for the regulation of the handling of raisins in such crop year. The report shall include the data and information used by the committee in formulating the marketing policy, and the recommendation of the board. In developing the marketing policy the committee shall give consideration to the following factors with respect to any varietal type on which volume regulation is intended for the forthcoming crop year:

(a) The estimated tonnage held by producers, handlers and for the account of the committee at the beginning of the crop year;

(b) The expected general quality and any intended modifications of the minimum grade standards;

(c) The estimated tonnage of standard and off-grade raisins which will be produced;

(d) The estimated trade demand for such raisins in free tonnage outlets;

(e) An estimated desirable carryout at the end of the crop year for free tonnage and, if applicable, for surplus tonnage;

(f) The estimated market requirements for such raisins outside free tonnage outlets, considering the estimated world raisin supply and demand situation;

(g) Current prices being received and the probable general level of prices to be received for such raisins by producers and handlers;

(h) The trend and level of consumer income;

(i) The recommendation to the Secretary as to the tonnage of standard raisins which handlers may acquire and use as free tonnage during the crop year (referred to as the "desirable free tonnage");

(j) Any prohibition of trade practices, pursuant to § 989.62, intended for the crop year; and

(k) Any other pertinent factors bearing on the marketing of such raisins including the estimated supply of and demand for other varietal types and regulations applicable thereto.

37. Delete the provisions of § 989.55 and substitute the following:

§ 989.55 Establishment.

If on the basis of the committee's recommendation or other information the Secretary concurs in the likely need for volume regulation, he shall establish the desirable free tonnage which handlers may acquire and use in the crop year.

38. Revise subdivision (i) of § 989.59 (a) (2) to read:

§ 989.59 Regulation of the handling of raisins subsequent to their acquisition by handlers.

(a) *Regulation.* * * * (2) * * * (i) With respect to natural (sun-dried) Thompson Seedless, natural (sun-dried) Muscat, natural (sun-dried) Sultana and Valencia raisins, "U.S. Grade C" as defined in effective U.S. Standards for Grades of Processed Raisins, except "U.S. Grade B" for the factors of maturity, undeveloped berries, pieces of stem, and capstems; and with respect to artificially dehydrated Sultana, Golden Seedless, Sulphur Bleached, and Soda Dipped raisins, "U.S. Grade C" as defined in effective U.S. Standards for Grades of Processed Raisins, except "U.S. Grade B" for the factors of maturity and undeveloped berries. * * *

* * * * *

§ 989.62 [Amended]

39. At the end of the first sentence of § 989.62 change the period to a colon and add the following: "*Provided*, That handlers shall be prohibited from using such practices during the period September 1, 1967, through August 31, 1969."

40. Amend § 989.63 by designating paragraph (c) as (f), revising paragraphs (a) and (b), and adding new paragraphs (c), (d), and (e) to read:

§ 989.63 Recommendation for designation of percentages.

(a) If the committee concludes, which shall occur no later than October 10 of the crop year, that the tonnage of standard raisins produced, of the applicable varietal type, materially exceeds the desirable free tonnage established by the Secretary, it shall recommend free and surplus percentages to the Secretary. The committee may recommend such percentages separately for each varietal type except that no percentages may be recommended on a varietal type for which a desirable free tonnage was not previously established. The committee also shall submit, together with any recommendation with respect to percentages, the information on the basis of which such recommendation was made, and the recommendation of the board. The committee shall file with its recommendation to the Secretary a verbatim record of that portion of its meeting or meetings relating to the free and surplus percentages.

(b) The committee shall give prompt and reasonable publicity to producers, dehydrators, and handlers of each meeting to consider the recommendation of percentages and each such meeting shall be open to them. The committee shall also give similar notice to producers, dehydrators, and handlers of all such recommendations submitted to the Secretary.

(c) If on the basis of the committee's recommendation and other information, the Secretary concurs as to the need for volume regulation, he shall establish, as soon as practicable, free and surplus percentages, and the sum of such percentages for any crop year shall equal 100 percent.

(d) No later than February 15 of the crop year in which percentages are established, the committee shall determine whether the free percentage is large enough to supply handlers with the desirable free tonnage. If not, the committee shall recommend new free and surplus percentages which will result in a free tonnage equal to the desirable free tonnage. If the Secretary concurs as to the need for such change, appropriate new percentages shall be established: *Provided*, That no such new percentage shall decrease the free percentage initially designated by the Secretary.

(e) The Secretary shall notify the committee promptly of each percentage so fixed. The committee shall give prompt and reasonable publicity thereof to producers and shall notify handlers and dehydrators of such percentages by registered or certified mail.

* * * * *

§ 989.64 [Deleted]

41. Delete § 989.64.

§ 989.66 [Amended]

42. After the second sentence of § 989.66(f), insert a sentence reading: "All handler compensation shall be reviewed annually and shall be paid at least (quarterly) (monthly) as earned."

43. In § 989.68, designate paragraph (h) as paragraph (i), and add a new paragraph (h) reading:

§ 989.68 Disposal of surplus raisins.

* * * * *

(h) If the committee fixes minimum packer resale prices pursuant to provisions of a sales agreement covering surplus tonnage raisins, it shall review annually the packer margin, shrinkage allowance, and other factors which make up the spread between the committee's sale price and the minimum packer resale price. With respect to such packer margin, beginning with the crop year and occurring at least every fifth crop year thereafter, the committee shall cause individual audits to be made of packer costs. Such audits shall be made by a recognized auditing organization and the resulting data shall be considered by the committee in its annual reviews.

* * * * *

§ 989.97 [Amended]

44. Consider modifying § 989.97 *Exhibit B* so as to correlate it with proposed modifications in § 989.59.

45. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform to any amendment which may result from this hearing.

Copies of this notice may be obtained from the field offices of the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, either at Room 836, 630 Sansome Street, San Francisco, Calif. 94111, or at 3525 East Tulare Street, Fresno, Calif. 93702, or at the offices of the Raisin Administrative Committee, 606 East Belmont Avenue, Fresno, Calif. 93720.

Dated: April 3, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-3836; Filed, Apr. 6, 1967; 8:47 a.m.]

[7 CFR Parts 1001–1004, 1015, 1016, 1094, 1096, 1103]

[Docket No. AO 293–A16, etc.]

MILK IN WASHINGTON, D.C., AND CERTAIN OTHER MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR part	Marketing area	Docket No.
1001	Massachusetts-Rhode Island.	AO 14-A38-R02.
1002	New York-New Jersey	AO 71-A52.
1003	Washington, D.C.	AO 293-A16.
1004	Delaware Valley	AO 160-A33.
1015	Connecticut	AO 305-A17.
1016	Upper Chesapeake Bay	AO 312-A12.
1094	New Orleans	AO 103-A25.
1096	Northern Louisiana	AO 287-A15.
1103	Mississippi	AO 346-A5.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, NW., Washington, D.C., beginning at 9:30 a.m., local time, on April 14, 1967, to consider proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Washington, D.C., Massachusetts-Rhode Island, New York-New Jersey, Delaware Valley, Connecticut, Upper Chesapeake Bay, New Orleans, Northern Louisiana and Mississippi marketing areas to reflect appropriate Class I prices in light of economic and marketing conditions. With respect to the order regulating the handling of milk in the Massachusetts-Rhode Island marketing area, this hearing represents a reopening for the limited purpose stated herein of the public hearing previously held under Docket No. AO 14-A38.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the appropriate levels of Class I prices. At the hearing, evidence also will be received on the question of whether the due and timely execution of the functions of the Secretary imperatively and unavoidably requires the omission of a recommended decision in connection with any emergency amendatory action that may be required with respect to any of the aforesaid orders.

This notice is issued in response to a request by cooperative associations of producers, dairy farmers, and milk handlers supplying milk to many of these areas in which the handling of milk is regulated by Federal milk orders. These persons have requested that Class I milk price levels established under these orders be reconsidered at this time.

The aforesaid proposals have not received the approval of the Secretary of Agriculture.

Signed at Washington, D.C., on April 4, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-3865; Filed, Apr. 6, 1967; 8:50 a.m.]

[7 CFR Parts 1005, 1008, 1009, 1011, 1033–1036, 1040, 1041, 1043, 1046–1049, 1090, 1101]

[Docket No. AO 179-A29, etc.]

MILK IN NORTHEASTERN OHIO AND CERTAIN OTHER MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR part	Marketing area	Docket No.
1005	Tri-State	AO 177-A29.
1008	Wheeling	AO 268-A13.
1009	Clarksburg	AO 298-A13.
1011	Appalachian	AO 251-A9.
1033	Cincinnati	AO 166-A34.
1034	Dayton-Springfield	AO 175-A25-R'71.
1035	Columbus	AO 176-A22.
1036	Northeastern Ohio	AO 179-A29.
1040	Southern Michigan	AO 225-A18.
1041	Northwestern Ohio	AO 72-A31.
1043	Upstate Michigan	AO 247-A11.
1046	Louisville-Lexington-Evansville.	AO 123-A32.
1047	Fort Wayne	AO 33-A36.
1048	Youngstown-Warren	AO 225-A9.
1049	Indianapolis	AO 319-A9.
1090	Chattanooga	AO 266-A8.
1101	Knoxville	AO 195-A15.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Statler-Hilton Hotel, Euclid and East 12th Street, Cleveland, Ohio, on April 13, 1967, beginning at 9:30 a.m., local time, to consider proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Northeastern Ohio, Tri-State, Wheeling, Clarksburg, Appalachian, Cincinnati, Dayton-Springfield, Columbus, Southern Michigan, Northwestern Ohio, Upstate Michigan, Louisville-Lexington-Evansville, Fort Wayne, Youngstown-Warren, Indianapolis, Chattanooga, and Knoxville marketing areas to reflect appropriate Class I prices in light of economic and marketing conditions.

This hearing represents a reopening for the limited purposes stated herein of the public hearing previously held under Docket No. AO 175-A25 with respect to the order regulating the handling of milk in the Dayton-Springfield marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the appropriate levels of Class I prices. At the hearing, evidence also will be received on the question of whether the due and timely execution of the functions of the Secretary imperatively and unavoidably requires the omission of a recommended decision in connection with any emergency amendatory action that may be required with respect to any of the aforesaid orders.

This notice is issued in response to a request by cooperative associations of producers, dairy farmers, and milk handlers supplying milk to most of the areas in which the handling of milk is regulated by Federal milk orders. These persons have requested that Class I milk price levels established under these orders be reconsidered at this time.

The aforesaid proposals have not received the approval of the Secretary of Agriculture.

Signed at Washington, D.C., on April 4, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-3864; Filed, Apr. 6, 1967; 8:49 a.m.]

[7 CFR Parts 1031, 1032, 1038, 1039, 1044, 1045, 1050, 1051, 1062–1064, 1067, 1068, 1070, 1071, 1078, 1079, 1097–1099, 1102, 1104, 1106, 1108, 1120, 1126–1130, 1132, 1138]

[Docket No. AO 23-A32-R02, etc.]

MILK IN KANSAS CITY AND CERTAIN OTHER MARKETING AREAS

Supplemental Notice Reopening Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR part	Marketing area	Docket No.
1031	Northwestern Indiana	AO 170-A23-R02.
1032	Southern Illinois	AO 313-A13-R02.
1038	Rock River Valley	AO 194-A16-R02.
1039	Milwaukee	AO 212-A21-R02.
1044	Michigan Upper Peninsula.	AO 299-A12-R02.
1045	Northeastern Wisconsin	AO 334-A11-R02.
1050	Central Illinois	AO 355-A2-R02.
1051	Madison	AO 329-A7-R02.
1062	St. Louis	AO 10-A38-R02.
1063	Quad Cities-Dubuque	AO 105-A26-R02.
1064	Kansas City	AO 23-A32-R02.
1067	Ozarks	AO 222-A22-R02.
1068	Minneapolis-St. Paul	AO 178-A20-R02.
1070	Cedar Rapids-Iowa City	AO 229-A17-R02.
1071	Neosho Valley	AO 227-A20-R02.
1078	North Central Iowa	AO 272-A12-R02.
1079	Des Moines	AO 295-A14-R02.
1097	Memphis	AO 219-A20-R02.
1098	Nashville	AO 184-A25-R02.
1099	Paducah	AO 183-A18-R02.
1102	Fort Smith	AO 237-A15-R05.
1104	Red River Valley	AO 208-A10-R02.
1106	Oklahoma Metropolitan	AO 210-A23-R02.
1108	Central Arkansas	AO 243-A17-R02.
1120	Lubbock-Plainview	AO 328-A7-R02.
1126	North Texas	AO 231-A30-R02.
1127	San Antonio	AO 232-A17-R02.
1128	Central West Texas	AO 238-A19-R02.
1129	Austin-Waco	AO 256-A13-R02.
1130	Corpus Christi	AO 259-A16-R02.
1132	Texas Panhandle	AO 262-A14-R02.
1138	Rio Grande Valley	AO 335-A10-R02.

This notice is supplemental to the notice of hearing which was published in the FEDERAL REGISTER of January 19,

1967 (32 F.R. 613), and the supplemental notice published February 7, 1967 (32 F.R. 2573), with respect to proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the respective marketing areas designated hereinbefore.

Further notice is hereby given 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), that the aforesaid hearing will be reopened at the Gateway Hotel, 822 Washington Boulevard, St. Louis, Mo., beginning at 9:30 a.m., local time, April 12, 1967.

This reopened hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the appropriate levels of the fixed differentials used to determine Class I prices without limiting such evidence to the high and low differentials currently contained in the orders. At the hearing, evidence also will be received on the question of whether the due and timely execution of the functions of the Secretary imperatively and unavoidably requires the omission of a recommended decision in connection with any emergency amendatory action that may be required with respect to any of the aforesaid orders.

This supplemental notice is issued in response to a request by cooperative associations of producers, dairy farmers, and milk handlers supplying milk to many of these areas in which the handling of milk is regulated by Federal milk orders. These persons have requested that Class I milk price levels established under these orders be reconsidered at this time.

Signed at Washington, D.C., on April 4, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-3863; Filed, Apr. 6, 1967; 8:49 a.m.]

[7 CFR Parts 1060, 1065, 1066, 1069, 1073, 1075, 1076, 1125, 1131, 1133, 1134, 1136, 1137]

[Docket No. AO 326-A12, etc.]

MILK IN EASTERN COLORADO AND CERTAIN OTHER MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR part	Marketing area	Docket No.
1060	Minnesota-North Dakota	AO 360-R02
1065	Nebraska-Western Iowa	AO 86-A22
1066	Sioux City, Iowa	AO 122-A16
1069	Duluth-Superior	AO 153-A14,
1073	Wichita	AO 173-A20,
1075	Black Hills, S. Dak	AO 248-A8,
1076	Eastern South Dakota	AO 260-A11,
1125	Puget Sound	AO 226-A17,
1131	Central Arizona	AO 271-A12-R01,
1133	Inland Empire	AO 275-A16,
1134	Western Colorado	AO 301-A7,
1136	Great Basin	AO 309-A11,
1137	Eastern Colorado	AO 326-A12.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Brown Palace Hotel, Ballroom A, 17th and Tremont Street, Denver, Colo., beginning at 9:30 a.m., local time, on April 11, 1967, to consider proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Eastern Colorado, Minnesota-North Dakota, Nebraska-Western Iowa, Sioux City, Iowa, Duluth-Superior, Black Hills, South Dakota, Eastern South Dakota, Puget Sound, Central Arizona, Inland Empire, Western Colorado, Wichita, and Great Basin marketing areas to reflect appropriate Class I prices in light of economic and marketing conditions. With respect to the orders regulating the handling of milk in the Minnesota-North Dakota and Central Arizona, marketing areas this hearing represents a reopening for the limited purposes stated herein of the public hearing previously held under Docket Nos. AO 360 and AO 271-A12.

The public hearing is for the purpose of receiving evidence with respect to the economic and emergency marketing conditions which relate to the appropriate levels of Class I prices. At the hearing, evidence also will be received on the question of whether the due and timely execution of the functions of the Secretary imperatively and unavoidably requires the omission of a recommended decision in connection with any emergency amendatory action that may be required with respect to any of the aforesaid orders.

This notice is issued in response to a request by cooperative associations of producers, dairy farmers, and milk handlers supplying milk to many of these areas in which the handling of milk is regulated by Federal milk orders. These persons have requested that Class I milk price levels established under these orders be reconsidered at this time.

The aforesaid proposals have not received the approval of the Secretary of Agriculture.

Signed at Washington, D.C., on April 4, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-3862; Filed, Apr. 6, 1967; 8:49 a.m.]

[7 CFR Part 1128]

[Docket No. AO 238-A20]

MILK IN CENTRAL WEST TEXAS MARKETING AREA

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

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central West Texas marketing area, which was issued March 27, 1967 (32 F.R. 5371), is hereby extended from April 4, 1967, to April 14, 1967.

Signed at Washington, D.C., on April 3, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-3835; Filed, Apr. 6, 1967; 8:47 a.m.]

[7 CFR Part 1205]

COTTON RESEARCH AND PROMOTION

Cotton Board Rules and Regulations

The Cotton Research and Promotion Order (31 F.R. 16757), established pursuant to the Cotton Research and Promotion Act (80 Stat. 279; 7 U.S.C. 2101 et seq.), provides in § 1205.327(b) that the Cotton Board shall have the power to make rules and regulations, subject to the approval of the Secretary of Agriculture, to effectuate the terms and provisions of the order, including the designation of the handler responsible for collecting the producer assessment of $1 per bale for cotton research and promotion.

The Cotton Board has formulated and submitted to the Secretary of Agriculture for approval the regulations hereinafter set forth with respect to the $1 per bale assessment, collecting and reporting handlers, refunds of assessments, reports and records, and related matters. The Cotton Board has recommended that the regulations become effective June 1, 1967. The Secretary has not approved these regulations. Prior to such approval, the Secretary desires to give persons subject to the regulations an opportunity to express their views.

The regulations are as follows:

Subpart—Cotton Board Rules and Regulations

DEFINITIONS

Sec.
1205.500 Terms defined.

GENERAL

1205.505 Communication.

ASSESSMENTS

1205.510 Levy of assessment.
1205.511 Payment and collection.
1205.512 Collecting handlers and time of collection.
1205.513 Remittance to Cotton Board.
1205.514 Receipts for payment of assessments.

REFUNDS

1205.520 Procedure for obtaining refund.

WAREHOUSE RECEIPTS

1205.525 Entry of gin code number.

Subpart—Cotton Board Rules and Regulations

DEFINITIONS

§ 1205.500 Terms defined.

As used throughout this subpart, unless the context otherwise requires, the following terms shall mean:

(a) "ASCS" means the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture.

(b) "Cotton Board" means the administrative body established pursuant to the Cotton Research and Promotion Order.

(c) "CCC" means the Commodity Credit Corporation.

(d) "Form A" means Cotton Producer's Note, Form CCC Cotton A.

(e) "Gin code number" means the identification number assigned to each cotton gin by the Cotton Division, Consumer and Marketing Service, U.S. Department of Agriculture.

(f) "Handle" means to harvest, gin, warehouse, compress, purchase, market, transport, or otherwise acquire ownership or control of cotton.

(g) "Handler" means any person who handles cotton, including CCC.

(h) "Marketing" means any sale of cotton, or the pledging of cotton to CCC as collateral for a price support loan.

(i) "Marketing year" means a consecutive 12-month period ending on July 31.

(j) "Person" means any individual, partnership, corporation, association, or any other entity, whether governmental or private.

(k) "Producer" means any person who owns or shares in a cotton crop (or in the proceeds thereof) as landowner, landlord, tenant, or sharecropper.

(l) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

GENERAL

§ 1205.505 Communication.

All reports, requests and applications for refunds and communications in connection with the cotton research and promotion order shall be addressed as follows: Cotton Board, Post Office Box 4948, Memphis, Tenn. 38104.

ASSESSMENTS

§ 1205.510 Levy of assessment.

An assessment of $1 per bale for cotton research and promotion is hereby levied on each bale of upland cotton that is produced from cotton harvested and ginned on and after June 1, 1967. Such assessment shall be payable and collected only once on each bale.

§ 1205.511 Payment and collection.

The assessment shall be paid by the producer of the cotton to the collecting handler designated in § 1205.512. If more than one producer shares in the proceeds received from a bale, each such producer is obligated to pay that portion of the assessment which is equivalent to his proportionate share of the proceeds. Failure of the handler to collect the assessment on each bale shall not relieve the handler of his obligation to remit the assessment to the Cotton Board as required in §§ 1205.512 and 1205.513.

§ 1205.512 Collecting handlers and time of collection.

Collecting handlers and the time of collecting the $1 per bale assessment shall be as follows:

(a) Except as provided in paragraph (b) of this section, any person who purchases a bale of cotton from the producer of the cotton shall be the collecting handler for such cotton. The handler shall collect the assessment at the time the handler first makes any payment or any credit to the producer's account for the cotton. The handler shall give the producer a receipt indicating payment of the assessment.

(b) Any cooperative marketing association or other person that accepts a bale of cotton from the producer of the cotton under an oral or written contract or agreement providing for the marketing of the cotton shall be the collecting handler for such cotton. Such association or person shall collect the assessment regardless of whether the cotton is marketed or tendered to CCC for price support loan. The handler shall collect the assessment at the time the handler first makes any cash advance, any payment, or any credit to the producer's account for the cotton. The handler shall give the producer a receipt indicating payment of the assessment.

(c) For bales of cotton tendered to CCC for Form A loan, except bales tendered pursuant to paragraph (b) of this section:

(1) The ASCS County Office shall be the collecting handler except as provided in subparagraph (2) of this paragraph. The ASCS County Office shall collect the assessment when it makes disbursement based on the Form A loan documents. The producer's copy of the Cotton Producer's Note (Form CCC Cotton A) shall show payment of the assessment and shall constitute the producer's receipt for payment of the assessment.

(2) Any person (other than an ASCS County Office) who advances to the producer the loan value of the cotton as shown on a Cotton Producer's Note (Form CCC Cotton A) shall be the collecting handler for such cotton. The handler shall collect the $1 per bale assessment at the time the handler makes any advance to the producer on the loan value of the cotton. The handler shall give the producer a receipt indicating payment of the assessment.

(d) Any person who purchases cotton in the cotton field where produced or who purchases seed cotton from the producer of the cotton shall be the collecting handler. The handler shall collect the assessment at the time such cotton is ginned. The handler shall give the producer a receipt indicating payment of the assessment.

(e) Any person who consumes domestically or exports cotton of his own production shall be the collecting handler for such cotton. Such handler shall pay the assessment to the Cotton Board at the time the cotton is consumed or exported.

(f) Any person who obtains ownership of a bale of cotton from the producer of the cotton by transfer of any kind or by any means, under conditions other than those described in paragraph (a), (b), (c), or (d) of this section shall be the collecting handler for such cotton. Such handler shall collect the assessment at the time he takes ownership of the cotton. The handler shall give the producer a receipt indicating payment of the assessment.

(g) In the event of a producer's death, bankruptcy, receivership, or incapacity to act, the representative of the producer, or his estate, or the person acting on behalf of creditors, shall be considered the producer of the cotton for the purposes of this section and § 1205.520.

§ 1205.513 Remittance to Cotton Board.

Each collecting handler shall transmit assessments and reports on assessments to the Cotton Board as follows:

(a) *Reporting periods.* Each calendar month shall be divided into two reporting periods beginning respectively at the opening of business on the 1st and 16th day of the month and ending respectively at the close of business on the 15th and last day of the month.

(b) *Reports.* Each collecting handler shall make reports on forms made available or approved by the Cotton Board. Each collecting handler shall prepare a separate report form each reporting period for each gin from which such handler handles cotton on which he is required to collect the assessment during the reporting period. Each report shall be mailed in duplicate to the Cotton Board within 10 days after the close of the reporting period and shall contain the following information:

(1) Date of report.

(2) Reporting period covered by report.

(3) Gin code number.

(4) Name and address of handler.

(5) Listing of all producers from whom the handler was required to collect the assessment, their addresses, and total number of bales for each producer on which the handler was required to collect the assessment.

(6) Date of last report remitting assessments to the Cotton Board.

(c) *Remittances.* The collecting handler shall remit all assessments to the Cotton Board with the report required in paragraph (b) of this section. All remittances sent to the Cotton Board by

collecting handlers shall be by check, draft, or money order payable to the order of the "Cotton Board". All remittances shall be received subject to collection and payment at par.

§ 1205.514 Receipts for payment of assessments.

Each collecting handler who is required by § 1205.512 to give the producer a receipt showing payment of the $1 per bale cotton research and promotion assessment shall include such receipt as part of the invoice or settlement sheet for the cotton, or shall give the producer a separate receipt form. The document given to the producer as a receipt shall contain the following information:

(a) Name and address of collecting handler.

(b) Gin code number of gin at which cotton was ginned.

(c) Name and address of producer who paid assessment.

(d) Number of bales on which assessment was paid.

(e) Date on which assessment was paid by producer.

REFUNDS

§ 1205.520 Procedure for obtaining refund.

Each cotton producer against whose cotton any assessment is made and collected pursuant to this subpart may obtain a refund of such assessment only by following the procedures prescribed in this section.

(a) *Application form.* A producer shall obtain a refund application form from the Cotton Board. Such form may be obtained by written request to the Cotton Board and the request shall bear the producer's signature or his properly witnessed mark.

(b) *Submission of refund application to Cotton Board.* Any producer requesting a refund shall mail an application on the prescribed form to the Cotton Board within 90 days from the date the assessment was paid on the cotton. The refund application shall show (1) producer's name and address; (2) collecting handler's name and address; (3) gin code number; (4) number of bales on which refund is requested; (5) date or inclusive dates on which assessments were paid; and (6) the producer's signature or properly witnessed mark. Where more than one producer shared in the assessment payment on cotton, joint or separate refund application forms may be filed. In any such case the refund application shall show the names, addresses and proportionate shares of all such producers. The refund application form shall bear the signature or properly witnessed mark of each producer seeking a refund.

(c) *Proof of payment of assessment.* The receipt given to the producer by the collecting handler, or a copy thereof, or such other evidence satisfactory to the Cotton Board, shall accompany the producer's refund application. Within 60 days from the date the properly executed application for refund is received by the Cotton Board, the Cotton Board shall make remittance to the producer. For joint applications, the remittance shall be made payable jointly to all eligible producers signing the refund application form. Receipts submitted with refund applications shall be returned to the producer with his refund by the Cotton Board.

WAREHOUSE RECEIPTS

§ 1205.525 Entry of gin code number.

Any warehouseman receiving a bale of cotton ginned on or after June 1, 1967, shall enter the gin code number of the gin at which the bale was ginned on the warehouse receipt issued for the bale.

REPORTS AND RECORDS

§ 1205.530 Ginners reports.

Each cotton gin in the United States shall submit reports to the Cotton Board on forms made available or approved by the Cotton Board, as follows:

(a) *Periodic report.* Each gin shall report the cumulative number of bales ginned at the gin as of the close of business on the following dates during its active ginning operations: July 31; August 15; August 31; September 15; September 30; October 17; October 31; November 13; November 30; December 12; January 15; and February 28. Such reports shall be mailed to the Cotton Board not later than 5 days after each such date.

(b) *End-of-season report.* Within 10 days following the close of its ginning operations each year but in no event later than February 28, each gin shall report to the Cotton Board an alphabetical listing of producer names, their addresses and the number of bales ginned for each such producer.

§ 1205.531 Records.

Each handler required to make reports pursuant to this subpart shall maintain such books and records as are necessary to verify the reports.

§ 1205.532 Retention period for reports and records.

Each handler required to make reports pursuant to this subpart shall retain for at least 2 years beyond the marketing year of their applicability: (a) One copy of each report made to the Cotton Board; and (b) such books and records as are necessary to verify such reports.

§ 1205.533 Availability of reports and records.

Each handler required to make reports pursuant to this subpart shall make available for inspection by the Cotton Board, including its designated employees, and the Secretary any reports, books, or records required under this subpart.

CONFIDENTIAL INFORMATION

§ 1205.540 Confidential books, records, and reports.

All information obtained from the books, records, and reports of handlers and all information with respect to refunds of assessments made to individual producers shall be kept confidential in the manner and to the extent provided for in § 1205.336.

All persons who desire to submit written data, views, or arguments in connection with the proposed regulations may file the same in triplicate with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 15 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: April 5, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-3895; Filed, Apr. 6, 1967; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 23]

[Docket No. 8070; Notice 67-11]

AIRWORTHINESS STANDARDS

Small Airplanes Capable of Carrying More Than 10 Occupants

The Federal Aviation Agency is considering amending Part 23 of the Federal Aviation Regulations to provide additional airworthiness standards for small airplanes capable of carrying more than 10 persons, and intended for use under Part 135, "Air Taxi Operators and Commercial Operators of Small Aircraft."

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before June 30, 1967, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In an advance Notice of Proposed Rule Making 67-9 issued on March 17, 1967 (32 F.R. 4500), the Agency invited comment on updating, in a number of respects, the rules governing operations under Part 135. In addition, in that notice the Agency advised the public that it was considering specific proposals for additional airworthiness standards for small airplanes capable of carrying more than 10 persons, to be used in operations under Part 135.

During recent months the Agency has received several applications for the type certification, in accordance with the

current standards of FAR 23, of reciprocating-engine powered airplanes, and turbopropeller powered airplanes, designed to be capable of carrying more than 10 persons and intended for use in Part 135 operation. Upon receiving these applications, the Agency reviewed them in the light of the current rules relating to the certification and operation of small airplanes. As a result of this review, it became apparent that the pertinent airworthiness standards of Part 23 and certain related operating rules of Part 135 would be inadequate for airplanes of that carrying capacity in those operations. As stated in ANPRM 67-9, this stems from the fact that Parts 23 and 135 and their predecessor regulations were originally designed with the certification and operation of lower seating capacity airplanes in mind. The Agency believes that current regulations do not provide the level of safety required by the Federal Aviation Act of 1958 for the types of operations that will, in the future, be conducted by the various Part 135 operators using airplanes of that carrying capacity.

Therefore, to ensure that the airplanes which are capable of carrying more than 10 persons, and for which type certification applications have been received, will provide the required level of safety, the Agency has developed certain special conditions for the type certification of these airplanes. The special conditions which were developed concern the four following areas:

(1) Flight.
(2) Airframe.
(3) Propulsion.
(4) Systems and equipment.

The Agency intends that the additional airworthiness standards proposed herein, which are based on the special conditions referred to in the preceding paragraph, will apply to small airplanes capable of carrying more than 10 persons, and are intended for use in FAR 135 operations. The additional airworthiness standards would apply to any airplane, for which the applicant elects to comply with the requirements for airplanes of that capacity and for those operations, after the date of issuance of this notice. The adoption of these additional standards is not intended to preclude an applicant from manufacturing an airplane of that capacity under the appropriate current airworthiness requirements for small airplanes. Such requirements consist of the applicable provisions of FAR 23 plus special conditions to cover unusual and novel design features. An airplane certificated under those requirements would not, however, continue to be indefinitely eligible for use in FAR 135 operations, since the Agency is also considering a requirement that any airplane capable of carrying more than 10 persons in Part 135 operations, after June 1, 1972, would have to be certificated in accordance with the proposals contained herein, or meet similar requirements that would be contained in Part 135.

The additional airworthiness standards proposed herein would apply to reciprocating-engine powered and turbopropeller powered airplanes and not to turbojet powered airplanes. Additional study will be required with respect to turbojet powered airplanes to determine what additional airworthiness standards are needed for them. Pending such a study, applications under FAR 23 for type certification of turbojet powered airplanes capable of carrying more than 10 persons in operations under Part 135 will be treated individually, and special conditions will be established for them as necessary to insure a level of safety comparable to that intended to be achieved by the standards contained herein.

Concurrently with the issuance of this NPRM, the Agency is considering additional rulemaking in connection with its overall review of FAR 23. There is a possibility that there may be some inconsistency in details or some duplication in the two proposals. Any such inconsistencies or duplication will be eliminated before final rules are adopted by the Agency as a result of either proposal.

In consideration of the foregoing, it is proposed to amend Part 23 of the Federal Aviation Regulations to add the following provisions:

FLIGHT

SUMMARY OF PROPOSED FLIGHT AIRWORTHINESS REQUIREMENTS

The proposed flight requirements are in addition to the flight requirements in FAR 23 and are specifically intended to establish a minimum level of safety for multiengine airplanes which have an occupant capacity of more than 10 persons and are intended for operation under FAR 135. The flight requirements for turbopropeller powered airplanes are the same as for reciprocating-engine powered airplanes except for an additional requirement relating to the demonstration of static longitudinal stability. The additional requirement for turbopropeller airplanes sets forth appropriate power settings for static longitudinal stability in a climb.

Under the proposed performance requirements, affected airplanes would be required to sustain failure of the critical engine any time after beginning of takeoff without hazardous resuits. A takeoff decision speed V_1 would be determined as the speed from which the airplane could slow to 40 m.p.h. (35 knots) within the length of the available runway or be able to take off, climb, circle the field, and land safely. The takeoff field length would be an operating limitation and would be based on the distance required to accelerate to the V_1 speed and then to slow down to a speed of 40 m.p.h. assuming a decision is made at V_1 to discontinue the takeoff. No operating limitations are being proposed with respect to an overrun or clearway area beyond the runway. Full temperature and altitude accountability would be applied to the takeoff requirement and to the balked landing climb. Temperature accountability would be applied to the en route one-engine-inoperative climb requirements. The landing distance would be based on a power approach at a speed not less than $1.3V_{S1}$.

The airspeed limitations and markings would be shown in terms of V_{MO}/M_{MO} instead of the V_{NO}/V_{NE} notation of FAR 23. Some of the handling qualities requirements are redefined for clarification with respect to the V_{MO}/M_{MO} speed notation. Except for this clarification, the only substantive change would allow static longitudinal stability to be demonstrated over a speed range which is 50 knots above and below the trim speed.

The minimum flight crew for these airplanes would be based on pilot workload, location and accessibility of controls, and command decisions. The flight instruments for attitude, airspeed, altitude and direction would be arranged according to the "basic T."

Performance information and operating procedures needed for safe operation would be included in the Airplane Flight Manual, and a suitable fixed container for storage of the Airplane Flight Manual would be provided in the cockpit accessible to the pilot.

PERFORMANCE

General. (a) Unless otherwise prescribed, compliance with each applicable performance requirement must be shown for ambient atmospheric conditions and still air.

(b) The performance must correspond to the propulsive thrust available under the particular ambient atmospheric conditions and the particular flight condition. The available propulsive thrust must correspond to engine power or thrust, not exceeding the approved power or thrust less—

(1) Installation losses; and

(2) The power or equivalent thrust absorbed by the accessories and serviees appropriate to the particular ambient atmospheric conditions and the particular flight condition.

(c) Unless otherwise prescribed, the applicant must select the takeoff, en route, and landing configurations for the airplane.

(d) The airplane configuration may vary with weight, altitude, and temperature, to the extent they are compatible with the operating procedures required by paragraph (f) of this section.

(e) Unless otherwise prescribed, in determining the critical engine inoperative takeoff performance, the accelerate-stop distance, takeoff distances, changes in the airplane's configuration, speed, power, and thrust, must be made in accordance with procedures established by the applicant for operation in service.

(f) Procedures for the execution of balked landings must be established by the applicant and included in the Airplane Flight Manual.

(g) The procedures established under paragraphs (e) and (f) of this section must—

(1) Be able to be consistently executed in service by a crew of average skill;

(2) Use methods or devices that are in service by a crew of average skill; safe and reliable; and

(3) Include allowance for any time delays, in the execution of the procedures, that may reasonably be expected in service.

Takeoff. (a) The takeoff speed described in paragraph (b), the accelerate-stop distance described in paragraph (c), and the takeoff distance described in paragraph (d), must be determined and shown in the performance information section of the Airplane Flight Manual for—

(1) Each weight, altitude, and ambient temperature within the operational limits selected by the applicant;

(2) The selected configuration for takeoff;

(3) The center of gravity in the most unfavorable position;

(4) The operating engine within approved operating limitations; and

(5) Takeoff data based on smooth, dry, hard-surface runway.

(b) *Takeoff Speeds.* The decision speed V_1 is the calibrated airspeed at which, as a result of engine failure or other reasons, the pilot is assumed to have made a decision to continue or discontinue the takeoff. The speed V_1 must be selected by the applicant but may not be less than—

(1) $1.10V_{S_1}$;

(2) $1.10V_{MC}$ established under FAR 23.149;

(3) A speed that permits acceleration to V_1 and stop in accordance with paragraph (c) allowing credit for an overrun distance equal to that required to stop the airplane from a ground speed of 40 m.p.h. utilizing maximum braking; or

(4) A speed at which the airplane is rotated for takeoff and shown to be adequate to safely continue the takeoff, using normal piloting skill, when the critical engine is suddenly made inoperative.

Other essential takeoff speeds necessary for safe operation of the airplane must be determined and shown in the Airplane Flight Manual.

(c) *Accelerate-Stop Distance.* (1) The accelerate-stop distance is the sum of the distances necessary to—

(i) Accelerate the airplane from a standing start to V_1; and

(ii) Come to full stop from the point at which V_1 is reached allowing credit for a 40 m.p.h. overrun, assuming that the critical engine fails at V_1 and landing gear remains in the extended position. An overrun of 40 m.p.h. is permitted utilizing maximum braking.

(2) Means other than wheel brakes may be used to determine the accelerate-stop distance if that means is available with the critical engine inoperative and—

(i) Is safe and reliable;

(ii) Is used so that consistent results can be expected under normal operating conditions; and

(iii) Is such that exceptional skill is not required to control the airplane.

(d) *Takeoff Distance.* The distances for takeoff to be entered in the Airplane Flight Manual must include:

(1) The horizontal distance required to takeoff and climb to a height of 50 feet above the takeoff surface according to procedures in FAR 23.51.

(2) The accelerate-stop distance as determined under paragraph (c). Credit may be taken for an overrun distance equal to that required to stop the airplane from an indicated airspeed of 40 m.p.h. under zero wind conditions utilizing maximum braking.

Climb—(a) *General.* (1) Performance as required in paragraph (b), must be determined for each weight, altitude, and ambient temperature within the operational limits established for the airplane and with the most unfavorable center of gravity for each configuration, and out-of-ground effect in free air.

(2) The performance information obtained under paragraph (1) must be shown in the performance information section of the Airplane Flight Manual.

(b) *Landing Climb: All-Engines-Operating.* In the landing configuration, determine the weight at which the steady gradient of climb will not be less than 3.3 percent, with:

(1) The engines at the power that is available 8 seconds after initiation of movement of the power or thrust controls from the minimum flight idle to the takeoff position.

(2) A safe climb speed not less than the approved speed established under the section entitled "Landing".

Landing. The following power approach may be used to replace the gliding approach specified in FAR 23.75. The landing must be preceded by a steady approach down to the 50-foot height at a gradient of descent not greater than 5.2 percent (3 degrees) at a calibrated airspeed not less than $1.3V_{S_1}$.

TRIM

Trim—(a) *Lateral and Directional Trim, FAR 23.161(b).* In addition to present requirements, "Lateral and directional trim in level flight at a speed of V_H or V_{MO}/M_{MO}, if lower."

(b) *Longitudinal Trim, FAR 23.161(c).* In addition to present rquirements, "The trim speed need not exceed V_{MO}/M_{MO} with landing gear and wing flaps retracted."

(c) *Longitudinal Trim, FAR 23.161 (c)(6).* In addition to present requirements, "During level flight at any speed from V_H or V_{MO} if lower, to V_X or $1.4V_{S_1}$ with landing gear and wing flaps retracted."

(d) *Longitudinal Trim, FAR 23.161 (c) (3), (4), and (5).* In addition to the trim requirements in FAR 23.161(c) (3), (4), and (5), the airplane must maintain longitudinal trim down to the approach speed used to show the landing distance required by the preceding section entitled "Landing" or $1.4V_{S_1}$, whichever speed is lower, with not more than 10 pounds stick force.

STABILITY

Static Longitudinal Stability.—(a) *FAR 23.173(b).* In addition to the present requirement, for showing compliance with FAR 23.175(b), the airspeed must return to within ±7½ percent of the trim speed.

(b) *FAR 23.175*—(1) *Cruise Stability.* In addition to the present requirement, the stick force curve must have a stable slope for a speed range of ±50 knots from the trim speed except that the speeds need not exceed V_{FC}/M_{FC} or be less than $1.4V_{S_1}$. This speed range will be considered to begin at the outer extremes of the friction band and the stick force may not exceed 50 pounds with—

(i) Landing gear retracted;

(ii) Wing flaps retracted;

(iii) The maximum cruising power as selected by the applicant as an operating limitation for turbine engines or 75 percent of maximum continuous power for reciprocating engines except that the power need not exceed that required at V_{MO}/M_{MO};

(iv) Maximum takeoff weight; and

(v) The airplane trimmed for level flight with the power specified in subparagraph (iii) of this paragraph.

V_{FC}/M_{FC} may not be less than a speed midway between V_{MO}/M_{MO} and V_{DF}/M_{DF}, except that, for altitudes where Mach number is the limiting factor, M_{FC} need not exceed the Mach number at which effective speed warning occurs.

(2) *Climb Stability. (For turbopropeller powered airplanes only).* In addition to present requirements, the maximum power selected by the applicant as an operating limitation for use during climb at the best rate of climb speed except that the speed need not be less than $1.4V_{S_1}$.

STALLS

Stall Warning FAR 23.207. In addition to the present requirement, if artificial stall warning is required, the use of a visual warning device that requires the attention of the crew within the cockpit is not acceptable by itself.

CONTROL SYSTEMS

Electric Trim Tabs, FAR 23.677. In addition to the present requirement, the airplane must be safely controllable and the pilot must be able to perform all the maneuvers and operations necessary to effect a safe landing following any probable electric trim tab runway which might be reasonably expected in service allowing for appropriate time delay after pilot recognition of runway. This demonstration must be conducted at the critical airplane weights and center of gravity positions.

INSTRUMENTS: INSTALLATION

Arrangement and Visibility, FAR 23.1321. In addition to the present requirements, the following apply:

(a) Each flight, navigation, and powerplant instrument for use by any pilot must be plainly visible to him from his station with the minimum practicable deviation from his normal position and line of vision when he is looking forward along the flight path.

(b) The flight instruments required by FAR 23.1303 and as applicable by FAR 91 must be grouped on the instrument panel and centered as nearly as practicable about the vertical plane of the pilot's forward vision. In addition—

(1) The instrument that most effectively indicates the attitude must be on the panel in the top center position;

(2) The instrument that most effectively indicates airspeed must be adjacent to and directly to the left of the instrument in the top center position;

(3) The instrument that most effectively indicates altitude must be adjacent to and directly to the right of the instrument in the top center position; and

(4) The instrument that most effectively indicates direction of flight must be adjacent to and directly below the instrument in the top center position.

Airspeed Indicating System, FAR 23.1323. In addition to the present requirement:

(a) Airspeed indicating instruments must be of an approved type and must be calibrated to indicate true airspeed at sea level in the standard atmosphere with a minimum practicable instrument calibration error when the corresponding pitot and static pressures are supplied to the instruments.

(b) The airspeed indicating system must be calibrated to determine the system error, i.e., the relation between IAS and CAS, in flight and during the accelerate takeoff ground run. The ground run calibration must be obtained between 0.8 of the minimum value of V_1 and 1.2 times the maximum value of V_1, considering the approved ranges of altitude and weight. The ground run calibration will be determined assuming an engine failure at the minimum value of V_1.

(c) The airspeed error of the installation excluding the instrument calibration error, must not exceed 3 percent or 5 m.p.h. whichever is greater, throughout the speed range from V_{MO} to $1.3V_{S_1}$ with flaps retracted and from $1.3V_{SO}$ to V_{FE} with flaps in the landing position.

(d) Information showing the relationship between IAS and CAS must be shown in the Airplane Flight Manual.

Static Air Vent System, FAR 23.1325. In addition to the present requirement, the altimeter system calibration must be shown in the Airplane Flight Manual.

Operating Limitations and Information

Maximum Operating Limit Speed V_{MO}/M_{MO}. (a) The maximum operating limit speed V_{MO}/M_{MO} as established by the applicant is the speed which must not be deliberately exceeded in any regime of flight except where a higher speed is authorized for flight tests or pilot training operations.

(b) The maximum operating limit speed must not exceed the design cruising speed V_C and must be sufficiently below V_D/M_D or V_{DF}/M_{DF} to make it highly improbable that the latter speeds will be inadvertently exceeded in flight.

(c) The speed V_{MO} must not exceed $0.8V_D/M_D$ or $0.8V_{DF}/M_{DF}$ unless flight demonstrations involving upsets as specified by the Administrator indicates a lower speed margin will not result in speeds exceeding V_D/M_D or V_{DF}. Atmospheric variations, horizontal gusts, system and equipment errors, and airframe production variations will be taken into account.

Minimum Flight Crew, FAR 23.1523. In addition to the present requirement, the applicant must establish the minimum number and type of qualified flight crew personnel sufficient for safe operation of the airplane considering—

(a) Each kind of operation for which the applicant desires approval;

(b) The workload on each crewmember considering—

(1) Flight path control;

(2) Collision avoidance;

(3) Navigation;

(4) Communications;

(5) Operation and monitoring of all essential aircraft systems; and

(6) Command decisions; and

(c) The accessibility and ease of operation of necessary controls by the appropriate crewmember during all normal and emergency operations when at his flight station.

Airspeed Indicator, FAR 23.1545. The FAR 23.1545 airspeed notations and markings in terms of V_{NO} and V_{NE} must be replaced by the V_{MO}/M_{MO} notations. The airspeed indicator markings must be easily read and understood by the pilot. A placard adjacent to the airspeed indicator will be an acceptable means of showing compliance with paragraph (c) of FAR 23.1545.

Airplane Flight Manual

Operating Limitations, FAR 23.1583. In addition to the present requirement:

(a) Airspeed limitations. The following airspeed limitations must be furnished:

(1) The maximum operating limit speed V_{MO}/M_{MO} and a statement that this speed limit may not be deliberately exceeded in any regime of flight (climb, cruise, or descent) unless a higher speed is authorized for flight test or pilot training.

(2) If an airspeed limitation is based upon compressibility effects, a statement to this effect and information as to any symptoms, the probable behavior of the airplane, and the recommended recovery procedures.

(b) The airspeed limits shown in terms of V_{MO}/M_{MO} replace the V_{NE} notation in FAR 23.

(c) The maximum T.O. weight will be limited to that at which:

(1) The airplane will have an accelerate-stop distance determined in accordance with the paragraph entitled "Accelerate-Stop Distance" and as shown in the Airplane Flight Manual in accordance with the paragraph entitled "Takeoff Distance" within the available runway.

(2) The airplane has a takeoff capability after loss of an engine at or above V_1 as selected by the applicant in accordance with the paragraph entitled "Takeoff Speeds". This capability may be established—

(i) By demonstration of a steady rate of climb which is measurable positive with the airplane in the takeoff configuration; or

(ii) By demonstrating the capability of maintaining flight after engine failure utilizing procedures prescribed by the applicant.

(3) The airplane must also have a steady gradient of climb in the enroute configuration of:

(i) 1.2 percent (or a gradient equivalent to 0.02V..2, if greater) at 5,000 feet and an ambient temperature of 41° F.; or

(ii) 0.6 percent (or a gradient equivalent of 0.01V..2, if greater) at 5,000 feet and ambient temperature of 81° F.

(iii) The minimum climb gradient of (i) and (ii) above shall vary linearly between 41° F. and 81° F. and shall change at the same rate up to the maximum operational temperature approved for the airplane.

(d) Sufficient information must be provided in the Airplane Flight Manual so the above takeoff weight limits can be determined for all temperatures and altitudes within the operation limitations selected by the applicant.

Performance Information, FAR 23.1587. In addition the present requirement:

(a) The airspeed at the 50-foot height used to determine landing distances must be provided in the Airplane Flight Manual.

(b) The Airplane Flight Manual must contain the performance information under the applicable provisions (including takeoff distances and landing for the weights, altitudes and temperatures, as applicable) within the operational limits of the airplane, and must contain the following:

(1) The conditions under which the performance information was obtained.

(2) The following performance information (determined by extrapolation and computed for the range of weights between the maximum landing and takeoff weights)—

(i) Climb in the landing configuration; and

(ii) Landing distance.

(3) Procedures established under the preceding flight performance section entitled "General" are related to the limitations and information required by this paragraph. These procedures must be in the form of guidance material including any relevant limitations or information.

(4) An explanation of significant or unusual flight or ground handling characteristics of the airplane.

(5) Airspeeds, as indicated airspeeds, corresponding to these determined for takeoff.

Maximum Operating Altitudes. A maximum operating altitude to which operation is permitted as limited by flight, structural, powerplant, functional, or equipment characteristics must be specified in the Airplane Flight Manual.

Stowage Provision for Airplane Flight Manual. Stowage must be provided for the Airplane Flight Manual in a suitable fixed container readily accessible to the pilot.

Airframe

Summary of Proposed Airframe Airworthiness Requirements

The proposed airframe requirements cover low performance reciprocating-engine powered and turbopropeller powered

airplanes approved for operation below 25,000 feet and for more than ten occupants. High altitude, high performance aircraft, including turbojet powered aircraft will need additional regulations including such items as speed spread, gust loads, speed brakes and windshield and window requirements. Four regulations are proposed which deal with airframe airworthiness aspects of design not now covered by FAR 23 which derive from the use of turbopropeller engines. These cover engine torque, gyroscopic loads, unsymmetrical loads due to engine failure and whirl flutter standards. Dual wheel ground load standards are proposed since dual wheel configurations are not covered by current FAR 23.

More comprehensive fatigue, lightning strike protection, and flap operated landing gear warning criteria are included to reflect the need for new standards indicated by service experience and the specific needs of high density airplanes intended for Part 135 operations.

Standards are also set forth to enhance passenger safety and survivability in accidents due to the specific need of high density airplanes intended for Part 135 operations. These include improved doors and exits, emergency evacuation demonstrations, and protection of passengers from cargo and baggage subject to forward acceleration forces of 9g. In addition, the specific needs of Part 135 operations for deicing protection and a high level of proper maintenance are covered by specific standards in these areas. The aircraft manufacturer would be required to make available to the operator specific technical information that the manufacturer considers essential for the proper maintenance of that aircraft.

FLIGHT LOADS

Engine Torque, FAR 23.361 (For turbopropeller powered airplanes only). In addition to the present requirement of FAR 23.361, the following will apply:

(a) The limit engine torque corresponding to takeoff power and propeller speed, multiplied by a factor accounting for propeller control system malfunction, including quick feathering acting simultaneously with 1g level flight loads. In the absence of a rational analysis, a factor of 1.6 must be used.

(b) The limit torque is obtained by multiplying the main torque by a factor of 1.25.

Turbine Engine Gyroscopic Loads (For turbopropeller powered airplanes only). Each engine mount and its supporting structure must be designed for the gyroscopic loads that result, with the engines at maximum continuous r.p.m., under either—

(a) The condition prescribed in FAR 23.351 and 23.423; or

(b) All possible combinations of the following:

(1) A yaw velocity of 2.5 radians per second.

(2) A pitch velocity of 1 radian per second.

(3) A normal load factor of 2.5.

(4) Maximum continuous thrust.

Unsymmetrical Loads Due to Engine Failure (For turbopropeller powered airplanes only). (a) The airplane must be designed for the unsymmetrical loads resulting from the failure of the critical engine. The airplane must be designed for the following conditions in combination with a single malfunction of the propeller drag limiting system, considering the probable pilot corrective action on the flight controls:

(1) At speeds between V_{mc} and V_D, the loads resulting from power failure because of fuel tank flow interruption are considered to be limit loads.

(2) At speeds between V_{mc} and V_c, the loads resulting from the disconnection of the engine compressor from the turbine or from loss of the turbine blades are considered to be ultimate loads.

(3) The time history of the thrust decay and drag buildup occurring as a result of the prescribed engine failures must be substantiated by test or other data applicable to the particular engine-propeller combination.

(4) The timing and magnitude of the probable pilot corrective action must be conservatively estimated, considering the characteristics of the particular engine-propeller-airplane combination.

(b) Pilot corrective action may be assumed to be initiated at the time maximum yawing velocity is reached, but not earlier than 2 seconds after the engine failure. The magnitude of the corrective action may be based on the control forces specified in 23.397 except that lower forces may be assumed where it is shown by analysis or test that these forces can control the yaw and roll resulting from the prescribed engine failure conditions.

GROUND LOADS

Dual Wheel Criteria—(a) *Pivoting.* The airplane must be assumed to pivot about one side of the main gear with the brakes on that side being locked. The limit vertical load factor must be 1 and the coefficient of friction 0.8. This condition need apply only to the main gear and its supporting structure.

(b) *Unequal Tire Inflation.* A 60–40 percent distribution of the loads established in accordance with FAR 23.471 through FAR 23.483 must be applied to the dual wheels and tires.

(c) *Flat Tire.* (1) Sixty percent of the loads specified in FAR 23.471 through 23.483 must be applied to either wheel in a unit.

(2) Sixty percent of the limit drag and side loads and 100 percent of the limit vertical load established in accordance with FAR 23.493 and 23.485 must be applied to either wheel in a unit except that the vertical load need not exceed the maximum vertical load in paragraph (c)(1).

FATIGUE EVALUATION

Fatigue. In addition to present requirements of FAR 23.571, the strength, detail design, and the fabrication of those parts of the wing, wing carry-through, and attaching structure whose failure would be catastrophic must be evaluated under either of the following unless it is shown that the structure, operating stress levels, materials and expected use are comparable to a similar design which has had substantial satisfactory service experience:

(a) A fatigue strength investigation in which the structure is shown by analysis, tests, or both to be able to withstand the repeated loads of variable magnitude expected in service.

(b) A fail-safe strength investigation in which it is shown by analysis, tests, or both that catastrophic failure of the structure is not probable after fatigue, or obvious partial failure, of a principal structural element, and that the remaining structure is able to withstand a static ultimate load factor of 75 percent of the critical limit load factor at V_c. These loads must be multiplied by a factor of 1.15 unless the dynamic effects of failure under static load are otherwise considered.

DESIGN AND CONSTRUCTION

Flutter, FAR 23.629 (For turbopropeller powered airplanes only). In addition to FAR 23.629(d), for multiengine airplanes, the dynamic evaluation must include—

(a) The significant elastic, inertia, and aerodynamic forces associated with the rotations and displacements of the plane of the propeller; and

(b) Engine-propeller-nacelle stiffness and damping variations appropriate to the particular configuration.

LANDING GEAR

Flap Operated Landing Gear Warning Device. In addition to the requirement of FAR 23.729, there must be a warning device that functions continuously when the wing flaps are extended beyond the takeoff position if the landing gear is not fully extended and locked. There may not be a manual shut-off for this warning device. The flap position sensing unit may be installed at any suitable location. The system for this device may use any part of the system (including the aural warning device) for the device required in FAR 23.729(e).

PERSONNEL AND CARGO ACCOMMODATIONS

Cargo and Baggage Compartments. In addition to the requirements of FAR 23.787 (a) and (b), means must be provided to protect passengers from injury by the contents of any cargo or baggage compartment when the ultimate forward inertia force is 9g.

Doors and Exits. In addition to the requirements of FAR 23.783 and FAR 23.807 (a)(3), (b), and (e) the following will apply:

(a) There must be a means to lock and safeguard each external door and exist against opening in flight either inadvertently by persons, or as a result of mechanical failure. Each external door must be operable from both the inside and the outside.

(b) There must be means for direct visual inspection of the locking mechanism by crewmembers to determine whether external doors and exits, for which the initial opening movement is outward, are fully locked. In addition, there must be a visual means to signal

to crewmembers when normally used external doors are closed and fully locked.

(c) The passenger entrance door must qualify as a floor level emergency exit. Each additional required emergency exit must be located over the wing or each such exit must be provided with acceptable means to assist the occupant in descending to the ground. In addition to the passenger entrance door:

(1) For a total seating capacity of 15 or less, an emergency exit as defined in FAR 23.806(b) is required on each side of the cabin.

(2) For a total seating capacity of 16 to 23, three emergency exits as defined in 23.807(b) are required with one on the same side as the door and two on the side opposite the door.

(d) An evaluation demonstration must be conducted utilizing the maximum number of occupants for which certification is desired. It must be conducted under simulated night conditions and utilizing only the emergency exits on the most critical side of the aircraft. The participants must be representative of average airline passengers with no prior practice or rehearsal for the demonstration. Evacuation must be completed within 90 seconds.

(e) Each emergency exit must be marked with the word "EXIT" by a sign which has white letters one inch high on a red background 2 inches high, be self or independently internally electrically illuminated, and have a minimum luminescence (brightness) of at least 160 microlamberts. The colors may be reversed if the passenger compartment illumination is essentially the same.

(f) Access to window type emergency exits must not be obstructed by seats or seat backs.

(g) The width of the main passenger aisle at any point between seats must equal or exceed the values in the following table.

Total seating capacity	Minimum main passenger aisle width	
	Less than 25 inches from floor	25 inches and more from floor
10 through 23	9 inches	15 inches.

Miscellaneous

Lightning Strike Protection. Parts that are electrically insulated from the basic airframe must be connected to it through lightning arrestors unless a lightning strike on the insulated part is—

(a) Improbable because of shielding by other parts; or

(b) Is not hazardous.

Deicers, FAR 23.1419. In addition to the present requirement of FAR 23.1419, when compliance is shown with the provisions of this section, the type certificate must include certification of that effect. When an airplane is certificated to include ice protection provisions, the recommended procedures for the use of the ice protection equipment must be set forth in the Airplane Flight Manual. An analysis must be performed to establish, on the basis of the airplane's operational needs, the adequacy of the ice protection system for the various components of the airplane. In addition, tests of the ice protection system must be conducted to demonstrate that the airplane is capable of operating safely in continuous maximum and intermittent maximum icing conditions. (Reference FAR 25, Appendix C.) Compliance with all or portions of this section may be accomplished by reference, where applicable because of similarity of the designs, to analysis and tests performed by the applicant for a type certificated model.

Maintenance Information. The applicant must make available at the time of delivery the information he considers essential for the proper maintenance of the aircraft to include at least the following:

(a) Description of systems such as electrical, hydraulic, fuel controls, etc.

(b) Lubrication instructions setting forth the frequency and the lubricants and fluids which are to be used in the various systems.

(c) Pressures and electrical loads applicable to the various systems.

(d) Tolerances and adjustments necessary for proper functioning.

(e) Methods of leveling, raising, and towing.

(f) Methods of balancing control surfaces.

(g) Identification of primary and secondary structures.

(h) Frequency and extent of inspections necessary to the proper operation of the aircraft.

(i) Special repair methods applicable to the aircraft.

(j) Special inspection techniques that require X-ray, ultrasonic, magnetic particle inspection, etc.

(k) List of special tools.

The maintenance information must be made available for use by operators' maintenance facilities to assist them in developing maintenance procedures for the proper maintenance of their aircraft.

Propulsion

Summary of proposed propulsion airworthiness requirements

The propulsion requirements set forth for the turbopropeller powered airplanes are necessary because of novel features and unique characteristics associated with the design and operation of turbine engines. These standards cover such areas as safe operating characteristics, fuel system design, engine cooling, inflight engine restarting and appropriate powerplant instrumentation. A number of regulations are intended to insure powerplant operational reliability of turbine engine installations. These include requirements for independence of powerplants and systems, and protection against such contingencies as engine and fuel system icing, bleed air system failures, inadvertent propeller reversal, and foreign object ingestion. In addition there is a provision requiring fire detection for turbine engine installations. Standards which cater to the Part 135 operations and which apply to reciprocating as well as turbine engines cover engine isolation, lightning protection, fuel flow rate, leakage of flammable fluid in areas other than engine compartments, and accessories which are remotely driven by the engine. Two standards exclusively applicable to reciprocating engine-powered airplanes involve, respectively, additional fire protection for the engine cowling and nacelle skin, and cylinder head temperature and manifold pressure indicators as additional powerplant instruments for increased operational reliability.

General

Vibration Characteristics, FAR 23.901 (For turbopropeller powered airplanes only). Turbine engine installation must not result in vibration characteristics of the engine exceeding those established in accordance with CAR 13 or FAR 33.

In-Flight Restarting of Engine, FAR 23.901 (For turbopropeller powered airplanes only). If the engine cannot be restarted at the maximum cruise altitude, a determination must be made of the altitude below which restarts can be consistently accomplished. Restart information must be provided in the Flight Manual.

Engines, FAR 23.903. (a) For turbopropeller powered airplanes the following will apply:

(1) *Engine isolation.* The powerplants must be arranged and isolated from each other to allow operation, in at least one configuration, so that the failure or malfunction of any engine, or of any system that can affect the engine, will not—

(i) Prevent the continued safe operation of the remaining engines; or

(ii) Require immediate action by any crewmember for continued safe operation.

(2) *Control of engine rotation.* There must be a means to individually stop and restart the rotation of any engine in flight unless, for turbine engine installations, continued rotation could not jeopardize the safety of the airplane. Each component of the stopping and restarting system on the engine side of the firewall, and that might be exposed to fire, must be at least fire resistant. If hydraulic propeller feathering systems are used for this purpose, the feathering lines must be at least fire resistant under the operating conditions that may be expected to exist during feathering.

(3) *Engine speed and gas temperature control devices.* The powerplant systems associated with engine control devices, systems, and instrumentation must provide reasonable assurance that those engine operating limitations that adversely affect turbine rotor structural integrity will not be exceeded in service.

(b) For reciprocating-engine powered airplanes, to provide engine isolation, the powerplants must be arranged and isolated from each other to allow operation, in at least one configuration, so that the failure or malfunction of any engine, or of any system that can affect the engine, will not—

(1) Prevent the continued safe operation of the remaining engine; or

(2) Require immediate action by any crewmember for continued safe operation.

Reversing Systems (For turbopropeller powered airplanes only). (a) Turbopropeller reversing systems intended for ground operation must be designed so that no single failure or malfunction of the system will result in unwanted reverse thrust under any expected operating condition. Failure of structural elements need not be considered if the probability of this kind of failure is extremely remote.

(b) Turbopropeller reversing systems intended for in-flight use must be designed so that no unsafe condition will result during normal operation of the system, or from any failure (or reasonably likely combination of failures) of the reversing system, under any anticipated condition of operation of the airplane. Failure of structural elements need not be considered if the probability of this kind of failure is extremely remote.

(c) Compliance with this section may be shown by failure analysis, testing, or both for propeller systems that allow propeller blades to move from the flight low-pitch position to a position that is substantially less than that at the normal flight low-pitch stop position. The analysis may include or be supported by the analysis made to show compliance with the requirements of FAR 35.21 for the propeller and associated installation components. Credit will be given for pertinent analysis and testing completed by the engine and propeller manufacturers.

Turbopropeller-Drag Limiting Systems (For turbopropeller powered airplanes only). Propeller-drag limiting systems must be designed so that no single failure or malfunction of any of the systems during normal or emergency operation results in propeller drag in excess of that for which the airplane was designed. Failure of structural elements of the drag limiting systems need not be considered if the probability of this kind of failure is extremely remote.

Turbine Engine Powerplant Operating Characteristics (For turbopropeller powered airplanes only). Turbine engine powerplant operating characteristics must be investigated in flight to determine that no adverse characteristics (such as stall, surge, or flameout) are present to a hazardous degree, during normal and emergency operation within the range of operating limitations of the airplane and of the engine.

Fuel Flow, FAR 955. (a) For turbopropeller powered airplanes:

(1) The fuel system must provide for continuous supply of fuel to the engines for normal operation without interruption due to depletion of fuel in any tank other than the main tank.

(2) The fuel flow rate for turbopropeller engine fuel pump systems must not be less than 125 percent of the fuel flow required to develop the standard sea level atmospheric conditions takeoff power selected and included as an operating limitation in the Airplane Flight Manual.

(b) For reciprocating engine powered airplanes, with reference to paragraph (c) of FAR 23.955, it will be acceptable for the fuel flow rate for each pump system (main and reserve supply) to be 125 percent of the takeoff fuel consumption of the engine.

FUEL SYSTEM COMPONENTS

Fuel Pumps, FAR 23.991 (For turbopropeller powered airplanes only). A reliable and independent power source must be provided for each pump used with turbine engines which do not have provisions for mechanically driving the main pumps. It must be demonstrated that the pump installations provide a reliability and durability equivalent to that intended by FAR 23.991(a).

Fuel Strainer or Filter, FAR 23.997 (For turbopropeller powered airplanes only). (a) There must be a fuel strainer or filter between the tank outlet and the fuel metering device of the engine. In addition, the fuel strainer or filter must be:

(1) Between the tank outlet and the engine—driven positive displacement pump inlet, if there is an engine-driven positive displacement pump.

(2) Accessible for drainage and cleaning and, for the strainer screen, easily removable.

(3) Mounted so that its weight is not supported by the connecting lines or by the inlet or outlet connections of the strainer or filter itself.

(b) Unless there are means in the fuel system to prevent the accumulation of ice on the filter, there must be means to automatically maintain the fuel flow if ice-clogging of the filter occurs.

(c) The fuel strainer or filter must be of adequate capacity (with respect to operating limitations established to ensure proper service) and of appropriate mesh to ensure proper engine operation, with the fuel contaminated by a degree (with respect to particle size and density) that can be reasonably expected in service. The degree of fuel filtering may not be less than that established for the engine under Part 33.

Lightning Strike Protection (For turbopropeller powered and reciprocating engine powered airplanes). Protection must be provided against the ignition of flammable vapors in the vent system due to lightning strikes or other ignition sources. Compliance with AC 25-3A for fuel vents will be evidence of compliance with this requirement.

COOLING

Cooling Test Procedures for Multiengine Airplanes (For turbopropeller powered airplanes only) FAR 23.1047. (a) Compliance with FAR 23.1041 must be shown for the takeoff, climb, en route, and landing stages of flight that correspond to the applicable performance requirements. The cooling tests must be conducted with the airplane in the configuration, and operating under the conditions that are critical relative to cooling during each stage of flight. For the cooling tests a temperature is "stabilized" when its rate of change is less than 2° F. per minute.

(b) Temperatures must be stabilized under the conditions from which entry is made into each stage of flight being investigated unless the entry condition is not one during which component and engine fluid temperatures would stabilize (in which case, operation through the full entry condition must be conducted before entry into the stage of flight being investigated in order to allow temperatures to reach their natural levels at the time of entry). The takeoff cooling test must be preceded by a period during which the powerplant component and engine fluid temperatures are stabilized with the engines at ground idle.

(c) Cooling tests for each stage of flight must be continued until—

(1) The component and engine fluid temperatures stabilize;

(2) The stage of flight is completed; or

(3) An operating limitation is reached.

INDUCTION SYSTEM

Air Induction, FAR 23.1091 (For turbopropeller powered airplanes only). (a) There must be means to prevent hazardous quantities of fuel leakage or overflow from drains, vents, or other components of flammable fluid systems from entering the engine intake system.

(b) The air inlet ducts must be located or protected so as to minimize the ingestion of foreign matter during takeoff, landing, and taxiing.

Induction System Icing Protection, FARs 23.1093, 23.1095, 23.1099, 23.1101, 23.1105, 23.1097 (For turbopropeller powered airplanes only). Each turbine engine must be able to operate throughout its flight power range without adverse effect on engine operation or serious loss of power or thrust, under the icing conditions specified in Appendix C of FAR 25. In addition, there must be means to indicate to appropriate flight crewmembers the functioning of the powerplant ice protection system.

Turbine Engine Bleed Air Systems (For turbopropeller powered airplanes only). Turbine engine bleed air systems must be investigated to determine:

(a) That no hazard to the airplane will result if a duct rupture occurs. This condition must consider that a failure of the duct can occur anywhere between the engine port and the airplane bleed service.

(b) That, if the bleed air system is used for direct cabin pressurization, it is not possible for hazardous contamination of the cabin air system to occur in event of lube system failure.

EXHAUST SYSTEM

Exhaust System Drains (For turbopropeller powered airplanes only). Turbopropeller engines exhaust systems having low spots or pockets must incorporate drains at such locations. These drains must discharge clear of the airplane in normal and ground attitudes to prevent the accumulation of fuel after the failure of an attempted engine start.

POWERPLANT CONTROLS AND ACCESSORIES

Engine Controls, FAR 23.1143 (For turbopropeller powered airplanes only).

If throttles or power levers are such that any position of these controls will reduce the fuel flow to the engine(s) below that necessary for satisfactory and safe idle operation of the engine while the airplane is in flight, a means must be provided to prevent inadvertent movement of the control into this position. The means provided must incorporate a positive lock or stop at this idle position and must require a separate and distinct operation by the crew to displace the control from the normal engine operating range.

Reverse Thrust Controls (For turbopropeller powered airplanes only). Propeller reverse thrust controls must have a means to prevent their inadvertent operation. The means must have a positive lock or stop at the idle position and must require a separate and distinct operation by the crew to displace the control from the flight regime.

Engine Ignition Systems, FAR 23.1165 (For turbopropeller powered airplanes only). Each turbopropeller airplane ignition system must be considered an essential load.

Powerplant Accessories (For turbopropeller powered and reciprocating-engine powered airplanes). In addition to the requirements of FAR 23.1163, if the continued rotation of any accessory remotely driven by the engine is hazardous when malfunctioning occurs, there must be means to prevent rotation without interfering with the continued operation of the engine.

POWERPLANT FIRE PROTECTION

Fire Detector System (For turbopropeller powered airplanes only). (a) There must be provided a means of ensuring prompt detection of fire in the engine compartment.

NOTE: An overtemperature switch in each engine cooling air exit will be considered adequate to meet this requirement.

(b) Each fire detector must be constructed and installed to withstand the vibration, inertia, and other loads to which it may be subjected in operation.

(c) No fire detector may be affected by any oil, water, other fluids, or fumes that might be present.

(d) There must be means to allow the crew to check, in flight, the functioning of each fire detector electric circuit.

(e) Wiring and other components of each fire detector system in a fire zone must be at least fire resistant.

Fire Protection, Cowling and Nacelle Skin (For reciprocating-engine powered airplanes only). Revise (c) of FAR 23.1193 to require that the engine cowling must be fireproof or designed and constructed so that no fire originating in the engine compartment can enter, either through openings or by burn through, any other region where it would create additional hazards.

Flammable Fluid Fire Protection (For turbopropeller powered and reciprocating-engine powered airplanes). If flammable fluids or vapors might be liberated by the leakage of fluid systems in areas other than engine compartments, there must be means to—

(a) Prevent the ignition of those fluids or vapors by any other equipment; or

(b) Control any fire resulting from that ignition.

EQUIPMENT

Powerplant Instruments, FAR 23.1305 (b). (a) The following additional instruments are required for turbopropeller airplanes:

(1) A gas temperature indicator for each engine.

(2) Free air temperature indicator.

(3) A fuel flowmeter indicator for each turbopropeller engine.

(4) Oil pressure warning means for each engine.

(5) A torque indicator or adequate means for indicating power output for each turbopropeller engine.

(6) Fire warning indicator for each engine.

(7) A means to indicate when the propeller blade angle is below the low-pitch position corresponding to idle operation in flight.

(8) A means to indicate the functioning of the ice protection system for each engine.

(b) For reciprocating-engine powered airplanes, in addition to the requirements of FAR 23.1305, the following will be required:

(1) A cylinder head temperature indicator for each engine.

(2) Manifold pressure indicator for each engine.

Powerplant Instruments, FAR 23.1337 (For turbopropeller powered airplanes only). Add to the present requirements, turbopropeller blade position indicator. Required turbopropeller blade position indicators must begin indicating when the blade has moved below the flight low-pitch position.

AIRPLANE FLIGHT MANUAL

Operating Procedures, FAR 23.1585(c) (For turbopropeller powered airplanes only). Procedures must be included for restarting turbine engines in flight (including the effects of altitude).

SYSTEMS AND EQUIPMENT

SUMMARY OF PROPOSED SYSTEMS AND EQUIPMENT AIRWORTHINESS REQUIREMENTS

The proposed systems and equipment airworthiness requirements are the same for turbopropeller powered airplanes as for reciprocating-engine powered airplanes. These include provisions for crew and passenger comfort and safety by requiring adequate ventilation to insure freedom from certain detrimental contaminants such as carbon monoxide and products of high-temperature oil breakdown. Smoke evacuation is specified because such capability is considered necessary for continued safe flight after a fire. Also included are requirements pertaining to the aircraft electrical system which are intended to provide continued safe flight and landing after any reasonably probable single failure as well as the capability for proper normal operation. In addition, standards are proposed for oxygen equipment and supply. The need for oxygen for crew and passengers use has been recognized for many years, and, in public transport such as with air taxis, the provision for an adequate oxygen system is a reasonable requirement expected by the public.

GENERAL

Function and Installation. In addition to the present requirements of FAR 23.1301, the following will apply:

(a) Each item of additional installed equipment must—

(1) Be of a kind and design appropriate to its intended function;

(2) Be labeled as to its identification, function, or operating limitations, or any applicable combination of these factors, unless misuse or inadvertent actuation cannot create a hazard;

(3) Be installed according to limitations specified for that equipment; and

(4) Function properly when installed.

(b) Systems and installations must be designed to safeguard against hazards to the aircraft in the event of their malfunction or failure.

(c) Where an installation, the functioning of which is necessary in showing compliance with the applicable requirements, requires a power supply, such installation must be considered an essential load on the power supply, and the power sources and the system must be capable of supplying the following power loads in probable operation combinations and for probable durations:

(1) All essential loads after failure of any prime mover, power converter, or energy storage device.

(2) All essential loads after failure of any one engine on two-engine airplanes.

(3) In determining the probable operating combinations and durations of essential loads for the power failure conditions described in subparagraphs (1) and (2) of this paragraph, it is permissible to assume that the power loads are reduced in accordance with a monitoring procedure which is consistent with safety in the types of operations authorized.

Ventilation, FAR 23.831. In addition to the requirements of FAR 23.831, for pressurized aircraft, ventilating air in crew and passenger compartments must be free of harmful or hazardous concentrations of gases and vapors in normal operation and in the event of reasonably probable failures or malfunctioning of the ventilating, heating, pressurization, or other systems, and equipment. If accumulation of hazardous quantities of smoke in the cockpit area is reasonably probable, smoke evacuation must be readily accomplished.

ELECTRICAL SYSTEMS AND EQUIPMENT

General, FAR 23.1351. In addition to the present requirements of FAR 23.1351, the following will apply:

(a) *Electrical system capacity.* The required generating capacity, and number and kinds of power sources must—

(1) Be determined by an electrical load analysis; and

(2) Meet the requirements of FAR 23.1301.

(b) *Generating system.* The generating system includes electrical power

sources, main power busses, transmission cables, and associated control, regulation, and protective devices. It must be designed so that—

(1) The system voltage and frequency (as applicable) at the terminals of all essential load equipment can be maintained within the limits for which the equipment is designed, during any probable operating conditions;

(2) System transients due to switching, fault clearing, or other causes do not make essential loads inoperative, and do not cause a smoke or fire hazard;

(3) There are means accessible, in flight, to appropriate crewmembers for the individual and collective disconnection of the electrical power sources from the system; and

(4) There are means to indicate to appropriate crewmembers the generating system quantities essential for the safe operation of the system, such as the voltage and current supplied by each generator.

Electrical Equipment and Installation. Electrical equipment, controls, and wiring must be installed so that operation of any one unit or system of units will not adversely affect the simultaneous operation of any other electrical unit or system essential to the safe operation.

Distribution System. (a) The distribution system includes the distribution busses, their associated feeders, and each control and protective device.

(b) Each system must be designed so that essential load circuits can be supplied in the event of reasonably probable faults or open circuits, including faults in heavy current carrying cables.

(c) If two independent sources of electrical power for particular equipment or systems are required by this chapter, their electrical energy supply must be ensured by means such as duplicate electrical equipment, throwover switching, or multichannel or loop circuits separately routed.

Circuit Protective Devices, FAR 23.1357. In addition to the requirements of FAR 23.1357, circuits for loads which are essential to safe operation must have individual and exclusive circuit protection.

SAFETY EQUIPMENT

Oxygen Equipment and Supply. For pressurized aircraft, for maximum operating altitude above 15,000 feet, up to and including 25,000 feet, an oxygen dispensing unit and oxygen supply terminal providing at least a 10-minute supply of oxygen must be within reach of each member of the required minimum flight crew and for any one passenger if passenger capacity is 10 or less and for any 2 passengers if passenger capacity is greater than 10 but not more than 20.

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

Issued in Washington, D.C., on March 30, 1967.

C. W. WALKER,
Director, Flight Standards Service.

[F.R. Doc. 67-3818; Filed, Apr. 6, 1967; 8:45 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SO-35]

TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Gainesville, Ga., transition area.

The Gainesville transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Gainesville Municipal Airport (latitude 34°16'23" N., longitude 83°49'45" W.); within 2 miles each side of the 216° bearing from the Gainesville, Ga., RBN (latitude 34°16'29.99" N., longitude 83°49'55.58" W.), extending from the 6-mile radius area to 8 miles SW of the RBN.

The proposed transition area is required for the protection of IFR operations at the Gainesville Municipal Airport. A prescribed instrument approach procedure to this airport utilizing the Gainesville (private) nondirectional radio beacon is proposed in conjunction with the designation of this transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Area Manager, Atlanta Area Office, Attention: Chief, Air Traffic Branch, Federal Aviation Administration, Post Office Box 20636, Atlanta, Ga. 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Chief, Air Traffic Branch. 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 official docket will be available for examination by interested persons at the Southern Regional Office, Federal Aviation Administration, Room 724, 3400 Whipple Street, East Point, Ga.

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

Issued in East Point, Ga., on March 28, 1967.

W. B. RUCKER,
Acting Director, Southern Region.

[F.R. Doc. 67-3819; Filed, Apr. 6, 1967; 8:45 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Arizona 032224]

ARIZONA

Notice of Proposed Classification of Public Lands

1. Notice is hereby given of a proposal to classify the lands described below for disposal under the Recreation and Public Purposes Act (43 U.S.C. 869 et seq.). This publication is made pursuant to the Act of September 19, 1964 (43 U.S.C. 1612).

2. The lands in T. 11 N., R. 28 E., situated in Apache County, lie within the proposed Lyman Lake State Park and have an elevation of approximately 6,000 feet above sea level. The Arizona State Parks have evaluated these lands as having excellent recreation potential.

The remaining parcels are within the immediate vicinity of the Tucson urban area and have been identified by the city of Tucson and Pima County as needed to supplement their proposed park and school system.

3. This proposal has been discussed with State, county, and local government agencies, the soil conservation district, and other interested parties of record. Information derived from discussions and other services indicates that these lands meet the criteria of 43 CFR 2410.1-3(c)(3) for nonprofit recreation and public purpose uses proposed by the Arizona State Parks and Recreation Department and the Pima County Parks and Recreation Department. Publication in the FEDERAL REGISTER segregates the described lands from all forms of disposal under the public land laws except the Recreation and Public Purposes Act.

4. Information concerning the lands is available for inspection and study in Room 3010, Federal Building, Phoenxi, Ariz. For a period of 60 days from the date of this publication, interested parties may submit comments to the Manager, Bureau of Land Management, Room 3010, Federal Building, Phoenix, Ariz. 85025. The lands affected by this proposal are located in Pima and Apache Counties and are described as follows:

GILA AND SALT RIVER MERIDIAN

T. 12 S., R. 13 E.,
Sec. 19, lots 3 and 4, E½W½ and E½.
T. 15 S., R. 10 E.,
Sec. 30, lots 1 to 4, inclusive, E½W½ and E½;
Sec. 31, lots 1 to 4, inclusive, E½W½ and E½.
T. 16 S., R. 10 E.,
Sec. 3, lots 1 to 3, inclusive, and lots 5 to 16, inclusive, and S½;
Sec. 4, lot 1 and S½;
Sec. 9, N½;
Sec. 10, N½.
T. 11 N., R. 28 E.,
Sec. 10, NE¼, E½NW¼, NE¼SE¼, and E½NW¼SW¼;
Sec. 14, E½E½, NW¼NE¼, SW¼SE¼, N½SW¼, and SW¼SW¼;
Sec. 15, NE¼NW¼;
Sec. 23, N½NE¼ and SE¼NE¼;
Sec. 26, NW¼, W½NE¼, E½SE¼, and SW¼SE¼;
Sec. 27, W½, NW¼NE¼, and SW¼SE¼.

The lands described aggregate 4943.50 acres.

FRED J. WEILER,
State Director.

MARCH 30, 1967.

[F.R. Doc. 67-3823; Filed, Apr. 6, 1967; 8:46 a.m.]

National Park Service

CUMBERLAND GAP NATIONAL HISTORICAL PARK, KENTUCKY, TENNESSEE, AND VIRGINIA

Proposed Wilderness Establishment; Hearing

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 9 a.m., on June 8, 1967, in the Middlesboro Junior High School auditorium, 228 North 20th Street, Middlesboro, Ky., and another beginning at 9 a.m., on June 9, 1967, in the Ewing Elementary School auditorium, U.S. Highway 58, Ewing, Va., for the purpose of receiving comments and suggestions as to the appropriateness of a proposal for the establishment of a wilderness area comprising about 8,980 acres within the Cumberland Gap National Historical Park. The proposed wilderness area is located in Bell and Harlan Counties, Ky., and Lee County, Va.

A packet containing a map depicting the preliminary boundaries of the proposed wilderness area and providing additional information about the proposal may be obtained from the Superintendent, Cumberland Gap National Historical Park, Post Office Box 840, Middlesboro, Ky. 40965, or the Regional Director, National Park Service, Federal Building, Box 10008, 400 North Eighth Street, Richmond, Va. 23240.

A description of the preliminary boundaries and a larger map of the area proposed for establishment as wilderness are available for review in the above offices, and in Room 1013 of the Department of the Interior Building at 18th and C Streets NW., Washington, D.C. The Master Plan for this park, likewise, may be inspected at these three locations.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public hearing, provided they notify the hearing officer in care of the Superintendent, Cumberland Gap National Historical Park, Post Office Box 840, Middlesboro, Ky. 40965, by June 6, 1967. Those not wishing to appear in person may submit written statements on the wilderness proposal to the hearing officer at that address for inclusion in the official record concerning the proposal which will be held open for 30 days following conclusion of the hearing.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An abbreviated oral statement may, however, be supplemented by a more complete written statement which should be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearing shall be subject to determinations that they are appropriate for inclusion in the transcribed record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the hearing officer will give others present an opportunity to be heard.

After an explanation of the proposals by a representative of the National Park Service, the hearing officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

1. Governor of the State or his representative.
2. Members of Congress.
3. Members of the State Legislature.
4. Official representatives of the counties in which the proposed wilderness area is located.
5. Officials of other Federal agencies or public bodies.
6. Organizations in alphabetical order.
7. Individuals in alphabetical order.
8. Others not giving advance notice, to the extent there is remaining time.

A. C. STRATTON,
Acting Director,
National Park Service.

MARCH 24, 1967.

[F.R. Doc. 67-3824; Filed, Apr. 6, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice No. 12]

OATS IN IOWA AND WISCONSIN

Extension of Closing Date for Filing of Applications for Insurance for 1967 Crop Year

Pursuant to the authority contained in § 401.3 of Title 7, as amended, and

pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for oat crop insurance for the 1967 crop year in all counties in Iowa and Wisconsin where such insurance is otherwise authorized to be offered is hereby extended until the close of business on April 14, 1967. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-3838; Filed, Apr. 6, 1967; 8:47 a.m.]

[Notice No. 13]

TOBACCO IN SOUTH CAROLINA

Extension of Closing Date for Filing of Applications for Insurance for 1967 Crop Year

Pursuant to the authority contained in § 401.3 of Title 7, as amended, and pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for tobacco crop insurance for the 1967 crop year on type 13 tobacco in South Carolina counties where such insurance is otherwise authorized to be offered is hereby extended until the close of business on April 28, 1967. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-3839; Filed, Apr. 6, 1967; 8:47 a.m.]

[Notice No. 15]

CANNING AND FREEZING PEAS IN MINNESOTA AND WISCONSIN

Extension of Closing Date for Filing of Applications for Insurance for 1967 Crop Year

Pursuant to the authority contained in § 401.3 of Title 7, as amended, and pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for canning and freezing pea crop insurance for the 1967 crop year in all counties in Minnesota and Wisconsin where such insurance is otherwise authorized to be offered is hereby extended until the close of business on April 28, 1967. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-3837; Filed, Apr. 6, 1967; 8:47 a.m.]

[Notice No. 16]

CORN, GRAIN SORGHUM, AND SOYBEANS IN NEBRASKA

Extension of Closing Date for Filing of Applications for Insurance for 1967 Crop Year

Pursuant to the authority contained in § 401.3 of Title 7, as amended, and pursuant to paragraph 1 of the resolution adopted by the Board of Directors of the Federal Crop Insurance Corporation on March 19, 1954, the time for filing applications for corn, grain sorghum, and soybean crop insurance for the 1967 crop year in all counties in Nebraska where such insurance is otherwise authorized to be offered is hereby extended until the close of business on May 15, 1967. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-3866; Filed, Apr. 6, 1967; 8:50 a.m.]

Office of the Secretary

PACKERS AND STOCKYARDS ADMINISTRATION

Proposed Transfer of Functions, Delegations of Authority, and Establishment of New Agency

In accordance with Reorganization Plan No. 2 of 1953 (5 U.S.C. 511 (footnote)), which became effective June 4, 1953, under the provisions of the Reorganization Act of 1949, as amended (5 U.S.C. 133z), and in order to afford interested persons and groups an opportunity to place before the Department their views with respect to the proposed actions, the Department is giving advance public notice of a proposed transfer of assigned functions and delegations of authority and the establishment of a new agency.

A continuing objective of the Department is to develop more effective organization. Because of the rapidly changing character of livestock and poultry production and marketing, the increasing importance of these commodities to the Nation's agriculture and general economy, and the accelerating development of new marketing institutions, arrangements and trading practices, greater emphasis is required in administration of the Packers and Stockyards Act, 1921, as amended. It is proposed to establish a new agency within the Department, to be known as the Packers and Stockyards Administration, reporting to the Secretary through the Assistant Secretary for Marketing and Consumer Services, and transfer to it the following functions and related delegations of authority:

(1) From the Consumer and Marketing Service—All of the functions administered by the Packers and Stockyards Division thereof including administration of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181–229).

Changes of functional assignments are made effective by publication in the FEDERAL REGISTER of an appropriate amendment of the Secretary's order dated December 24, 1953 (19 F.R. 74), as amended.

In order to be considered, views and comments of interested persons and groups must be received by the Secretary by May 8, 1967.

Done at Washington, D.C., the 4th day of April 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-3867; Filed, Apr. 6, 1967; 8:50 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

PAINT SPECIALTIES CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Paint Specialties Co., 1336 16th Street, Oakland, Calif. 94607, has withdrawn its petition (FAP 6B1901), notice of which was published in the FEDERAL REGISTER of November 23, 1966 (31 F.R. 14852), proposing an amendment to § 121.2548 *Zinc-silicon dioxide matrix coatings* to provide for the safe use of polyvinyl butyral as a component of zinc-silicon dioxide matrix coatings for food-contact use. It has been determined that the proposed use of the additive is already permitted by the provisions of § 121.2548(b)(2).

Dated: March 30, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3855; Filed, Apr. 6, 1967; 8:49 a.m.]

PENNSALT CHEMICALS CORP.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0570) has been filed by Pennsalt Chemicals Corp., 2901 Taylor Way, Tacoma, Wash. 98401, proposing the establishment of a tolerance of 0.01 part per million for negligible residues of endothall (7-oxabicyclo(2,2,1)heptane-2,3-dicarboxylic acid) in or on the raw agricultural commodity cottonseed, from use of its mono-*N,N*-dimethylalkylamine salt as a defoliant on cotton wherein the alkyl group is the same as in the fatty acids of coconut oil.

The analytical method proposed in the petition for determining residues of the harvest aid is a gas chromatographic technique.

Dated: March 30, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3856; Filed, Apr. 6, 1967; 8:49 a.m.]

THOMPSON-HAYWARD CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0574) has been filed by Thompson-Hayward Chemical Co., Post Office Box 2383, Kansas City, Kans. 66110, proposing the establishment of a tolerance of 0.1 part per million for negligible residues of the insecticide p-chlorophenyl-2,4,5-trichlorophenyl sulfide in or on the raw agricultural commodity apples.

The analytical method proposed in the petition for determining residues of the insecticide is an electron-capture gas chromatographic technique.

Dated: March 30, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3857; Filed, Apr. 6, 1967; 8:49 a.m.]

UNION CARBIDE CORP.

Notice of Filing of Petition Regarding Pesticides

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 7F0573) has been filed by Union Carbide Corp., Agricultural Products, Post Office Box 8361, South Charleston, W. Va. 25303, proposing the establishment of a tolerance of 0.5 part per million for residues of the insecticide 2-methyl-2-(methylthio) propionaldehyde-O-(methylcarbamoyl) oxime in or on the raw agricultural commodity potatoes.

The analytical method proposed in the petition for determining residues of the insecticide is extraction of the residue, conversion to hydroxylamine, oxidation to nitrous acid, diazotization with sulfanilic acid, coupling with naphthylamine, and colorimetric measurement of the resulting dye at 530 millimicrons.

Dated: March 30, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3858; Filed, Apr. 6, 1967; 8:49 a.m.]

VIRGINIA CHEMICALS, INC.

Notice of Withdrawal of Petition for Food Additive Sodium Hydrosulfite

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Virginia Chemicals, Inc., West Norfolk, Va. 23703, has withdrawn its petition (FAP 7A2086), notice of which was published in the FEDERAL REGISTER of October 12, 1966 (31 F.R. 13179), proposing the issuance of a regulation to provide for the safe use of sodium hydrosulfite as a processing aid in sugar production.

Dated: March 30, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-3859; Filed, Apr. 6, 1967; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18361; Order No. E-24935]

BERMUDA SERVICE INVESTIGATION

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of March 1967.

On May 27, 1966, the Governments of the United States and the United Kingdom signed amendments to their Air Services Agreement of February 11, 1946, as subsequently amended. The new route annex, among other things, adds Detroit and Chicago to the existing points of Boston, New York, Baltimore, and Washington, D.C., on U.S. Route 8 of the bilateral.[1]

Pan American World Airways, Inc. (Pan American) and Eastern Air Lines, Inc. (Eastern) are certificated to provide service from various gateways to Bermuda. Pan American is authorized to operate between the coterminals New York and Boston and the terminal point Bermuda, while Eastern is certificated to serve between the terminal points New York and Washington, on the one hand, and Bermuda, on the other.

On February 1, 1965, Pan American filed an application, in Docket 15819, for a permanent or temporary amendment of its certificate for Route FAM-17, so as to designate Washington, D.C., Philadelphia, Detroit, and Chicago, as coterminal points, and Baltimore as an additional unrestricted coterminal point. On March 31, 1966, Pan American moved for expedited hearing on that part of its application which seeks authority to operate between the coterminal points Chicago and Detroit and the terminal point Bermuda. Eastern filed an application in Docket 16093, as last amended on May 31, 1966, for permanent or temporary route authority between the coterminals Chicago and Detroit and the hyphenated point Washington-Baltimore,[2] and the terminal point Bermuda. On May 31, 1966, Eastern also filed a motion for expedited hearing on its application.

In Docket 15974 Trans Caribbean Airways, Inc. (TCA) applied for authority to serve the coterminal points Boston, New York-Newark, Philadelphia, Baltimore, and Washington, the intermediate point Bermuda and the terminal point San Juan with rights to overfly or originate flights at the intermediate points.

In view of the recently amended route provided for in the bilateral agreement and the fact that the Board has not reviewed the question of service to Bermuda since the Boston-Bermuda Case, 9 CAB 563 (1948), we believe it appropriate to examine whether a need exists for new or additional route authority between the U.S. gateways provided for in the currently effective air service agreement and Bermuda.

We shall consolidate into the subject Investigation Dockets 16093 and 15819 (other than Philadelphia-Bermuda nonstop service),[3] and so much of Docket 15974 as involves authority between Boston, New York, Baltimore, and Washington, on the one hand, and Bermuda, on the other hand.

In order that the Board may be in a position to broadly examine the service needs between the U.S. points named in the U.S.-U.K. route annex and Bermuda, we shall place in issue three additional questions as follows:

First, we will place in issue whether any applicant should be authorized to engage in interstate air transportation between the coterminals on flights originating and terminating at Bermuda.[4] Historic traffic between most of the coterminals in issue and Bermuda has been relatively thin. Under these circumstances, the support of local traffic may enable one or more carriers to successfully mount a full pattern of service and thus develop and expand the markets. In addition, we will place in issue whether stopover rights should be granted in the event domestic traffic rights are not awarded.

Second, we will explore the question of whether existing New York-Bermuda

[1] The amendment deleted a U.S. carrier route which was not operated for many years between Chicago/Detroit/Washington/Baltimore/Philadelphia/New York/Boston and London via Gander, Bermuda, the Azores, and other intermediate points.

[2] Hyphenation of Washington and Baltimore as an intermediate point would replace the currently designated coterminal point Washington, D.C.

[3] Philadelphia is not designated in the route annex as a gateway to Bermuda.

[4] The existing authority of Pan American and Eastern shall not be in issue under sec. 401(g) of the Federal Aviation Act of 1958, as amended, except in relation to the question of designating New York/Newark as a terminal, the naming of airports at points already served, and whether Eastern's authority to serve Washington should be amended to include Washington/Baltimore.

authority and any newly authorized authority should be designated in such a manner as to permit only turnaround service. Based upon the existing pattern of mainland-Bermuda service it appears that New York traffic is used to support certain of the flights to and from Bermuda. The need for such support, to the extent that it exists, may no longer be required if the successful applicants are permitted to carry local traffic between coterminal points other than New York. To the extent that New York traffic may no longer be required for support purposes the carriers may be able to operate more turnaround service and thereby better serve the market. Moreover, if New York can be bypassed on Bermuda flights originating or terminating at other U.S. points, problems associated with air traffic congestion in the New York area may be alleviated.

Third, because certain of the U.S. points involved are served by more than one airport, we will place in issue the question of whether the Board should designate the airport through which a point should be served. This will permit an evaluation of the relative convenience of airports to the traveling public, whether competitive service should be authorized through different airports in the same area, and whether, if an airport is or is about to become saturated, additional services should only be authorized at a less congested alternative airport in the same area.

Accordingly, it is ordered:

1. That an investigation to be known as the Bermuda Service Investigation be, and it hereby is instituted in Docket 18361, pursuant to sections 204(a) and 401(g) of the Federal Aviation Act of 1958, as amended, to determine whether the public convenience and necessity require the alteration, amendment or modification of carrier authorizations so as to certificate one or more air carriers to provide foreign air transportation between the coterminal points Chicago, Detroit, Boston, New York, Washington, Baltimore, and Washington-Baltimore on the one hand, and the terminal point Bermuda, on the other hand;

2. That the existing authority of Pan American and Eastern shall not be reduced by alteration, amendment, modification or suspension pursuant to section 401(g) of the Act except as set forth in 3, below;

3. That the following be considered as specific issues in the proceeding:

(a) Whether, pursuant to section 401 (g) of the Act, the existing New York-Bermuda authority of Pan American and Eastern should be restricted to the provision of turnaround service and whether any new New York-Bermuda authority should be restricted in the same manner;

(b) Whether any awards under the authority in issue which relate to flights originating or terminating at Bermuda shall include the right to engage in interstate air transportation between the coterminals; and whether, if domestic traffic rights are not awarded, the awards should include the right to permit passengers to stopover at the eastern seaboard coterminals;

(c) Whether certificates relating to service at U.S. points should name specific airports for any new authority awarded and, pursuant to section 401(g) of the Act, under the existing authority of Pan American and Eastern;

4. That the following applications or parts thereof be and they hereby are consolidated into Docket 18361, Docket 16093, Docket 15819 (other than Philadelphia-Bermuda nonstop service), and Docket 15974 (other than Philadelphia-Bermuda and San Juan service matters);

5. That motions to consolidate, applications, or petitions seeking modification or reconsideration of this order and petitions for leave to intervene, be filed no later than 20 days after the date of service of this order and that answers to such pleadings be filed no later than 10 days thereafter;

6. That pursuant to Rule 12(d) of the Board's rules of practice those portions of the applications in Dockets 15819 and 15974 not consolidated herein be and they hereby are dismissed without prejudice;

7. That this proceeding shall be set down for hearing before an Examiner of the Board at a time and place hereafter designated; and

8. That, except to the extent granted herein, the motions of Pan American and Eastern in Dockets 15819 and 16093, respectively, be and they hereby are denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-3843; Filed, Apr. 6, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

APRIL 5, 1967.

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on May 12, 1967, the standard broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on May 11, 1967, which involves a conflict necessitating a hearing with an application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by whichever date is earlier: (a) The close of business on May 11, 1967, or (b) the earlier effective cut-off date which a listed application or by any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: March 30, 1967.

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

Applications From the Top of the Processing Line

BP-17085 New, Macon, Miss.
James W. Eatherton.
Req: 1400 kc, 250 w, U.

BP-17434 New, Page, Ariz.
Lake Powell Broadcasting Co., Inc.
Req: 1340 kc, 250 w, 1 kw-LS, U.

BP-17435 New, Youngstown, Ohio.
Media, Inc.
Req: 1500 kc, 500 w, 250 w(DA-CH), DA-2, Day.

BP-17437 WSMD, La Plata, Md.
Charles County Broadcasting Co., Inc.
Has: 1560 kc, 250 w, Day.
Req: 1560 kc, 1 kw, 250 w(CH), Day.

BP-17439 New, Greenwood, S.C.
United Community Enterprises, Inc.
Req: 1090 kc, 1 kw, Day.

BP-17445 New, Wayne, Nebr.
Gleason Brothers.
Req: 1590 kc, 500 w, Day.

BP-17446 New, Crossville, Tenn.
Millard V. Oakley Broadcasting Co.
Req: 1520 kc, 250 w, Day.

BP-17449 WECP, Carthage, Miss.
Meredith Colon Johnston.
Has: 1480 kc, 500 w, Day.
Req: 1080 kc, 250 w, Day.

BP-17450 New, Shell Lake, Wis.
Charles R. Lutz and Erwin Gladdenbergk.
Req: 940 kc, 1 kw, Day.

BP-17451 New, Calhoun City, Miss.
Calhoun County Broadcasting Co.
Req: 1530 kc, 250 w, Day.

BP-17452 New, Yadkinville, N.C.
Yadkin Broadcasting Co., Inc.
Req: 1480 kc, 1 kw, DA, Day.

BP-17453 KPUA, Hilo, Hawaii.
Pacific Broadcasting Co., Inc.
Has: 970 kc, 1 kw, U.
Req: 970 kc, 5 kw, U.

BP-17460 New, Prattville, Ala.
Autauga Broadcasting, Inc.
Req: 1410 kc, 5 kw, Day.

BP-17462 KOAG, Arroyo Grande, Calif.
Larson-Irwin Enterprises.
Has: 1280 kc, 1 kw, DA-2, U.
Req: 1280 kc, 1 kw, DA-N, U.

BP-17464 KPWB, Piedmont, Mo.
Wayne County Broadcasting Co., Inc.
Has: 1140 kc, 250 w, Day.
Req: 1140 kc, 1 kw, Day.

BP-17465 New, Chiefland, Fla.
White Construction Co., Inc.
Req: 940 kc, 500 w, Day.

BP-17468 WTBF, Troy, Ala.
Troy Broadcasting Corp.
Has: 970 kc, 500 w, 5 kw-LS, DA-2, U.
Req: 970 kc, 500 w, 5 kw-LS, DA-N, U.

BP-17469 WVAM, Altoona, Pa.
Blair County Broadcasters, Inc.
Has: 1430 kc, 1 kw, DA-N, U.
Req: 1430 kc, 1 kw, 5 kw-LS, DA-N, U.

BP-17471 WCED, Du Bois, Pa.
Tri-County Broadcasting Co.
Has: 1420 kc, 500 w, 5 kw-LS, DA-2, U.
Req: 1420 kc, 500 w, 5 kw-LS, DA-N, U.

BP-17472 WTIV, Titusville, Pa.
Crawford County Broadcasting Co., Inc.
Has: 1230 kc, 250 w, 500 w-LS, U.
Req: 1230 kc, 250 w, 1 kw-LS, U.

BP-17473 New, Catskill, N.Y.
Caranje Broadcasting Co., Inc.
Req: 560 kc, 1 kw, DA, Day.

BP-17475 New, Marion, Ky.
Crittenden County Broadcasting Co.
Req: 1500 kc, 250 w, Day.

BP-17476 WPPP, Park Falls, Wis.
Northland Broadcasting, Inc.
Has: 1450 kc, 250 w, 1 kw-LS, U.
Req: 980 kc, 1 kw, Day.

BP-17479 New, Tomahawk, Wis.
Tomahawk Broadcasting Co.
Req: 810 kc, 500 w, Day.

BP-17480 New, Walden, N.Y.
Everette Broadcasting Co., Inc.
Req: 1170 kc, 250 w, Day.

BP-17482 New, Mechanicville, N.Y.
Mechanicville Broadcasting Co.
Req: 1170 kc, 250w, Day.

BP-17485 New, Lakewood, N.J.
Radio New Jersey.
Req: 1170 kc, 5 kw, DA, Day.

BP-17486 WRMF, Titusville, Fla.
WRMF, Inc.
Has: 1050 kc, 500 w, Day.
Req: 1060 kc, 5 kw, 10 kw-LS, DA-2, U.

BP-17487 KRRR, Ruidoso, N. Mex.
Sierra Blanca Broadcasting Co.
Has: 1340 kc, 250 w, 1 kw-LS, U.
Req: 1360 kc, 5 kw, Day.

BP-17493 New, Spray, N.C.
Ray A. Childers.
Req: 1130 kc, 1 kw, Day.

BP-17495 New, Globe, Ariz.
Herb Newcomb.
Req: 1240 kc, 250 w, U.

BP-17496 New, Freehold, N.J.
Molly Pitcher Broadcasting Co., Inc.
Req: 1070 kc, 1 kw, DA, Day.

BP-17497 New, West Hazleton, Pa.
CBM, Inc.
Req: 1300 kc, 1 kw, DA, Day.

BP-17498 New, West Hazleton, Pa.
Broadcasters 7, Inc.
Req: 1300 kc, 5 kw, DA, Day.

BP-17499 New, Pittsfield, Mass.
Taconic Broadcasters.
Req: 1110 kc, 5 kw, DA, Day.

BP-17502 New, Cranston, R.I.
Cranston-Warwick Radio, Inc.
Req: 1170 kc, 5 kw, DA, Day.

BP-17504 New, Cornwall, N.Y.
Radio Cornwall.
Req: 1170 kc, 1 kw, DA, Day.

BP-17505 New, Somerville, N.J.
Somerset Valley Broadcasting Co.
Req: 1170 kc, 1 kw, Day.

BP-17508 WAIK, Galesburg, Ill.
Webster Broadcasting Co.
Has: 1590 kc, 5 kw, DA, Day.
Req: 1590 kc, 500 w, 5 kw-LS, DA-2, U.

BP-17511 New, Show Low, Ariz.
White Mountain Broadcasters, Inc.
Req: 1450 kc, 250 w, 1 kw-LS, Day.

BP-17513 WNRV, Narrows-Pearisburg, Va.
Megan H. McWilliams.
Has: 990 kc, 1 kw, Day.
Req: 990 kc, 5 kw, Day.

BP-17514 New, Lenoir, N.C.
Furniture City Broadcasters, Inc.
Req: 1080 kc, 1 kw, Day.

BP-17516 WLLL, Lynchburg, Va.
Griffith Broadcasting Corp.
Has: 930 kc, 1 kw, Day.
Req: 930 kc, 5 kw, Day.

BP-17517 New, Sioux Falls, S. Dak.
John L. Breece.
Req: 1000 kc, 10 kw, DA, Day.

BP-17520 New, Bayard, N. Mex.
George L. McFarland.
Req: 950 kc, 1 kw, Day.

BP-17521 New, Hurricane, W. Va.
Valley Broadcasting, Inc.
Req: 1080 kc, 1 kw, Day.

BP-17522 New, De Witt, Ark.
De Witt Broadcasting Co., Inc.
Req: 1470 kc, 500 w, Day.

BP-17523 New, Hardinsburg, Ky.
O. C. Carter, Paul Fuqua, and R. D. Ingram.
Req: 1520 kc, 250 w, Day.

BP-17524 KRPL, Moscow, Idaho.
KRPL, Inc.
Has: 1400 kc, 250 w, U.
Req: 1400 kc, 250 w, 1 kw-LS, U.

BP-17526 KBHS, Hot Springs, Ark.
Tim Timothy, Inc.
Has: 590 kc, 5 kw, Day.
Req: 590 kc, 1 kw, 5 kw-LS, DA-N, U.

BP-17527 New, Warrenton, N.C.
Warren County Radio.
Req: 1520 kc, 1 kw, Day.

BP-17528 New, Catlettsburg, Ky.
T. L. Gilbert.
Req: 1600 kc, 5 kw, Day.

BP-17529 New, Saluda, S.C.
Saluda Broadcasting Co., Inc.
Req: 1090 kc, 500 w, Day.

BP-17530 New, Bartow, Fla.
Trans-Florida Radio, Inc.
Req: 1130 kc, 1 kw, Day.

BP-17531 New, Nelsonville, Ohio.
Valley Broadcasting, Inc.
Req: 940 kc, 250 w, DA, Day.

BP-17532 KVWM, Show Low, Ariz.
Peak Broadcasting Co.
Has: 970 kc, 1 kw, Day.
Req: 970 kc, 5 kw, Day.

BP-17534 New, Berea, Ky.
Regional Broadcasting Co.
Req: 1500 kc, 250 w, Day.

BP-17535 KNCB, Vivian, La.
North Caddo Broadcasting Co.
Has: 1600 kc, 500 w, Day.
Req: 1600 kc, 5 kw, Day.

BP-17536 WLKE, Waupun, Wis.
Radio Waupun.
Has: 1170 kc, 250 w, Day.
Req: 1170 kc, 1 kw, Day.

BML-2204 WBMK, West Point, Ga.-Lanett, Ala.
Radio Valley, Inc.
Has: 1310 kc, 1 kw, Day (West Point, Ga.).
Req: 1310 kc, 1 kw, Day (West Point, Ga.-Lanett, Ala.).

[F.R. Doc. 67-3844; Filed, Apr. 6, 1967; 8:48 a.m.]

[Docket Nos. 17258-17260; FCC 67M-554]

GAMMA TELEVISION CORP. ET AL.

Order Continuing Prehearing Conference

In re applications of Gamma Television Corp., Memphis, Tenn., Docket No. 17258, File No. BPCT-3599; John McLendon, trading as Tele/Mac of Memphis, Memphis, Tenn., Docket No. 17259, File No. BPCT-3762; Victor Muscat and Cliff Ford, doing business as Memphis Broadcasting Associates, Memphis, Tenn., Docket No. 17260, File No. BPCT-3787; for construction permit for new television broadcast station.

On the informal request of Memphis Broadcasting Associates, all parties having consented;

It is ordered, This 3d day of April 1967, that the prehearing conference now scheduled for April 4, 1967, is continued to April 12, 1967, at 9 a.m., in the offices of the Commission at Washington, D.C.

Released: April 4, 1967.

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

[F.R. Doc. 67-3845; Filed, Apr. 6, 1967; 8:48 a.m.]

[Docket No. 14817; FCC 67M-551]

RADIO STATION KQXI (KQXI)

Order Continuing Hearing

In re application of Frances C. Gaguine & Bernice Schwartz, doing business as Radio Station KQXI (KQXI), Arvada, Colo., Docket No. 14817, File No. BMP-9769; for construction permit.

The Chief Hearing Examiner having under consideration a motion filed March 31, 1967, on behalf of the applicant, requesting that the date for exchange of exhibits in this proceeding be continued from April 5 to April 19, 1967; that the date for notification of witnesses be continued from April 19 to May 3, 1967; and that the date of commencement of the hearing be continued from April 25 to May 8, 1967;

It appearing, that due to the heavy workload and complexity of the technical showing, applicant's engineer requires an additional 2 weeks to complete preparation of such exhibits;

It further appearing, that counsel for all parties to this proceeding have no objection to the immediate consideration and grant of this motion, and good cause for the granting having been shown;

It is ordered, This the 3d day of April 1967, that the motion is granted; that the date for exchange of exhibits in the above-entitled proceeding is continued from April 5 to April 19, 1967; that the date for notification of witnesses is continued from April 19 to May 3, 1967; and that the date for commencement of the hearing is continued from April 25 to May 8, 1967, beginning at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: April 4, 1967.

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

[F.R. Doc. 67-3846; Filed, Apr. 6, 1967; 8:48 a.m.]

[Docket Nos. 16655, 16656; FCC 67M-499]

JONES T. SUDBURY AND NORTHWEST BROADCASTING CO., INC.

Order Rescheduling Hearing

In re applications of Jones T. Sudbury, Martin, Tenn., Docket No. 16655, File No. BPH-5067; Northwest Tennessee Broadcasting Co., Inc., Martin, Tenn., Docket No. 16656, File No. BPH-5174; for construction permits.

The Hearing Examiner has under consideration a petition filed March 17, 1967, on behalf of Jones T. Sudbury requesting that the evidentiary hearing now scheduled to begin March 27, 1967, be continued to May 22, 1967.

The continuance of the evidentiary hearing is desired to give the Commission time within which to act on a pleading filed March 8, 1967, requesting a rule making proceeding looking to the assignment of a second FM channel to the Martin-McKenzie, Tenn., area.

Pleadings addressed to the Review Board and pleadings addressed to the Hearing Examiner are also on file. It will be in the interest of orderly administration to hold a further prehearing conference at which counsel will state in detail the positions of the applicants on the various aspects of this proceeding.

It is ordered, This the 22d day of March 1967, that a further prehearing conference will be held on Monday, March 27, 1967, beginning at 9 a.m. in the offices of the Commission in Washington, D.C.; and

It is further ordered, That the petition for continuance of the evidentiary hearing is granted, and the evidentiary hearing now scheduled to begin on Monday, March 27, 1967, is continued to Monday, May 22, 1967, beginning at 10 a.m., in the offices of the Commission in Washington, D.C.

Released: March 24, 1967.

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

[F.R. Doc. 67-3847; Filed, Apr. 6, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI67-330]

GULF OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

MARCH 30, 1967.

Respondent named herein has filed a proposed change in rate and charge of a currently effective rate schedule for the sale of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

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

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplement to the rate schedule filed by Respondent shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser under the rate schedule involved. Unless Respondent is advised to the contrary within 15 days after the filing of its agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 10, 1967.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI67-330	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	182	6	H. L. Hunt et al.[1] (Harleton (Whelan) Field, Harrison County, Tex.) (RR. District No. 6).	$630	2-27-67	[2] 4-1-67	[3] 4-2-67	13.1	[4] [5] 13.7	RI64-281.

[1] H. L. Hunt resells the gas under its FPC Gas Rate Schedule No. 4 to Texas Eastern Transmission Corp. at a current effective rate of 16.0 cents, subject to refund in Docket No. RI65-260. Hunt has filed its related increase to 16.2 cents which is currently suspended in Docket No. RI67-92 until Apr. 1, 1967.

[2] The stated effective date is the effective date proposed by Respondent.
[3] The suspension period is limited to 1 day.
[4] Three-step periodic rate increase.
[5] Pressure base is 14.65 p.s.i.a.

Gulf Oil Corp. (Gulf) proposes a three-step periodic rate increase to 13.7 cents per Mcf for a sale of gas to H. L. Hunt et al. (Hunt) in Texas Railroad District No. 6. Hunt under its FPC Gas Rate Schedule No. 4 resells the gas to Texas Eastern Transmission Corp. at a current rate of 16.0 cents per Mcf subject to refund in Docket No. RI65-260. Hunt has filed an increase to 16.2 cents, which is currently suspended in Docket No. RI67-97 until April 1, 1967. Gulf's proposed increase of 13.7 cents is directly geared to Hunt's 16.2 cents suspended rate. Although Gulf's proposed rate does not exceed the area increased rate ceiling of 14.0 cents per Mcf for Texas Railroad District No. 6 as announced in the Commission's statement of general policy No. 61-1, as amended, it should be suspended because such ceiling is applicable to Hunt's resale rate, not to Gulf's. In view of the fact that the resale rate of Hunt is suspended in Docket No. RI67-92, we conclude that a 1-day suspension from April 1, 1967, the proposed effective date, is appropriate.

[F.R. Doc. 67-3742; Filed, Apr. 6, 1967; 8:45 a.m.]

[Docket Nos. G-2595 etc.]

LESH CO. ET AL.

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

MARCH 30, 1967.

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

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 21, 1967.

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

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

JOSEPH H. GUTRIDE,
Secretary.

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

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-2595 E 2-27-67 3-20-67 [2]	Lesh Co. (successor to Barron Kidd and C. R. Smith), 509 Riggs Circle, Mesquite, Tex. 75149.	Natural Gas Pipeline Co. of America, Amargosa Field, Jim Wells County, Tex.	14.5	14.65
G-11864 D 3-21-67	Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001 (partial abandonment).	Lone Star Gas Co., Doyle Field, Stephens County, Okla.	[3]	.....
G-12994 D 3-20-67	Wilhelmina duP. Ross (Operator) et al., 1306 Petroleum Tower, Shreveport, La. 71101 (partial abandonment).	Texas Eastern Transmission Corp., South Hallsville Field, Harrison County, Tex.	Depleted	.....
G-16376 D 3-13-67	McCommons Oil Co. et al., 1510 Mercantile Securities Bldg., Dallas, Tex. 75221.	Natural Gas Pipeline Co. of America, Boonsville Bend Conglomerate Field, Wise County, Tex.	[3]	.....
CI61-1630 C 3-13-67	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	Transcontinental Gas Pipe Line Corp., Vermilion Block 131, Offshore Louisiana.	19.0	15.025
CI62-396 D 3-22-67	Anadarko Production Co., Post Office Box 9317, Forth Worth, Tex. 76101 (partial abandonment).	Colorado Interstate Gas Co., Council Grove Formation, Beaver County, Okla.	[4]	.....
CI63-20 D 3-17-67	Humble Oil & Refining Co. (Operator) et al., Post Office Box 2180, Houston, Tex. 77001.	Arkansas Louisiana Gas Co., Arkoma Area, Haskell County, Okla.	Assigned	.....
CI63-234 D 3-21-67	Mobil Oil Corp. (Operator) et al., (partial abandonment).	Arkansas Louisiana Gas Co., Red Oak Field, Latimer County, Okla.	[3]	.....
CI63-459 C 3-16-67	Gulf Oil Corp. (Operator) et al. [5]	Michigan Wisconsin Pipe Line Co., Northwest Cedardale Field, Woodward County, Okla.	[7] 17.0	14.65
CI63-459 C 3-22-67	Gulf Oil Corp. (Operator) et al.	Michigan Wisconsin Pipe Line Co., Northwest Oakdale Field, Woods County, Okla.	[7a] 15.0	14.65
CI63-726 C 9-9-63	Davon Drilling Co. et al., Post Office Box 1586, Oklahoma City, Okla. 73101.	Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla.	[8] 15.0	14.65
CI64-437 D 3-22-67	Anadarko Production Co., Post Office Box 9317, Fort Worth, Tex. 76101 (partial abandonment).	Northern Natural Gas Co., Ivanhoe and Mocane-Laverne Fields, Beaver County, Okla.	Depleted	.....
CI66-1310 D 3-23-67	Tidewater Oil Co. (Operator) et al., Post Office Box 1404, Houston, Tex. 77001 (partial abandonment).	Northern Natural Gas Co., Anadarko Basin Area, Ellis County, Okla.	Assigned	.....
CI66-1343 E 1-23-67	Development Services Corp. (Operator) et al. (successor to H.L.M. Drilling Co. (Operator) et al.), 645 Petroleum Club Bldg., Denver, Colo. 80202.	Mountain Fuel Supply Co., Pole Gulch Unit, Moffat County, Colo.	15.0	15.025
CI67-18 C 3-17-67	Union Producing Co., Post Office Box 1407, Shreveport, La. 71102.	Southern Natural Gas Co., Plum Point Field, Lafourche Parish, La.	[9] 20.625	15.025
CI67-90 D 2-21-67	Amax Petroleum Corp., 507 Enterprise Bldg., Tulsa, Okla. 74103 (partial abandonment).	Arkansas Louisiana Gas Co., Arkoma Basin, Latimer County, Okla.	[10]	.....
CI67-381 C 3-20-67	Tenneco Oil Co., Post Office Box 2511, Houston, Tex. 77001.	Northern Natural Gas Co., acreage in Ellis County, Okla.	[11] 17.0	14.65
CI67-1250 (CS66-62) F 3-10-67	Sunset International Petroleum Corp. (successor to Wolfson Oil Co.), 8920 Wilshire Blvd., Beverly Hills, Calif. 90211.	Northern Natural Gas Co., Tubb and Blinebry Field, Lea County, N. Mex.	11.7943	15.025
CI67-1260 (CI64-575) (CI64-679) F 3-9-67	Exploration & Development, Inc. (successor to Anadarko Production Co. and Livingston Oil Co.) c/o H. B. Watson, Jr., attorney, Walker & Watson, 220 Cravens Bldg., Oklahoma City, Okla. 73102.	Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Field, Hamilton County, Okla.	12.5	14.65
CI67-1261 A 3-10-67	Bright & Schiff, 107 Mercantile Continental Bldg., Dallas, Tex. 75201.	Texas Eastern Transmission Corp., Texam, South (Cole) Field, Live Oak County, Tex.	15.0	14.65
CI67-1262 A 3-9-67	Homestead Oil & Gas Co., Inc., Post Office Box 161, Cameron, W. Va. 26033.	The Manufacturers Light & Heat Co., Aleppo Township, Greene County, Pa.	21.5	15.325
CI67-1263 A 3-9-67	....do....	....do....	21.5	15.325
CI67-1264 A 3-16-67	TWM Petroleum, Inc., 912-A Goff Bldg., Clarksburg, W. Va. 26301.	Consolidated Gas Supply Corp., McClellan District, Doddridge County, W. Va.	25.0	15.325
CI67-1265 A 3-16-67	Benco Drilling Co., Inc., et al., Post Office Box 569, Charleston, W. Va. 25301.	Consolidated Gas Supply Corp., Otter District, Braxton County, W. Va.	25.0	15.325
CI67-1266 A 3-16-67	Lock 3 Oil, Coal & Dock Co., et al., 415 Porter Bldg., Pittsburgh, Pa. 15219.	Consolidated Gas Supply Corp., Elk District, Harrison County, W. Va.	25.0	15.325
CI67-1267 A3-16-67	J. E. Hillier, Post Office Box 67, Pleasanton, Tex. 78064.	Almos Gas Gathering Co., North Mathis Field, San Patricio County, Tex.	[12] 10.0	14.65
CI67-1269 B 3-16-67	Phillips Petroleum Co., Bartlesville, Okla. 74003.	El Paso Natural Gas Co., South Four Lakes Area, Lea County, N. Mex.	[13]	.....
CI67-1270 B 3-17-67	Pan American Petroleum Corp., Post Office Box 591, Tulsa, Okla. 74102.	Texas Eastern Transmission Corp., East Muldon Field, Monroe County, Miss.	Depleted	.....
CI67-1271 A 3-16-67	Texaco, Inc., Post Office Box 53332, Houston, Tex. 77052.	Florida Gas Transmission Co., Vatican Field, Lafayette Parish, La.	20.0	15.025
CI67-1272 A 3-17-67	Salt Lick Corp., Post Office Box 4065, Hammond, Ind. 46324.	Consolidated Gas Supply Corp., acreage in Braxton and Gilmer Counties, W. Va.	[14] 27.0	15.325

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

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI67-1273 A 3-17-67	Mesa Petroleum Co. (Operator) et al., 1301 Taylor, Amarillo, Tex. 79105.	Northern Natural Gas Co., Lovedale Field, Harper County, Okla.	[1] 17.0	14.65
CI67-1274 B 3-20-67	Mountain Lumber Co., c/o Stanley D'Orazio, 341 Main St., Grantsville, W. Va. 26147.	Penova Interests, Laurel and Dutchman Runs, Ritchie County, W. Va.	[12]	
CI67-1276 A 3-17-67	Despot, Inc., Operator, 1211 Commercial National Bank Bldg., Shreveport, La. 71101.	United Gas Pipe Line Co., Bancroft Field, Beauregard Parish, La.	15.0	15.025
CI67-1277 (CS66-62) F 3-17-67	Sunset International Petroleum Corp. (successor to Wolfbone Oil Co.).	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	[3] 16.4501	14.65
CI67-1278 (CS66-62) F 3-17-67	do	El Paso Natural Gas Co., North Skaggs Drinkard Field, Lea County, N. Mex.	[3] 14.4627	14.65
CI67-1279 (CS66-62) F 3-17-67	do	do	[3] 15.5	14.65
CI67-1280 A 3-17-67	Fire Oil & Gas Co., c/o Bruce E. Lambert, attorney, 3461 North Washington Blvd., Arlington, Va. 22201.	United Fuel Gas Co., acreage in Lincoln County, W. Va.	23.0	15.325
CI67-1281 A 3-17-67	Frying Pan Oil & Gas Co., 3461 North Washington Blvd., Arlington, Va. 22201.	do	23.0	15.325
CI67-1282 A 3-20-67	An-Son Corp., 3814 North Santa Fe, Oklahoma City, Okla. 73118.	Panhandle Eastern Pipe Line Co., Northeast Sangsel Field, Cimarron County, Okla.	[4] 17.0	14.65
CI67-1283 B 3-20-67	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	Cities Service Gas Co., Hugoton Field, Finney County, Okla.	Depleted	
CI67-1284 B 3-20-67	Cities Service Oil Co., Cities Service Bldg., Bartlesville, Okla. 74003.	Transcontinental Gas Pipe Line Corp., South Bourg Field, Terrebonne Parish, La.	Depleted	
CI67-1285 B 3-20-67	Skelly Oil Co.	Natural Gas Pipeline Co. of America, Camrick Southeast Pool, Beaver County, Okla.	Depleted	
CI67-1286 B 3-20-67	Cities Service Co. (Operator) et al., Cities Service Bldg., Bartlesville, Okla. 74003.	Lone Star Gathering Co., Speary Field, Karnes County, Tex.	[20]	
CI67-1287 B 3-20-67	Morris Canman (Operator) et al., 1645 Milam Bldg., San Antonio, Tex. 78205.	Texas Eastern Transmission Corp., Kittie West Field, Live Oak County, Tex.	Depleted	
CI67-1288 B 3-20-67	Pan American Petroleum Corp.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Witte Field, Victoria County, Tex.	Depleted	
CI67-1289 B 3-20-67	Lone Star Producing Co., 301 South Harwood St., Dallas, Tex. 75201.	Lone Star Gathering Co., acreage in De Witt, Goliad, and Victoria Counties, Tex.	[21]	
CI67-1290 (CI62-106) F 3-16-67	Crystal Oil & Land Co. (Operator) et al. (successor to Harvey Broyles (Operator) et al., 600 Beck Bldg., Shreveport, La. 71101.	Texas Gas Transmission Corp., Ruston Field, Lincoln Parish, La.	16.0	15.025
CI67-1292 A 3-2-67	Bissett Construction Co., Box 71, New Freeport, Pa. 15352.	The Manufacturers Light & Heat Co., Liberty District, Marshall County, W. Va., and Springhill and Aleppo Townships, Greene County, Pa.	25.0	15.325
CI67-1293 A 3-2-67	Charles C. Bissett, Box 71, New Freeport, Pa. 15352.	The Manufacturers Light & Heat Co., Church District, Wetzel County, W. Va.	21.5	15.325
CI67-1294 A 3-6-67	J. C. Baker & Son, Inc., Gassaway, W. Va. 26624.	Cumberland & Allegheny Gas Co., Buckhannon District, Upshur County, W. Va.	25.0	15.325
CI67-1295 A 3-2-67	Howard Marcus, D.O., Hundred, W. Va. 26575.	The Manufacturers Light & Heat Co., Battelle District, Monongalia County, W. Va.	20.0	15.325
CI67-1296 A 3-2-67	Maoco Drilling & Supply Co., 713 Park Bldg., Pittsburgh, Pa. 15222.	The Manufacturers Light & Heat Co., Benezette Township, Elk County, Pa.	27.5	15.325
CI67-1297 A 3-21-67	Texaco, Inc.	United Gas Pipe Line Co., Plumb Bob Field, St. Martin Parish, La.	21.25	15.025
CI67-1299 A 3-17-67	Red Bank Gas Co., Rural Delivery No. 1, Rimersburg, Pa. 16248.	The Manufacturers Light & Heat Co., New Bethlehem Field, Armstrong County, Pa.	22.0	15.325
CI67-1300 A 3-22-67	Chandler & Associates, Inc., 1401 Denver Club Bldg., Denver, Colo. 80202.	Colorado Interstate Gas Co., Patrick Draw Area Field, Sweetwater County, Wyo.	14.5	14.65
CI67-1301 A 3-17-67	Homer B. King and Gayle L. King, Wind Ridge, Pa. 15380.	The Manufacturers Light & Heat Co., Richhill Township, Greene County, Pa.	21.5	15.325
CI67-1302 B 3-22-67	Gulf Oil Corp.	Lone Star Gathering Co., Karen Beauchamp Field, Goliad County, Tex.	[19]	
CI67-1303 B 3-22-67	do	Lone Star Gathering Co., Yorktown Field, De Witt County, Tex.	[19]	

[1] Supplement to application filed.
[2] Low pressure gas cannot enter Buyer's pipe line.
[3] Well ceased to produce.
[4] Uneconomical to connect to well.
[5] Purchaser declined to make connection to Midwest-Henry Unit No. 1 well.
[6] Applicant states its willingness to accept permanent authorization at 17.0 cents per Mcf.
[7] Plus B.t.u. adjustment.
[8] Settlement rate as approved by Commission order issued Mar. 30, 1964, in Docket No. G-19417 et al. for acreage in "Other" Oklahoma area.
[9] Contract provides for initial price of 17.0 cents per Mcf plus B.t.u. adjustment, however, Applicant has agreed to accept authorization conditioned as Opinion No. 350.
[10] Applicant proposes to sell gas from the additional acreage at 20.625 cents per Mcf, pursuant to Settlement Order issued Jan. 7, 1964, in Docket No. CI63-406.
[11] Purchaser declines to connect production from the subject acreage due to the relatively minor portion dedicated to it.
[12] Subject to upward and downward B.t.u. adjustment.
[13] For all gas in excess of 500,000 Mcf, the price shall be 11.0 cents.
[14] Due to the declining volume of gas, Applicant proposes to discontinue processing the gas in its own plant and to deliver the gas to Warren Petroleum Co. under a percentage-type contract for sale and delivery to the same Purchaser.
[15] Includes 2.0 cents for transportation until gathering line is paid for.
[16] Cessation of gas deliveries.
[17] Price to be reduced by 0.4581 cent per Mcf if compression is required.
[18] Subject to reduction of 0.4467 cent per Mcf for low pressure gas and 2.0 cents per Mcf for compression.
[19] Plus applicable taxes. Seller reimburses Buyer at 2.0 cents per Mcf for compression.
[20] Gas will no longer be sold in interstate commerce.

[F.R. Doc. 67-3743; Filed, Apr. 6, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[811-690]

COLONIAL EQUITIES

Notice of Application for Order Declaring That Company Has Ceased To Be Investment Company

APRIL 3, 1967.

Notice is hereby given that an application has been filed pursuant to section 8(f) of the Investment Company Act of 1940 ("Act") by Colonial Equities, Inc. ("applicant") 75 Federal Street, Boston, Mass., for an order of the Commission declaring that Colonial Equities ("Trust"), a Massachusetts business trust and an investment company registered under the Act, has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations which are summarized below.

Applicant states that on October 1, 1966, pursuant to authorization by its board of directors and stockholders, and pursuant to the laws of the State of Massachusetts, Trust was merged into it. Applicant is registered under the Act as a management open-end investment company.

Applicant states that pursuant to the agreement of merger: (a) Each outstanding share of Trust's common stock (except treasury shares) was converted into a share of its common stock; (b) each share of Trust's common stock held in its treasury was cancelled and extinguished; (c) all stockholders of Trust became stockholders of applicant; (d) all assets and liabilities became vested in

applicant; and (e) the separate existence of Trust ceased, except to the extent it was continued by law or to carry out the purposes of the agreement of merger.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 24, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 67-3828; Filed, Apr. 6, 1967; 8:46 a.m.]

[70-4471]

METROPOLITAN EDISON CO.

Notice of Proposed Issue and Sale of Short-Term Notes to Banks

APRIL 3, 1967.

Notice is hereby given that Metropolitan Edison Company ("Met-Ed"), 2800 Pottsville Pike, Mulhenberg Township, Berks County, Pa., an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Met-Ed proposes to issue and sell, from time to time prior to June 30, 1968, to the banks named below its promissory notes, each of which will mature not later than 9 months from the date of issue, will be prepayable at any time without penalty, and will bear interest at the prime rate in effect for commercial borrowings at the date of issue of the note at the bank from which such borrowing is made.

Although no commitments or agreements for such borrowings have been made, if this declaration is permitted to become effective by the Commission, Met-Ed expects that, as and to the extent that its cash needs require, borrowings will be effected from among the following banks, the maximum to be borrowed and outstanding from each such bank being as follows:

First National City Bank, New York, N.Y.	$4,000,000
Marine Midland Grace Trust Co. of New York, N.Y.	4,000,000
Morgan Guaranty Trust Co. of New York, N.Y.	3,000,000
Fidelity-Philadelphia Trust Co., Philadelphia, Pa.	3,500,000
The First Pennsylvania Banking and Trust Co, Philadelphia, Pa.	2,850,000
American Bank and Trust Co. of Pa., Reading, Pa.	2,000,000
Peoples Trust City Bank, Reading, Pa.	800,000
Reading Trust Co., Reading, Pa.	650,000
National Bank and Trust Co. of Central Pennsylvania, York, Pa	2,000,000
York Bank and Trust Co., York, Pa	1,000,000
	23,800,000

Met-Ed will use the proceeds from the sale of the notes for construction expenditures and/or to pay other short-term notes, the proceeds of which have been so applied. The contemplated construction program for 1967 is estimated at approximately $30 million.

The declaration states that the net proceeds from any permanent debt financing effected prior to the maturity of any of the proposed notes will be used to pay part or all of the notes then outstanding, and the maximum amount of indebtedness which may be incurred by Met-Ed under this declaration will be reduced by an amount equal to the net proceeds of the permanent debt financing.

The fees and expenses to be paid by Met-Ed in connection with the issue and sale of the notes are estimated at $4,300, including counsel fees of $4,000. No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 24, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 67-3829; Filed, Apr. 6, 1967; 8:48 a.m.]

[812-2090]

SECOND FIDUCIARY EXCHANGE FUND, INC. AND THEODORE T. MILLER

Notice of Filing of Application for Order Exempting Proposed Transaction

APRIL 3, 1967.

Notice is hereby given that Second Fiduciary Exchange Fund, Inc. ("Fund"), 111 Devonshire Street, Boston, Mass. 02109, a registered open-end diversified investment company, and Theodore T. Miller ("Miller"), 200 Berkeley Street, Boston, Mass., have filed an application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act the issuance by the Fund of shares of its common stock to Miller in exchange for 1,000 shares of common stock of W. R. Grace & Co. deposited by Miller, a director of the Fund, for inclusion in the Fund's portfolio. The Federal tax basis of such shares is $15,770, and their market value as of March 15, 1967 is $51,500.

Section 17 of the Act, as here pertinent, makes it unlawful for Miller, a director and an affiliated person of the Fund, to sell securities or other property to the Fund unless the transaction is exempted by the Commission after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company and with the general purposes of the Act.

All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

The Fund has filed a registration statement under the Securities Act of 1933 for the sale of 3,636,364 shares of its common stock, which registration statement became effective on February 14, 1967. The prospectus and registration statement under the Securities Act of 1933 state that the Fund is intended as an investment vehicle for investors who wish to exchange securities which they hold having a low Federal tax basis for shares of the Fund in a simultaneous exchange on a tax-free basis.

The Fund and Miller state that the securities proposed to be accepted in this transaction are readily marketable and that Miller is not an underwriter with respect to the securities or in a control relationship with respect to W. R. Grace & Co. The Fund represents that it intends to accept all deposits of common stock of W. R. Grace & Co. deposited by persons other than Miller; that the proposed transaction between the Fund and Miller will be treated on the same basis, as described in the prospectus, as the transactions between the Fund and any other depositor whose securities are accepted by the Fund; that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that they are consistent with the policy of the Fund and with the general purposes of the Act.

The Fund has undertaken not to effect a redemption or repurchase otherwise than in kind of its shares from Miller if he is affiliated with the Fund at the time of such redemption or repurchase unless the Commission shall first have received written notice.

Notice is further given that any interested person may, not later than April 24, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Fund and upon Miller at the addresses set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 67-3830; Filed, Apr. 6, 1967; 8:45 a.m.]

[70-4460]

UNITED GAS CORP. ET AL.

Notice of Proposed Issue and Sale of Notes and Guarantee of Loans

APRIL 3, 1967.

Notice is hereby given that United Gas Corp. ("United"), 1525 Fairfield Avenue, Shreveport, La. 71102, a gas utility subsidiary company of Pennzoil Co., a registered holding company, UGC Instruments, Inc. ("Instruments"), a wholly owned subsidiary company of United, and Benson-Lehner Corp. ("Benson"), a wholly owned subsidiary company of Instruments, have filed an application-declaration and an amendment thereto with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9, 10, and 12 of the Act and Rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the said application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Instruments proposes to issue notes and United proposes to acquire such notes which will not exceed an aggregate amount of $500,000. The notes will be issued from time to time during a period of twelve months following the date of the Commission's order herein. The notes will bear interest at an annual rate of 6¼ percent and will be payable on demand in such installments and at such times as funds may be required and requested by United. The proceeds will be used by Instruments for the acquisition of capital equipment, the investment in equipment leased to others, and additions to working capital.

Benson proposes to issue its 7½ percent unsecured promissory notes to the Security First National Bank, Los Angeles, Calif., in an amount not to exceed an aggregate of $500,000 as a revolving loan, in such installments and at such times as funds may be required by Benson, such notes to be due on demand and not later than December 31, 1967. Instruments will subordinate $1,050,000 of the indebtedness owing to it from Benson to the amount borrowed from Security First National Bank.

Benson will apply $100,000 of the proceeds of its proposed notes to pay a noninterest bearing advance made on open account by Instruments to meet Benson's emergency requirements. Instruments, in turn, will then pay a similar advance made by United to Instruments of $100,000. By letter dated February 1, 1967, United, Instruments, and Benson advised the Commission that United had made such noninterest bearing advance on open account to Instruments and that Instruments, in turn, on February 3, 1967, made a noninterest bearing advance to Benson. Benson will apply the remainder of the proceeds to working capital.

United further proposes to guarantee the payment of principal and interest on a proposed 5-year loan to Benson-Lehner Ltd. ("Limited"), an exempt wholly owned subsidiary company of Instruments, from the Manufacturers Hanover Trust Co., London Branch, in an amount not to exceed 146,000 pounds ($408,000 at the present exchange rate of $2.80), such loan to bear interest at the rate of 1½ percent over the prime rate of the Bank of England (presently 7 percent with a minimum rate of 6 percent per annum. The proceeds of this borrowing will be added to Limited's working capital and used in the construction of new facilities and the acquisition of capital equipment.

It is stated that no legal or other expenses are anticipated in connection with the proposed transactions. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 24, 1967, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service thereof (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 67-3831; Filed, Apr. 6, 1967; 8:46 a.m.]

[811-1353]

VIRGINIA MUTUAL FUND, INC.

Notice of Proposal to Terminate Registration

APRIL 3, 1967.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that Virginia Mutual Fund, Inc. ("Fund"), c/o Allan P. Mackinnon, 14 Wall Street, New York, N.Y. 10005, formerly Retirement Fund, Inc., a Maryland corporation which registered as an open-end, diversified management company on December 23, 1965, has ceased to be an investment company.

The Commission has been informed that the Fund has no assets, has not sold any securities or conducted any business, and does not intend to offer any shares or conduct any business.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, that upon the taking effect of such order, the registration of such company shall cease to be in effect, and that, if necessary for the protection of investors, such order may be made upon appropriate conditions.

Notice is further given that any interested person may, not later than April 21, 1967 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations under the Act, an order disposing of the matter may be issued by the Commission upon the basis of the information stated in this notice, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-3832; Filed, Apr. 6, 1967; 8:47 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 20 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Abernethy Clarkson Wright, Inc., department store; Head of Church Street, Burlington, Vt.; 3-3-67 to 3-2-68.

Ackemann Bros., Inc., department store; 168 East Highland, Elgin, Ill.; 2-16-67 to 2-15-68.

B & B Super Service, food store; 103 Victoria Street, Kenedy, Tex.; 2-27-67 to 2-26-68.

Baldwin Rexall Drug, drug store; 123 West Frank Phillips, Bartlesville, Okla.; 2-27-67 to 2-26-68.

Better Living Markets, food stores from 3-22-67 to 3-21-68: No. 2, Hattiesburg, Miss.; No. 3, Petal, Miss.

Black and White, Inc., department store; 236 South Main, Yazoo City, Miss.; 3-23-67 to 3-22-68.

Buehler Market, food store; 409 East Main Street, Streator, Ill.; 3-23-67 to 3-22-68.

Burnette's Self Service, food store; Forsyth Street, Barnesville, Ga.; 3-24-67 to 3-23-68.

Byrd Brothers, Inc., food stores from 2-27-67 to 2-26-68: 2011 West Webb Avenue, Burlington, N.C.; 1609 South Church Street, Burlington, N.C.; 329 Harden Street, Graham, N.C.

Carson Pirie Scott and Co., department store; 3232 Lake Avenue, Wilmette, Ill.; 3-1-67 to 2-29-68.

Carter's IGA Foodliner, food store; 138 South Washington, Charlotte, Mich.; 3-23-67 to 3-22-68.

Central Market, Inc., food store; 83 East Main Street, McConnelsville, Ohio; 3-23-67 to 3-22-68.

City Market, Inc., food stores from 3-1-67 to 2-29-68: Nos. 1 and 2, Grand Junction, Colo.; No. 7, Rifle, Colo.

Clays IGA Food Store, Inc., food store; 122 West Texas, Wheeler, Tex.; 2-27-67 to 2-26-68.

H. S. Cohen Co., Inc., apparel store; Shelby, N.C.; 3-23-67 to 3-22-68.

Colby Super Market, Inc., food store; Box 97, Colby, Kans.; 3-24-67 to 3-23-68.

Columbia Shopping Center, variety store; 1200 West Columbia, Evansville, Ind.; 3-22-67 to 3-21-68.

Cortez City Market, food store; Cortez, Colo.; 3-1-67 to 2-29-68.

Craft's Drug Store, drug stores from 3-1-67 to 2-29-68: Nos. 1, 2, 3, and 4, Spartanburg, S.C.

Delta City Market, food store; Delta, Colo.; 3-1-67 to 2-29-68.

Dickson's, hardware store; 201 East Chambers Street, Cleburne, Tex.; 2-27-67 to 2-26-68.

Dorris-Swift Super Market, Inc., food store; 212 Goodlettsville Plaza, Goodlettsville, Tenn.; 3-15-67 to 3-14-68.

Durango City Market, food store; Durango, Colo.; 3-1-67 to 2-29-68.

Eagle Stores Co., Inc., variety stores from 2-1-67 to 1-31-68: 337 Hay Street, Fayetteville, N.C.; 217 East Main Street, Forest City, N.C.

Easter Super Valu, food store; Clear Lake, Iowa; 3-20-67 to 3-19-68.

Erdman Supermarkets, Inc., food store; Chatfield, Minn.; 2-21-67 to 2-20-68.

Fant's Sunflower Food Store, food store; 100 West Claiborne Street, Greenwood, Miss.; 3-27-67 to 3-26-68.

Fedway of Bakersfield, department store; 21st and Chester Avenue, Bakersfield, Calif.; 1-25-67 to 1-24-68.

Food Fair Super Market, food store; 890 Second Street, Macon, Ga.; 2-14-67 to 2-13-68.

Food Giant Super Markets, Inc., food store; 4828 East 22d Street, Tucson, Ariz.; 3-27-67 to 3-26-68.

Foodtown, food store; Hiway 71 South, Rogers, Ark.; 3-9-67 to 3-8-68.

Furrow's, food store; 900 State, Bristol, Tenn.; 3-24-67 to 3-23-68.

Giant Food Market, food stores from 3-1-67 to 2-29-68: Nos. 5 and 6, Bristol, Tenn.; No. 7, Elizabethton, Tenn.; Nos. 2 and 4, Johnson City, Tenn.; No. 3, Kingsport, Tenn.

Gibson General Hospital, Inc., hospital; Box 488, Trenton, Tenn.; 2-11-67 to 2-10-68.

Glenwood City Market, food store; Glenwood Springs, Colo.; 3-1-67 to 2-2968.

W. T. Grant Co., variety stores: 129 Eastland Shopping Center, Lexington, Ky. (2-1-67 to 1-31-68); No. 522, Webster, Mass. (3-21-67 to 3-20-68); 75 Interstate Shopping Center, Ramsey, N.J. (3-6-67 to 3-5-68); 214 North Tryon Street, Charlotte, N.C. (3-9-67 to 3-8-68).

John Gray & Son Big Star, food store; No. 8, Memphis, Tenn.; 2-15-67 to 2-14-68.

Grover Cronin, Inc., department store; 223 Moody Street, Waltham, Mass.; 3-15-67 to 2-1-68.

Harrods Thrift Market and Bakery, food store; Athens, Tenn.; 2-25-67 to 2-24-68.

Hodges Store, food stores from 3-4-67 to 3-3-68: Nos. 1, 2, and 4, Dallas, Tex.; No. 5, Grand Prairie, Tex.

Howland-Hughes Co., department store; 120-140 Bank Street, Waterbury, Conn.; 3-1-67 to 2-29-68.

George F. Kremer Co., Inc., variety store; 323 First Avenue West, Grand Rapids, Minn.; 3-22-67 to 3-21-68.

Jiffy Market, food stores from 3-1-67 to 2-29-68: No. 2, Johnson City, Tenn.; No. 3, Kingsport, Tenn.

Johnson Department Store, department store; Jamestown, Tenn.; 2-13-67 to 2-12-68.

Knopp and Metzger, Inc., food store; 261 West Main Street, Fredericksburg, Tex.; 2-27-67 to 2-26-68.

S. H. Kress and Co., variety store; 1422 Winchester Avenue, Ashland, Ky.; 3-17-67 to 3-16-68.

LaFour Minimax, food store; No. 1, Liberty, Tex.; 3-1-67 to 2-29-68.

Landers Brothers Co., food store; Nowata, Okla.; 2-27-67 to 2-26-68.

Lerner Shops, apparel stores from 3-17-67 to 3-16-68: No. 100, Easton, Pa.; No. 260, Fairview Park, Ohio; No. 258, Hamilton, Ohio; No. 259, Marion, Ohio; No. 107, Tulsa, Okla.; No. 257, Bristol, Tenn.; No. 124, Petersburg, Va.; No. 121, Bluefield, W. Va.; No. 138 Wheeling, W. Va.

Liberty Cash Grocery, food store; No. 17, Memphis, Tenn.; 2-1-67 to 1-31-68.

Mac's Store, food store; 202 Thomas Avenue, Chickamauga, Ga.; 3-1-67 to 1-31-68.

Mission Minimax, food store; 1137 East Ninth Street, Mission, Tex.; 3-1-67 to 2-29-68.

Moab City Market, food store; Moab, Utah; 3-1-67 to 2-29-68.

Montrose City Market, food store; Montrose, Colo.; 3-1-67 to 2-29-68.

Moore's Super Market, food store; 1326 Vultee Boulevard, Nashville, Tenn.; 3-1-67 to 2-29-68.

G. C. Murphy Co., variety stores from 2-13-67 to 2-12-68, except as otherwise indicated: No. 141, Hoopeston, Ill. (3-27-67 to 3-26-68); No. 216, McConnellsburg, Pa.; No. 217, Mercersburg, Pa.

Neisner Brothers, Inc., variety stores: No. 76, Chicago, Ill. (3-24-67 to 3-23-68); No. 77, Cleveland, Ohio (3-1-67 to 2-29-68).

J. J. Newberry, variety stores: No. 157, Keyport, N.J. (2-24-67 to 2-23-68); 102-122 Davis Street, Culpeper, Va. (2-1-67 to 1-31-68).

Bob Nolan's Super Market, Inc., food store; 1029 South Sixth Street, Paducah, Ky.; 2-16-67 to 2-15-68.

Olson's Super Market, food store; Alexandria, Minn.; 2-24-67 to 2-23-68.

P & T Food Center, food store; Box 185, Alabaster, Ala.; 3-15-67 to 3-14-68.

Pak-A-Sak Food Stores, Inc., food stores: 206 North East Street, Kinston, N.C. (2-13-67 to 1-31-68); 1400 Arendell Street, Morehead City, N.C. (2-1-67 to 1-31-68).

B Peck Co., department store; 184 Main Street, Lewiston, Maine; 3-6-67 to 3-5-68.

Pic N' Pay Supermarket, food store; No. 1, Denia, Fla.; 3-24-67 to 3-23-68.

Piggly Wiggly, Inc., food stores from 2-28-67 to 2-27-68, except as otherwise indicated: 110 North Pine, Vivian, La. (3-22-67 to 3-21-68); 300 Southeast Washington, Idabel, Okla.; 707 West Main Street, Clarksville, Tex.; Washington and Bonham, Commerce, Tex.; 1310 11th Street, Huntsville, Tex.; 1917 Parklake Drive, Waco, Tex.; 1711 Harring, Waco, Tex.; 1404 North 34th Street, Waco Tex.; 3407 Memorial Drive, Waco, Tex.

Pleasant Grove Hospital, hospital; Anchorage, Ky.; 2-14-67 to 2-13-68.

Pleezing Food Store of West Florida, Inc., food store; Box 5008, Pensacola, Fla.; 3-27-67 to 3-26-68.

Pleezing Variety Store of West Florida, Inc., variety store; Box 5008, Pensacola, Fla.; 3-27-67 to 3-26-68.

Portland IGA Foodliner, food store; 228 Bridge Street, Portland, Mich.; 3-23-67 to 3-22-68.

Powers Market, food store; 301 Hillsboro Highway, Manchester, Tenn.; 2-15-67 to 2-14-68.

Puckett's Food Stores, Inc., food store; 124 North Fourth Street, Sayre, Okla.; 2-27-67 to 2-26-68.

Pure Food Store, Inc., food store; 218 East Main Street, Bridgeport, W. Va.; 2-15-67 to 2-14-68.

Regel Baker's IGA Food Store, food store; Highway 79, McKenzie, Tenn.; 2-20-67 to 2-19-68.

Richbourg's Shoppers Fair, Inc., food store; 1400 East River Street, Anderson, S.C.; 3-15-67 to 3-14-68.

Rockford Dry Goods-Park Store, department store; 6321 North Second Street, Loves Park, Ill.; 3-15-67 to 3-14-68.

Rog & Scotty's Super Valu, food stores from 3-22-67 to 3-21-68: Nos. 1, 2, and 3, Council Bluffs, Iowa.

Sterns, Inc., department store; Corner Madison Avenue and Water Street, Skowhegan, Maine; 3-6-67 to 3-5-68.

Sunnyway Foods, food store; 212 North Antrim Way, Greencastle, Pa.; 2-1-67 to 1-31-68.

Sunshine Food Market, food stores from 3-23-67 to 3-22-68: Nos. 5, 6, 7, and 9, Sioux City, Iowa; No. 8, South Sioux City, Nebr.; Nos. 2, 3, 4, 12, 14, 15, and 16, Sioux Falls, S. Dak.

Super Drive Ins, food stores from 2-19-67 to 2-18-68: No. 1, Nashville, Tenn.; No. 3, New Providence, Tenn.

Sureway Food Stores, food stores from 3-15-67 to 3-14-68: No. 4, Henderson, Ky.; No. 9, Madison, Ky.; No. 5, Morganfield, Ky.; No. 8, Princeton, Ky.

Sutton's Food City, food store; 1935 North Topeka Avenue, Topeka, Kans.; 3-20-67 to 3-19-68.

T. A. Turner Co., Inc., department store; 100 West Broadway Street, Pink Hill, N.C.; 2-1-67 to 1-31-68.

The Union Grocery Co., Inc., food store; Box 155, Gary, W. Va.; 2-13-67 to 2-12-68.

West's Red and White, food store; Box 416, Moncks Corner, S.C.; 2-1-67 to 1-31-68.

The A. L. Wilson Co., department store; Quincy, Fla.; 2-10-67 to 1-31-68.

Wood's 5 & 10¢ Stores, Inc., variety store; Laurenburg, N.C.; 4-1-67 to 3-31-68.

Young's Food Market, food store; 614 North Mechanic, El Campo, Tex.; 2-27-67 to 2-26-68.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Baenziger Model Market, food store; 580 Coreth Drive, New Braunfels, Tex.; stock clerk, package boy, carryout; 10 percent for each month; 2-19-67 to 1-31-68.

A. J. Bayless Markets, Inc., food store; No. 56, Tucson, Ariz.; package boy, service clerk; 21.9 percent for each month; 3-4-67 to 3-3-68.

Bayshore Minimax, food store; 1413 Dickinson Avenue, Dickinson, Tex.; sack boy, carryout, stock clerk; 12.4 percent for each month; 3-1-67 to 2-29-68.

Beachway Minimax, food store; Highway 124, Winnie, Tex.; sack boy, carryout, stock clerk; 12.4 percent for each month; 3-1-67 to 2-29-68.

Better Living Market, food stores from 3-22-67 to 3-21-68, service boy, stock clerk, and cleanup, 18.5 percent for each month, except as otherwise indicated: No. 1, Hattiesburg, Miss. (17.5 percent for each month); No. 5, Hattiesburg, Miss.; No. 6, Picayune, Miss.

Big Star, food store; No. 37, Memphis, Tenn.; sack boy, carryout, bottle boy; 19.9 percent for each month; 3-23-67 to 3-22-68.

Byrd Brothers, Inc., food stores from 3-15-67 to 3-14-68, bag boy, carryout, janitor, stock clerk, and cashier, 19.3 percent for each month, except as otherwise indicated: 727 East Davis Street, Burlington, N.C.; 110 Washington Street, Leaksville, N.C. (19.1 percent for each month); 506 Center Street, Nebane, N.C.; 121 North Madison Avenue, Roxboro, N.C. (20 percent for each month); 408 North Second Avenue, Siler City, N.C.

Centers, variety store; 151-159 Main Street, Waterville, Maine; salesclerk, maintenance; 10 percent for each month; 3-1-67 to 2-29-68.

City Market, Inc., food store; No. 11, Basalt, Colo.; caddy boy; 10 percent for each month; 3-1-67 to 2-29-68.

Craft's Drug Store, drug stores from 3-1-67 to 2-29-68, salesclerk, 8 percent for each month: No. 5, Gaffney, S.C.; No. 10, Greer, S.C.; Nos. 6 and 9, Spartanburg, S.C.

Durand IGA, food store; 221 North Saginaw, Durand, Mich.; carryout, stock clerk, checker, bagger; 10 percent for each month; 3-23-67 to 3-22-68.

Easter Super Valu, food stores from 3-20-67 to 3-19-68, stock clerk, bagger, carryout, cashier: 215 South Main, Centerville, Iowa (16 percent for each month); 116 Fifth Street, Southwest, Mason City, Iowa (25 percent for each month).

Edge of the Ledge IGA Foodliner, food store; 512 South Clinton, Grand Ledge, Mich.; carryout, bagger, stock clerk, checker; 10 percent for each month; 3-23-67 to 3-22-68.

Erdman Supermarkets, Inc., food stores from 2-21-67 to 2-20-68, carryout, checker, stock clerk, cleanup: 19 Second Avenue Northwest, Kasson, Minn. (between 4.7 percent and 7.6 percent); 1652 Highway 52 North, Rochester, Minn. (10 percent for each month).

Field-Schlick, Inc., department stores from 3-15-67 to 3-14-68, salesclerk, stock clerk, wrapping, clerical, 3.9 percent for each month: 735 Cleveland Avenue South, St. Paul, Minn.; Corner Road B and Snelling Avenue North, St. Paul, Minn.

First Street City Market, Inc., food store; Grand Junction, Colo.; caddy boy; 10 percent for each month; 3-1-67 to 2-29-68.

Gee Bee, food stores from 3-27-67 to 3-26-68, stock clerk, salesclerk, cashier, wrapper, 1.6 percent for each month: Route 30 East, Greensburg, Pa.; Route 56, Johnstown, Pa.

Gerbes Super Markets, Inc., food stores from 3-22-67 to 3-21-68, checker, cashier, carryout, wrapper, clerk, maintenance, 22.7 percent for each month: No. 311, Columbia, Mo.; No. 309, Camdenton, Mo.; No. 304, Eldon, Mo.; No. 308, Holden, Mo.; No. 312, Jefferson City, Mo.; No. 310, Pleasant Hills, Mo.; No. 301, Tipton, Mo.; No. 302, Versailles, Mo.; No. 303, Windsor, Mo.

Giant Food Market, food stores from 3-1-67 to 2-29-68, carryout, cashier, stock clerk, 20.6 percent for each month, except as otherwise indicated: No. 12, Greeneville, Tenn.; No. 10, Johnson City, Tenn. (20.5 percent for each month); No. 9, Kingsport, Tenn. (20.8 percent for each month); No. 11, Morristown, Tenn.

W. T. Grant Co., variety store; Salisbury Parkway and Cypress Street, Salisbury, Md.; salesclerk, cashier, stock clerk; 11.1 percent for each month; 3-31-67 to 3-30-68.

Jim's IGA Super Market, food store; Olanta, S.C.; bagger, stock clerk; 10 percent for each month; 3-24-67 to 3-23-68.

S. S. Kresge Co., variety stores for the occupation of salesclerk except as otherwise indicated, 10 percent for each month except as otherwise indicated: No. 4131, Englewood, Colo. (stock clerk, salesclerk, checker, clerical, 3-22-67 to 3-21-68); No. 4085, Pensacola, Fla. (4.8 percent for each month, 3-29-67 to 3-28-68); 320 South Lincolnway, Aurora, Ill. (salesclerk, stock clerk, office clerical, 7.7 percent for each month, 3-28-67 to 3-27-68); No. 4039, South Bend, Ind. (1-17-67 to 1-16-68); No. 4020, Detroit, Mich.

(2-27-67 to 2-26-68); No. 4082, Troy, Mich. (stock clerk, counter filling, register operation, customer service, sales, bookkeeping, office cashier, display, maintenance, 12.5 percent for each month, 3-6-67 to 3-5-68); No. 4163, Westland, Mich. (maintenance, stock clerk, counter filling, register operation, customer service, salesclerk, bookkeeping, office cashier, display, 18 percent for each month, 3-6-67 to 3-5-68); No. 4175, Canton, Ohio (stock clerk, salesclerk, cashier, maintenance, bookkeeping, display, filing, customer service, cashier, 2-24-67 to 2-23-68); No. 4093, Madison, Tenn. (between 2.1 percent and 10 percent, 2-1-67 to 1-31-68); No. 4084, Lynchburg, Va. (between 2.7 percent and 10 percent, 1-1-67 to 1-31-68).

Lerner Shops, apparel stores from 3-17-67 to 3-16-68, salesclerk, and office clerk, except as otherwise indicated: No. 467, Tucson, Ariz. (14.8 percent for each month); No. 191, Fort Myers, Fla. (16 percent for each month); No. 180, Jacksonville, Fla. (2.9 percent for each month); No. 183, Miami, Fla. (6.2 percent for each month); No. 190, Atlanta, Ga. (11.9 percent for each month); No. 135, Columbus, Ga. (12.2 percent for each month); No. 111, Marietta, Ga. (13 percent for each month); No. 204, Louisville, Ky. (salesclerk, stock clerk, office clerk, 7.7 percent for each month); No. 303, Columbus, Ohio (5.2 percent for each month); No. 312, Dayton, Ohio (8.2 percent for each month); No. 113, Memphis, Tenn. (salesclerk, 11.9 percent for each month); No. 42, Roanoke, Va. (salesclerk, 5.7 percent for each month).

Little Store, food store; West Sullivan Street, Kingsport, Tenn.; carryout, cashier, stock clerk; 20.8 percent for each month; 3-1-67 to 2-29-68.

McCrory-McLellan-Green Stores, variety stores from 3-24-67 to 3-23-68 except as otherwise indicated; salesclerk, stock clerk, office clerk, 10 percent for each month: No. 384, Sanford, Fla.; No. 383, Jacksonville, Ill.; No. 269, Munster, Ind. (3-1-67 to 2-29-68); No. 268, Kinston, N.C.; No. 368, Ormond Beach, Fla.; No. 398, Feasterville, Pa. (3-1-67 to 2-29-68).

Millner-Aycock's Inc., department store; 118 South Broad Street, Monroe, Ga.; salesclerk, cashier; 5.4 percent for each month; 3-9-67 to 3-8-68.

Morgan & Lindsey, Inc., variety store; No. 3115, Angleton, Tex.; stock clerk, salesclerk, clerical; between 3.2 percent and 10 percent; 2-12-67 to 1-31-68.

Moore's Super Market, food stores from 3-1-67 to 2-29-68, sack boy, stock clerk, 8 percent for each month: Hermitage Hills, Hermitage, Tenn.; 157 Lafayette Street, Nashville, Tenn.

G. C. Murphy Co., variety store; No. 311, Altoona, Pa.; salesclerk, office clerk, stock clerk, janitor; 11.6 percent for each month; 3-23-67 to 3-22-68.

Neisner Bros., Inc., variety store; No. 203, Tampa, Fla.; salesclerk, stock clerk, office clerk, maintenance; 16.5 percent for each month; 3-23-67 to 3-22-68.

Pak-A-Sak Food Stores, food store; Highway 24, Swansboro, N.C.; bag boy, carryout; between 8.6 percent and 10 percent; 2-1-67 to 1-31-68.

Pic N' Pay Supermarket, food stores from 3-24-67 to 3-23-68, bagger, stock clerk, 9 percent for each month: No. 2, North Miami Beach, Fla.; No. 3, Pompano Beach, Fla.

Piggly Wiggly, Inc., food stores from 2-28-67 to 2-27-68 except as otherwise indicated, 10 percent for each month except as otherwise indicated, stock clerk, checker, sacker, clerical except as otherwise indicated: No. 24, Arkadelphia, Ark. (3-22-67 to 3-21-68); No. 16, Hot Springs, Ark. (3-22-67 to 3-21-68); 5402 Lillian Highway, Pensacola, Fla. (bag boy, 9.7 percent for each month, 3-6-67 to 3-5-68); Corner Scott and Green, Bainbridge, Ga. (bag boy, 9.7 percent for each month, 3-6-67 to 3-5-68); West Oakland Avenue, Camilla, Ga. (bag boy, 9.7 percent for each month, 3-6-67 to 3-5-68); No. 1, Minden, La. (3-22-67 to 3-21-68); No. 2, Minden, La. (3-22-67 to 3-21-68); No. 38, Barnwell, S.C. (package boy, checker, market clerk, 3-24-67 to 3-23-68); Highway 7 and Rosemary, Bryon, Tex.; 407 South Main, Henderson, Tex.; 1310 Avenue L, Huntsville, Tex.; 532 Commerce Street, Jacksonville, Tex.; No. 10, Rockdale, Tex.; 2905 South General Bruce Drive, Temple, Tex.; East Avenue and Dudley, Texarkana, Tex.; 1521 Texas Avenue, Texarkana, Tex.; No. 9, Waco, Tex.; 3113 Robinson Drive, Waco, Tex.; Highway 6 and Bosque Boulevard, Waco, Tex.

Randall's Food Market, Inc., food stores for the occupations of stock clerk, carryout, 25 percent for each month: 4615 Magnum Road, Houston, Tex. (3-24-67 to 3-23-68); 5550 North Freeway, Houston, Tex. (3-23-67 to 3-22-68).

Sunshine Food Market, food stores from 3-23-67 to 3-22-68, carryout, sacker, 30 percent for each month: No. 19, Mitchell, S. Dak.; No. 18, Yankton, S. Dak.; No. 17, Sioux Falls, S. Dak.

Sureway Food Store, food stores from 3-15-67 to 3-14-68, carryout, checker, stock clerk, 24.9 percent for each month, except as otherwise indicated: No. 1, Calvert City, Ky.; No. 2, Henderson, Ky. (between 25 percent and 30.3 percent); No. 10, Madisonville, Ky. (between 25 percent and 35 percent); No. 6, Marion, Ky.; No. 7, New Eddyville, Ky.; No. 12, Providence, Ky. (between 25 percent and 35 percent); No. 3, Sturgis, Ky.

T.G. & Y. Stores Co., variety stores from 3-23-67 to 3-22-68 except as otherwise indicated, salesclerk, stock clerk, clerical, 29.7 percent for each month except as otherwise indicated: No. 311, Belton, Mo. (24.5 percent for each month); No. 431, Oklahoma City, Okla. (3-24-67 to 3-23-68); No. 441, Oklahoma City, Okla. (30 percent for each month); No. 442, Oklahoma City, Okla.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 31st day of March 1967.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 67-3825; Filed, Apr. 6, 1967; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 4, 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. 40967—*Soda ash to Cedar Springs, Ga.* Filed by O. W. South, Jr., agent (No. A5008), for interested rail carriers. Rates on soda ash, in bulk, in covered hopper cars, which carriers are not obligated to furnish, in carloads, from Saltville, Va., to Cedar Springs, Ga.

Grounds for relief—Carrier competition.

Tariff—Supplement 80 to Southern Freight Association, agent, tariff ICC S-517.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-3848; Filed, Apr. 6, 1967; 8:48 a.m.]

[Notice 362]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 4, 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 No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the 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 33641 (Sub-No. 62 TA), filed March 23, 1967. Applicant: IML Freight, Inc., Post Office Box 2277, Salt Lake City, Utah 84110. Office: 2175 South 3270 West Street. Applicant's representative:

Berol, Loughran & Geernaert, 100 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs and potato products*, not frozen, from Rexburg, Aberdeen, Borah, and American Falls, Idaho, to Pocatello, Idaho; such authority to be tacked at Pocatello, Idaho, with regular-route authority to points on its line in Kansas, Missouri, Illinois, Indiana, Ohio, Iowa, and Kentucky, and where necessary it proposes to interline with other carriers at points and places on its line in these destination States in order to serve off-line destinations, for 180 days. Supporting shipper: Idaho Frozen Foods, Post Office Box FF, Twin Falls, Idaho 83301; Rogers Brothers Co., Post Office Box 2188, Idaho Falls, Idaho 83401; Lamb-Weston, Inc., 2017 Lloyd Center, Post Office Box 12145, Portland, Oreg. 97212; and Idaho Potato Growers, Inc., Post Office Box 978, Idaho Falls, Idaho 83401. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 52751 (Sub-No. 72 TA), filed March 29, 1967. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa 50317. Post Office Box 1351, Des Moines, Iowa 50305. Applicant's representative: William A. Landau, Post Office Box 1634, Des Moines, Iowa 50306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *High density portland cement*, in bags, from West Des Moines, Iowa, to Ripon, Wis., for 180 days. Supporting shipper: Des Moines Concrete Products Co., Box 156, Eighth and Railroad Streets, West Des Moines, Iowa 50265. Send protests to: Ellis L. Annett, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 227 Federal Office Building, Des Moines, Iowa 50309.

No. MC 103993 (Sub-No. 267 TA), filed March 29, 1967. Applicant: Morgan Drive Away, Inc., 2800 West Lexington, Avenue, Elkhart, Ind. 46514. Applicant's representative: William G. Starnal (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, designed to be drawn by passenger automobiles, and tent campers*, in initial movements from West Bend, Wis., to points in California, Colorado, Connecticut, Delaware, Idaho, Maine, Maryland, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Virginia, Washington, and Wyoming, for 180 days. Supporting shipper: Mallard Coach Corp., Post Office Box 210, West Bend, Wis. Send protests to: District Supervisor Justus H. Gray, Bureau of Operations and Compliance, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 103993 (Sub-No. 268 TA), filed March 29, 1967. Applicant: Morgan Drive Away, Inc., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: William G. Starnal (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Portable grain dryers* transported on their own wheeled undercarriages equipped with a hitchball connector from Gibson City, Ill., to points in Illinois, Indiana, Michigan, Ohio, New York, Pennsylvania, Kentucky, Missouri, Iowa, Minnesota, Wisconsin, Kansas, Nebraska, North Dakota, for 180 days. Supporting shipper: Grain Drying, Division of M & W Gear Co., Gibson City, Ill. Send protests to: District Supervisor Justus H. Gray, Bureau of Operations and Compliance, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 114087 (Sub-No. 8 TA), filed March 29, 1967. Applicant: DECATUR PETROLEUM HAULERS, INC., 159 First Avenue NE., Post Office Box 1784, Decatur, Ala. 35601. Applicant's representative: Markstein and Morris, 818–821 Massey Building, Birmingham, Ala. 35203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank trailers, from the plantsite of Escambia Chemical Co. in or near Decatur, Ala., to points in Tennessee, Georgia, and Mississippi, for 180 days. Supporting shipper: Escambia Chemical Corp., Post Office Box 467, Pensacola, Fla. 32502. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 212, 908 South 20th Street, Birmingham, Ala. 35205.

No. MC 115092 (Sub-No. 4 TA), filed March 28, 1967. Applicant: WEISS TRUCKING, INC., Post Office Box 11, Rangely, Colo. 81648. Applicant's representative: Stockton, Lewis and Mitchell, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude oil*, from points in Moffat and Rio Blanco Counties, Colo., to pipeline head at or near Rangely, Colo., for 150 days. Supporting shipper: Pan American Petroleum Corp., Security Life Building, Denver, Colo. 80202. Send protests to: District Supervisor Luther H. Oldham, Interstate Commerce Commission, Bureau of Operations and Compliance, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 115904 (Sub-No. 12 TA), filed March 23, 1967. Applicant: Louis Grover, 1710 West Broadway, Route 5, Idaho Falls, Idaho 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Missoula County, Mont., and Lemhi and Gem Counties, Idaho, to points in Wyoming, for 180 days. Supporting shipper: Brown Lumber Sales, 444 17th Street, Denver, Colo. 80202. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 203 Eastman Building, Boise, Idaho 83702.

No. MC 119547 (Sub-No. 17 TA), filed March 29, 1967. Applicant: EDGAR W. LONG, Route 4, Zanesville, Ohio 43701. Applicant's representative: Richard H. Brandon, 810 Hartman Building, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* in containers, from Columbus, Ohio, to Beckley, Charleston, Clarksburg, Huntington, Morgantown, Parkersburg, Webster Springs, and Weirton, W. Va., and *empty used malt beverage containers*, on return, for 180 days. Supporting shipper: August Wagner Breweries, Inc., 605–631 South Front Street, Columbus, Ohio 43216. Send protests to: Arthur M. Culver, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 236 New Post Office Building, Columbus, Ohio 43215.

No. MC 126902 (Sub-No. 2 TA), filed March 23, 1967. Applicant: KAY TRANSPORTATION COMPANY, INC., 25 South Cary Street, Baltimore, Md. 21223. Applicant's representative: Leonard Jaskiewicz, Esquire, 1155 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, cans, drums, barrels, and pails*, from Linden, N.J., to Baltimore, Md. Supporting shipper: Rheem Manufacturing Co., 7600 South Kedzie Avenue, Chicago, Ill. 60652. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 312 Appraisers' Stores Building, Baltimore, Md. 21202.

No. MC 128961 TA, filed March 29, 1967. Applicant: LAW'S MOVING & STORAGE, INC., 2018 Commerce Avenue, Vero Beach, Fla. 32960. Applicant's representative: Beulah M. Law (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crated or uncrated household goods and personal effects*, between points in Indian River, St. Lucie, Brevard, Osceola, Martin, Okeechobee Counties, Fla., for 180 days. Supporting shippers: Home-Pack Transport, Inc., 57–48 49th Street, Maspeth, N.Y.; American Ensign, Post Office Box 2270, Wilmington, Calif. 90744; Sunpak International, 1621 Queen Anne Avenue North, Seattle, Wash. 98109. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations and Compliance, Room 1621, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 128965 TA, filed March 29, 1967. Applicant: PAUL HEIDE, 746 South Rutan, Wichita, Kans. 67218. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer compounds, and fertilizer materials* from Wichita, Kans., to points in Oklahoma, for 180 days. Supporting shipper: W. R. Grace & Co., Agricultural Products Division, Post Office Box 1406, Joplin, Mo. 64801. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 906 Schweiter Building, Wichita, Kans. 67202.

No. MC 128966 TA, filed March 29, 1967. Applicant: METROPOLITAN CARTAGE AND LEASING, INC., 1005 St. Louis Avenue, Kansas City, Mo. 64101. Applicant's representative: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats and packinghouse products*, between points in the Kansas City, Mo.-Kans., commercial zone, on the one hand, and, on the other, points in Missouri, on and west of U.S. Highway 63, for 180 days. Supporting shippers: John Morrell & Co., 208 South La Salle Street, Chicago, Ill. 60604; Farmbest, Inc., Denison, Iowa 51442; Oscar Mayer & Co., Inc., 910 Mayer Avenue, Madison, Wis. 53701. Send protests to: B. J. Schreier, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 128972 TA, filed March 29, 1967. Applicant: JOHN LOUIE GIBSON, Post Office Box 22, Walnut Cove, N.C. 27052. Applicant's representative: John L. Brown, 6120 Bridgeport Drive, Charlotte, N.C. 28205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and lime*, other than in bulk in tank vehicles, between Austinville, Roanoke, Danville, and Norfolk, Va., on the one hand, and, on the other, Walnut Cove, N.C., and Greensboro, N.C., for 180 days. Supporting shippers: John G. Fulton, Walnut Cove, N.C. 27052, and Yancey C. Hines, Agrico Chemical Co., a division of Continental Oil Co., Randolph Avenue Extension, Greensboro, N.C. 27406. 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.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-3849; Filed, Apr. 6, 1967; 8:48 a.m.]

[Notice 1501]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 4, 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-69426. By order of March 31, 1967, the Transfer Board approved the transfer to Chandler Transportation, Inc., New York, N.Y. 10016, of the operating rights of Merchants Parcel Delivery Co., a corporation, South Kearny, N.J. 07032, in certificate No. MC-106010, issued April 16, 1967, authorizing the transportation of general commodities, excluding household goods, commodities in bulk, and other specified commodities, between New York, N.Y., and points in New Jersey, within 30 miles of city hall, New York, N.Y., on the one hand, and, on the other, points in New Jersey (not including points in Burlington, Mercer, Hunterdon, Warren, Cape May, Cumberland, Gloucester, Salem, Atlantic and Ocean Counties, N.J.), between points in Philadelphia County, Pa., and between points in Philadelphia County, Pa., on the one hand, and, on the other, Camden, N.J., and furniture, radios, refrigerators, and washing machines, household goods, vending machines, and confectionery, pool and billiard tables, and radiators and boilers, from Philadelphia, Pa., to Newark and Chesilhurst, N.J., varying with the commodities transported. A. David Millner, 1060 Broad Street, Newark, N.J. 07102, attorney for transferor. S. Harrison Kahn, 733 Investment Building, Washington, D.C. 20005, Michael F. Rolla, 419 Park Avenue South, New York, N.Y. 10016, attorneys for transferee.

No. MC-FC-69477. By order of March 31, 1967, the Transfer Board approved the transfer to Jack N. Tedford, Inc., 235 East Williams Avenue, Fallon, Nev., of certificate Nos. MC-18038, MC-18038 (Sub-No. 2), and MC-18038 (Sub-No. 4), issued April 19, 1949, April 13, 1951, and September 12, 1963, respectively, to Jack N. Tedford, Jr., 235 East Williams Avenue, Fallon, Nev., authorizing the transportation of: Ore, ore concentrates, hay, mining machinery, and materials, supplies and equipment incidental to, or used in the construction, development, operation, and maintenance of mines, between points within 75 miles of Fallon, Nev., including Fallon, and between Fallon on the one hand, and, on the other, points in Nevada within 85 miles, but not less than 75 miles from Fallon; ore and concentrates, livestock, wool, and mining machinery equipment and supplies, between points in Nevada within 100 miles of and including Ely, Nev.; feed, grain, hay, and ranch supplies, between points in Nevada within 150 miles of and including Ely, Nev.; and tungsten carbide, and materials and supplies used in the manufacture of tungsten carbide, between Fallon, Nev., and the plantsite of Kennemetal, Inc., Nevada Scheelite Division located approximately 40 miles southeast of Fallon, Nev.

No. MC-FC-69518. By order of March 29, 1967, the Transfer Board approved the transfer to Sammons Trucking, a corporation, Missoula, Mont., of the operating rights in certificate Nos. MC-124692 (Sub-No. 1), MC-124692 (Sub-No. 8), and MC-124692 (Sub-No. 11), issued August 24, 1964, November 1, 1965, and February 3, 1967, respectively, to Myron Sammons, Missoula, Mont., authorizing the transportation, over irregular routes, of lumber and lumber products from points in Oregon, Washington, and Idaho, and points in Montana west of the continental divide, to points in North Dakota, South Dakota, Nebraska, and Minnesota; animal and poultry feed and ingredients from points in Iowa and Minnesota to points in Montana, Idaho, and Washington; and bentonite from points in South Dakota within 5 miles of Belle Fourche, S. Dak., to points in Montana, Idaho, and Washington. Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn., attorney for applicants.

No. MC-FC-69521. By order of March 31, 1967, the Transfer Board approved the transfer to Timm Trucking Corp., Long Island City, N.Y., of the operating rights in certificate No. MC-89377, issued October 28, 1965, to Charles Tuzzolino, doing business as C. Tuzzi, Brooklyn, N.Y., authorizing the transportation, over irregular routes, of new furniture from New York, N.Y., to points in that part of New Jersey and New York within 35 miles of New York, N.Y. Morris Honig, 150 Broadway, New York, N.Y., attorney for applicants.

No. MC-FC-69533. By order of March 31, 1967, the Transfer Board approved the transfer to Otisville Bus Service, Inc., village of Otisville, N.Y., of certificate No. MC-66043, issued September 30, 1942, to Deerpark Transportation Co., Inc., Port Jervis, N.Y., authorizing the transportation of: Passengers and their baggage, in charter operations, from Port Jervis, N.Y., and points in New Jersey, New York, and Pennsylvania within 15 miles of Port Jervis, to points in Dutchess, Orange, Nassau, New York, Putnam, Rockland, Sullivan, Ulster, and Westchester Counties, N.Y., Lackawanna, Monroe, Northampton, Pike, Wayne and Wyoming Counties, Pa., and Bergen, Essex, Morris, Passaic, Sussex, Union, and Warren Counties, N.J. Jerome Markovits, 15 King Street, Middletown, N.Y. 10940, attorney for applicants.

No. MC-FC-69544. By order of March 29, 1967, the Transfer Board approved the transfer to R. Martel Express Limited, a corporation, 29 Visitation Street, Farnham, Quebc, Canada, of the operating rights in permits Nos. MC-116893 and MC-116893 (Sub-No. 6) issued May 23, 1958, and February 18, 1963, respectively, to Martel Express Ltd., 630 Main Street, Farnham, Quebec, Canada, authorizing the transportation of: Wood, flour, and frozen foods, from specified points in New York and New Jersey, to ports of entry on the United States-Canada boundary line, located in New York State.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-3850; Filed, Apr. 6, 1967; 8:48 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—APRIL

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during April.

3 CFR

Page

PROCLAMATION:

3773 ... 5491
3774 ... 5539

EXECUTIVE ORDER:

11340 ... 5453

5 CFR

213 ... 5455, 5671
511 ... 5455
534 ... 5455

7 CFR

1 ... 5458
701 ... 5619
718 ... 5493
722 ... 5671
862 ... 5458
907 ... 5461
908 ... 5461, 5619
910 ... 5494, 5495
912 ... 5462
917 ... 5543
1421 ... 5462
1427 ... 5462, 5671
1481 ... 5462

PROPOSED RULES:

68 ... 5555
320 ... 5555
908 ... 5628
958 ... 5629
989 ... 5690
992 ... 5514
993 ... 5556
1001 ... 5694
1002 ... 5694
1003 ... 5694
1004 ... 5694
1005 ... 5695
1008 ... 5695
1009 ... 5695
1011 ... 5695
1012 ... 5472
1013 ... 5472
1015 ... 5694
1016 ... 5694
1031 ... 5695
1032 ... 5695
1033 ... 5695
1034 ... 5695
1035 ... 5695
1036 ... 5695
1038 ... 5695
1039 ... 5695
1040 ... 5695
1041 ... 5695
1043 ... 5695
1044 ... 5695
1045 ... 5695
1046 ... 5695
1047 ... 5695
1048 ... 5695
1049 ... 5695
1050 ... 5695
1051 ... 5695
1060 ... 5696
1062 ... 5695
1063 ... 5695
1064 ... 5695
1065 ... 5629, 5696
1066 ... 5629, 5696
1067 ... 5695
1068 ... 5695

7 CFR—Continued

Page

PROPOSED RULES—Continued

1069 ... 5696
1070 ... 5695
1071 ... 5695
1073 ... 5638, 5696
1075 ... 5696
1076 ... 5638, 5696
1078 ... 5695
1079 ... 5639, 5695
1090 ... 5695
1094 ... 5694
1096 ... 5694
1097 ... 5695
1098 ... 5695
1099 ... 5695
1101 ... 5695
1102 ... 5695
1103 ... 5694
1104 ... 5695
1106 ... 5695
1108 ... 5695
1120 ... 5695
1125 ... 5696
1126 ... 5695
1127 ... 5695
1128 ... 5695, 5696
1129 ... 5695
1130 ... 5695
1131 ... 5696
1132 ... 5695
1133 ... 5640, 5696
1134 ... 5696
1136 ... 5696
1137 ... 5640, 5696
1138 ... 5695
1205 ... 5696

8 CFR

242 ... 5619
336 ... 5619

10 CFR

PROPOSED RULES:

50 ... 5562
115 ... 5562

12 CFR

640 ... 5543

13 CFR

106 ... 5672
121 ... 5495, 5620

PROPOSED RULES:

121 ... 5516

14 CFR

39 ... 5463, 5464, 5496, 5543–5545, 5676
71 ... 5465, 5497, 5677
73 ... 5497, 5545, 5546
97 ... 5678
181 ... 5546
224 ... 5546

PROPOSED RULES:

23 ... 5698
71 ... 5472, 5473, 5706
75 ... 5473, 5706
91 ... 5559
243 ... 5562
288 ... 5564
399 ... 5564, 5642

15 CFR

Page

201 ... 5547

16 CFR

15 ... 5620

21 CFR

120 ... 5547
121 ... 5455, 5547, 5548, 5674, 5675
191 ... 5456

PROPOSED RULES:

3 ... 5560
131 ... 5560
191 ... 5561, 5562

22 CFR

41 ... 5620
126 ... 5456

23 CFR

255 ... 5498, 5499

24 CFR

200 ... 5681

25 CFR

41 ... 5621
221 ... 5621

PROPOSED RULES:

161 ... 5512

26 CFR

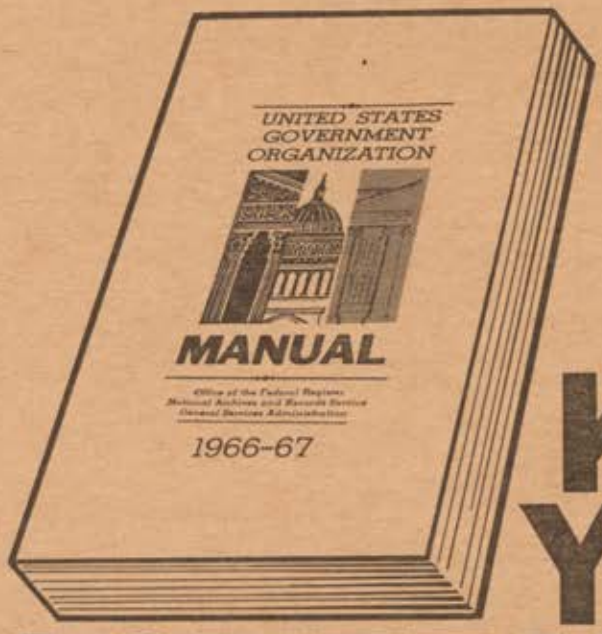
48 ... 5457

29 CFR

601 ... 5465
602 ... 5465
603 ... 5466
604 ... 5466
606 ... 5466
609 ... 5466
610 ... 5466
611 ... 5466
612 ... 5467
613 ... 5467
614 ... 5467
615 ... 5467
616 ... 5467
619 ... 5467
657 ... 5467
661 ... 5468
670 ... 5468
671 ... 5468
672 ... 5468
673 ... 5468
675 ... 5469
677 ... 5469
678 ... 5469
683 ... 5469
687 ... 5470
688 ... 5470
690 ... 5470
699 ... 5470
720 ... 5505
726 ... 5505

32 CFR

1 ... 5506
2 ... 5506
3 ... 5508
6 ...



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