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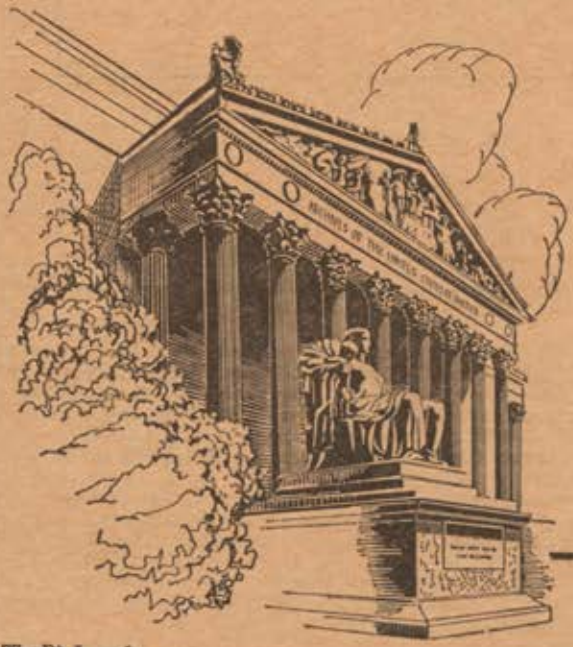

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the position of Deputy for Demonstrations and Intergovernmental Relations is excepted under Schedule C in lieu of the position of Deputy Assistant Secretary for Demonstrations and Intergovernmental Relations and Director of Urban Program Coordination. Effective on publication in the FEDERAL REGISTER paragraph (e) of § 213.3384 is amended by revoking subparagraph (2) and adding a new subparagraph (6) as set out below.

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(e) *Office of the Assistant Secretary for Demonstrations and Intergovernmental Relations.* * * *

(2) [Revoked]

* * * * *

(6) One Deputy for Demonstrations and Intergovernmental 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. 67-4404; Filed, Apr. 20, 1967; 8:47 a.m.]

Title 7—AGRICULTURE

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

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

Expenses and Rate of Assessment

On April 6, 1967, notice of rule making was published in the FEDERAL REGISTER (32 F.R. 5628) regarding proposed expenses and the related rate of assessment for the period beginning November 1, 1966, and ending October 31, 1967, pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Valencia Orange Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 907.206 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Valencia Orange Administrative Committee during the period November 1, 1966, through October 31, 1967, will amount to $218,100.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 908.41, is fixed at $0.012 per carton of Valencia oranges.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable oranges handled during the aforesaid period, (2) shipments of Valencia oranges are currently in progress, and (3) such period began on November 1, 1966, and said rate of assessment will automatically apply to all such oranges beginning with such date.

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

Dated: April 18, 1967.

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

[F.R. Doc. 67-4438; Filed, Apr. 20, 1967; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

[Rev. III, Amdt. 14]

PART 1483—WHEAT AND FLOUR

Subpart—Wheat Export Program (GR–345) Terms and Conditions

MISCELLANEOUS AMENDMENTS

The terms and conditions of the Wheat Export Program—Payment In Kind (GR–345) (27 F.R. 6415), as amended (27 F.R. 10741, 28 F.R. 7120, 29 F.R. 4077, 9431, 12067, 15115, 30 F.R. 532, 4531, 8898, 31 F.R. 4728, 9719, 10072, and 11450) are further amended as follows:

1. A new § 1483.104 is added to read as follows:

§ 1483.104 Transactions eligible for registration.

CCC will consider for registration under the terms and conditions of this subpart commercial sales transactions between an exporter and a foreign buyer as follows: (a) Sales for dollars; (b) sales for foreign currencies and sales for dollars on credit pursuant to the regulations issued under Public Law 480, 83d Congress, as amended; (c) sales under the CCC Export Credit Sales Program regulations involving the exportation of wheat acquired from private stocks; (d) sales for exportation under the Barter Program Terms and Conditions involving wheat acquired from private stocks as defined in such terms and conditions; (e) sales financed with funds authorized by the Agency for International Development; and (f) such other sales as may be determined by CCC to be in the interest of the program. CCC will determine from the information given by the exporter in his Notice of Sale made pursuant to § 1483.125 as to the category in which each sales transaction will be registered After a Notice of Sale is transmitted to CCC and a Notice of Registration has been issued by a Contracting Officer pursuant to § 1483.126, a request by the exporter to change the category of the sale reported to CCC and registered under this subpart will not be approved unless, because of special circumstances, it is determined by the Contracting Officer to be in the best interest of CCC.

2. Section 1483.114 *Notice of sale of Durum wheat* is amended by adding a new paragraph (d) to read as follows:

§ 1483.114 Notice of sale of Durum wheat.

* * * * *

(d) *Sales financed under P.L. 480.* In the case of a sale for foreign currencies or a sale on credit pursuant to the regulations issued under Public Law 480 (83d Congress) as amended, the exporter shall include in his Notice of Sale the additional information required by § 1483.125(b) for such sales. In addition, the exporter shall submit a Declaration of Sale together with supporting evidence of sale as provided in § 1483.127 promptly after receipt of an acknowledgment of the Notice of Sale stating that the price of the wheat has been approved by the General Sales Manager for financing under P.L. 480. The code letters PAF480 shall be used by CCC to advise the exporter of such approval. If the price is disapproved by the General Sales Manager, the exporter will be notified accordingly. In such event the exporter shall have 5 calendar days follow-

ing the date of the Notice of Sale to submit a price which may be approved by the General Sales Manager. During such 5-day period, CCC will not recognize, for the purpose of financing under P.L. 480, any new sale between the same exporter and foreign buyer in substitution of the original transaction. If an acceptable price is not submitted within such 5-day period, the original Notice of Sale, any subsequent notification of price adjustments and the related contract between the exporter and the foreign buyer shall, for the purpose of price review, be considered null and void. Any subsequent negotiations after expiration of such 5-day period which results in a contract between the exporter and the same foreign buyer shall be subject to the submission of a new Notice of Sale and new evidence of sale.

3. Section 1483.115 *Exportation requirements* paragraph (d) is amended to read as follows:

§ 1483.115 Exportation requirements.

* * * * *

(d) If any quantity of Durum wheat exported pursuant to the exporter's contract with CCC is reentered in any form or product into the United States (including Alaska, Hawaii, or Puerto Rico) whether or not such reentry is caused by the exporter, or if any quantity of Durum wheat exported is transshipped or caused to be transshipped in any form or product by the exporter to any country excluded by § 1483.187, the exporter shall be in default, shall refund any payment made by CCC with respect to such quantity of wheat and shall also pay to CCC with respect to any such Durum wheat which is reentered into the United States (including Alaska, Hawaii, or Puerto Rico) liquidated damages of 25 cents per bushel on such wheat. To the extent the exporter establishes that the reentry was not due to his fault or negligence, he shall not be in default and shall not be liable for such liquidated damages but shall return to CCC any payment received with respect to such wheat. If the wheat exported is reentered in some other form or product, the exporter agrees that the wheat equivalent of such reentered wheat shall be determined on such basis as may be specified by CCC. If the reentered wheat is subsequently reexported, it shall be eligible for export payment in accordance with the other provisions of the regulations in this subpart or other regulations which may provide for an export payment on such exportation. To the extent the exporter establishes that such reentered wheat was lost, damaged, or destroyed, the physical condition is such that the reentry into the United States will not impair CCC's price support program, and no person received any export payment with respect to any reexportation which may occur to the wheat in any form or product, the exporter shall not be in default, shall not be liable for such liquidated damages and shall not be required to return to CCC any payment received with respect to such wheat.

§ 1483.121 [Amended]

4. Section 1483.121(d) *Determination of rates* is amended by deleting the words "and/or commission" wherever they appear.

§ 1483.125 [Amended]

5. Section 1483.125 *Notice of Sale* is amended as follows:

a. Paragraph (a)(5) is amended by deleting the words "and/or commission" wherever they appear.

b. Paragraph (b)(1a) is amended to read:

(1a) If the sale involves the exportation of private stocks pursuant to a CCC barter transaction or the CCC Export Credit Sales Program or if the sale is made subject to payment with funds authorized by the Agency for International Development, the CCC barter contract number, the CCC financing approval number or the AID approval number, whichever is applicable. If such number is not available, the exporter must indicate the type of transaction pursuant to which the exportation is to be made and that the number will be furnished when available.

c. Paragraph (b)(17) is amended by deleting the words "and rate of sales commission."

§ 1483.126 [Amended]

6. Section 1483.126 *Notice of Registration* is amended by changing the second sentence of paragraph (a) to read: "If a Notice of Sale is received by CCC which provides for more than one coast of export or more than one class of wheat, with the exporter or foreign buyer having the option to select the coast of export or class of wheat, the Contracting Officer will not issue a Notice of Registration unless otherwise provided in the announcement of export payment rates made pursuant to § 1483.120 or unless, because of special circumstances, it is determined by him to be in the best interest of CCC."

7. Section 1483.126 *Notice of Registration* is amended by changing paragraph (b) to read:

(b) In the telegram of registration the Contracting Officer may utilize the code letters "REP" to indicate Registered as Eligible for Payment and (1) the word "BARTER" if the sale is for exportation under the Barter Program involving wheat acquired from private stocks or (2) the word "CREDIT" if the sale is made pursuant to the CCC Export Credit Sales Program involving the exportation of wheat acquired from private stocks or (3) the word "AID" if payment for the wheat exported is financed by the Agency for International Development. If a contract between the exporter and the foreign buyer specifies an option(s) (two or more classes of wheat, different coast of export, or more than one export period) be exercised by either of the contracting parties and (i) a certificate cost has been announced for a class of wheat, coast of export, or export period given in the Notice of Sale and (ii) an export payment rate under GR-345 has also been announced for another class of wheat, coast of export, or export period given in the Notice of Sale, the Notice of Registration may be issued (subject to the provision of paragraph (a) of this section) showing the sale has been registered under both the regulations in this subpart and the Export Wheat Marketing Certificate Regulations. For example, if a Notice of Sale is given to CCC for 500,000 bushels to be exported to Japan and the Notice of Sale contains Hard Winter wheat as the basic contract class with options for Spring wheat and Soft White wheat with all classes to be exported from the west coast, the Notice of Registration may be issued in the following form showing that the transaction is registered under the regulations in this subpart and the Export Wheat Marketing Certificate Regulations.

Registered	500,000 bushels	K23-44-18	Japan
"REP"	Hard Winter		
"REP"	Spring		
"RLC" (i.e., registered liable for certificates).	White wheat		

In addition, with respect to a sale for foreign currencies and a sale for dollars on credit pursuant to the regulations issued under P.L. 480 (83d Congress) as amended, the code letters PAF480 shall constitute notice to the exporter that the price of the wheat has been approved by the General Sales Manager for financing under such regulations. If the price of the wheat is disapproved by the General Sales Manager, the exporter will be so advised by telegram and the transaction will not be registered for payment.

8. Section 1483.127 *Declaration of Sale and evidence of sale* is amended by changing paragraph (b) (12a) and (17) to read as follows:

§ 1483.127 Declaration of Sale and evidence of sale.

* * * * *

(b) * * *

(12a) If the sale involves the exportation of private stocks pursuant to a CCC barter transaction or the CCC Export Credit Sales Program or if the sale is made subject to payment with funds authorized by the Agency for International Development, the CCC barter contract number, the CCC financing approval number or the AID approval number, whichever is applicable.

* * * * *

(17) Name and address of sales agent, if any.

* * * * *

§ 1483.141 [Amended]

9. Section 1483.141 *Cancellation of sale or failure to export* is amended by adding in paragraph (a) after the word "reentry" the words "in any form or product" and by changing paragraphs (b) and (c) to read as follows:

(b) If, after an exporter has been afforded the opportunity to present evidence, the Vice President determines

that the exporter has failed to export in accordance with his agreement with CCC, the exporter shall pay on demand any damages resulting from such failure or at CCC's election the exporter may be required to export a quantity of replacement wheat, within such period as is specified by CCC, to the same designated country as was provided in the sales contract on which exportation was not made, at an export payment rate equal to the lower of (1) the rate applicable to the sale on which exportation was not made or (2) the rate applicable to the sale on which the replacement wheat is exported. If the exporter fails to export the replacement wheat as required, he shall pay CCC as liquidated damages an amount determined by multiplying the number of bushels of wheat involved in such failure by the amount by which the rate applicable to the sale on which exportation was not made is exceeded by the highest rate announced on and after the date of CCC's notice requiring exportation of the replacement wheat, for the exportation to the country and in the period in which the replacement wheat was required to be exported. It is mutually agreed that such amount is a reasonable estimate of the probable actual damages to be incurred by CCC. In addition to his liability under the foregoing provision of this paragraph, the exporter may be suspended or debarred from participating in this program or in any other program of CCC for such period and subject to such terms and conditions as may be provided pursuant to the suspension and debarment regulations of CCC and any amendments thereto. The exporter shall not be liable under this paragraph and shall not be suspended or debarred for such failure if he establishes to the satisfaction of the Vice President that his failure to export was not due to his fault or negligence.

(c) If any quantity of wheat exported pursuant to the exporter's contract with CCC is reentered in any form or product into the United States (including Alaska, Hawaii or Puerto Rico) whether or not such reentry is caused by the exporter, or if any wheat in any form or product is transshipped or caused to be transshipped by the exporter to any country that is not a designated country, the exporter shall be in default, shall refund any payment made by CCC on such wheat and shall comply with the requirements of paragraph (b) of this section. To the extent the exporter establishes that the reentry was not due to his fault or negligence, he shall not be in default but shall return to CCC any payment received with respect to such wheat. If the reentered wheat is subsequently reexported, it shall be eligible for an export payment in accordance with the other provisions of the regulations in this subpart or other regulations which may provide for an export payment on such exportation. To the extent the exporter establishes that such reentered wheat was lost, damaged, or destroyed, the physical condition is such that its reentry will not impair CCC's price support program, and no person received any export payment with respect to any reexportation which may occur to the wheat in any form or product; the exporter shall not be in default and shall not be required to return to CCC any payment received with respect to such wheat. If the wheat exported is reentered in some other form or product, the exporter agrees that the wheat equivalent of such reentered wheat shall be determined on such basis as may be specified by CCC.

10. Section 1483.146 *Export payments*, paragraph (c) is amended to read as follows:

§ 1483.146 Export payments.

* * * * *

(c) *Payee.* Except as provided in § 1483.176, the export payment will be made only to the exporter with whom CCC has an agreement to make an export payment and who has complied with the requirements of this subpart.

* * * * *

11. Section 1483.147 *Documents required as evidence of export*, paragraph (a) is amended to change the second sentence to read:

§ 1483.147 Documents required as evidence of export.

* * * * *

(a) * * * The bill of lading must show (1) the name of the vessel, (2) the date and place of issuance, (3) the weight of the wheat, (4) the number and description of the hold or tank in which the wheat was stowed, (5) that the wheat is destined for the buyer and country of destination identified on the Declaration of Sale or to a different consignee or country determined pursuant to § 1483.106, and (6) the Purchase Authorization number (if exportation is pursuant to Public Law 480, 83d Congress, as amended), the CCC financing approval number (if exportation is pursuant to the CCC credit sales program), the CCC barter contract number (if exportation is made pursuant to a CCC barter transaction) or the AID approval number (if the exportation is financed by the Agency for International Development). * * *

* * * * *

§ 1483.151 [Amended]

12. Section 1483.151 *Refunds on wheat other than Durum wheat* is amended by deleting the words "or commission" and "and commission" wherever they appear in paragraph (c)(1).

13. The undesignated center heading "Redemption of Export Commodity Certificates in Wheat" preceding § 1483.155 is amended to read "CCC Sales of Wheat for Export."

§ 1483.155 [Amended]

14. Section 1483.155 *Submission of offers* is amended by changing the first sentence to read "Offers to purchase CCC wheat under this announcement may be submitted by letter, telegram, or orally to the office shown in the CCC monthly sales announcement from which the exporter desires delivery."

15. Section 1483.158 *Payment terms and financial arrangements* is amended with respect to contracts entered into on and after the effective date of the amendment to read as follows:

§ 1483.158 Payment terms and financial arrangements.

(a) The amount due CCC for wheat purchased hereunder shall be paid by the purchaser to the ASCS Commodity Office in one (or a combination) of the following ways:

(1) By surrender of certificate(s): If certificates having a value in excess of the purchase price are surrendered by the purchaser to CCC, the certificates having the earliest date of issuance shall be applied first to the purchase and any certificates not applied shall be returned to the purchaser. If the value of certificates applied to the purchase exceeds the purchase price, such excess will be adjusted by issuance and delivery to the purchaser of a balance certificate which may be used on a subsequent purchase from CCC, or at the request of the purchaser by a payment to him in cash. The date of issuance shown on the balance certificate will be the date shown on the original certificate, or if more than one certificate is applied to the purchase, the date of issuance shown on the balance certificate will be the latest date of issuance shown on a certificate applied to the purchase. A purchaser who wishes to be paid in cash for the excess value of the certificates shall advise the ASCS Commodity Office in writing. The value of the balance certificate or cash payment will be determined by deducting from the value of certificates surrendered to CCC, the purchase price of the wheat.

(2) By payment in cash, certified check or cashier's check.

(3) By requesting CCC to draw a sight draft through a named bank with warehouse receipts attached or by requesting that CCC surrender the warehouse receipts to him in a simultaneous exchange for an acceptable remittance delivered at the ASCS Commodity Office.

(b) Payment for the wheat shall be made (1) prior to delivery of the wheat by CCC on purchases which provide for delivery within five days following the date of the sale, and (2) on all other purchases, not less than five days prior to delivery of the wheat by CCC, but in no event later than 30 days following the date of sale, unless CCC consents in writing to a different period. If the purchaser fails to make such payment within such period, CCC shall have the right to deem the purchaser in default and may avail itself of any remedy available to an unpaid seller. The purchaser shall be liable to CCC for any loss or damages resulting from such default.

16. The last sentence of § 1483.161 *Export requirements* paragraph (a) is amended to read as follows:

§ 1483.161 Export requirements.

(a) * * * The wheat exported shall not be reentered by anyone in any form or product into the United States, in-

cluding Alaska, Hawaii, or Puerto Rico, nor shall the purchaser cause the wheat exported to be transshipped in any form or product to any country excluded by § 1483.187.

* * * * *

17. Section 1483.163 *Adjusted contract price* paragraph (b) (1) and (2) is amended to read as follows:

§ 1483.163 Adjusted contract price.

* * * * *

(b) * * *

(1) That the wheat has been reentered in any form or product into the continental United States, Alaska, Hawaii, or Puerto Rico due to causes without the fault or negligence of the purchaser and that an equivalent quantity of wheat was, pursuant to written approval of CCC, subsequently exported to a designated country within the period specified by CCC, and that the purchaser submitted evidence of such exportation in accordance with § 1483.162 hereof; or

(2) That the wheat placed in transit to an export location for export under this announcement or reentered (in any form or product) into the United States including Alaska, Hawaii, or Puerto Rico was lost, damaged, destroyed, or deteriorated and the physical condition thereof was such that its entry into domestic market channels will not impair CCC's price support operation: *Provided*, That if insurance proceeds or other recoveries such as from carriers, exceed the purchase price of the quantity of wheat lost, damaged, or destroyed, plus other costs incurred by the purchaser in connection with such wheat prior to the time of its loss, the amount of such excess shall be paid to CCC.

* * * * *

§ 1483.189 [Amended]

18. Section 1483.189 *Export and exportation* is amended to change the next to the last sentence to read as follows: "If wheat exported from Canada is reentered into Canada in any form or product and subsequently reexported, or an equivalent quantity of other wheat in any form or product is exported in replacement of such wheat, the wheat shall be considered as having been exported at the time of the reexportation and not at the time of the original exportation."

(Secs. 4 and 5, Stat. 1070 and 1072, sec. 2, 63 Stat. 945, as amended; 15 U.S.C. 714 b and c, 7 U.S.C. 1641)

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Effective date. This amendment shall become effective at 3:31 p.m., e.s.t. following the time the amendment is filed with the Director, Office of the Federal Register.

Signed at Washington, D.C., on April 18, 1967.

E. A. JAENKE,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-4407; Filed, Apr. 18, 1967; 2:29 p.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 205—REVOCATION OF APPROVAL OF PETITIONS

The introductory material to § 205.1 is amended to read as follows:

§ 205.1 Automatic revocation.

The approval of a petition made under section 204 of the Act and in accordance with Part 204 of this chapter is revoked as of the date of approval if any of the following circumstances occur before the beneficiary's journey to the U.S. commences or, if the beneficiary is an applicant for adjustment of status to that of permanent resident, before the decision on his application becomes final:

* * * * *

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

§ 242.1 [Amended]

1. Paragraph (c) *Service* of § 242.1 *Order to show cause and notice of hearing* is amended by adding the following two sentences at the end thereof: "When personal service of an order to show cause is made by an immigration officer, the contents of the order to show cause shall be explained and the respondent shall be advised that any statement he makes may be used against him. He shall also be advised of his right to representation by counsel of his own choice at no expense to the Government."

§ 242.2 [Amended]

2. Paragraph (a) *Warrant of arrest* of § 242.2 *Apprehension, custody, and detention* is amended by adding the following four sentences at the end thereof: "When a warrant of arrest is served under this part, the respondent shall have explained to him the contents of the order to show cause, the reason for his arrest and his right to be represented by counsel of his own choice at no expense to the Government. He shall be advised that any statement he makes may be used against him. He shall also be informed whether he is to be continued in custody or, if release from custody has been authorized, of the amount and conditions of the bond or the conditions under which he may be released. The respondent shall be furnished Form I-286 containing the decision to detain or release and the circumstances under which an appeal from the decision may be taken."

PART 287—FIELD OFFICERS; POWERS AND DUTIES

§ 287.3 [Amended]

Section 287.3 *Disposition of cases of aliens arrested without warrant* is amended by adding the following three sentences at the end thereof: "An alien arrested without warrant of arrest shall be advised of the reason for his arrest and his right to be represented by council of his own choice, at no expense to the Government. He shall also be advised that any statement he makes may be used against him in a subsequent proceeding and that a decision will be made within 24 hours or less as to whether he will be continued in custody or released on bond or recognizance. Unless voluntary departure has been granted pursuant to § 242.5 of this chapter, the alien's case shall be presented promptly, and in any event within 24 hours, to the district director, deputy district director, or acting district director for a determination as to whether there is prima facie evidence that the arrested alien is in the United States in violation of law and for issuance of an order to show cause and warrant of arrest prescribed in Part 242 of this chapter."

PART 299—IMMIGRATION FORMS

§ 299.1 [Amended]

The list of forms in § 299.1 *Prescribed forms* is amended by adding the following form and reference thereto in alphabetical and numerical sequence:

Form No.	*Title and description*
I-286	Notification to Alien of Conditions of Release or Detention.

PART 341—CERTIFICATES OF CITIZENSHIP

Section 341.2 is amended by adding paragraph (g) to read as follows:

§ 341.2 Examination upon application.

* * * * *

(g) *Assignment of additional officer.* The district director may, in his discretion, assign an officer of the Service to examine and cross-examine the applicant and any witnesses produced by the applicant or by the Government, and present evidence pertinent to the applicant's claim to citizenship. The officer of the Service assigned to conduct the examination under this part may take such part in the proceedings as he may deem necessary.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 553 of Title 5 of the United States Code (P.L. 89-554, 80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, other than the amendment to § 205.1, pertain to agency

procedure; the amendment to § 205.1 is interpretative in nature and incorporates in the regulations a recent decision of the Board of Immigration Appeals.

Dated: April 14, 1967.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 67-4395; Filed, Apr. 20, 1967; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMONENCEPHALITIS), AND AFRICAN SWINE FEVER: PROHIBITED AND RESTRICTED IMPORTATIONS

Addition of Italy to List of Countries Where African Swine Fever Exists

Pursuant to the provisions of section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), the introductory paragraph of § 94.8 of Part 94, Title 9, Code of Federal Regulations, which relates to the importation of pork and pork products from countries where African swine fever exists, is hereby amended by adding Italy to the list of countries where such disease exists. As amended the introductory paragraph of § 94.8 reads as follows:

§ 94.8 Pork and pork products from countries where African swine fever exists.

African swine fever is potentially the most dangerous and destructive of all communicable swine diseases. The causative virus is highly virulent and may be present in pork and pork products originating in countries where the disease exists. The only known practical method of destroying the contagion of the disease in pork or pork products is by heat treatment. In view of these circumstances and in order to prevent the introduction and dissemination of the contagion of African swine fever, the regulations in this section are promulgated with respect to the importation of pork and pork products from the following countries where the disease exists:

All countries of Africa.
France.
Italy.
Portugal.
Spain.

* * * * *

The effect of this amendment is to prohibit the importation into the United States from Italy of all pork and pork products except in accordance with the conditions prescribed in § 94.8 of 9 CFR Part 94.

The protection of the livestock of the United States demands that this amendment be made effective as soon as possible. Accordingly, pursuant to the administrative procedure provisions of 5 U.S.C. section 553, it is found upon good cause that notice and other public procedure concerning this amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U.S.C. 111; 29 F.R. 16210, as amended; 30 F.R. 5801, as amended)

Done at Washington, D.C., this 18th day of April 1967.

F. J. MULHERN,
Acting Deputy Administrator, Agricultural Research Service.

[F.R. Doc. 67-4437; Filed, Apr. 20, 1967; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 67-EA-38]

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

Alteration of Control Zone and Transition Area

The Federal Aviation Agency is amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to modify the description of the Windsor Locks, Conn., control zone and the Hartford, Conn., 700-foot floor transition area.

The name of Bradley Field, Windsor Locks, Conn., has been changed to Bradley International Airport.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In view of the foregoing, the amendment is hereby adopted effective June 22, 1967, as follows:

1. Section 71.171: Windsor Locks, Conn.:

In the text delete "Bradley Field" and insert in lieu thereof, "Bradley International Airport".

2. Section 71.181: Hartford, Conn.:

In the description of the 700-foot floor transition area delete "Bradley Field" wherever it appears and substitute the following in lieu thereof, "Bradley International Airport".

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

Issued in Jamaica, N.Y., on March 31, 1967.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[F.R. Doc. 67-4386; Filed, Apr. 20, 1967; 8:45 a.m.]

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 67-EA-33]

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

Alteration of Control Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to make an editorial change in the description of Control 1145.

Control 1145 is described in part with reference to the Kindley, AFB, Bermuda, radio range. This navigational aid has been changed to a radio beacon, accordingly, action is taken herein to reflect this change in the description of Control 1145.

Since this amendment is editorial in nature and does not alter the extent of control area, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and this amendment may be made effective without regard to the statutory 30-day period preceding effectiveness.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER, as hereinafter set forth.

In § 71.163 (32 F.R. 2063), Control 1145 is amended by deleting "Kindley AFB, Bermuda RR" and substituting "Kindley AFB, Bermuda RBN" therefor.

(Secs. 307(a), 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on April 7, 1967.

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

[F.R. Doc. 67-4397; Filed, Apr. 20, 1967; 8:46 a.m.]

[Airspace Docket No. 67-SO-45]

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

Alteration of Control Zone, Transition Area, and Domestic VOR Federal Airway

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to alter the Selma, Ala., control zone, the Selma and Montgomery, Ala., transition areas, and VOR Federal airway V-154.

Federal airway V-154 is described in § 71.123 (32 F.R. 2009); the Selma control zone is described in § 71.171 (32 F.R. 2071); the Selma and Montgomery transition areas are described in § 71.181 (32 F.R. 2148).

In each of these descriptions, reference is made to the Selma VOR and/or the Selma TACAN. Since the name of these navigation facilities has been changed to "Craig VOR" and "Craig

TACAN," respectively, it is necessary to amend the descriptions accordingly.

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

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

In § 71.123 (32 F.R. 2009), Domestic VOR Federal Airway V-154 is amended as follows: "* * * Selma, Ala. * * *" is deleted and "* * * Craig, Ala. * * *" is substituted therefor.

In § 71.171 (32 F.R. 2071) the Selma, Ala., control zone is amended as follows:

In lines 2, 3, and 4, "* * * Selma * * *" is deleted and "* * * Craig * * *" is substituted therefor.

In § 71.181 (32 F.R. 2148) the Montgomery, Ala., transition area is amended as follows:

In lines 13 and 16, "* * * Selma * * *" is deleted and "* * * Craig * * *" is substituted therefor.

In § 71.181 (32 F.R. 2148) the Selma, Ala., transition area is amended as follows:

In line 4, "* * * Selma * * *" is deleted and "* * * Craig * * *" is substituted therefor.

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

Issued in East Point, Ga., on April 12, 1967.

SHELTON B. TAYLOR,
Acting Director, Southern Region.

[F.R. Doc. 67-4398; Filed, Apr. 20, 1967; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8105; Amdt. 95-153]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, 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 consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective May 25, 1967 as follows:

1. By amending Subpart C as follows:

From, to, and MEA

Section 95.1001 *Direct routes—United States* is amended to delete:

Biscayne Bay, Fla., VOR; Guppy INT, Fla., 2,000.
Guppy INT, Fla.; Pineapple INT, Fla.; *3,000. *1,000—MOCA.
Guppy INT, Fla.; Fort Lauderdale, Fla., VOR; *1,500. *1,400—MOCA.
Guppy INT, Fla.; Nimrod INT, Fla.; *2,000. *1,000—MOCA.
Dyersburg, Tenn., VOR, via MEM 036°/DYR 181°—COP 33 miles from DYR; Memphis, Tenn., VOR; 2,000.
Marlow INT, Ga.; Liberty, Ga., RBN; 2,200.
Pike INT, Fla.; Guppy INT, Fla.; 2,000.

Section 95.1001 *Direct routes—United States* is amended by adding:

Casper, Wyo., VOR; Billings, Mont., VOR; 15,200. COP 96 CPR MAA—45,000.
Smith-Reynolds LOM (Winston-Salem), N.C.; Int, 221° M rad, Greensboro VOR and 192° M bearing Smith-Reynolds LOM; *2,500. *2,000—MOCA.
Carleton, Mich., VOR; Owosso INT, Mich.; *4,000. *2,200—MOCA.
Owosso INT, Mich.; Saginaw, Mich., VOR; 2,600.
Alma, Ga., VORTAC; via AMG 332°/ATL 130°; Atlanta, Ga., VORTAC; 18,000. MAA—45,000.
Bonefish INT, Fla.; *Pineapple INT, Fla.; **3,000. *3,000—MRA. **1,000—MOCA.
Bonefish INT, Fla.; Nimrod INT, Fla.; *2,000. *1,000—MOCA.
Pike INT, Fla.; Bonefish INT, Fla.; *2,000. *1,000—MOCA.
Bonefish INT, Fla.; Fort Lauderdale, Fla., VOR; *1,500. *1,400—MOCA.
Biscayne Bay, Fla., VOR; Bonefish INT, Fla.; *2,000. *1,300—MOCA.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Panama Routes

V-2

France Field, C.Z., VOR; 40-mile DME Fix; *3,000. *1,300—MOCA.

V-3

France Field, C.Z., VOR; 40-mile DME Fix; *3,000. *1,300—MOCA.

V-11

Taboga, Panama, VOR; Mike-5; *3,600. *2,700—MOCA.

V-12

France Field, C.Z., VOR; Mike-5; *5,000. *3,500—MOCA.

Puerto Rico Routes

Route 7

San Juan, P.R., VOR; *Greenwater INT, P.R.; 1,300. *2,500—MRA.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

Salem, Mich., VOR; Dyke INT, Mich.; 2,800.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

Chagrin Falls INT, Ohio; Hiram INT, Ohio; 3,000.
Hiram INT, Ohio; Youngstown, Ohio, VOR; 2,900.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

Memphis, Tenn., VOR via W alter.; Cuba INT, Tenn., via W alter.; *2,000. *1,700—MOCA.
Cuba INT, Tenn., via W alter.; Malden, Tenn., VOR via W alter.; *2,500. *1,800—MOCA.

From, to, and MEA

Section 95.6011 *VOR Federal airway 11* is amended to read in part:

Memphis, Tenn., VOR via W alter.; Dyersburg, Tenn., VOR via W alter.; *2,500. *2,300—MOCA.
Memphis, Tenn., VOR via E alter.; Stanton INT, Tenn., via E alter.; *2,000. *1,700—MOCA.
Stanton INT, Tenn., via E alter.; Dyersburg, Tenn., VOR via E alter.; *2,000. *1,800—MOCA.
Dyersburg, Tenn., VOR via E alter.; Paducah, Ky., VOR via E alter.; 2,000.
Paducah, Ky., VOR; Weston INT, Ky.; 2,600.
Evansville, Ind., VOR; Scotland, Ind., VOR; *2,300. *2,000—MOCA.

Section 95.6012 *VOR Federal airway 12* is amended to read in part:

*Plain City INT, Ohio; **Clyde INT, Ohio; 3,000. *4,000—MRA. **5,000—MRA.
Clyde INT, Ohio; Appleton, Ohio, VOR; 3,000.

Section 95.6015 *VOR Federal airway 15* is amended to read in part:

College Station, Tex., VOR via W alter.; Gause INT, Tex., via W alter.; *2,500. *1,800—MOCA.
Gause INT, Tex., via W alter.; Barclay INT, Tex., via W alter.; *2,500. *1,900—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Fisherville INT, Tenn.; Jacks Creek, Tenn., VOR; *2,300. *1,900—MOCA.

Section 95.6016 *VOR Federal airway 16* is amended by adding:

Memphis, Tenn., VOR via N alter.; Stanton INT, Tenn., via N alter.; *2,000. *1,700—MOCA.
Stanton INT, Tenn., via N alter.; Jacks Creek, Tenn., VOR via N alter.; *2,000. *1,800—MOCA.

Section 95.6019 *VOR Federal airway 19* is amended to read in part:

Nunn INT, Colo.; Cheyenne, Wyo., VOR; 8,000.

Section 95.6021 *VOR Federal airway 21* is amended to read in part:

Mormon Mesa, Nev., VOR; Beryl DME Fix, Utah; 9,800.
Beryl DME Fix, Utah; Milford, Utah, VOR; 10,000.

Section 95.6037 *VOR Federal airway 37* is amended to read in part:

Pulaski, Va., VOR; Zenith INT, W. Va.; 6,000.
Zenith INT, W. Va.; *Frankford INT, W. Va.; 8,000. *8,000—MRA.

Section 95.6039 *VOR Federal airway 39* is amended to read in part:

Augusta, Maine, VOR; Bangor, Maine, VOR; *3,000. *2,700—MOCA.
Bangor, Maine, VOR; Millinocket, Maine, VOR; *2,400. *1,700—MOCA.

Section 95.6055 *VOR Federal airway 55* is amended to read in part:

Dayton, Ohio, VOR; Cory INT, Ohio; 2,800.
Cory INT, Ohio; Fort Wayne, Ind., VOR; *2,600. *2,200—MOCA.

From, to, and MEA

Section 95.6067 *VOR Federal airway 67* is amended to read in part:

Mason City, Iowa, VOR via W alter.; Oakland INT, Minn., via W alter.; 3,000.
Oakland INT, Minn., via W alter.; Rochester, Minn., VOR via W alter.; *3,000. *2,700—MOCA.

Section 95.6071 *VOR Federal airway 71* is amended to read in part:

Harrison, Ark., VOR; Reeds INT, Mo.; *3,100. *2,500—MOCA.

Section 95.6072 *VOR Federal airway 72* is amended to read in part:

Youngstown, Ohio, VOR; Hadley INT, Pa.; 3,000.
Hadley INT, Pa.; Tidioute, Pa., VOR; 3,500.

Section 95.6089 *VOR Federal airway 89* is amended to read in part:

Nunn INT, Colo., Cheyenne, Wyo., VOR; 8,000.
Gill, Colo., VOR via E alter.; Carpenter INT, Wyo., via E alter.; 7,900.
Carpenter INT, Wyo., via E alter.; Cheyenne, Wyo., VOR via E alter.; 8,000.
Cheyenne, Wyo., VOR; Little Horse INT, Wyo.; 8,000.
Cheyenne, Wyo., VOR via E alter.; Divide INT, Wyo., via E alter.; 8,000.
Divide INT, Wyo., via E alter.; Albin INT, Wyo., via E alter.; 7,900.

Section 95.6103 *VOR Federal airway 103* is amended to read in part:

Covington INT, Va.; *Natural Well INT, Va.; 5,500. *6,000—MRA.

Section 95.6118 *VOR Federal airway 118* is amended to read in part:

Silver Crown INT, Wyo.; Cheyenne, Wyo., VOR; 8,800.

Section 95.6132 *VOR Federal airway 132* is amended to read in part:

Cheyenne, Wyo., VOR; Carpenter INT, Wyo.; 8,000.

Section 95.6133 *VOR Federal airway 133* is amended to read in part:

Wheeler INT, Mich.; *Lake City INT, Mich.; **3,000. *4,000—MRA. **2,500—MOCA.

Section 95.6140 *VOR Federal airway 140* is amended to delete:

Dyersburg, Tenn., VOR via S alter.; *Humboldt INT, Tenn., via S alter.; 2,100. *4,000—MRA.
Humboldt INT, Tenn., via S alter.; Graham, Tenn., VOR via S alter.; *4,000. *2,500—MOCA.
Graham, Tenn., VOR via S alter.; Nashville, Tenn., VOR via S alter.; 3,000.

Section 95.6140 *VOR Federal airway 140* is amended to read in part:

Dyersburg, Tenn., VOR; Burns INT, Tenn.; *3,000. *2,200—MOCA.

Section 95.6207 *VOR Federal airway 207* is amended to read in part:

Gill, Colo., VOR; Pine Bluffs INT, Wyo., 7,400.
Pine Bluffs INT, Wyo.; Scottsbluff, Nebr., VOR; 7,000.

From, to, and MEA

Section 95.6221 *VOR Federal airway 221* is amended to read in part:

Salem, Mich., VOR; Dyke INT, Mich.; 2,800.

Section 95.6253 *VOR Federal airway 253* is amended to read in part:

*Provo, Utah, VOR; **Stansbury INT, Utah; 12,000. *10,500—MCA Provo VOR, northwestbound. **11,000—MCA Stansbury INT, southeastbound.
Stansbury INT, Utah; Bonneville, Utah, VOR; 9,000.

Section 95.6266 *VOR Federal airway 266* is amended to read in part:

Franklin, Va., VOR; Norfolk, Va., VOR; 2,000.

Section 95.6290 *VOR Federal airway 290* is amended to read in part:

Rainelle, W. Va., VOR; *Frankford INT, W. Va.; 6,000. *8,000—MRA.
Frankford INT, W. Va.; *Natural Well INT, Va.; 6,000. *6,000—MRA.
Natural Well INT, Va.; Montebello, Va., VOR; 6,000.

Section 95.6293 *VOR Federal airway 293* is amended by adding:

Mormon Mesa, Nev., VOR; Beryl DME Fix, Utah; 9,800.
Beryl DME Fix, Utah; Wilson Creek, Nev., VOR; 11,300.
Wilson Creek, Nev., VOR; Ely, Nev., VOR; 12,000.
*Elko, Nev., VOR; Twin Falls, Idaho, VOR; 10,600. *12,000—MCA Elko VOR, southbound.

Section 95.6293 *VOR Federal airway 293* is amended to read in part:

Twin Falls, Idaho, VOR; *Gooding INT, Idaho; 6,000. *9,000—MCA Gooding INT, northwestbound.
Gooding INT, Idaho; Hill City INT, Idaho; southbound; 9,200. Northbound; 11,500.

Section 95.6402 *Hawaii VOR Federal airway 2* is amended to read in part:

Honolulu, Hawaii, VOR via S alter.; Ono INT, Hawaii, via S alter., northwestbound; 4,000. Southeastbound; 2,000.
Ono INT, Hawaii, via S alter.; Pansy INT, Hawaii, via S alter.; 2,000.
Pansy INT, Hawaii, via S alter.; Sampan INT, Hawaii, via S alter.; *3,000. *1,000—MOCA.

Section 95.6409 *Hawaii VOR Federal airway 9* is amended to read in part:

Coral INT, Hawaii; Pineapple INT, Hawaii; *2,000. *1,000—MOCA.
Pineapple INT, Hawaii; Honolulu, Hawaii, VOR northbound; 4,000. Southbound; 2,000.

Section 95.6416 *Hawaii VOR Federal airway 16* is amended to read in part:

Honolulu, Hawaii, VOR; Pineapple INT, Hawaii northbound; 4,000. Southbound; 2,000.
Pineapple INT, Hawaii; *Southgate INT, Hawaii; 2,000. *3,000—MCA Southgate INT, eastbound.

From, to, and MEA

Section 95.6438 *VOR Federal airway 438* is amended to read in part:

*Big Lake, Alaska, VOR; Sunshine INT, Alaska; #7,500. *4,700—MCA Big Lake VOR, northbound.
Sunshine INT, Alaska; *Cantwell INT, Alaska; **#10,000. *12,000—MRA. **8,700—MOCA. #MEA is established with a gap in navigation signal coverage.

From, to, MEA, and MAA

Section 95.7071 *Jet route No. 71* is amended to read in part:

Memphis, Tenn., VORTAC; Centralia, Ill., VORTAC; 18,000; 45,000.

Section 95.7074 *Jet route No. 74* is amended to read in part:

Parker, Calif., VORTAC; St. Johns, Ariz., VORTAC; 21,000; 45,000.

Section 95.7082 *Jet route No. 82* is amended to read in part:

Fort Dodge, Iowa, VORTAC; Ward DME Fix, Ill.; 23,000; 45,000.
Ward DME Fix, Ill.; Joliet, Ill., VORTAC; 18,000; 45,000.

Section 95.7084 *Jet route No. 84* is amended to read in part:

Des Moines, Iowa, VORTAC; Ward DME Fix, Ill.; 23,000; 45,000.
Ward DME Fix, Ill.; Northbrook, Ill., VORTAC; 18,000; 45,000.

Section 95.7094 *Jet route No. 94* is amended to read in part:

Fort Dodge, Iowa, VORTAC; Ward DME Fix, Ill.; 23,000; 45,000.
Ward DME Fix, Ill.; Northbrook, Ill., VORTAC; 18,000; 45,000.

2. By amending Sub-part D as follows:

Section 95.8003 *VOR Federal airway changeover points:*

Airway segment: From; to—Changeover point: Distance; from

V–37 is amended to read in part:

Pulaski, Va., VOR; Elkins, W. Va., VOR; 45; Pulaski.

V–290 is amended to delete:

Rainelle, W. Va., VOR; Montebello, Va., VOR; 35; Rainelle.

V–293 is amended by adding:

Elko, Nev., VOR; Twin Falls, Idaho, VOR; 66; Elko.

V–307 is amended to delete:

Biorka Island, Alaska, VOR; Sisters Island, Alaska, VOR; 41; Biorka Island.

(Secs. 307, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on April 12, 1967.

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

[F.R. Doc. 67-4340; Filed, Apr. 20, 1967; 8:45 a.m.]

[Reg. Docket No. 8091; Amdt. 532]

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 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	
Bowie Int	LOM	Direct	2000	T-dn	300-1	300-1	200-½
Baltimore VOR	LOM	Direct	2000	C-dn	500-1	500-1	500-1½
Dayton Int	LOM	Direct	2000	S-dn-10	400-1	400-1	400-1
Clarksville Int	LOM (final)	Direct	1400	A-dn	800-2	800-2	800-2

Radar available.
Procedure turn S side of crs, 282° Outbnd, 102° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1400'.
Crs and distance, facility to airport, 102°—3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing BA LOM, climb to 2000' on 102° crs from LOM within 10 miles, proceed to Bodkin Int.
Hold E BAL VOR R 105°, 1-minute left turns.
CAUTION: 340' tower, 2.2 miles S of airport.
MSA within 25 miles of facility: 000°-090°—2400'; 090°-180°—1900'; 180°-270°—2100'; 270°-360°—2200'.

City, Baltimore; State, Md.; Airport name, Friendship International; Elev., 146'; Fac. Class., LOM; Ident., BA; Procedure No. NDB (ADF) Runway 10, Amdt. 12; Eff. date, 13 May 67; Sup. Amdt. No. ADF 1, Amdt. 11; Dated, 4 Dec. 65

CID VOR	LOM	Direct	2000	T-dn	300-1	300-1	200-½
IOW VOR	LOM	Direct	2500	C-dn	400-1	500-1	500-1½
Watkins Int	LOM (final)	Direct	1900	S-dn-8	400-1	400-1	400-1
Belle Plaine Int	Watkins Int	Direct	2500	A-dn	800-2	800-2	800-2
Vinton Int	LOM	Direct	2700				
Lisbon Int	LOM	Direct	2500				
Solon Int	LOM	Direct	2400				
Guernsey Int	LOM	Direct	2500				

Radar available.
Procedure turn S side of crs, 265° Outbnd, 085° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs 1900'.
Crs and distance, facility to airport, 085°—3.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.5 miles after passing LOM, climb to 2500' on crs, 085° within 10 miles, or when directed by ATC, make right-climbing turn to 2000' and proceed to LOM.
MSA within 25 miles of facility: 000°-090°—3000'; 090°-270°—2200'; 270°-360°—4000'.

City, Cedar Rapids; State, Iowa; Airport name, Cedar Rapids Municipal; Elev., 863'; Fac. Class., LOM; Ident., CI; Procedure No. NDB (ADF) Runway 8, Amdt. 2; Eff. date, 13 May 67; Sup. Amdt. No. ADF 1, Amdt. 1; Dated, 5 Dec. 64

CAE VOR	LOM	Direct	1900	T-dn	300-1	300-1	200-½
White Rock Int	LOM	Direct	2000	C-dn	600-1	600-1	600-1½
Lexington Int	LOM (final)	Direct	1900	S-dn-10*	600-1	600-1	600-1
Blythewood Int	LOM	Direct	1900	A-dn	800-2	800-2	800-2
Steedman Int	LOM	Direct	1900				

Procedure turn S side of crs, 287° Outbnd, 107° Inbnd, 1900' within 10 miles.
Minimum altitude over facility on final approach crs, 1900'.
Crs and distance, facility to airport, 107°—5.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing CA LOM, climb to 1900' on the 107° crs from the CA LOM within 10 miles, or when directed by ATC, climb to 1900' on CAE VOR R 006° within 20 miles.
* Reduction not authorized.
MSA within 25 miles of facility: 000°-090°—2900'; 090°-180°—1800'; 180°-270°—1900'; 270°-360°—2100'.

City, Columbia; State, S.C.; Airport name, Columbia Metropolitan; Elev., 236'; Fac. Class., LOM; Ident., CA; Procedure No. NDB (ADF) Runway 10, Amdt. 13; Eff. date, 13 May 67; Sup. Amdt. No. ADF 1, Amdt. 12; Dated, 8 Oct. 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	
Johnson City Int	JCY RBn	Direct	3100	T-dn	300-1	300-1	200-½
Fredericksburg Int	JCY RBn	Direct	3100	C-dn	900-1	900-1	900-1½
				A-dn	NA	NA	NA

Procedure turn E side of crs, 166° Outbnd, 346° Inbnd, 3000' within 10 miles.
Minimum altitude over facility on final approach crs, 2500'.
Crs and distance, facility to airport, 346°—2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 miles after passing JCY RBn, turn right, climb to 4000' on 350° crs from JCY RBn. Then proceed to SAT VOR R 353° via the Austin, Tex., VOR R 260° thence to Johnson City Int via SAT VOR R 353°, maintain 4000', hold N of Johnson City Int in 1-minute right-hand pattern.
NOTES: (1) Air carrier use not authorized. (2) Use Austin altimeter setting when Johnson City tower not in service. (3) 700-foot ceiling authorized when using Johnson City altimeter setting. (4) REIL serves Runway 35.
CAUTION: 1915' tower, 0.3 mile W of north end of runway.
MSA within 25 miles of facility: 000°-090°—3200'; 090°-180°—3000'; 180°-270°—3300'; 270°-360°—3200'.

City, Johnson City; State, Tex.; Airport name, Johnson City; Elev., 1515'; Fac. Class., MH; Ident., JCY; Procedure No. NDB (ADF) Runway 35, Amdt. 7; Eff. date, 13 May 67; Sup. Amdt. No. NDB (ADF) Runway 35, Amdt. 6; Dated, 4 Mar. 67

Oklahoma City VOR	TWO RBn	Direct	3000	T-dn	300-1	300-1	200-½
Oklahoma City LOM	TWO RBn	Direct	3000	C-dn	400-1	500-1	500-1½
Bethany Int	TWO RBn (final)	Direct	2300	S-dn-17R	400-1	400-1	400-1
Cashion Int	TWO RBn	Direct	3000	S-dn-17L	400-1	400-1	400-1
Edmond Int	TWO RBn (final)	Direct	2300	A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side crs, 351° Outbnd, 171° Inbnd, 3000' within 10 miles.
Minimum altitude over TWO RBn on final approach crs, 2300'.
Crs and distance, facility to Runway 17R, 171°—4 miles; to Runway 17L, 169°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles (Runway 17R), or 4.1 miles (Runway 17L) after passing TWO RBn, climb to 2600' on 171° crs from TWO RBn within 20 miles, or when directed by ATC, turn right, climb to 2500' direct to OKC VOR.
MSA within 25 miles of facility: 000°-090°—3800'; 090°-180°—2900'; 180°-270°—2600'; 270°-360°—2600'.

City, Oklahoma City; State, Okla.; Airport name, Will Rogers World; Elev., 1284'; Fac. Class., MHW; Ident., TWO; Procedure No. NDB (ADF) Runway 17 L/R, Amdt. 11; Eff. date, 13 May 67; Sup. Amdt. No. ADF 2, Amdt. 10; Dated, 10 Apr. 65

OKC VOR	LOM	Direct	2600	T-dn	300-1	300-1	200-½
Bethany Int	LOM	Direct	2600	C-dn	400-1	500-1	500-1½
Cashion Int	TWO RBn	Direct	3000	S-dn-35L	400-1	400-1	400-1
TWO RBn	LOM	Direct	2600	S-dn-35R	400-1	400-1	400-1
Newcastle Int	LOM (final)	Direct	2400	A-dn	800-2	800-2	800-2

Radar available.
Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 2600' within 10 miles.
Minimum altitude over LOM inbnd final, 2400'.
Crs and distance, facility to Runway 35L, 351°—3.8 miles; to Runway 35R, 002°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles (Runway 35L), or 4.3 miles (Runway 35R) after passing LOM, climb to 3000' on 351° crs within 15 miles, or when directed by ATC, turn left, climb to 2500' direct to the OKC VOR.
MSA within 25 miles of facility: 315°-045°—3800'; 045°-135°—2900'; 135°-315°—2600'.

City, Oklahoma City; State, Okla.; Airport name, Will Rogers World; Elev., 1284'; Fac. Class., LOM; Ident., OK; Procedure No. NDB (ADF) Runways 35L/R, Amdt. 15; Eff. Date, 13 May 67; Sup. Amdt. No. ADF 1, Amdt. 14; Dated, 26 Nov. 66

SUX VOR	JKN RBn	Direct	2600	T-dn	300-1	300-1	*200-½
Jefferson Int	JKN RBn	Direct	2600	C-dn	600-1	600-1	600-1½
Hubbard Int	JKN RBn	Direct	2800	S-dn-13	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn W side of crs, 307° Outbnd, 127° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 2300'.
Crs and distance, facility to airport, 127°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing JKN RBn, climb to 2800' on 127° magnetic bearing from JKN RBn within 10 miles.
NOTE: For northbound and northeastbound departures when weather is below 2400-2, flight below 2900' beyond 4 miles from airport and flight below 3900' beyond 8 miles from airport is prohibited between R 332° and R 025° inclusive of the SUX VOR. Restrictions are due to 2420' tower, 6½ miles NE and 3369' tower, 12 miles NE of airport.
*300-1 required for all takeoffs on Runway 4, due to 1318' terrain, 1.4 miles ENE of airport.
MSA within 25 miles of facility: 000°-090°—4400'; 090°-270°—2000'; 270°-360°—2700'.

City, Sioux City; State, Iowa; Airport name, Sioux City Municipal; Elev., 1097'; Fac. Class., MHW; Ident., JXN; Procedure No. NDB (ADF) Runway 13, Amdt. 6; Eff. date, 13 May 67; Sup. Amdt. No. ADF 2, Amdt. 5; Dated, 22 May 65

SUX VOR	LOM	Direct	2600	T-dn	300-1	300-1	*200-½
				C-dn	500-1	600-1	600-1½
				S-dn-31	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 127° Outbnd, 307° Inbnd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 2600'.
Crs and distance, facility to airport, 307°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing LOM, climb to 2600' on 307° magnetic bearing from LOM within 10 miles, or when directed by ATC, turn left and climb to 3700' on R 266° of SUX VOR within 10 miles.
NOTE: For northbound and northeastbound departures when weather is below 2400-2 flight below 2900' beyond 4 miles from airport and flight below 3900' beyond 8 miles from airport is prohibited between R 332° and R 025° inclusive of the SUX VOR. Restrictions are due to 2420' tower, 6½ miles NE and 3369' tower, 12 miles NE of airport.
*300-1 required for all takeoffs on Runway 4, due to 1318' terrain, 1.4 miles ENE of airport.
MSA within 25 miles of facility: 270°-090°—4400'; 090°-270°—2700'.

City, Sioux City; State, Iowa; Airport name, Sioux City Municipal; Elev., 1097'; Fac. Class., LOM; Ident., SU; Procedure No. NDB (ADF) Runway 31, Amdt. 13; Eff. date, 13 May 67; Sup. Amdt. No. ADF1, Amdt. 12; Dated, 7 Jan. 67

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	
Herndon VOR	GTN RBn	Direct	3000	T-dn	300-1	300-1	200-½
Unity Int	GTN RBn	Direct	3000	C-dn*	900-1	900-1	900-1½
Ironsides Int	GTN RBn	Direct	3000	S-dn-15*¢	900-1	900-1	900-1
DC RBn	GTN RBn	Direct	3000	A-dn	1000-2	1000-2	1000-2

Radar available.
Procedure turn W side of crs, 324° Outbnd, 144° Inbnd, 3000' within 10 miles.
Minimum altitude over facility on final approach crs, 1800'.
Crs and distance, facility to airport, 144°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing GTN RBn, climb to 1000' on crs of 144°, make a right turn and proceed to DC RBn 1800', hold S DC RBn on bearing 181° Outbnd, 001° Inbnd, 1-minute left turns.
CAUTION: 596' monument, 1.6 miles N of airport.
¢ Reduction not authorized.
*All turbojet aircraft 900-2.
MSA within 25 miles of facility: 270°-090°—2500'; 090°-270°—1700'.

City, Washington; State, D.C.; Airport name, Washington National; Elev., 15'; Fac. Class., MHW; Ident., GTN; Procedure No. NDB (ADF) Runway 15, Amdt. 3; Eff. date, 13 May 67; Sup. Amdt. No. ADF2, Amdt. 2; Dated, 11 June 66

2. 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	
CSG VOR	LSF VOR	Direct	2000	T-dn	300-1	300-1	300-½
LGC VOR	LSF VOR	Direct	2000	C-dn	600-1	600-1	600-1½
EUF VOR	LSF VOR	Direct	2000	S-dn-32¢	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn not authorized. Enter VOR final approach from holding pattern or radar vectors.
Minimum altitude over Richland Int, 2000'; over Norma Int, 1500'.
Facility on airport, Norma Int to airport, 4.3 miles, via LSF VOR R 137°.
Crs and distance, breakoff point to runway, 323°—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles of Norma Int or over LSF VOR turn left climb to 2000' on LSF VOR R 207° within 15 miles.
NOTE: Authorized for military use only except by prior arrangement.
CAUTION: Jump towers 580', 1½ miles NE; R-3002 E and SE of Lawson AAF.
¢400-¾ authorized with operative ALS, except for 4-engine turbojets. Reduction below ¾ mile not authorized.
MSA within 25 miles of facility: 000°-090°—1800'; 090°-180°—3300'; 180°-270°—1500'; 270°-360°—2200'.

City, Fort Benning; State, Ga.; Airport name, Lawson AAF; Elev., 222'; Fac. Class., T-VOR; Ident., LSF; Procedure No. VOR Runway 32, Amdt. Orig.; Eff. date, 13 May 67

Armstrong Int	Lasara Int	Direct	2000	T-dn	300-1	300-1	200-½
McAllen VOR	Lasara Int	Direct	1600	C-dn	400-1	500-1	500-1½
Lasara Int	Lyford Int	Direct	1600	S-dn-17	400-1	400-1	400-1
Lyford Int	HRL VOR (final)	Direct	1100	A-dn*	NA	NA	NA

Procedure turn W side of crs, 328° Outbnd, 148° Inbnd, 1600' within 10 miles.
Minimum altitude over facility on final approach crs, 1100'.
Crs and distance, facility to airport, 148°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing HRL VOR, climb to 1600' on R 148°, HRL VOR, then turn left, proceed direct to HRL VOR, maintain 1600' on HRL VOR R 328° within 20 miles.
NOTE: Weather service not available to general public.
*AIR CARRIER NOTE: 800-2 authorized for carriers having approval of their arrangements for weather service at this airport.
CAUTION: 853' TV tower, 4.5 miles and 1049' TV tower, 5.5 miles SW of airport.
MSA within 25 miles of facility: 090°-270°—2100'; 270°-090°—1500'.

City, Harlingen; State, Tex.; Airport name, Harlingen Municipal (Harvey-Richards Field); Elev., 43'; Fac. Class., L-BVOR; Ident., HRL; Procedure No. VOR Runway 13, Amdt. 3; Eff. date, 13 May 67; Sup. Amdt. No. VOR 1, Amdt. 2; Dated, 1 Dec. 62

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	
				T-d	300-1	300-1	200-½
				C-d	600-1	600-1	600-1½
				S-d-17	600-1	600-1	600-1
				A-d	NA	NA	NA
				DME minimums:			
				S-d-17	400-1	400-1	400-1
				C-d	400-1	500-1	500-1½

Procedure turn W side of crs, 005° Outbnd, 185° Inbnd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'; over 7-mile DME Fix, R 185°, 1200'.
Crs and distance, facility to airport, 185°—10.4 miles; 7-mile DME Fix to airport, 185°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10.4 miles after passing ACT VORTAC, turn right, climb to 2000' on heading 300°, intercept ACT R 245° and proceed outbnd within 20 miles or when directed by ATC turn right, climb to 2000', proceed direct to ACT VORTAC.
NOTE: Use FSS, Waco, Tex., altimeter setting.
MSA within 25 miles of facility: 000°-090°—2100'; 090°-180°—2800'; 180°-270°—2500'; 270°-360°—1800'.

City, McGregor; State, Tex.; Airport name, McGregor Municipal; Elev., 575'; Fac. Class., H-BVORTAC; Ident., ACT; Procedure No. VOR Runway 17, Amdt. Orig.; Eff. date, 13 May 67

				T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				S-dn-19#	700-1	700-1	700-1
				A-dn	NA	NA	NA
				DME minimums:			
				C-dn	600-1	600-1	600-1½
				S-dn-19#	600-1	600-1	600-1

Radar available.
Procedure turn W side of crs, 359° Outbnd, 179° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 2000'; at 2.5-miles DME Fix, 1234'.
Crs and distance, facility to breakoff point, 179°—4.2 miles; breakoff point to runway, 187°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles after passing PQI VOR, make right-climbing turn to 2500' direct to PQI VOR. Hold N of PQI VOR, 1-minute right turns, 179° inbnd.
NOTES: (1) Use Loring altimeter setting. (2) Final approach from a holding pattern not authorized, procedure turn required.
#Reduction not authorized.
MSA within 25 miles of facility: 000°-090°—3500'; 090°-180°—3500'; 180°-270°—2700'; 270°-360°—2800'.

City, Presque Isle; State, Maine; Airport name, Presque Isle Municipal; Elev., 534'; Fac. Class., H-BVORTAC; Ident., PQI; Procedure No. VOR Runway 19, Amdt. 3; Eff. date, 13 May 67; Sup. Amdt. No. VOR 1, Amdt. 2; Dated, 17 Dec. 66

R 070°, SUX VOR clockwise	R 132°, SUX VOR	Via 10-mile DME Arc.	3000	T-dn	300-1	300-1	*200-½
				C-dn	500-1	600-1	600-1½
R 238°, SUX VOR counterclockwise	R 132°, SUX VOR	Via 10-mile DME Arc.	3000	S-dn-31#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
10-mile DME Fix, R 132°, SUX VOR	SUX VOR	Direct	2100				

Procedure turn E side of crs, 132° Outbnd, 312° Inbnd, 2400' within 10 miles.
Minimum altitude over facility on final approach crs, 2100'.
Crs and distance, facility to airport, 312°—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 SUX VOR, climb to 2600' on R 331° within 10 miles.
NOTE: For northbound and northeastbound departures when weather is below 2400-2 flight below 2900' beyond 4 miles from airport and flight below 3900' beyond 8 miles from airport is prohibited between R 332° and R 025° inclusive of the SUX VOR. Restrictions are due to 2420' tower, 6½ miles NE and 3360' tower, 12 miles NE of airport.
*300-1 required for all takeoffs on Runway 4, due to 1318' terrain, 1.4 miles ENE of airport.
¢400-¾ authorized with operative HIRL except for 4-engine turbojets.
¢400-½ authorized with operative ALS except for 4-engine turbojets.
MSA within 25 miles of facility: 270°-090°—4400'; 090°-270°—2700'.

City, Sioux City; State, Iowa; Airport name, Sioux City Municipal; Elev., 1097'; Fac. Class., L-BVORTAC; Ident., SUX; Procedure No. VOR Runway 31, Amdt. 13; Eff. date, 13 May 67; Sup. Amdt. No. VOR-1, Amdt. 12; Dated, 10 July 65

Radar vectoring required to R 320° XNA	Georgetown Fix		1800	T-dn	300-1	300-1	200-½
				C-dn	700-1	700-1	700-1½
				S-dn			
				A-dn	800-2	800-2	800-2

Radar required.
Procedure turn not authorized. Inbnd crs, 140°.
Minimum altitude over facility on final approach crs, cross Georgetown Fix 1800' R 320° (140° Inbnd) 713' over facility.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished 0 mile of XNA VOR, climb to 1000' on crs, 140°, make right turn, proceed to DC RBn at 1800'. Hold S 181° Outbnd, 001° Inbnd, 1-minute left turns.
NOTES: (1) Reduction not authorized. (2) All turbojet aircraft 700-2.
CAUTION: Washington Monument 596', 1.6 miles N of airport.
MSA within 25 miles of facility: 090°-270°—1700'; 270°-090°—2300'.

City, Washington; State, D.C.; Airport name, Washington National; Elev., 15'; Fac. Class., VOR/DME; Ident., XNA; Procedure No. VOR-1, Amdt. 1; Eff. date, 13 May 67 Sup. Amdt. No. VOR-1, Orig.; Dated, 5 Apr. 67

3. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME 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	
Millinocket VOR	Saddleback DME	Direct	3400	T-dn	300-1	300-1	200-½
Houlton VOR	Saddleback DME	Direct	3400	C-dn	600-1	600-1	600-1½
Saddleback DME	Maple DME Fix, R 181°	Direct	2500	S-dn-1#	600-1	600-1	600-1
Maple DME Fix, R 181°	10-mile DME Fix, R 181°	Direct	1800	A-dn	NA	NA	NA
10-mile DME Fix, R 181°	9-mile DME Fix, R 181° (final)	Direct	1500				
Presque Isle VOR	Maple DME	Direct	2800				

Radar available.
Procedure turn not authorized.
Minimum altitude over Maple DME Fix R 181° on final approach crs, 2500'; over 10-mile DME Fix, 1800'; over 9-mile DME Fix, 1500'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 6 DME miles from PQI VOR, climb straight ahead to 2500' direct to PQI VOR. Hold N of PQI VOR, 1-minute right turns, 179° inbnd.
NOTE: Use Loring altimeter setting.
#Reduction not authorized.
MSA within 25 miles of facility: 000°-090°—3500'; 090°-180°—3500'; 180°-270°—2700'; 270°-360°—2800'.

City, Presque Isle; State, Maine; Airport name, Presque Isle Municipal; Elev., 534'; Fac. Class., H-BVORTAC; Ident., PQI; Procedure No. VOR/DME Runway 1, Amdt. 3; Eff. date, 13 May 67; Sup. Amdt. No. VOR/DME, Amdt. 2; Dated, 30 July 66

SUX VOR	8.5-mile DME Fix, R 311°	Direct	2800	T-dn	300-1	300-1	*200-½
R 266°, SUX VOR clockwise	R 311°, SUX VOR	Via 18-mile DME Arc.	3100	C-dn	500-1	600-1	600-1½
				S-dn-13#	500-1	500-1	500-1
R 346°, SUX VOR counterclockwise	R 311°, SUX VOR	Via 18-mile DME Arc.	3100	A-dn	800-2	800-2	800-2
18-mile DME Fix, R 311°	8.5-mile DME Fix, R-311° (final)	Direct	2100				

Procedure turn W side of crs, 311° Outbnd, 131° Inbnd, 2600' between 8.5- and 18.5-mile DME Fix, R 311°.
Minimum altitude over 8.5-mile DME Fix, R 311° on final approach crs, 2100'.
Crs and distance, 8.5-mile DME Fix, R 311° to airport, 131°—3.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 5.1-mile DME Fix, R 311°, climb to 2800' on R 131° within 10 miles of VOR.
NOTES: (1) Final approach from holding pattern at 8.5-mile DME Fix, R 311° not authorized. Procedure turn required. (2) For northbound and northeastbound departures when weather is below 2400-2, flight below 2900' beyond 4 miles from airport and flight below 3900' beyond 8 miles from airport is prohibited between R 332° and R 025° inclusive of the SUX VOR. Restrictions are due to 2420' tower, 6½ miles NE and 3399' tower, 12 miles NE of airport.
*300-1 required for all takeoffs on Runway 4, due to 1318' terrain, 1.4 miles ENE of airport.
#500-¾ authorized with operative REIL or HIRL, except for 4-engine turbojets.
MSA within 25 miles of facility: 270°-090°—4400'; 090°-270°—2700'.

City, Sioux City; State, Iowa; Airport name, Sioux City Municipal; Elev., 1097'; Fac. Class., L-BVORTAC; Ident., SUX; Procedure No. VOR/DME Runway 13, Amdt. 5; Eff. date, 13 May 67; Sup. Amdt. No. VOR/DME 2, Amdt. 4; Dated, 22 May 65

R 106°, XNA VOR/DME clockwise	R 336°, XNA VOR/DME	Via 10-mile Arc	3000	LDIN via river	1100-2	1100-2	1100-2
R 022°, XNA VOR/DME counterclockwise	R 336°, XNA VOR/DME	Via 10-mile Arc	3000				

Radar available.
Procedure turn not authorized. Final approach crs, 146° Inbnd, from 10-mile DME Fix.
Minimum altitude over 10-mile DME Fix, 3000'; 6-mile DME Fix, 1800'; 4-mile DME Fix, 1200'.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing XNA VOR, climb to 1800' on crs, 146°, make right turn and proceed to DC RBn at 1800'. Hold S on 181° Outbnd, 001° Inbnd, 1-minute left turns.
NOTE: When visual contact established, arrival aircraft will visually follow the Potomac River to the airport.
MSA within 25 miles of facility: 270°-090°—2500'; 090°-270°—1700'.

City, Washington; State, D.C.; Airport name, Washington National; Elev., 15'; Fac. Class., VOR/DME; Ident., XNA; Procedure No. VOR/DME-3, Amdt. 2; Eff. date, 13 May 67; Sup. Amdt. No. VOR/DME 3, Amdt. 1; Dated, 8 Apr. 67

R 196°, XNA VOR/DME clockwise	R 312°, XNA VOR/DME	Via 10-mile Arc	3000	T-dn	300-1	300-1	200-½
R 022°, XNA VOR/DME counterclockwise	R 312°, XNA VOR/DME	Via 10-mile Arc	3000	C-dn#	700-1	700-1	700-1½
				S-dn-15*#	700-1	700-1	700-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn not authorized. Final approach 132° Inbnd from the 10-mile DME Fix.
Minimum altitude over 10-mile DME Fix on final approach crs, 3000'; 7-mile DME Fix, 2100'; 5-mile DME Fix, 1500'; 3-mile DME Fix, 900'; over facility, 715'.
Breakoff point to runway, 150°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing XNA VOR, climb to 1000' on crs, 132°, make right turn and proceed to DC RBn climbing to 1800'. Hold S 181° Outbnd, 001° Inbnd, 1-minute left turns.
CAUTION: (1) Washington Monument 590', 1.6 miles N of airport. (2) 400' antenna, 2.8 miles NW of airport.
*Reduction not authorized.
#All turbojet aircraft 700-2.
MSA within 25 miles of facility: 270°-090°—2500'; 090°-270°—1700'.

City, Washington; State, D.C.; Airport name, Washington National; Elev., 15'; Fac. Class., VOR/DME; Ident., XNA; Procedure No. VOR/DME Runway 15, Amdt. 1; Eff. date, 13 May 67; Sup. Amdt. No. VOR/DME Runway 15, Orig.; Dated, 2 Mar. 67

VOR/DME 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	
R 196°, XNA VOR/DME clockwise	R 332°, XNA VOR/DME	Via 10-mile arc	3000	T-dn	300-1	300-1	200-½
				C-dn#	700-1	700-1	700-2
R 022°, XNA VOR/DME counterclockwise	R 332°, XNA VOR/DME	Via 10-mile arc	3000	S-dn-18#*	700-1	700-1	700-2
				A-dn	1000-2	1000-2	1000-2

Radar available.
Procedure turn not authorized. Inbnd crs, 152°.
Minimum altitude over 10-mile DME Fix on final approach crs, 3000'; 7-mile DME Fix, 2100'; 5-mile DME Fix, 1500'; 3-mile DME Fix, 900'; 715' over facility.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of XNA VOR, climb to 1000' on crs of 152°, make right turn and proceed to DC RBn at 1800'. Hold S 181° Outbnd, 001° Inbnd, 1-minute left turns.
CAUTION: Washington Monument 596', 1.6 miles N of airport.
*Reduction not authorized.
#All turbojet aircraft 700-2.
MSA within 25 miles of facility: 270°-090°—2500'; 090°-270°—1700'.

City, Washington; State, D.C.; Airport name, Washington National; Elev., 15'; Fac. Class., VOR/DME; Ident., XNA; Procedure No. VOR/DME Runway 18, Amdt. 2; Eff. date, 13 May 67; Sup. Amdt. No. VOR/DME Runway 18; Dated, 8 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	
Bowie Int	LOM	Direct	2000	T-dn***	300-1	300-1	200-½
Baltimore VOR	LOM	Direct	2000	C-dn	500-1	500-1	500-1½
Dayton Int	LOM	Direct	2000	S-dn-10**	200-½	200-½	200-½
Clarksville Int	LOM (final)	Direct	1500	A-dn	600-2	600-2	600-2
				With Glide Slope Inoperative:			
				S-dn-10*	400-¾	400-¾	400-¾

Radar available.
Procedure turn S side of crs, 282° Outbnd, 102° Inbnd, 2000' within 10 miles.
Minimum altitude at glide slope intercept inbnd, 1500'.
Altitude of glide slope and distance to approach end of runway at OM, 1423'—3.8 miles; at MM, 380'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 2000' on back crs of ILS, proceed to Bodkin Int, Hold E R 105°, 1-minute left turns.
NOTE: Glide slope unusable below 346'.
CAUTION NOTE: Tower 340', 2.2 miles S of field.
***RVR 2400' authorized Runway 10.
**RVR 2400'. Descent below 346' not authorized unless approach lights are visible.
*400-¾ authorized, with operative ALS, except for 4-engine turbojets.
MSA within 25 miles of LOM: 000°-090°—2400'; 090°-180°—1900'; 180°-270°—2100'; 270°-360°—2200'.

City, Baltimore; State, Md.; Airport name, Friendship International; Elev., 146'; Fac. Class., ILS; Ident., I-BAL; Procedure No. ILS Runway 10, Amdt. 16; Eff.date, 13 May 67; Sup. Amdt. No. ILS-10, Amdt. 15; Dated, 4 Dec. 65

CID VOR	LOM	Direct	2000	T-dn*	300-1	300-1	200-½
IOW VOR	LOM	Direct	2500	C-dn	400-1	500-1	500-1½
Watkins Int	LOM (final) via localizer crs	Direct	1900	S-dn-8##	200-½	200-½	200-½
Belle Plaine Int	Watkins Int	Direct	2500	A-dn	600-2	600-2	600-2
Vinton Int	LOM	Direct	2700				
Lisbon Int	LOM	Direct	2500				
Solon Int	LOM	Direct	2400				
Guernsey Int	LOM	Direct	2500				
R 155°, CID VOR clockwise	R 265°, CID VOR	Via 9-mile DME Arc, CID 253°, lead rad.	2500				
R 321°, CID VOR counterclockwise	R 265°, CID VOR	Via 9-mile DME Arc, CID 278°, lead rad.	2500				
9-mile DME Fix CID R 265°	OM (final)	Via CID Loc	1900				

Radar available.
Procedure turn S side of crs, 265° Outbnd, 085° Inbnd, 2500' within 10 miles.
Minimum altitude a glide slope intercept inbnd, 1900'.
Altitude of glide slope and distance to approach end of runway at OM, 1838'—3.5 miles; at MM, 1047'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 2500' on 085° bearing from LOM within 10 miles, or when directed by ATC, make right climbing turn to 2000' and proceed to LOM.
NOTE: Glide slope unusable below 1047'.
CAUTION: Back crs unusable.
*RVR 2400' Runway 8.
#400-¾ required when glide slope not utilized, and 400-½ authorized with operative ALS, except for 4-engine turbojets.
#RVR 2400'. Descent below 1063' not authorized unless approach lights are visible.
MSA within 25 miles of LOM: 000°-090°—3000'; 090°-270°—2200'; 270°-360°—4000'.

City, Cedar Rapids; State, Iowa; Airport name, Cedar Rapids Municipal; Elev., 863'; Fac. Class., ILS; Ident., I-CID; Procedure No. ILS Runway 8, Amdt. 5; Eff. date, 13 May 67; Sup. Amdt. No. ILS-8, Amdt. 4; Dated, 5 Dec. 64

ILS 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	
CAE VOR	LOM	Direct	1900	T-dn##	300-1	300-1	200-½
White Rock Int	LOM	Direct	2000	C-dn	500-1	500-1	500-1½
Lexington Int	LOM (final)	Direct	1900	S-dn-10#*	200-½	200-½	200-½
Blythewood Int	LOM	Direct	1900	A-dn	600-2	600-2	600-2
Steedman Int	LOM	Direct	1900				

Procedure turn S side of crs 287° Outbnd, 107° Inbnd, 1900' within 10 miles.
Minimum altitude at glide slope intercept Inbnd, 1900'.
Altitude of glide slope and distance to approach end of runway at OM, 1720'—5.5 miles; at MM, 420'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing LOM climb to 1900' on 107° crs from CA LOM within 10 miles, or when directed by ATC, climb to 1900' on CAE VOR R 006° within 20 miles.
NOTE: Back crs unusable.
##RVR 2400' authorized Runway 10.
*500-¾ (RVR 4000') when glide slope not utilized.
#RVR 2400'. Descent below 436' not authorized unless approach lights are visible.

City, Columbia; State, S.C.; Airport name, Columbia Metropolitan; Elev., 236'; Fac. Class., ILS; Ident., I-CAE; Procedure No. ILS Runway 10, Amdt. 3; Eff. date, 13 May 67; Sup. Amdt. No. ILS-10, Amdt. 2; Dated, 8 Oct. 66

Oklahoma City VOR	TWO RBn	Direct	3000	T-dn	300-1	300-1	200-½
Oklahoma City LOM	TWO RBn	Direct	3000	C-dn	400-1	500-1	500-1½
Cashion Int	TWO RBn	Direct	3000	S-dn-17R*	300-1	300-1	300-1
Bethany Int	TWO RBn (final)	Direct	2300	A-dn	800-2	800-2	800-2
Edmond Int	TWO RBn (final)	Direct	2300				

Radar available.
Procedure turn W side crs, 351° Outbnd, 171° Inbnd, 3000' within 10 miles.
No glide slope.
Minimum altitude over TWO RBn on final approach crs, 2300'.
Crs and distance, TWO RBn to runway 17R, 171°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing TWO RBn, climb to 2600' on S crs ILS within 20 miles, or on crs 171° from TWO RBn within 20 miles, or when directed by ATC, make immediate right turn, climb to 2500' and proceed direct to OKC-VOR.
*300-¾ authorized with HIRL, except for 4-engine turbojets.

City, Oklahoma City; State, Okla.; Airport name, Will Rogers World; Elev., 1284'; Fac. Class., ILS; Ident., I-OKC; Procedure No. LOC (BC) Runway 17R, Amdt. 12; Eff. date, 13 May 67; Sup. Amdt. No. ILS 17 (Back Course), Amdt. 11; Dated, 30 Oct. 65

OKC VOR	LOM	Direct	2600	T-dn	300-1	300-1	*200-½
Bethany Int	LOM	Direct	2600	C-dn	400-1	500-1	500-1½
Cashion Int	TWO RBn	Direct	3000	S-dn-35L#	200-½	200-½	200-½
TWO RBn	LOM	Direct	2600	A-dn	600-2	600-2	600-2
Newcastle Int	LOM (final)	Direct	2400				

Radar available.
Procedure turn E side of crs, 171° Outbnd, 351° Inbnd, 2600' within 10 miles.
Minimum altitude at glide slope intercept inbnd, 2400'.
Altitude of glide slope and distance to approach end of runway at OM, 2337'—3.8 miles; at MM, 1466'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 3000' on N crs ILS within 20 miles, or when directed by ATC, turn left, climb to 2500' direct to the OKC VOR.
NOTE: Glide slope unusable below 1417'.
*RVR 2400' authorized Runway 35L.
#RVR 2400'. Descent below 1484' not authorized unless approach lights are visible.
#300-¾ (RVR 2400) authorized without glide slope and with operative ALS except for 4-engine turbojets.
MSA within 25 miles of facility: 315°-045°—3800'; 045°-135°—2900'; 135°-315°—2600'.

City, Oklahoma City; State, Okla.; Airport name, Will Rogers World; Elev., 1284'; Fac. Class., ILS; Ident., I-OKC; Procedure No. ILS Runway 35L, Amdt. 13; Eff. date, 13 May 67; Sup. Amdt. No. ILS-35L, Amdt. 12; Dated, 26 Nov. 66

SUX VOR	JKN RBn	Direct	2600	T-dn	300-1	300-1	*200-½
Jefferson Int	JKN RBn	Direct	2600	C-dn	500-1	600-1	600-1½
Hubbard Int	JKN RBn	Direct	2800	S-dn-13#	500-1	500-1	500-1
R 266°, SUX VOR clockwise	R 308°, SUX VOR	Via 19-mile DME arc.	3100	A-dn	800-2	800-2	800-2
R 346°, SUX VOR counterclockwise	R 308°, SUX VOR	Via 19-mile DME arc.	3100				
13-mile DME Fix, R 308°	JKN RBn (final)	Direct	2300				

Procedure turn W side of crs, 307° Outbnd, 127° Inbnd, 2600' within 10 miles.
Minimum altitude over JKN RBn on final approach, 2300'.
Crs and distance, JKN RBn to approach end of runway, 127°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing JKN RBn, climb to 2800' on SE crs of ILS within 10 miles.
NOTE: For northbound and northeastbound departures when weather is below 2400-2 flight below 2900' beyond 4 miles from airport and flight below 3600' beyond 8 miles from airport is prohibited between R 332° and R 025° inclusive of the SUX VOR. Restrictions are due to 2420' tower, 6½ miles NE and 3369' tower, 12 miles NE of airport.
#500-¾ authorized with operative REIL or HIRL, except for 4-engine turbojets.
*300-1 required for all takeoffs on Runway 4, due to 1318' terrain, 1.4 miles ENE of airport.

City, Sioux City; State, Iowa; Airport name, Sioux City Municipal; Elev., 1097'; Fac. Class., ILS; Ident., I-SUX; Procedure No. LOC(BC) Runway 13, Amdt. 6; Eff. date, 13 May 67; Sup. Amdt. No. ILS-13 (back crs), Amdt. 5; Dated, 22 May 65

ILS 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	
SUX VOR	LOM	Direct	2600	T-dn*	300-1	300-1	%200-½
R 070°, SUX VOR clockwise	R 125°, SUX VOR	Via 10-mile DME Arc.	3000	C-dn	500-1	600-1	600-1½
R 238°, SUX VOR counterclockwise	R 125°, SUX VOR	Via 10-mile DME Arc.	3000	S-dn-31¢	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2
10-mile DME Fix, R 125°, SUX VOR	OM (final)	Via SUX LOC	2600				

Procedure turn E side of crs, 127° Outbnd, 307° Inbnd, 2600' within 10 miles.
Minimum altitude at glide slope interception inbnd, 2600'.
Altitude of glide slope and distance to approach end of runway at OM, 2575'—5.3 miles at MM, 1287'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles after passing LOM, climb to 2600' on NW crs ILS within 10 miles or, when directed by ATC, turn left and climb to 3700' on R 266° of SUX VOR within 10 miles.
NOTE: For northbound and northeastbound departures when weather is below 2400-2, flight below 2900' beyond 4 miles from airport and flight below 3900' beyond 8 miles from airport is prohibited between R 332° and R 025° inclusive of the SUX VOR. Restrictions are due to 2420' tower, 6½ miles NE and 3360' tower, 12 miles NE of airport.
$300-¾ required when glide slope not utilized and 300-½ authorized with operative ALS except for 4-engine turbojets.
%300-1 required for all takeoffs on Runway 4, due to 1318' terrain, 1.4 miles ENE of airport.
*RVR 2400' authorized Runway 31.
¢RVR 2400'. Descent below 1297' not authorized unless approach lights are visible.

City, Sioux City; State, Iowa; Airport name, Sioux City Municipal; Elev., 1097'; Fac. Class., ILS; Ident., I-SUX; Procedure No. ILS Runway 31, Amdt. 13; Eff. date, 13 May 67; Sup. Amdt. No. ILS-31, Amdt. 12; Dated, 7 Jan. 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	
000°	360°	Within 25 miles	2900*	Surveillance approach			
				T-dn	300-1	300-1	300-1
				C-dn	400-1	500-1	500-1½
				S-dn-35L@%	400-1	400-1	400-1
				S-dn-35R%, 17L, 17R.	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runways 35L and 35R—Turn left, climb to 2500' direct to OKC VORTAC. Runways 17L and 17R—climb to 2600', direct LOM and track on crs 171° from LOM within 15 miles; or when directed by ATC, turn right, climb to 2500', direct to OKC VORTAC.
*All bearings and distances from radar site. Radar control will provide 1000' vertical clearance within 3-mile radius of TV towers, 2749', 9 miles NW.
@400-½ authorized, with operative ALS, except for 4-engine turbojets.
%400-¾ authorized, with operative HIRL, except for 4-engine turbojets.

City, Oklahoma City; State, Okla.; Airport name, Will Rogers World; Elev., 1284'; Fac. Class and Ident., Oklahoma City Radar; Procedure No. 1, Amdt. 6; Eff. date, 13 May 67; Sup. Amdt. No. 1, Amdt. 6; Dated, 13 Apr. 65

These procedures shall become effective on the dates specified therein.

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

Issued in Washington, D.C., on April 6, 1967.

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

[F.R. Doc. 67-4068; Filed, Apr. 20, 1967; 8:45 a.m.]

SUBCHAPTER G—AIR CARRIER AND COMMERCIAL OPERATOR CERTIFICATION AND OPERATIONS

[Docket Nos. 7271 and 7765; Amdt. 121-27]

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

Duration of Supplemental Air Carrier Operating Certificates

The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to delete the present provision that a supplemental air carrier operating certificate is effective for one year. This amendment was proposed in Notice No. 66-41, that was issued as a notice of proposed rule making and published in the FEDERAL REGISTER on November 26, 1966 (31 F.R. 14956).

The FAA is adopting the amendment proposed in Notice No. 66-41 for the reasons stated therein. As stated in the notice, the Civil Aeronautics Board first required supplemental (then irregular) air carriers to annually renew their operating certificates in 1950 because "experience has shown that operators who satisfactorily show their ability to perform air carrier operations safely at the time of original issuance of an operating certificate often fail to maintain the necessary facilities and personnel thereafter." During the past several years, the overall level of safety in supplemental air carrier operations has increased substantially, and these air carriers now must comply with operating rules that are essentially the same as those applicable to the scheduled air carriers. The minor differences between these rules reflect differences in the kinds of opera-

tions, not differences in the required levels of safety. The FAA believes that the annual expiration and renewal of supplemental air carrier operating certificates is no longer necessary, since the continuous inspection of supplemental air carrier operations enables the FAA to determine whether or not a supplemental air carrier is maintaining the required level of safety. The Civil Aeronautics Board recently recognized the improved status of certain supplemental air carriers by issuing them certificates of public convenience and necessity of indefinite, rather than temporary, duration (Order of Mar. 11, 1966, CAB Docket 13795).

Almost all of the comments received in response to Notice No. 66-41 supported the proposal. One comment supporting the proposal also recommended the deletion of the annual renewal requirement for holders of commercial operator operating certificates. This recommendation is not reflected here, since it is beyond the scope of the notice and disposing of it in this rule-making action would deprive interested persons of the opportunity to make their views known. Another comment supporting the proposal points out that § 121.47(a) should also be amended to delete the reference to renewal of supplemental air carrier operating certificates. This comment is accepted, and § 121.45(a) is also amended to provide that only a commercial operator operating certificate contains a termination date.

The only comment opposing the proposal stated that some supplemental air carriers still need periodic review and renewal of their certificates, that this encourages their stricter adherence to high standards, and that this undoubtedly has contributed to their safety record. FAA inspections of supplemental air carrier operations are no less rigorous than inspections of scheduled air carrier operations. These inspections enable the FAA to determine that each supplemental air carrier is conducting its operations in compliance with the regulations and is maintaining the required level of safety in its overall operations. The FAA does not believe that deleting the annual expiration and renewal provision will adversely affect the high standards or safety record of supplemental air carriers. Nor will the deletion of this provision impair the FAA's ability to initiate appropriate action if a particular supplemental air carrier fails to comply with the applicable regulations or to maintain the required level of safety in its operations. The FAA has concluded that the record of safety and dependability of supplemental air carriers in recent years fully justifies the adoption of the proposed rule.

Interested persons have been given an opportunity to participate in the making of this amendment, and due consideration has been given to all comments received.

In consideration of the foregoing, effective May 21, 1967, Part 121 of the Federal Aviation Regulations is amended as follows:

1. Section 121.45(a) is amended by striking out the words "and the date it terminates" in subparagraph (3) thereof, and by adding the following new subparagraph (4) at the end thereof:

§ 121.45 Contents of certificate and operations specifications.

(a) * * *

(4) The date it terminates in a commercial operator operating certificate.

* * * * *

2. Section 121.47(a) is amended to read as follows:

§ 121.47 Application for supplemental air carrier and commercial operator certificates.

(a) Each applicant for the original issue of a supplemental air carrier operating certificate or for the original issue or renewal of a commercial operator operating certificate must submit his application in a form and manner prescribed by the Administrator to the FAA Air Carrier District Office in whose area the applicant proposes to establish or has established his principal operations base. Each applicant must submit his application at least 60 days before the date of intended operations (in the case of an original application) or before the date the certificate terminates (in the case of a renewal application).

* * * * *

3. Section 121.53(a) is amended to read as follows:

§ 121.53 Duration of certificate.

(a) A supplemental air carrier operating certificate issued under this subpart is effective until termination of the certificate of public convenience and necessity or other economic authority issued by the Civil Aeronautics Board to the air carrier or until it is surrendered or the Administrator suspends, revokes, or otherwise terminates it. A commercial operator operating certificate issued under this subpart is effective for 1 year unless the Administrator sooner suspends, revokes, or otherwise terminates it.

* * * * *

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

Issued in Washington, D.C., on April 14, 1967.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 67-4399; Filed, Apr. 20, 1967; 8:46 a.m.]

Chapter V—National Aeronautics and Space Administration

PART 1240—INVENTIONS AND CONTRIBUTIONS

Subpart 1—Awards for Scientific and Technical Contributions

Subpart 1 is revised in its entirety as follows:

Sec.
1240.100 Scope.
1240.101 Criteria.
1240.102 Applications for awards.
1240.103 Evaluation of contributions.
1240.104 Hearing procedure.
1240.105 Recommendation to the Administrator.
1240.106 Release.

AUTHORITY: The provisions of this Subpart 1 issued under the authority of 42 U.S.C. 2457 and 2458.

§ 1240.100 Scope.

This Subpart 1 prescribes procedures for the granting of monetary awards by the Administrator of the National Aeronautics and Space Administration for scientific and technical contributions having significant value in the conduct of aeronautical and space activities. This subpart applies to any scientific or technical contribution having significant value in the conduct of aeronautical and space activities for which an application for award has been made.

§ 1240.101 Criteria.

(a) Only those contributions to the Administration having significant value in the conduct of aeronautical and space activities will be recommended for award under this Subpart 1.

(b) In determining the terms and conditions of any award, the following criteria will be considered:

(1) The value of the contribution to the United States;

(2) The aggregate amount of any sums which have been expended by the applicant for the development of such contribution;

(3) The amount of any compensation (other than salary received for services rendered as an officer or employee of the Government) previously received by the applicant for or on account of the use of such contributions by the United States; and

(4) Such other factors as the Administrator shall determine to be material.

§ 1240.102 Applications for awards.

(a) *Eligibility.* Applications for award may be submitted by any person including any individual, partnership, corporation, association, institution, or other entity.

(b) *Information Required.* Applications for award should be addressed to the Inventions and Contributions Board (herein referred to as the Board), National Aeronautics and Space Administration, Washington, D.C., and shall contain:

(1) The name and address of the applicant, his relationship to the contributor if the contribution is made by one other than the applicant, and the names and addresses of any others having an interest in the contribution;

(2) A complete written description of the contribution, in the English language, accompanied by drawings, sketches, diagrams, or photographs illustrating the nature of the contribution and the technical and scientific principles upon which it is based, and any available test or performance data or observations of pertinent scientific phenomena;

(3) The date and manner of any previous submittal of the contribution to

any other U.S. Government agency, and the name of such agency;

(4) The aggregate amount of any sums which have been expended by the applicant for the development of the contribution;

(5) The nature and extent of any known use of the contribution by the United States and by any agency of the U.S. Government;

(6) The amount of any compensation (other than salary received for services rendered as an officer or employee of the Government) previously received by the applicant for or on account of the use of such contribution by the United States; and

(7) Identification of any United States and foreign patents applied for or issued relating to the contribution.

(c) *General.* (1) Each contribution should be made the subject of a separate application in order that each may be evaluated individually.

(2) Material constituting a possible hazard to safety or requiring unusual storage facilities should not be submitted, and will not be accepted. In those few cases where models or other intricate exhibits have been submitted pursuant to a request made by the Board the same will be returned to the applicant upon his written request.

(3) It is the policy of the Board to use or disclose information contained in applications for evaluation purposes only. Applications submitted with restrictive legends or statements differing from this policy shall be treated in accordance with the Board's policy.

§ 1240.103 Evaluation of contributions.

(a) The Board will evaluate the contribution on the basis of the material submitted by the applicant.

(b) With respect to each application, the Board will notify the applicant:

(1) In cases where it proposes to recommend to the Administrator the granting of an award, the amount and terms of the award, together with a statement of the reasons for such recommendation;

(2) In cases where it does not propose to recommend to the Administrator the granting of an award, a brief statement of the reasons for such decision; and

(3) That he may, within such period as the Board may set but in no event less than 30 days from notification, request either reconsideration or an oral hearing.

(c) If the applicant requests a hearing within the time set, the Board will set a place and date for such hearing and notify the applicant.

§ 1240.104 Hearing procedure.

Hearings held by the Board shall be in accordance with the following procedures:

(a) The applicant may be represented by attorneys or any other appropriately designated persons.

(b) Hearings will be open to the public unless the applicant requests that a closed hearing be held.

(c) Hearings may be held before the full membership of the Board or before any panel of Board members designated by the Chairman.

(d) Hearings shall be conducted in an informal manner with the objective of providing the applicant with a full opportunity to present evidence and arguments in support of the application. Evidence may be presented through means of such witnesses, exhibits, and visual aids as are arranged for by the applicant. While proceedings will be ex parte, members of the Board, and its counsel may address questions to witnesses called by the applicant, and the Board may, at its option, utilize the assistance of technical advisors or other experts.

(e) Subject to the provisions of § 1240.102(c)(2), the applicant will submit a copy of any exhibit or visual aid utilized unless otherwise directed by the Board. The Board may, at its discretion, arrange for a written transcript of the proceedings and a copy of such transcript will be made available by the recorder for purchase by the applicant.

(f) No funds are available to defray traveling expenses or any other cost to the applicant.

§ 1240.105 Recommendation to the Administrator.

Upon a determination by the Board that a contribution merits an award, the Board will recommend to the Administrator the terms and conditions of the award proposed. The recommendations of the Board to the Administrator will reflect the views of the majority of the Board members. Dissenting views may be transmitted with the majority opinion.

§ 1240.106 Release.

Under subsection 306(b)(1) of the National Aeronautics and Space Act of 1958, no award will be made to an applicant unless he submits a duly executed release, in a form specified by the Administrator, of all claims he may have to receive any compensation (other than the award recommended) from the U.S. Government for use of his contribution or any element thereof by or on behalf of the United States or any foreign government pursuant to any existing or future treaty or agreement with the United States.

Effective date: The provisions of this Subpart 1 are effective April 11, 1967.

JAMES E. WEBB,
Administrator.

[F.R. Doc. 67-4408; Filed, Apr. 20, 1967; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter I—Bureau of Employees' Compensation, Department of Labor

PART 01—STATEMENT OF PROCEDURES

Subpart A—Federal Employees' Compensation Act

Pursuant to the authority contained in 5 U.S.C. 8124, 8128, 8145, 8149; Reorganization Plan No. 19 of 1950 (64 Stat. 1271, 15 F.R. 3178); and General Order No. 46 (Revised) (24 F.R. 8472), I hereby revise Subpart A of 20 CFR Part 01 to read as set forth below.

As Subpart A of 20 CFR Part 01 relates only to public benefits, the provisions of 5 U.S.C. 553 concerning notice of proposed rule making, public participation therein, and delayed effectiveness of substantive rules, do not apply. I do not believe that such procedure and delay will serve a useful purpose here. Accordingly, the amendment shall be effective on publication in the FEDERAL REGISTER.

The revised Subpart A of 20 CFR Part 01 reads as follows:

Sec.
01.1 Processing of claims.
01.2 Review by the Bureau.
01.3 Review by Employees' Compensation Appeals Board.
01.4 Request for a hearing.
01.5 Time and place of hearing; prehearing conference.
01.6 Conduct of hearing.
01.7 Termination of hearing; decision; review of decision.
01.8 Withdrawal of request for hearing; abandonment.

AUTHORITY: The provisions of this Subpart A issued under 80 Stat. 545, 553, 555; 5 U.S.C. 8124, 8128, 8145, 8149, 80 Stat. 2552 Reorganization Plan No. 19 of 1950, 64 Stat. 1271; 15 F.R. 3178. General Order No. 46 (Revised), 24 F.R. 3472.

§ 01.1 Processing of claims.

Claims for compensation for disability and death are processed by claims examiners of the Bureau of Employees' Compensation, U.S. Department of Labor, whose duty it is to apply the law to the facts as reported, received, or obtained upon investigation. The Federal Employees' Compensation Act, as amended, requires determination of a claim, with findings of fact and a decision for or against the payment of compensation, upon consideration of the claim presented by the claimant, the report by his immediate superior, and the completion of such investigation as the Bureau may deem necessary. There is no required procedure for the production of evidence, and evidence in written form is accepted. The final authority in the Bureau in the determination of a claim is vested in the Director or Acting Director of the Bureau. The decision shall contain findings of fact and a statement of reasons. A copy of the decision, together with information as to the right to a hearing, to a review, and to an appeal to the Employees' Compensation Appeals Board, shall be mailed to the claimant at his last known address.

§ 01.2 Review by the Bureau.

An award for or against the payment of compensation may be reviewed by the Bureau at any time, on its own motion or on application of the claimant. No formal application for review is required, but a written request for review, stating reasons why the decision should be changed, is necessary to invoke action. Such request shall be made to the Director, Bureau of Employees' Compensation, U.S. Department of Labor, Washington, D.C. 20211.

§ 01.3 Review by Employees' Compensation Appeals Board.

Final decisions of the Bureau are subject to review by the Employees' Compensation Appeals Board, U.S. Department of Labor, under the rules of procedure set forth in Part 501 of this title.

§ 01.4 Request for a hearing.

Prior to any review under § 01.2, any claimant for compensation not satisfied with a decision of the Bureau shall, upon written request made within 30 days after the date of issuance of such decision, be afforded an opportunity for a hearing before a Bureau representative designated by the Director or Acting Director of the Bureau. The request for hearing shall be made to the Director, Bureau of Employees' Compensation, Department of Labor, Washington, D.C. 20211. At such hearing, the claimant shall be afforded an opportunity to present evidence in further support of his claim.

§ 01.5 Time and place of hearing; prehearing conference.

The Bureau representative shall set the time and place of the hearing, and shall mail written notice thereof to the claimant at least 10 days prior to the hearing. The hearing will, when practicable, be set at a time and place convenient for the claimant. The Bureau representative may, and when so requested by the claimant shall, afford the claimant a prehearing conference to clarify the issues in his claim and, when necessary, shall postpone the hearing for this purpose. Request for such conference may be made to the Bureau representative orally or in writing.

§ 01.6 Conduct of hearing.

In conducting the hearing, the Bureau representative shall not be bound by common law or statutory rules of evidence, by technical or formal rules of procedure, or by section 5 of the Administrative Procedure Act, but may conduct the hearing in such manner as to best ascertain the rights of the claimant. For this purpose he shall receive such relevant evidence as may be adduced by the claimant and shall, in addition, receive such other evidence as he may determine to be necessary or useful in evaluating the claim. Evidence may be presented orally or in the form of written statements and exhibits. The hearing shall be recorded, and the original of the complete transcript shall be made a part of the claims record.

§ 01.7 Termination of hearing; decision; review of decision.

The Bureau representative shall fix the time within which he will receive evidence, and shall terminate the hearing by mailing a copy of his tentative decision, setting forth the basis therefor, to the claimant at his last known address. Such tentative decision shall become the final decision unless revised within 30 days. A copy of any revision of the tentative decision, setting forth the basis therefor, shall be mailed to the claimant at his last known address within such 30-day period. The provisions for review in §§ 01.2 and 01.3 are applicable to such final decision.

§ 01.8 Withdrawal of request for hearing; abandonment.

A claimant may withdraw his request for a hearing at any time prior to the mailing of the decision, by written notice to the Bureau representative so stating, or by orally so stating at the hearing. A claimant shall be deemed to have abandoned his request for a hearing if he fails to appear at the time and place set for the hearing and does not, within 10 days after the time set for the hearing, show good cause for such failure to appear.

Signed at Washington, D.C., this 14th day of April 1967.

THOMAS A. TINSLEY,
Director,
Bureau of Employees' Compensation.

[F.R. Doc. 67-4416; Filed, Apr. 20, 1967; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-102]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Steel Units for Electrical Transmission Towers From Italy

Information was received in proper form pursuant to the provisions of § 16.24(b) of the Custom Regulations (19 CFR 16.24(b)) alleging that certain rebates or refunds granted by the Government of Italy on the exportation from Italy of galvanized fabricated structural steel units for the erection of electrical transmission towers constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303), upon the manufacture, production, or exportation of the units to which the refunds apply.

An investigation was conducted pursuant to § 16.24(d) of the Customs Regulations (19 CFR 16.24(d)).

After consideration of all information received, the Bureau is satisfied that exports of such steel units for electrical transmission towers from Italy receive bounties or grants within the meaning of section 303.

Accordingly, notice is hereby given that galvanized fabricated structural steel units for the erection of electrical transmission towers imported directly or indirectly from Italy (except any such importations which are free of duty under the Tariff Act of 1930, as amended), if entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after publication of this notice in the FEDERAL REGISTER, will be subject to the payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303, the net amount of such bounty or grant under the information presently available has been ascertained and determined, or estimated, and such net amount is hereby declared to be 13.67 lire per kilo of the product. Effective on the 31st day after the date of publication of this notice in the FEDERAL REGISTER, and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable galvanized fabricated structural steel units for the erection of electrical transmission towers imported directly or indirectly from Italy, which benefit from such bounties or grants there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration.

The table in § 16.24(f) of the Customs Regulations (19 CFR 16.24(f)) is amended by inserting after the last entry for Ireland the word "Italy" in the column headed "Country," the words "Galvanized fabricated structural steel units for the erection of electrical transmission towers" in the column headed "Commodity," the number of this Treasury decision in the column headed "Treasury Decision," and the words "Bounties declared—Rate" in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

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

Approved: April 17, 1967.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-4418; Filed, Apr. 20, 1967; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-7—CONTRACT CLAUSES

Subpart 9-7.50—Use of Standard Clauses

MISCELLANEOUS AMENDMENTS

1. In §§ 9-7.5006-9, *Allowable costs and fixed fee (CPFF operating and construction contracts);* 9-7.5006-10, *Allowable costs and fixed fee (supply contracts and research and development contracts with concerns other than educational institutions);* and 9-7.5006-12, *Allowable costs and fixed fee (Architect-Engineer Contracts)*, paragraphs (b) and (c) are revised to read as follows:

§ 9-7.5006-9 Allowable costs and fixed fee (CPFF operating and construction contracts).

* * * * *

(b) *Fixed fee.* The fixed fee payable to the contractor for the performance of the

work under this contract is $_____. There shall be no adjustment in the amount of the contractor's fixed fee by reason of differences between any estimate of cost for performance of the work under this contract and the actual cost for performance of that work. (NOTE: This provision may be appropriately changed to cover situations where the fee is for a period of time, or different fees are allowed for various phases of the work.)

(c) *Allowable cost.* The allowable cost of performing the work under this contract shall be the costs and expenses that are actually incurred by the contractor in the performance of the contract work in accordance with its terms, that are necessary or incident thereto, and are determined to be allowable pursuant to this paragraph (c). The determination of the allowability of cost hereunder shall be based on: (1) Reasonableness, including the exercise of prudent business judgment, (2) consistent application of generally accepted accounting principles and practices that result in equitable charges to the contract work, and (3) recognition of all exclusions and limitations set forth in this clause or elsewhere in this contract as to types or amounts of items of cost. Allowable cost shall not include cost of any item described as unallowable in paragraph (e) of this clause, except as indicated therein. Failure to mention an item of cost specifically in paragraph (d) or paragraph (e) shall not imply either that it is allowable or that it is unallowable.

* * * * *

§ 9–7.5006–10 Allowable costs and fixed fee (supply contracts and research and development contracts with concerns other than educational institutions).

* * * * *

(b) *Fixed fee.* The fixed fee payable to the contractor for the performance of the work under this contract is $_____. There shall be no adjustment in the amount of the contractor's fixed fee by reason of differences between any estimate of cost for performance of the work under this contract and the actual cost for performance of that work.

NOTE: This provision may appropriately be changed to cover situations where the fee is for a period of time, or different fees are allowed for various phases of the work.

(c) *Allowable cost.* The allowable cost of performing the work under this contract shall be the costs and expenses that are actually incurred by the contractor, are applicable and properly chargeable, either as directly incident or as allocable through appropriate distribution or apportionment, to the performance of the contract work in accordance with its terms and are determined to be allowable pursuant to this paragraph (c). The determination of the allowability of cost hereunder shall be based on: (1) Reasonableness, including the exercise of prudent business judgment, (2) consistent application of generally accepted accounting principles and practices that result in equitable charges to the contract work, and (3) recognition of all exclusions and limitations set forth in this clause or elsewhere in this contract as to types or amounts of items of cost. Allowable cost shall not include cost of any item described as unallowable in paragraph (e) of this clause, except as indicated therein. Failure to mention an item of cost specifically in paragraph (d) or paragraph (e) shall not imply either that it is allowable or that it is unallowable.

* * * * *

§ 9–7.5006–12 Allowable costs and fixed fee (Architect-Engineer Contracts).

* * * * *

(b) *Fixed fee.* The fixed fee payable to the contractor for the performance of the work under this contract is $_____. There shall be no adjustment in the amount of the contractor's fixed fee by reason of differences between any estimate of cost for performance of the work under this contract and the actual cost for performance of that work.

NOTE: This provision may appropriately be changed to cover situations where the fee is for a period of time, or different fees are allowed for various phases of the work.

(c) *Allowable cost.* The allowable cost of performing the work under this contract shall be the costs and expenses that are actually incurred by the contractor, are applicable and properly chargeable, either as directly incident or as allocable through appropriate distribution or apportionment, to the performance of the contract work in accordance with its terms and are determined to be allowable pursuant to this paragraph (c). The determination of the allowability of cost hereunder shall be based on: (1) Reasonableness, including the exercise of prudent business judgment, (2) consistent application of generally accepted accounting principles and practices that result in equitable charges to the contract work, and (3) recognition of all exclusions and limitations set forth in this clause or elsewhere in this contract as to types or amounts of items of cost. Allowable cost shall not include cost of any item described as unallowable in paragraph (e) of this clause, except as indicated therein. Failure to mention an item of cost specifically in paragraph (d) or paragraph (e) shall not imply either that it is allowable or that it is unallowable.

NOTE: This paragraph should be deleted and paragraph (c) of § 9–7.5006–9 inserted in lieu thereof for on-site architect-engineer contracts.

* * * * *

2. In § 9–7.5006–11, *Allowable costs (research and development contracts with educational institutions)*, paragraph (a) is revised to read as follows:

§ 9–7.5006–11 Allowable costs (research and development contracts with educational institutions).

(a) The Commission shall pay to the Contractor for performance of this contract the allowable direct costs incident to its performance plus the allocable portion of the allowable indirect costs of the Contractor, as determined in accordance with:

* * * * *

3. Sections 9–7.5006–14, –15, –16, –17, –18, –19, –20, –21, and –22 are revised to read as follows:

§ 9–7.5006–14 Obligation of funds, estimates of cost (other than operating contracts).

(a) *Obligation of funds.* The amount presently obligated by the Government with respect to the contract is _____ dollars ($_____). Such amount may be increased unilaterally by the Commission by written notice to the Contractor and may be increased or decreased by written agreement of the parties (whether or not by formal modification of this contract). Payments by the Government under this contract on account of allowable costs shall not in the aggregate exceed the amount obligated with respect to this contract, less the Contractor's fixed fee.

(b) *Notices—Contractor excused pending increase when obligation is reached.* Whenever the Contractor has reason to believe that the total cost of the work under this contract (exclusive of the Contractor's fixed fee) will be greater or substantially less than the presently estimated cost of the work, the Contractor shall promptly notify the Contracting Officer in writing. (In contracts which are fully obligated, substitute the words "amount obligated with respect to this contract" for the words "presently estimated cost of the work.") The Contractor shall also notify the Contracting Officer in writing when the aggregate of expenditures plus outstanding commitments and liabilities allowable under this contract, including the Contractor's fixed fee, is equal to ninety percent (90%) (or such other percentage as the Contracting Officer may from time to time establish by notice to the Contractor) of the amount then obligated with respect to this contract. When such expenditures and outstanding commitments and liabilities, including the Contractor's fixed fee, equal one hundred percent (100%) of such amount, the Contractor shall immediately notify the Contracting Officer and shall make no further commitments or expenditures (except to meet existing commitments and liabilities) and shall be excused from further performance of the work unless and until the Contracting Officer thereafter shall increase the amount obligated with respect to this contract.

(c) *Government's right to terminate not affected.* The giving of any notice by either party under this article shall not be construed to waive or impair any right of the Government to terminate the contract under the provisions of the article entitled "Termination."

(d) *Estimates of cost.* The presently estimated cost of the work under this contract is _____ dollars ($_____) exclusive of the Contractor's fixed fee.

NOTE A: The following sentence may be substituted for the second sentence of paragraph (b) above:

"The Contractor shall also notify the Contracting Officer in writing when the aggregate of expenditures plus outstanding commitments and liabilities allowable under this contract, including the Contractor's fixed fee, leaves available funds sufficient to continue contract performance for only _____ days (or such other period as the Contracting Officer may from time to time establish by notice to the Contractor)."

NOTE B: In contracts where revenues and receipts are anticipated and such revenues and receipts are to be available and used for payment of allowable costs, paragraphs (a) and (b) above should be changed with the approval of counsel to provide for such revenues and receipts in a manner similar to paragraphs (a) and (c), respectively, of 9–7.5006–15.

NOTE C: In certain types of contractual situations (e.g., multiperiod or multiphase contracts), it may be necessary to identify a controlling feature (e.g., period or phase) with its related estimated cost; in such event, changes may be made in paragraph (d) above to appropriately identify the controlling feature.

§ 9–7.5006–15 Obligation of funds (operating contracts).

(a) *Obligation of funds.* The amount presently obligated by the Government with respect to this contract is _____ dollars ($_____). Such amount may be increased unilaterally by the Commission by written notice to the Contractor and may be increased or decreased by written agreement of the parties (whether or not by formal modification of this contract). Estimated revenues and receipts from others for work

and services to be performed under this contract are not included in the amount obligated with respect to this contract. Such revenues and receipts, to the extent actually received by the Contractor, shall be available and used for the payment of allowable costs as provided in the article entitled "Payments and advances." Nothing in this paragraph (a) is to be construed as authorizing the Contractor to exceed limitations stated in financial plans established by the Commission and furnished to the Contractor from time to time under this contract.

(b) *Limitation on payment by the Government.* Except as otherwise provided in this contract and except for costs which may be incurred by the Contractor pursuant to the article entitled "Termination" or costs of claims allowable under the contract accruing after completion or termination and not released by the Contractor at the time of financial settlement of the contract in accordance with the article entitled "Payments and advances," payment by the Government under this contract on account of allowable costs shall not in the aggregate exceed the amount obligated with respect to this contract, less the Contractor's fixed fee. Unless expressly negated in this contract, payment on account of those costs excepted in the preceding sentence which are in excess of the amount obligated with respect to this contract shall be subject to the availability of (1) revenues and receipts deposited to the Government's account as provided in the article entitled "Payments and advances," and (2) other funds which the Commission may legally use for such purpose; *Provided*, The Commission will use its best efforts to obtain the appropriation of funds for this purpose if not otherwise available.

(c) *Notices—Contractor excused from further performance.* The Contractor shall notify the Commission in writing whenever the unexpended balance of funds (including revenues and receipts) available under paragraph (a) above, plus the Contractor's best estimate of revenues and receipts to be received during the _____ day period hereinafter specified, is in the Contractor's best judgment sufficient to continue contract operations at the programmed rate for _____ days and to cover the Contractor's unpaid fixed fee, and outstanding commitments and liabilities on account of costs allowable under the contract at the end of such period. Whenever the unexpended balance of funds (including revenues and receipts) available under paragraph (a) above, less the amount of the Contractor's fixed fee then earned but not paid, is in the Contractor's best judgment either sufficient only to liquidate outstanding commitments and liabilities on account of costs allowable under this contract or is equal to zero, the Contractor shall immediately notify the Commission and shall make no further commitments or expenditures (except to liquidate existing commitments and liabilities), and, unless the parties otherwise agree, the Contractor shall be excused from further performance (except such performance as may become necessary in connection with termination by the Government) and the performance of all work hereunder will be deemed to have been terminated for the convenience of the Government in accordance with the provisions of the article entitled "Termination."

(d) *Financial plans; cost and commitment limitations.* In addition to the limitations provided for elsewhere in this contract, the Commission may, through Financial Plans or other directives issued to the Contractor, establish controls on the costs to be incurred and commitments to be made in the performance of the contract work. Such plans and instructions may be amended or supplemented from time to time by the Commission. The Contractor hereby agrees to comply with the specific limitations (ceilings) on costs and commitments set forth in such plans and directives, to use its best efforts to comply with the other requirements of such plans and directives, and to promptly notify the Commission in writing whenever it has reason to believe the authorized financial levels of costs and commitments will be exceeded or substantially underrun.

NOTE: This paragraph (d) may be omitted in contracts which expressly or otherwise provide a contractual basis for equivalent controls in a separate article.

(e) *Government's right to terminate not affected.* The giving of any notice under this article shall not be construed to waive or impair any right of the Government to terminate the contract under the provisions of the article entitled "Termination."

§ 9–7.5006–16 [Reserved]

§ 9–7.5006–17 Patents contractor held harmless.

See AECPR 9–9.5010.

§ 9–7.5006–18 Patent indemnity.

See AECPR 9–9.5009.

§ 9–7.5006–19 Patent provisions Type A.

See AECPR 9–9.5003.

§ 9–7.5006–20 Patent provisions Type B.

See AECPR 9–9.5004.

§ 9–7.5006–21 Patent provisions Type C.

See AECPR 9–9.5005.

§ 9–7.5006–22 Patents—reporting of royalties.

See AECPR 9–9.5011.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These regulations are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 17th day of April 1967.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 67-4380; Filed, Apr. 20, 1967; 8:45 a.m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 166—FINANCIAL ASSISTANCE FOR ADULT EDUCATION PROGRAMS

The regulations in this part are applicable to the adult education programs authorized by the Adult Education Act of 1966. The adult education programs undertaken pursuant to the Act are subject to the provisions thereof and to the regulations issued by the Commissioner pursuant thereto. The regulations, published as Part 166 under Title 45 of the Code of Federal Regulations, are revised to read as set forth below.

The programs described in this part are subject to the requirements of Title VI of the Civil Rights Act of 1964 (P.L. 88-352, 78 Stat. 252, 42 U.S.C. Ch. 21) which provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Accordingly, payments made pursuant to the regulations in this part are subject to the regulation in 45 CFR Part 80 issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964.

Subpart A—Definitions

Subpart B—State Plan Purposes and Provisions

Subpart C—Federal Financial Participation

Subpart D—Grants for Special Experimental Demonstration Projects and for Teacher-Training Projects

AUTHORITY: The provisions of this Part 166 issued under sec. 310(c), P.L. 89-750, 80 Stat. 1220.

Subpart A—Definitions

§ 166.1 Definitions.

As used in this part:

(a) "Act" means the Adult Education Act of 1966 (Title III of P.L. 89-750, 80 Stat. 1191; 20 U.S.C. 1201-1213).

(b) "Adult" means any individual who has attained the age of 18 and is not currently enrolled in school.

(c) "Adult basic education" means education for adults whose inability to speak, read, or write the English language constitutes a substantial impairment of their ability to get or retain employment commensurate with their real ability, which is designed to help eliminate such inability and raise the level of education of such individuals with a view to making them less likely to become dependent on others, to improving their ability to benefit from occupational training and otherwise increasing their opportunities for more productive and profitable employment, and to making them better able to meet their adult responsibilities.

(d) "Adult education" means services or instruction below the college level (as determined by the Commissioner), for adults who—

(1) Do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education, and

(2) Are not currently enrolled in schools.

(e) "Commissioner" means the U.S. Commissioner of Education, Department of Health, Education, and Welfare.

(f) "Department" means the Department of Health, Education, and Welfare.

(g) "Fiscal year" means the period beginning on the first day of July and ending on the following June 30, and is designated by the calendar year in which the fiscal year ends.

(h) "Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools; except that if there is a separate board or other legally constituted local authority having administrative control and direction of adult education in public schools therein, such term means such other board or authority.

(i) "Private nonprofit agency" means an agency, organization or institution no part of whose net earnings may legally inure to the benefit of any private shareholder or individual.

(j) "Public agency" means an entity established by a State or a political subdivision thereof supported in whole or in part by public funds, and administered and controlled by publicly elected or appointed officials.

(k) "School or department of divinity" means an institution, or a department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion, to enter upon some other religious vocation, or to prepare them to teach theological subjects.

(l) "State" includes the District of Columbia, and (except for the purposes of section 305(a) of the Act) the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(m) "State educational agency" or "State agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or if there is a separate State agency or officer primarily responsible for supervision of adult education in public schools then such agency or officer may be designated for the purposes of the Act by the Governor or by State law. If no agency or officer qualifies under the preceding sentence, such term shall mean an appropriate agency or officer designated for the purposes of the Act by the Governor.

Subpart B—State Plan Purposes and Provisions

§ 166.2 State plan purposes.

The purposes of the State plan are to set forth the manner and procedures under which the State will carry out the State program to encourage the establishment or expansion of basic educational programs for adults to enable them to overcome English language limitations, to improve their basic education in preparation for occupational training and more profitable employment, and to become more productive and responsible citizens, and to provide the basis on which Federal payments are made. Therefore, in order to participate in the program described in this subpart, a State must submit to the Commissioner a State plan which meets the requirements of this subpart applicable to such program.

§ 166.3 State agency.

The State plan shall give the official name of the State educational agency which will be the sole agency for administering the plan, and shall state the title of the official who is authorized to submit the plan and amendments thereto. The State plan shall provide that the State agency will administer the State plan.

§ 166.4 Custody of funds.

The State plan shall provide for the receipt by the State Treasurer (or, if there be no State Treasurer, the officer identified by title exercising similar functions for the State) and for the proper safeguarding of all Federal funds granted to the State under the Act. The State plan shall provide that all Federal funds so received shall be expended solely for the purposes for which granted and that any such funds not so expended, including funds lost or diverted to other purposes, shall be paid to the U.S. Office of Education.

§ 166.5 Organization.

The State plan shall describe, by chart or otherwise, the organization of the State agency, its unit functions, and the lines of authority between the State agency and agencies participating under the State plan in order to assure coordination of this and all other adult basic education programs within the State both in developing and carrying out the programs.

§ 166.6 Personnel.

The State plan shall contain a description of the minimum qualifications of all professional personnel of the State agency engaged in activities for which funds are used under the State plan. Such minimum qualifications shall contain standards of education and experience and other requirements in relation to the duties to be performed. If a merit system exists in the State, the plan shall describe the requirements of such system for such personnel.

§ 166.7 State and local advisory committees.

The State plan shall contain a statement of the policies and procedures to be used in establishing State and local advisory committees on adult basic education in order to improve reporting of State and local administration of programs and to assure that State plan programs are meeting the needs of the Community. The State plan shall indicate whether State and local advisory committees are existing groups or especially established for these purposes and the respective natures thereof.

§ 166.8 Program.

The State plan shall contain a statement of the policies, procedures, criteria, and priorities to be followed by the State agency in approving local educational agency programs which will assure substantial progress (with respect to all segments of the adult population and all areas of the State) in the establishment or expansion of adult basic education programs. Such criteria and priorities shall be designed to assure that first priority will be given to programs which

provide for instruction in speaking, reading, or writing the English language for persons functioning at the fifth grade level or below. Second priority will be given to such instruction for persons functioning above the fifth and through the eighth grade level.

§ 166.9 Program criteria.

In establishing such criteria, the State agency shall give consideration to factors such as the following:

(a) Whether and to what extent a program will serve adults in those geographic areas of the State which have high concentration of adults in need of basic education;

(b) Whether and to what extent a program will serve adults with the greatest basic education deficiencies which are impairing their ability to obtain employment and become more productive and responsible citizens;

(c) Whether and to what extent a program has been planned and/or will be conducted in cooperation with Community Action programs, Work Experience programs, VISTA, Work Study programs, Manpower Development and Training programs, Vocational Education programs, and other programs relating to the antipoverty effort (see § 166.11);

(d) Whether and to what extent a program will utilize qualified instructional staff, adequate facilities, equipment, materials, and guidance and counseling services;

(e) Whether and to what extent a program will provide health information and services to the extent available through cooperative arrangements with State health authorities;

(f) Whether and to what extent a program makes provision for effective recruiting of adults for enrollment;

(g) Whether and to what extent a program will provide for the use of personnel in college work study programs, VISTA, and other antipoverty programs;

(h) Whether and to what extent a program incorporates the results of research, or techniques which have been proven effective;

(i) Whether and to what extent a program incorporates innovative or imaginative instructional methods; and

(j) Whether and to what extent a program provides for effective administration and supervision by the local educational agency to assure efficient and economical operation.

§ 166.10 Cooperative arrangements between State educational agency and State health authority.

The State plan shall provide for cooperative arrangements between the State educational agency and the State health authority authorizing the use of such health information and services for adults as may be available from such agencies and as may reasonably be necessary to enable them to benefit from the instruction provided pursuant to the Act.

§ 166.11 Cooperation in antipoverty efforts.

The State plan shall set forth the policies and procedures which the State agency will follow prior to approving local educational agency programs, and special projects, teacher-training, or research grants to assure maximum cooperation of effort with Community Action programs, Work Experience programs, VISTA, Work Study, and other programs relating to the antipoverty effort and to ascertain that there is no unnecessary duplication of other programs offering adult basic education or teacher training for such programs.

§ 166.12 Special projects, teacher training and research.

The State plan shall describe the policies, procedures, criteria and priorities which the State agency will follow in making grants for adult basic education to public and private nonprofit agencies for special projects, teacher training and research. The State plan shall set forth the criteria and priorities it will use to assure that priority will be given to special projects, teacher training, and research programs related to speaking, reading, or writing the English language at the eighth grade level or below. The State plan shall state whether the State agency is prohibited under State law from making such grants to private nonprofit agencies and, if so, the basis for this determination.

§ 166.13 State fiscal control and accounting procedures.

(a) *General.* The State plan shall set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of funds paid to the State, including funds paid by the State to local educational agencies; funds paid by the State to public and private nonprofit agencies for special projects, teacher training, and research; and all matching funds. Such procedures shall be in accordance with applicable State laws and regulations which shall be cited in the plan. In addition, the State plan shall specify the particular accounting basis (cash, accrual, or obligation) to be used by the State agency and cite the authority under State and local laws, rules, and regulations for such basis. If the State or local agency utilizes other than a cash accounting basis, the State plan shall indicate the time period or other conditions governing the liquidation of obligations. Accounts and supporting documents relating to any adult basic education programs involving Federal financial participation shall be adequate to permit an accurate and expeditious audit of the program.

(b) *Audit of expenditures.* All expenditures claimed for Federal financial participation shall be audited either by the State, a State-authorized audit agency, or by an independent certified public accountant. The State plan shall indicate how the expenditures of local educational agencies and other agencies participating under the State plan will be audited; and, if the audit is to be carried out by other than the State or its authorized audit agency, how the State agency will secure such information.

§ 166.14 Disbursement of funds.

The State plan shall state whether funds are paid to participating agencies under the plan on the basis of either (a) a reimbursement for actual expenditures already made, (b) an advance prior to the expenditure of funds, or (c) both.

§ 166.15 Policies and procedures for State agency administrative review and evaluation.

The State plan shall contain a statement of the policies and procedures to be followed by the State agency in making periodic, systematic and objective administrative reviews and evaluations in order to evaluate the status and progress of the program in terms of the overall objectives stated in the plan.

§ 166.16 Reports.

The State plan shall provide that the State agency will make and submit to the Commissioner the reports described in § 166.47; and that the State agency will maintain records in support thereof as required under § 166.40.

§ 166.17 Amendment.

The State plan shall provide that it will be amended to reflect any material changes in the program provided for by such plan, any changes in pertinent State law, or any changes in the designation or organization of operations, policies, and methods of administration to be followed by the State agency; and that amendments will be submitted and certified in the same manner as the State plan.

§ 166.18 Certification of the State plan.

(a) *Certification by State agency.* The State plan and all amendments thereto shall include a certification by the officer of the State agency authorized to submit the State plan that the plan or amendment has been adopted by the State agency and that the plan, or plan as amended, will constitute the basis for operation and administration of the program in which there is Federal financial participation.

(b) *Certification by State Attorney General.* (1) The State plan and all amendments thereto shall include a certification by the State's Attorney General, or other official designated in accordance with State law to advise the State agency on legal matters, that all plan provisions and amendment thereto are consistent with State law. He shall further certify the official title of the officer authorized to submit the State plan; that the State agency named in the plan has authority under State law to submit the State plan; that the State Treasurer (or, if here be no State Treasurer, the officer identified by title exercising similar functions for the State) has authority under State law to receive, hold, and disburse Federal funds under the State plan.

(2) There shall be included as part of the plan copies of, or citations to, all pertinent laws and interpretations of laws by appropriate State officials or courts relevant to the State plan provisions. All such copies or citations shall be certified to be correct by the Attorney General or other appropriate State official.

Subpart C—Federal Financial Participation

§ 166.25 Federal payments to a State.

The Commissioner will determine the amount of each State's allotment in accordance with the provisions of section 305(a) of the Act. Payments will be made only after approval of the State plan and the submission of estimates and reports required under section 306(a)(6) of the Act and § 166.47 (a) and (b). Payments will be made in advance or by way of reimbursement, at such time or times and in such installments as the Commissioner may determine, after necessary adjustment on account of any previously made overpayment or underpayment.

§ 166.26 Approval of State plan.

The Commissioner shall approve a State plan which he determines complies with the applicable provisions of the Act and the regulations, and shall so notify the State agency. The Commissioner shall not finally disapprove a State plan or amendment thereto without first affording the State reasonable notice and opportunity for a hearing.

§ 166.27 Effective dates of State plan and amendments.

Federal financial participation is available only with respect to amounts expended under an approved State plan or amendments. Absent any contrary notification, the date on which the State plan or amendments thereto shall be considered to be in effect is the date of approval by the Commissioner, but in no event shall such effective date precede the date on which the State plan or amendment was received by the Commissioner. The State agency will be apprised of the effective date in the notice of approval sent to the State agency by the Commissioner.

§ 166.28 Condition precedent to receiving Federal funds.

Before a State may receive a payment from its allotment under section 304(b) of the Act, the Commissioner must find, pursuant to section 307(b) of the Act, that there will be available for expenditure by the State including its political subdivisions, for basic education for adults, from non-Federal sources during the fiscal year for which the allotment is made, an amount equal to not less than the total amount expended for such purposes from such sources during the preceding fiscal year. The information received under § 166.47 (a) and (b) shall serve as the basis of the Commissioner's finding.

§ 166.29 Limitations.

(a) No payment may be made from a State's allotment under the Act for any educational program, activity or service related to sectarian instruction or religious worship or any adult basic education program provided by a school or department of divinity, as defined in § 166.1(k). An institution which has a school, branch, department or other administrative unit within the definition of "school or department of divinity" is not precluded for that reason from participating in the program described in Subpart B of this part if the adult basic education program is not offered by that school, branch, department, or administrative unit and, as in all other cases, the adult basic education program is not related to sectarian instruction or religious worship.

(b) Adults enrolled in an adult basic education program conducted under Subpart B of this part may not be charged tuition, fees, or any other charges, or be required to purchase any books or any other materials.

§ 166.30 Allotment availability.

Federal allotments to a State under the Act are available with respect to eligible expenditures during the Federal fiscal year for which funds are allotted.

§ 166.31 Reallotments.

The amount of any State's allotment for any fiscal year under section 305(a) of the Act which the Commissioner determines will not be required during that fiscal year for carrying out that State's plan may be reallotted by the Commissioner on such dates during such year as he may fix, to other States for carrying out their plans in the same proportion as the original allotments were made for such purposes to such other States in the manner provided for in section 305(b) of the Act. Any amounts reallotted shall be determined by the Commissioner on the basis of (a) reports filed by the States of the amounts required to carry out the State plan and (b) such other information as he may have available. Any amounts reallotted shall be deemed part of the State's allotment for that fiscal year.

§ 166.32 Federal and State shares of eligible expenditures.

(a) *Federal share.* The Federal share of expenditures to carry out a State plan shall be paid from a State's allotment available for grants to such State; and, for the fiscal year ending June 30, 1967, and the succeeding fiscal year, the Federal share for each State shall be 90 per centum.

(b) *Limitation.* The expenditures which are to be considered in computing the amount of Federal financial participation under a State plan are only those which are made by the State or any participating agency in furtherance of the purpose of the Act and which do not inure to the personal benefit of any donor.

§ 166.33 State laws governing expenditures.

Federal financial participation under the State plan shall be available only for those eligible costs for which State or local funds are expended or authorized to be expended under applicable State and local laws, rules, regulations, and standards.

§ 166.34 Determination of fiscal year's allotment to which an expenditure is chargeable.

An expenditure made under the Act will be charged to that Federal fiscal year in which the expenditure was incurred. State and local laws and regulations shall determine when an expenditure by the State agency or participating entity is incurred.

§ 166.35 Disposition of equipment.

(a) Whenever items of equipment, each initially costing $100 or more, in which cost the Federal Government has participated are sold or no longer used for the purpose authorized by the Act, the Federal Government shall be credited with its proportionate share of the value of such equipment, the value being determined on the basis of the sale price in the case of a bona fide sale or on the fair market value in the case of discontinuance of use or diversion for other than State plan purpose.

(b) Inventories and records are required to be kept for all items of equipment referred to in paragraph (a) of this section. The State agency is responsible for having available in the State agency's office information sufficient for a determination of whether such equipment continues to be used for a purpose provided for under the Act.

§ 166.36 Proration of costs.

Federal financial participation is available only with respect to that portion of any eligible costs as defined in § 166.41 attributable to carrying out the provisions of an approved State plan. Prorated salaries and wages must be documented to show the time spent in carrying out the activities under the State plan and the percentage of time spent on each other activity. The State and all recipients of Federal funds under the State plan shall maintain records, documented on an after-the-fact basis, to substantiate the proration of expenditures for applicable items such as salaries, travel, rental, supplies, and equipment.

§ 166.37 Adjustments.

The State agency shall adjust its accounts, records, and reports to reflect refunds, credits, underpayments, or overpayments, as well as any adjustments resulting from Federal or State administrative reviews and audits. Such adjustments shall be set forth in the State's financial reports filed with the Commissioner.

§ 166.38 Interest on Federal funds.

In the event that any interest is earned on Federal funds, such interest

earnings shall be refunded to the U.S. Office of Education. The State agency shall submit as a part of each annual financial report a statement showing the amount of interest earned on Federal funds by the State and participating agencies during that fiscal year.

§ 166.39 Fiscal audits.

Audit agencies representing the Department will audit the program records available at the State agency to determine whether the Federal program funds have been properly accounted for and administered. Audit reports of the participating agencies and State review and other control procedures will be evaluated to determine the adequacy of information upon which to base the audit findings. Only where the available information is deemed to be inadequate will the auditor arrange, through the State agency, to audit the records of the participating agencies.

§ 166.40 Retention of records.

(a) *General rule.* The State agency shall provide for keeping accessible and intact all records supporting claims for Federal grants or relating to the accountability of the State agency or any other agency participating under the plan for the expenditure of such grants, expenditure of matching funds, and records supporting maintenance of effort. Such records shall be kept (1) for 3 years after the close of the fiscal year in which the expenditure was liquidated, (2) until notification that such records are not needed for program administrative review, or (3) until notification of the completion of the Federal fiscal audit, whichever is the latest.

(b) *Questioned expenditures.* The records pertaining to any claim or expenditure which has been questioned at the time of audit shall be maintained until necessary adjustments have been reviewed and cleared by the Department of Health, Education, and Welfare.

§ 166.41 Eligible costs.

To the extent that they are reasonably necessary for and attributable to carrying out the State plan, the eligible costs may at the discretion of the State agency include the following:

(a) Salaries of the professional and clerical staff, including all amounts deducted or withheld as contributions to retirement, health, or other welfare benefit funds maintained for such staff;

(b) Employer's contribution to retirement, health, workmen's compensation, and other welfare funds maintained for employees. For employees of the State agency, the retirement fund contributions may be computed in conformity with State laws or regulations governing the State's share of such contribution;

(c) Fees and approved expenses of consultants and other persons or groups acting in an advisory capacity;

(d) Expenses connected with committees, workshops, and conferences;

(e) Travel expenses of staff and consultants thereto, in accordance with established appropriate State, local, or institutional travel regulations and limitations;

(f) Communications costs;

(g) Supplies, printing, and printed materials, including processed instructional films;

(h) Rental of, or, where economically justified, purchase of office and program equipment;

(i) Rental of space (including the cost of utilities and custodial services) if: The cost does not exceed comparable rental on a square foot basis in the particular locality for the period of occupancy; the expenditures represent an actual cost; and like charges are made to other agencies occupying similar space for similar purposes. Rental for space in any building to the extent constructed with funds obtained from the Federal Government or with funds expended for matching purposes under any Federal program is not an allowable cost beyond the cost of utilities and custodial services;

(j) Minor remodeling of space in publicly owned buildings to the extent that such costs are not included in rental; and

(k) Utilities and custodial services to the extent not included in any other item of this section.

§ 166.42 Effect of Federal payments.

Neither the approval of the State plan, the issuance of a Letter of Credit, the approval of withdrawals thereunder, nor the making of any direct payments to the State shall be deemed to waive the right or duty of the Commissioner to withhold funds by reason of the failure of the State to observe any Federal requirements set out in the Act or regulations related thereto or any other relevant Federal Act or Order, either before or after such administrative action respecting payment.

§ 166.43 Noncompliance.

If the Commissioner finds, after reasonable notice and opportunity for hearing to the State agency administering a State plan approved under the Act, that the State plan has been so changed that it no longer complies with the applicable requirements of the Act or that in the administration of the plan there is a failure to comply substantially with the provisions required to be included in the plan, he will notify such State agency that further payments will not be made to the State under the Act (or, in his discretion, that further payments will not be made with respect to the program under or portions of the State plan affected by such failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to such State for carrying out such State plan (or further payments will be limited to programs under or portions of the plan not affected by such failure).

§ 166.44 Right to hearing and judicial review.

(a) *Hearing.* The Commissioner will not finally disapprove any State plan submitted under the Act, or any modification thereof, without first affording the State submitting the plan reasonable notice and opportunity for a hearing.

(b) *Judicial review.* If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan or with respect to his final action under section 308(a) of the Act, such State shall have the rights of appeal set out in section 308(b) of the Act.

§ 166.45 Termination of program.

If a State desires at any time not to participate in the program, or upon termination of the program, the State shall refund to the U.S. Office of Education any unexpended or unobligated funds which have been paid to the State agency under this Act.

§ 166.46 Transition provisions.

A State plan approved under Title II–B of the Economic Opportunity Act of 1964 (P.L. 88–452) remains in effect through May 15, 1967, unless, prior to that date, a State plan is approved under the regulations in this part or termination date has been extended by the Commissioner for good cause shown in an application therefor by the State agency. After such effective termination date, in order for a State to continue to receive payments under the Act, the State plan must have been revised so as to be in conformity with the regulations in this part and approved by the Commissioner.

§ 166.47 Reports.

(a) A description of the program to be undertaken under the State plan and an estimate of amounts to be expended by the State and its political subdivisions, to be submitted annually;

(b) A certification that expenditures by the State and its political subdivisions for basic educational programs for adults, from non-Federal sources, during the fiscal year for which application is made, will be not less than the amount expended for such purposes from such sources during the preceding fiscal year;

(c) A detailed statement describing the operation of each program, to be submitted immediately upon approval of said program by the State agency;

(d) An annual report to be submitted at the end of each fiscal year, describing the activities, by category, carried out under the State plan and indicating the expenditures from both Federal and non-Federal sources therefor;

(e) An annual report containing an evaluation of the State plan program in terms of the plan provisions and program objectives;

(f) A copy of any independent evaluations of the State plan, its program and objectives, or of any other nature, if obtained by any State, State agency or institution; and

(g) Any other reports containing such information in such form as the Commissioner may, from time to time, require in order to carry out his functions under the Act.

§ 166.48 Patents and copyrights.

(a) Any material of a copyrightable nature produced through a project with financial assistance under the Act shall be subject to the copyright policy of the U.S. Office of Education in effect at the time of project approval.

(b) Any material of a patentable nature produced through a project with financial assistance under the Act shall be subject to the provisions of Parts 6 and 8 of this title which shall be incorporated into the terms and conditions of any approved project.

Subpart D—Grants for Special Experimental Demonstration Projects and for Teacher-Training Projects

§ 166.60 Applicability.

The regulations in this subpart apply to special experimental demonstration project grants (special project grants) and teacher-training grants made by the Commissioner under section 309 (b) and (c) pursuant to his authority under section 309(a) of the Act. The Commissioner is also authorized to provide teacher training (directly or by contract) under section 309(c).

§ 166.61 Special projects.

Special project grants may be made by the Commissioner to eligible applicants in order to further the purpose of the Act (See section 302) where such project will (a) involve the use of innovative methods, systems, materials, or programs which the Commissioner determines may have national significance or be of special value in promoting effective projects under the Act, or (b) will involve programs of adult education, carried out in cooperation with other Federal, federally assisted, State, or local programs which the Commissioner determines have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with basic educational deficiencies.

§ 166.62 Teacher-training projects.

(a) Teacher-training grants may be made by the Commissioner to eligible applicants in order to provide training to persons engaged, or preparing to engage, as personnel in adult education programs designed to carry out the purposes of the Act (section 302).

(b) Such teacher-training projects must have a minimum continuous duration of at least 2 weeks and shall last no longer than 1 calendar year. For purposes of this subpart, a week shall consist of 1 calendar week, commencing on any day of the week, which shall include a minimum of 5 days of instruction. Individuals, who receive stipends under such project, may not be charged tuition or any other fees or charges. (See also § 166.67(c).)

§ 166.63 Applicants.

(a) *Special projects.* Any local educational agency or other public or private nonprofit agency, including an educational television station, is eligible to submit an application.

(b) *Teacher-training projects.* Any college or university, State or local educational agency, or other appropriate public or private nonprofit agency or organization is eligible to submit an application.

(c) *Ineligible applicants.* The following are not eligible: (1) Individuals; (2) any agency, institution, or organization whose net earnings lawfully inure or may inure to the benefit of any individual; or (3) any "school or department of divinity" as defined in section 313 of the Act.

§ 166.64 Application procedures.

(a) *General.* Any eligible applicant may submit an application to undertake either a special project or a teacher-training project, or both. A separate application must be submitted for each type of proposed project. The application must be filed on forms supplied by the Commissioner and executed by the applicant, or an official of the applicant, duly authorized to make such application. A certified copy of the authorization to submit the proposal shall be made a part of each application. The Commissioner may establish and announce "cut-off dates" for the receipt of applications where he deems it necessary for the efficient administration of the program.

(b) *Project description.* The application shall describe the nature, duration, purpose, and plan of the proposed project; the qualifications of the project director and of the professional personnel who will be involved in the project; the facilities and resources that will be made available; a justification of the amount of Federal funds requested; the portion of the cost of the project proposed to be contributed by the applicant and any other information and assurances as the Commissioner may require.

(c) *Administrative information.* The application shall contain the following: The name of the official authorized to submit the application; the name of the individual or official who will be responsible for carrying out the project; the individual or official to whom communications shall be directed; the individual or official who shall be responsible for the receipt and disbursement of Federal funds; and, where appropriate, the individual or official who shall have ultimate responsibility for the accounting of such Federal funds.

(d) *Fiscal information.* The application shall state the accounting basis (cash, accrual, or obligation) used by the applicant and, where appropriate, the applicable State or local laws requiring or establishing such accounting procedure. Where the applicant does not operate on the cash system, the application shall contain a statement indicating when, under its accounting system, an expenditure is deemed to have been incurred.

§ 166.65 Evaluation of applications.

Applications will be evaluated on the basis of criteria set forth in § 166.66(a) (special projects) and § 166.66(b) (teacher-training projects). On the basis of his evaluation, the Commissioner may approve the application for negotiation in whole or in part, or disapprove it, and will notify the applicant accordingly. Subsequent to such negotiation, a grant agreement will be entered into, which agreement will set forth the terms and conditions upon which the grant is made. If an applicant wishes to have an application reconsidered for approval during a subsequent fiscal year, the application must be resubmitted.

§ 166.66 Criteria.

(a) *Special projects.* In evaluating applications for special projects, the Commissioner will give consideration to such factors as:

(1) Whether and to what extent the project involves the use of innovative methods, systems, materials, or programs which may have national significance or be of special value in promoting effective programs to encourage and expand basic education for adults to enable them to overcome English language limitations, to improve their basic education in preparation for occupational training and more profitable employment, and to become more productive and responsible citizens;

(2) Whether and to what extent the project is to be carried out in cooperation with other Federal, federally assisted, State or local programs which have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with basic educational deficiencies;

(3) Whether and to what extent the project has unusual promise in establishing or improving instruction in speaking, reading, or writing the English language at the eighth grade level or below;

(4) Whether and to what extent the project is related to and is carried out in conjunction with a teacher-training project in adult education;

(5) Whether and to what extent the applicant proposes to make periodic, systematic and objective reviews and evaluations in order to determine the status and progress of the project in terms of its overall objective;

(6) Whether and to what extent there will be effective administration and supervision to assure efficient and economical operation;

(7) Whether and to what extent the project is soundly designed and has educational significance; the project will utilize competent and adequate personnel, both professional and administrative; the applicant has and will make available adequate facilities to insure successful carrying out of the project; and

(8) Whether and to what extent the project will result in the development of new materials and methods which may be of value in increasing the effectiveness of basic educational programs for adults.

(b) *Teacher-training projects.* In evaluating applications for teacher-training projects, the Commissioner will give consideration to such factors as:

(1) Whether and to what extent the teacher-training project will include training in the utilization of innovative methods, systems, materials, or programs;

(2) Whether and to what extent the teacher-training project will meet local needs;

(3) Whether and to what extent the teacher-training project can be expected to meet needs for teachers of adult basic

education beyond the geographic region in which the applicant is located;

(4) Whether and to what extent the applicant proposes to make periodic, systematic and objective reviews and evaluations of the teacher-training project;

(5) Whether and to what extent the teacher-training project is related to and carried out in conjunction with a special project under this Act;

(6) Whether and to what extent the teacher-training project is coordinated with the adult basic education program being sponsored under the State plan of the State in which the applicant is located or of any other State from which trainees are drawn or to which trainees may be expected to return;

(7) Whether and to what extent the teacher-training project is soundly designed and has educational significance; the project will utilize competent and adequate personnel, both professional and administrative; the applicant has and will make available adequate facilities to insure successful operation of the proposed teacher-training project; and

(8) Whether and to what extent there will be effective administration and supervision to assure efficient and economical operation.

§ 166.67 Federal financial participation.

(a) *General.* The maximum amount of Federal financial participation in any project will be set out in the grant agreement.

(b) *Special projects.* Recipients of special project grants will be required, whenever feasible, to contribute an amount equal to at least 10 percent of the cost of the project. The amount of such required non-Federal contribution will be stated in the grant agreement and will be determined on the basis of the resources of the institution, the size and scope of the project, the national significance of the project and any other factors bearing on either the value of the project or the ability of the grant recipient to contribute to such project which the Commissioner may determine to be relevant.

(c) *Teacher-training projects—payments to recipients.* Recipients of teacher-training grants will be entitled to receive for purposes of payment to individual trainees enrolled in the full-time program:

(1) The sum of $75 per week (as defined in § 166.62) in the case of a training project lasting no longer than 8 weeks, and an amount to be fixed by the Commissioner in the case of a training project lasting longer than 8 weeks;

(2) The sum of $15 per week for each dependent of a trainee. For purposes of this subpart, a dependent shall be deemed to be an individual who receives or is treated for Federal income tax purposes as having received one-half or more of his support from the trainee and is either (i) his sopuse or (ii) a person for whom the trainee received a dependency allowance for Federal income tax purposes under section 152 of the Internal Revenue Code of 1954;

(3) One travel allowance for each trainee for domestic travel at the lowest class air fare available, from his place of residence to the institution and return, provided his residence is in excess of 50 miles from the institution. No per diem or subsistence payments will be allowed; no travel allowance will be made for dependents; and

(4) Any amounts received under any other Federal program shall be set off against the amount which a trainee would otherwise be eligible to receive under this program. A trainee shall not be precluded from receiving a loan under any Federal loan program and no deduction of such loan from the payment to a trainee is permitted.

§ 166.68 Effective date of approved project.

Federal financial participation is available only with respect to amounts expended under an approved project. The effective date of the grant will be set forth in the grant agreement, but in no event shall such effective date precede the date on which the application was received by the Commissioner.

§ 166.69 Payment procedure.

Federal payment may be made either in advance or by way of reimbursement, to be determined consistent with the nature of the activities and the services involved in the project, and in accordance with the terms and conditions of the grant agreement. Ten percent of the grant amount shall be withheld pending receipt of the final program and fiscal reports. (See § 166.78 (a) and (b).)

§ 166.70 Effect of Federal payments.

Neither the approval of the project proposal nor any payment to the grantee shall be deemed to waive the right or duty of the Commissioner to withhold or recover funds by reason of the failure of the grantee to observe any of the requirements of the Act, the regulations in this part, or the grant agreement.

§ 166.71 Fiscal and auditing procedures.

(a) *Fiscal procedures.* Each grantee receiving Federal funds for an approved project shall provide for such fiscal control and fund accounting procedures as are necessary to assure proper disbursement of, and accounting for, the Federal funds paid to it and the non-Federal contribution. Accounts and supporting documents relating to project expenditures shall be adequate to permit an accurate and expeditious audit.

(b) *Auditing procedures.* Each grantee shall make appropriate provision for the auditing of project expenditure records. Such records and audit reports shall be available to auditors of the Federal Government.

§ 166.72 Adjustments.

Each grantee shall, in maintaining program expenditure accounts, records, and reports, make any necessary adjustments to reflect refunds, credits, underpayments, or overpayments, as well as any adjustments resulting from Federal or local administrative reviews and audits. Such adjustments shall be set forth in the financial reports filed with the Commissioner.

§ 166.73 Interest on Federal funds.

In the event that any interest is earned on Federal funds, such interest shall be refunded to the Office of Education.

§ 166.74 Eligible costs.

To the extent that they are reasonably necessary for and attributable to carrying out the project, eligible costs may, at the discretion of the grantee, include the following:

(a) *Direct costs.* (1) Salaries of the professional and clerical staff, including all amounts deducted or withheld as contributions to retirement, health, or other welfare benefit funds maintained for such staff;

(2) Employer's contributions to retirement, health, workmen's compensation, and other welfare funds maintained for employees of the grantee;

(3) Fees and approved expenses of consultants and other persons or groups acting in an advisory capacity;

(4) Travel expenses of staff and consultants thereto, in accordance with established appropriate State, local or institutional travel regulations and limitations;

(5) Communications costs;

(6) Supplies, printing, and printed materials;

(7) Rental of, or, where economically justified, purchase of office and program equipment;

(8) Rental of space (including the cost of utilities and custodial services) if: The cost does not exceed comparable rental on a square foot basis in the particular locality for the period of occupancy; the expenditures represent an actual cost; and, like charges are made to other agencies occupying similar space for similar purposes. Rental for space in any building to the extent constructed with funds obtained from the Federal Government or with funds expended for matching purposes under any Federal program is not an allowable cost beyond the cost of utilities and custodial services;

(9) Minor remodeling of space in publicly owned buildings to the extent that such costs are not included in rental;

(10) Utilities and custodial services to the extent not included in any other item of this section; and

(11) In the case of teacher-training grants, fees required to be paid by all students (exclusive of tuition), provided that no part of such fees is to be applied to a building fund, or to the reduction of an institutional construction debt.

(b) *Indirect costs.* Indirect costs, if any, will be determined on the basis of negotiation in accordance with prevailing policies in effect at the time the grant is made.

§ 166.75 Proration of costs.

Federal financial participation is available only with respect to that portion of any eligible costs as defined in § 166.74 attributable to a project approved under this Subpart D. Where salaries and wages are prorated the grantee must document the time spent in carrying out activities related to the project and the percentage of time spent on each nonrelated activity. Each grantee shall maintain records documented on an after-the-fact basis to substantiate the proration of expenditures for applicable items such as salaries, travel, rental, supplies, and equipment.

§ 166.76 Retention of records.

(a) *General rule.* Each grantee shall provide for keeping accessible and intact all records pertaining to the expenditure of the Federal grant and the non-Federal contribution: (1) For 3 years after the close of the fiscal year in which the expenditure was liquidated, (2) until the grantee is notified that such records are not needed for program administrative review, or (3) until the grantee is notified of the completion of the Federal fiscal audit, whichever is the latest.

(b) *Questioned expenditures.* The records pertaining to any claim or expenditure which has been questioned at the time of audit shall be maintained until necessary adjustments have been reviewed and cleared by the Department of Health, Education, and Welfare.

§ 166.77 Disposition of equipment.

(a) Whenever items of equipment, each initially costing $100 or more, in which cost the Federal Government has participated are sold or no longer used for the purpose authorized by the Act, the Federal Government shall be credited with its proportionate share of the value of such equipment, the value being determined on the basis of the sale price in the case of a bona fide sale or on the fair market value in the case of discontinuance of use or diversion for other than a purpose authorized under the Act.

(b) Inventories and records are required to be kept for all items of equipment referred to in paragraph (a) of this section. The grantee is responsible for having available information sufficient for a determination of whether such equipment continues to be used for a purpose provided for under the Act.

§ 166.78 Reports.

The grantee shall submit the following reports:

(a) A report to be submitted at the conclusion of the project, or, if continuing, at the end of each fiscal year, describing the activities conducted under the project;

(b) A final fiscal report of expenditures incurred under the project containing such information as the Commissioner may require;

(c) A report to be submitted at the conclusion of the project, or, if continuing, at the end of each fiscal year, containing an evaluation of the project in terms of the program objectives;

(d) A copy of any independent evaluations of the project, its operation and objectives, or of any other nature, if obtained; and

(e) Any other reports containing such information in such form as the Commissioner may, from time to time, require in order to carry out his functions under the Act.

§ 166.79 Patents and copyrights.

(a) Any material of a copyrightable nature produced through a project with financial assistance under the Act shall be subject to the copyright policy of the U.S. Office of Education in effect at the time of project approval.

(b) Any material of a patentable nature produced through a project with financial assistance under the Act shall be subject to the provisions of Parts 6 and 8 of this title which are hereby incorporated into the terms and conditions of any approved project.

[SEAL] HAROLD HOWE II,
U.S. Commissioner of Education.

Approved: April 15, 1967.

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

[F.R. Doc. 67-4442; Filed, Apr. 20, 1967; 8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 67-434]

PART 0—COMMISSION ORGANIZATION

Delegations of Authority to Chief, CATV Task Force

This action is taken at a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 12th day of April 1967.

The Commission notes that it has received uncontested requests for waiver of § 74.1103 of the Commission's rules from CATV operators which do not indicate that the CATV operators have received § 74.1103 requests from television licensees. These requests are premature and we are amending § 0.289 of the rules in order to delegate authority to the Chief, CATV Task Force, to dismiss premature requests for waiver of § 74.1103 of the rules.

This amendment relates to internal Commission organization and practice so that the prior notice provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 1003, do not apply and the amendment can be made effective immediately. Authority for the promulgation of this amendment is contained in sections 4(i), 5 (b) and (d), and 303(r) of the Communications Act of 1934, as amended.

Accordingly, it is ordered, Effective April 21, 1967, that Part 0 of the rules and regulations is amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Released: April 18, 1967.

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

In Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, § 0.289(c)(10) is added, to read as follows:

§ 0.289 Authority delegated.

* * * * *

(c) * * *

(10) To dismiss premature requests for waivers of the Commission's rules.

[F.R. Doc. 67-4424; Filed, Apr. 20, 1967; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 52]

ORANGE JUICE FROM CONCENTRATE

Standards for Grades; Supplemental Notice [1]

A proposal to issue U.S. Standards for Grades of Orange Juice from Concentrate was published in the FEDERAL REGISTER of December 2, 1966 (31 F.R. 15151). After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice, and the data, views, and arguments submitted by interested parties, it now appears that certain major changes not contemplated in the original proposal are necessary and it is determined that interested persons should be afforded additional opportunity to submit written data, views, or arguments with respect thereto.

Therefore, notice is hereby given of a second and revised proposal for issuing U.S. Standards for Grades of Orange Juice from Concentrate pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627). These standards, if made effective, will be the first issue by the Department of grade standards for this product as now defined in the standards of identity (21 CFR 27.111) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

Statement of consideration leading to this notice of a second proposed issuance of grade standards. Comments, opinions, objections, and data submitted by interested persons in connection with the aforementioned publication of December 2, 1966, divulged wide differences of opinion concerning appropriate limits for Brix, soluble orange juice solids, and Brix-acid ratios for the various styles and grade levels. There appears to be strong differences of opinion regarding such limits for juices which have been adjusted with sweeteners.

While the revised proposal does not reconcile all divergent views, all have been carefully considered. The communications received appear, in general, to justify substantive changes in the flavor requirements as originally proposed.

The revised proposal contains the following major changes from the proposal of December 2, 1966.

(1) The minimum percent by weight requirements for soluble orange juice solids are the same for all grades and all styles—whether sweeteners have been added or not.

(2) The minimum Brix—acid ratios for U.S. Grade A—both with sweeteners and without sweeteners—are proposed at 12 to 1; except that the requirement for juice produced from California and/or Arizona fruit would remain at 11 to 1.

(3) The minimum Brix—acid ratio for all U.S. Grade B juice is now proposed at 10 to 1.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same in duplicate, not later than June 1, 1967, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (17 CFR 1.27(b)).

The proposed standards are:

PRODUCT DESCRIPTION, STYLES, AND GRADES

AUTHORITY: The provisions of this subpart issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.5681 Product description.

Orange juice from concentrate is the product defined in the standards of identity (21 CFR 27.111) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.5682 Styles.

(a) Without sweetener.
(b) With sweetener.

§ 52.5683 Grades.

(a) "U.S. Grade A" (or U.S. Fancy) is the quality of orange juice from concentrate that: (1) Shows no coagulation or no material separation and possesses the appearance of fresh orange juice, (2) has a very good color, (3) is practically free from defects, (4) possesses a very good flavor, and (5) scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or U.S. Choice) is the quality of orange juice from concentrate that: (1) Shows no coagulation but may show some separation and possesses the appearance of fresh orange juice, (2) has a good color, (3) is reasonably free from defects, (4) possesses a good flavor, and (5) scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of orange juice from concentrate that fails to meet the requirements of U.S. Grade B.

FILL OF CONTAINER

§ 52.5684 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that the container be as full of orange juice as practicable.

FACTORS OF QUALITY

§ 52.5685 Ascertaining the grade of a sample unit.

(a) *General.* The grade of a sample unit of orange juice from concentrate is ascertained by considering the degree of any coagulation and separation, and the appearance of the product as compared to fresh juice, which are not scored; the ratings for the factors of color, defects, and flavor which are scored; the total score; and the limiting rules which may be applicable.

(b) *Factors rated by score points.* The relative importance of each scoring factor is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	*Points*
Color	40
Defects	20
Flavor	40
Total score	100

§ 52.5686 Ascertaining the rating for the factors which are scored

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

§ 52.5687 Color.

(a) *Evaluation of color.* (1) The color of orange juice from concentrate, where applicable, is evaluated by comparing the color of the product with the USDA Orange Juice Color Standards so that these color standards become points of reference.

(2) Such comparison is made under an artificial light source of approximately 150 candela intensity and having a spectral quality approximating that of daylight under a moderately overcast sky and a color temperature of 7,500 degrees Kelvin, ±200 degrees.

(3) The USDA Orange Juice Color Standards range from yellow-orange to yellow color, with USDA OJ1 being the most orange color in the series.

(b) *Procedure in evaluating color.* (1) Place the juice in a clear glass test tube of 1-inch diameter.

(2) Arrange color standards in a test tube rack or similar device so that light coming from above strikes the standards at a 45 degree angle. The standards are inclined at a 45 degree angle against a neutral grey background. Observe the standards and product at right angles to the tubes.

(3) Classify the juice by inserting the tube of juice where it best fits in the series of color standards. Orange juice differing in color and brightness from the most nearly matching USDA Orange Juice Color Standard is evaluated by considering the amount of difference and its effect on the total appearance of the juice.

(c) *Availability of color standards.* The USDA Orange Juice Color Standards cited in this section are official color standards which may also be applied to other orange juices. Information regarding these color standards, and their availability, may be obtained from:

Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(d) (*A*) *Classification.* Orange juice from concentrate that has a very good color may be given a score of 36 to 40 points. "Very good color" means a very good yellow to yellow-orange color that is bright and typical of fresh orange juice. Orange juice from concentrate that meets this criterion may be assigned score points in accordance with the following schedule:

As compared with USDA Orange Juice Color Standards:	*Score (points)*
Equal to or better than USDA OJ 2	40
Equal to or better than USDA OJ 3	39
Much better than USDA OJ 4	38
Equal to or slightly better than USDA OJ 4	37
Equal to or better than USDA OJ 5	36

(e) (*B*) *Classification.* If the juice possesses a good color, a score of 32 to 35 points may be given. Orange juice from concentrate that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Good color" means that the color is the yellow to yellow-orange color typical of fresh orange juice which may be dull but is not off color for any reason. Orange juice from concentrate that meets this criterion may be assigned score points in accordance with the following schedule:

As compared with USDA Orange Juice Color Standards:	*Score (points)*
Better than USDA OJ 6 but not as good as USDA OJ 5	35
Equal to USDA OJ 6	34
Not as good as USDA OJ 6	33 or 32

(f) (*SStd.*) *Classification.* If the juice fails to meet the requirements of paragraph (e) of this section a score of 0 to 31 points may be given. Orange juice from concentrate that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.5688 Defects.

(a) *General.* The factor of defects concerns the degree of freedom from small seeds and portions thereof; from discolored specks, harmless extraneous material, and other similar defects; from recoverable oil; and from juice sacs and particles of membrane, core, and peel in excess of that normally present in orange juice.

(b) *Definitions.* (1) "Small seeds and portions thereof" means seed, whether fully developed or not, and particles of seed that could pass readily through round perforations one-eighth inch (3.2 mm.) in diameter.

(2) "Recoverable oil" means oil recoverable by the method outlined in this subpart.

(c) (*A*) *Classification.* Orange juice from concentrate that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that any combination of defects present may no more than slightly detract from the appearance or drinking quality of the juice, and that there may be present not more than 0.030 percent by volume of recoverable oil.

(d) (*B*) *Classification.* If the juice is reasonably free from defects, a score of 16 or 17 points may be given. Orange juice from concentrate that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that any combination of defects present may not seriously detract from the appearance or drinking quality of the juice, and that there may be present not more than 0.040 percent by volume of recoverable oil.

(e) (*SStd.*) *Classification.* Orange juice from concentrate that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.5689 Flavor.

(a) (*A*) *Classification.* Orange juice from concentrate that possesses a very good flavor may be given a score of 36 to 40 points. "Very good flavor" means that the flavor is fine, distinct, and substantially typical of orange juice extracted from fresh, mature sweet oranges; is free from off flavors of any kind; and meets the following requirements:

(1) *Without sweetener style*—(i) *Brix.* Not less than 11.8 degrees.

(ii) *Brix—acid ratio.* Not less than 12:1 nor more than 19.5:1 except that when produced solely or predominantly from fruit grown in California or Arizona the Brix-acid ratio may be not less than 11 to 1 nor more than 17 to 1.

(2) *With sweetener style*—(i) *Soluble orange juice solids.* Not less than 11.8 percent, by weight, of the sweetened product.

(ii) *Brix—acid ratio.* Not less than 12:1 nor more than 19.5:1.

(b) (*B*) *Classification.* If the orange juice from concentrate possesses a good flavor a score of 32 to 35 points may be given. Orange juice from concentrate that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Good flavor" means that the flavor is fairly typical of orange juice extracted from fresh, mature sweet oranges; is free from off flavors of any kind; and meets the following requirements:

(1) *Without sweetener style*—(i) *Brix.* Not less than 11.8 degrees.

(ii) *Brix—acid ratio.* Not less than 10.5:1, nor more than 22:1.

(2) *With sweetener style*—(i) *Soluble orange juice solids.* Not less than 11.8 percent, by weight, of the sweetened product.

(ii) *Brix—acid ratio.* Not less than 10.5:1 nor more than 22:1.

(c) (*SStd.*) *Classification.* If the orange juice fails to meet the requirements of paragraph (b) of this section a score of 0 to 31 points may be given. Orange juice from concentrate that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSIS

§ 52.5690 Definitions of terms and methods of analysis.

(a) *Brix.* "Brix" means the degrees Brix of orange juice from concentrate when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.) and to which any applicable temperature correction has been made. The degrees Brix may be determined by any other method which gives equivalent results.

(b) *Acid.* "Acid" means the grams of total acidity, calculated as anhydrous citric acid, per 100 ml. of juice. Total acidity is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator.

(c) *Brix-acid ratio.* "Brix-acid ratio" means the ratio between the Brix and the acid as defined in this section.

(d) *Recoverable oil.* "Recoverable oil" is determined by the following methods:

(1) *Equipment.* (i) Oil separatory trap similar to either of those illustrated in Figure 1 or Figure 2.[2]

(ii) Gas burner or hot plate;

(iii) Ringstand and clamps;

(iv) Rubber tubing;

(v) Three-liter narrow-neck flask.

[2] Figures 1 and 2 filed as part of original document.

(2) *Procedure.* (i) Place exactly 2 liters of juice in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from bottom to top, and bring the juice to a boil. Continue boiling for 1 hour at the rate of approximately 50 drops per minute.

(ii) By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

(iii) The number of milliliters of oil recovered divided by 20 equals the percent by volume of recoverable oil.

LOT COMPLIANCE

§ 52.5691 Ascertaining the grade of a lot.

The grade of a lot of orange juice from concentrate covered by these standards is determined by the procedures set forth in the regulations governing inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.5692 Score sheet for orange juice from concentrate.

Size and kind of container			----
Container mark (packages)			----
or			
Identification (cases)			----
Label (including ingredient statement, if any)			----
Liquid measure (fluid ounces)			----
Style			----
Brix (degrees)			----
Acid (grams/100 ml.; calculated as anhydrous citric acid)			----
Brix-acid ratio ( )			----
Recoverable oil (% by volume)			----
Degree of coagulation	( ) None		----
	( ) Slight		----
	( ) Serious		----
Factors		**Score points**	
Color	40	(A) 36–40; (B) [1] 32–35; (SStd.) [1] 0–31	
Defects	20	(A) 18–20; (B) [1] 16–17; (SStd.) [1] 0–15	
Flavor	40	(A) 36–40; (B) [1] 32–35; (SStd.) [1] 0–31	
Total score	100		----
Grade			----

[1] Indicates limiting rule.

Dated: April 18, 1967.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 67-4439; Filed, Apr. 20, 1967; 8:49 a.m.]

[7 CFR Part 52]

PASTEURIZED ORANGE JUICE

Standards for Grades; Supplemental Notice [1]

A proposal to issue U.S. Standards for Grades of Pasteurized Orange Juice was published in the FEDERAL REGISTER of December 2, 1966 (31 F.R. 15149). After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice, and the data, views and arguments submitted by interested parties, it now appears that certain major changes not contemplated in the original proposal are necessary and it is determined that interested persons should be afforded additional opportunity to submit written data, views, or arguments with respect thereto.

Therefore, notice is hereby given of a second and revised proposal for issuing U.S. Standards for Grades of Pasteurized Orange Juice pursuant to the authority contained in the Agricultural Marketing Act of 1946 (secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627). These standards, if made effective, will be the first issue by the Department of grade standards for this product as now defined in the standards of identity (21 CFR 27.107) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

Statement of consideration leading to this notice of a second proposed issuance of grade standards. Comments, opinions, objections, and data submitted by interested persons in connection with the aforementioned publication of December 2, 1966, divulged wide differences of opinion concerning appropriate limits for Brix, soluble orange juice solids, and Brix-acid ratios for the various styles and grade levels. There appears to be strong differences of opinion regarding such limits for juices which have been adjusted with sweeteners.

While the revised proposal does not reconcile all divergent views, all have been carefully considered. The communications received appear, in general, to justify substantive changes in the flavor requirements as originally proposed.

The revised proposal contains the following major changes from those proposed on December 2, 1966:

(1) In U.S. Grade A, the minimum content of soluble orange juice solids is proposed at 11 percent of the weight of the finished product—whether unsweetened or with sweetener.

(2) In U.S. Grade A the minimum Brix-Acid ratio—whether unsweetened or with sweetener—is now proposed at 12 to 1; except that the unsweetened product produced from California and/or Arizona fruit would remain at 11 to 1.

(3) In U.S. Grade B the minimum content of soluble orange juice solids is now proposed at 10.5 percent by weight—whether unsweetened or with sweetener.

(4) The minimum Brix-acid ratio for all U.S. Grade B juice is now proposed at 10 to 1.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same in duplicate, not later than June 1, 1967, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed standards are:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.5641 Product description.
52.5642 Styles.
52.5643 Grades.

FILL OF CONTAINER

52.5644 Recommended fill of container.

FACTORS OF QUALITY

52.5645 Ascertaining the grade of a sample unit.
52.5646 Ascertaining the rating for the factors which are scored.
52.5647 Color.
52.5648 Defects.
52.5649 Flavor.

EXPLANATIONS AND METHODS OF ANALYSIS

52.5650 Definitions of terms and methods of analysis.

LOT COMPLIANCE

52.5651 Ascertaining the grade of a lot.

SCORE SHEET

52.5652 Score sheet for pasteurized orange juice.

AUTHORITY: The provisions of this subpart issued under secs. 202–208, 60 Stat. 1087, as amended; 7 U.S.C. 1621–1627.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.5641 Product description.

Pasteurized orange juice is the product defined in the standards of identity (21 CFR 27.107) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.5642 Styles.

(a) Without sweetener;
(b) With sweetener.

§ 52.5643 Grades.

(a) "U.S. Grade A" (or U.S. Fancy) is the quality of pasteurized orange juice that: (1) Shows no coagulation or no material separation and has the appearance of fresh orange juice, (2) has a very good color, (3) is practically free from defects, (4) possesses a very good flavor, and (5) scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" (or U.S. Choice) is the quality of pasteurized orange juice that: (1) Shows no coagulation but may show some separation and has the appearance of fresh orange juice, (2) has a good color, (3) is reasonably free from defects, (4) possesses a good flavor, and (5) scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of pasteurized orange juice that fails to meet the requirements of U.S. Grade B.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable state laws and regulations.

FILL OF CONTAINER

§ 52.5644 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that the container be as full of orange juice as practicable.

FACTORS OF QUALITY

§ 52.5645 Ascertaining the grade of a sample unit.

(a) *General.* The grade of a sample unit of pasteurized orange juice is ascertained by considering the degree of any coagulation and separation, and the appearance of the product as compared to fresh juice which are not scored; the ratings for the factors of color, defects, and flavor which are scored; the total score; and the limiting rules which may be applicable.

(b) *Factors rated by score points.* The relative importance of each scoring factor is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factor	Points
Color	40
Defects	20
Flavor	40
Total score	150

§ 52.5646 Ascertaining the rating for the factors which are scored.

The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.5647 Color.

(a) *Evaluation of color.* (1) The color of pasteurized orange juice, where applicable, is evaluated by comparing the color of the product with the USDA Orange Juice Color Standards so that these color standards become points of reference.

(2) Such comparison is made under an artificial light source of approximately 150 candela intensity and having a spectral quality approximating that of daylight under a moderately overcast sky and a color temperature of 7,500 degrees Kelvin, ±200 degrees.

(3) The USDA Orange Juice Color Standards range from yellow-orange to yellow color, with USDA OJ 1 being the most orange color in the series.

(b) *Procedure in evaluating color.* (1) Place the juice in a clear glass test tube of 1-inch diameter.

(2) Arrange color standards in a test tube rack or similar device so that light coming from above strikes the standards at a 45 degree angle. The standards are inclined at a 45 degree angle against a neutral grey background. Observe the standards and product at right angles to the tubes.

(3) Classify the juice by inserting the tube of juice where it best fits in the series of color standards. Orange juice differing in color and brightness from the most nearly matching USDA Orange Juice Color Standard is evaluated by considering the amount of difference and its effect on the total appearance of the juice.

(c) *Availability of color standards.* The USDA Orange Juice Color Standards cited in this section are official color standards which may also be applied to other orange juices. Information regarding these color standards, and their availability, may be obtained from:

Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(d) *(A) Classification.* Pasteurized orange juice that has a very good color may be given a score of 36 to 40 points. "Very good color" means a very good yellow to yellow-orange color that is bright and typical of fresh orange juice. Pasteurized orange juice that meets this criterion may be assigned score points in accordance with the following schedule:

As compared with USDA Orange Juice Color Standards:	Score (points)
Equal to or better than USDA OJ 2	40
Equal to or better than USDA OJ 3	39
Much better than USDA OJ 4	38
Equal to or slightly better than USDA OJ 4	37
Equal to or better than USDA OJ 5	36

(e) *(B) Classification.* If the juice has a good color, a score of 32 to 35 points may be given. Pasteurized orange juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Good color" means that the color is the yellow to yellow-orange color typical of fresh orange juice which may be dull but is not off color for any reason. Pasteurized orange juice that meets this criterion may be assigned score points in accordance with the following schedule:

As compared with USDA Orange Juice Color Standards:	Score (points)
Better than USDA OJ 6 but not as good as USDA OJ 5	35
Equal to USDA OJ 6	34
Not as good as USDA OJ 6	33 or 32

(f) *(SStd.) Classification.* If the pasteurized juice fails to meet the requirements of paragraph (e) of this section a score of 0 to 31 points may be given. Pasteurized orange juice that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.5648 Defects.

(a) *General.* The factor of defects concerns the degree of freedom from small seeds and portions thereof; from discolored specks, harmless extraneous material, and other similar defects; from recoverable oil; and from juice sacs and particles of membrane, core, and peel in excess of that normally present in orange juice.

(b) *Definitions.* (1) "Small seeds and portions thereof" means seed, whether fully developed or not, and particles of seed that could pass readily through round perforations one-eight inch (3.2 mm.) in diameter.

(2) "Recoverable oil" means oil recoverable by the method outlined in this subpart.

(c) *(A) Classification.* Pasteurized orange juice that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that any combination of defects present may no more than slightly detract from the appearance or drinking quality of the juice, and that there may be present not more than 0.030 percent by volume of recoverable oil.

(d) *(B) Classification.* If the pasteurized juice is reasonably free from defects, a score of 16 or 17 points may be given. Pasteurized orange juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that any combination of defects present may not seriously detract from the appearance or drinking quality of the juice, and that there may be present not more than 0.040 percent by volume of recoverable oil.

(e) *(SStd.) Classification.* Pasteurized orange juice that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.5649 Flavor.

(a) *(A) Classification.* Pasteurized orange juice that possesses a very good flavor may be given a score of 36 to 40 points. "Very good flavor" means that the flavor is fine, distinct, and substantially typical of orange juice extracted from fresh, mature sweet oranges; is free from off flavors of any kind; and meets the following requirements:

(1) *Without sweetener style—(i) Brix.* Not less than 11 degrees.

(ii) *Brix—acid ratio.* Not less than 12:1 nor more than 19.5:1 except that when produced solely or predominantly from fruit grown in California or Arizona the Brix-acid ratio may be not less than 11 to 1 nor more than 17 to 1.

(2) *With sweetener style—(i) Soluble orange juice solids.* Not less than 11 percent, by weight, of the sweetened product.

(ii) *Brix—acid ratio.* Not less than 12:1 nor more than 19.5:1.

(b) *(B) Classification.* If the pasteurized orange juice possesses a good flavor a score of 32 to 35 points may be given. Pasteurized orange juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Good flavor" means that the flavor is fairly typical of orange juice extracted from fresh, mature sweet oranges; is free from off flavors of any kind; and meets the following requirements:

(1) *Without sweetener style*—(i) *Brix.* Not less than 10.5 degrees.

(ii) *Brix—acid ratio.* Not less than 10:1 nor more than 22:1.

(2) *With sweetener style*—(i) *Soluble orange juice solids.* Not less than 10.5 percent, by weight, of the sweetened product.

(ii) *Brix—acid ratio.* Not less than 10:1 nor more than 22:1.

(c) *(SStd.) Classification.* Pasteurized orange juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSIS

§ 52.5650 Definitions of terms and methods of analysis.

(a) *Brix.* "Brix" means the degrees Brix of pasteurized orange juice when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.) and to which any applicable temperature correction has been made. The degrees Brix of pasteurized orange juice may be determined by any other method which gives equivalent results.

(b) *Acid.* "Acid" means the grams of total acidity, calculated as anhydrous citric acid, per 100 ml. of pasteurized orange juice. Total acidity is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator.

(c) *Brix-acid ratio.* "Brix-acid ratio" means the ratio between the Brix and the acid as defined in this section.

(d) *Recoverable oil.* "Recoverable oil" is determined by the following methods:

(1) *Equipment.* (i) Oil separatory trap similar to either of those illustrated in Figure 1 or Figure 2.[2]

(ii) Gas burner or hot plate;

(iii) Ringstand and clamps;

(iv) Rubber tubing;

(v) Three-liter narrow-neck flask.

(2) *Procedure.* (i) Place exactly 2 liters of juice in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from bottom to top, and bring the juice to a boil. Continue boiling for 1 hour at the rate of approximately 50 drops per minute.

(ii) By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

(iii) The number of milliliters of oil recovered divided by 20 equals the percent by volume of recoverable oil.

LOT COMPLIANCE

§ 52.5651 Ascertaining the grade of a lot.

The grade of a lot of pasteurized orange juice covered by these standards is determined by the procedures set forth in the regulations governing inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.5652 Score sheet for pasteurized orange juice.

Size and kind of container			----
Container mark (packages)			----
or			
Identification (cases)			----
Label (including ingredient statement, if any)			----
Liquid measure (fluid ounces)			----
Style			----
Brix (degrees)			----
Acid (grams/100 ml.; calculated as anhydrous citric acid)			----
Brix-acid ratio ( )			----
Recoverable oil (% by volume)			----
Degree of coagulation	( ) None		----
	( ) Slight		----
	( ) Serious		----
Factors		Score points	
Color	40	(A) 36–40 (B) [1] 32–35 (SStd.) [1] 0–31	
Defects	20	(A) 18–20 (B) [1] 16–17 (SStd.) [1] 0–15	
Flavor	40	(A) 36–40 (B) [1] 32–35 (SStd.) [1] 0–31	
Total score	100		----
Grade			

[1] Indicates limiting rule.

Dated: April 18, 1967.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 67-4440; Filed, Apr. 20, 1967; 8:49 a.m.]

[7 CFR Part 1006]

MILK IN UPPER FLORIDA MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Upper Florida marketing area is being considered for the period of April 1 through August 31, 1967.

The provisions proposed to be suspended are in § 1006.16(b), and are as follows:

1. The language in the introductory text which reads "in any month in which not less than 10 days' production of the producer whose milk is diverted is physically received at a pool plant"; and

2. Subparagraphs (2), (3), and (4) in their entirety.

The proposed suspension would permit unlimited diversion of producer milk to nonpool plants from April through August 1967. Presently, the order limits the quantity of producer milk that may be diverted by a cooperative association to 25 percent of all milk of its member producers physically received at pool plants during the month. The same percentage limitation on the diversion of its producer receipts applies to the operator of a pool plant. Also, the order now requires that at least 10 days' production of an individual producer be delivered to a pool plant if diversion of his milk is to be permitted on other days of the month.

Northeast Florida Milk Producers Association requested the suspension and was supported in its request by Dairy Farmers Mutual. These producer groups represent a majority of the producers on the Upper Florida market. The Northeast Florida Milk Producers Association states that the diversion limitations are causing an extreme hardship on the association and disorderly conditions in the market.

Northeast Florida Milk Producers Association contends that it performs the role of balancing the milk supplies for a major portion of the market. In doing so, substantial quantities of its members' milk, which must currently be disposed of to surplus outlets, will have to be kept out of the pool because of the diversion limitations. This will result in lower returns to the association's members relative to other producers in the market.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on April 18, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-4441; Filed, Apr. 20, 1967; 8:49 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-SW-17]

CONTROL ZONE, TRANSITION AREA, AND REVOCATION OF CONTROL AREA EXTENSION

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the Enid, Okla., control zone and transition area, and which would revoke the control area extension.

The Enid, Okla., control zone described in § 71.171 (32 F.R. 2091) would be altered by deleting "* * * and within 2

[2] Figures 1 and 2 filed as part of original document.

miles each side of the Woodring VOR 011° radial, extending from the 5-mile radius zone to 12 miles north of the VOR; and that airspace within 2 miles each side of the Woodring VOR 191° radial extending from the Woodring Field 5-mile radius zone to 12 miles south of the VOR * * *."

The Enid, Okla., transition area described in Section 71.181 (32 F.R. 2182) would be altered by deleting the last phrase "* * * excluding that airspace within 5 miles each side of a direct line from the Woodring, Okla., VOR to the Gage, Okla., VOR and the Gage transition area."

The Enid, Okla., control area extension presently designated as that airspace bounded on the north by V-190, on the east by V-77, on the south by V-140, on the southwest by V-17 and on the northwest by V-12 would be revoked.

A revised high altitude instrument approach procedure, JAL-135 VOR-2, for Vance AFB has been implemented. This procedure utilizes the Woodring VOR and replaces the two VOR approaches previously used, VOR-1 and VOR-2, each of which necessitated a control zone extension. These extensions are no longer required and the extent of the controlled airspace will be reduced accordingly.

Revocation of the control area extension will remove the corridor which now bisects the existing 5,000-foot transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. 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 Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal Docket will also be available for examination at the Office of the Chief, Air Traffic Division.

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

Issued in Fort Worth, Tex., on April 11, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-4400; Filed, Apr. 20, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SW-5]

TRANSITION AREA

Proposed Supplemental Alteration

On February 14, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 2860) describing the present transition area at Houston, Tex., and which also contained a description of the additional airspace which would be required to accommodate the approach/departure procedures proposed at La Porte Municipal Airport, La Porte, Tex. Mention was made that the additional airspace required would be underlined to denote this change and to avoid a repetition of the lengthy description of the Houston, Tex., transition area; however, the underlining did not appear in the published docket as was anticipated.

To avoid any misunderstanding which may have resulted from the previous publication, pertinent information relative to the proposed alteration of the Houston, Tex., transition area is reiterated in this supplemental notice.

The Houston, Tex., transition area described in § 71.181 (32 F.R. 2200) would be altered by redescribing the 700-foot portion as that airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 29°25'00" N., longitude 95°30'00" W., to latitude 29°30'00" N., longitude 95°32'00" W., to latitude 29°46'00" N., longitude 95°27'00" W., to latitude 29°52'00" N., longitude 95°03'00" W., to latitude 29°40'00" N., longitude 94°57'00" W., to latitude 29°32'00" N., longitude 95°00'00" W., to point of beginning, and that airspace extending upward from 700 feet above the surface within a 4-mile radius of Spaceland Airpark (latitude 29°30'30" N., longitude 95°03'01" W.), within 2 miles each side of the 306° bearing (298° magnetic) from the League City RBN (latitude 29°28'00" N., longitude 94°59'08" W.) extending from the 4-mile radius area to the RBN, and within 2 miles each side of the Houston VORTAC 083° radial (075° magnetic) extending from the VORTAC to 28 miles east of the VORTAC.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. 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.

This official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

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

Issued in Fort Worth, Tex., on April 11, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-4401; Filed, Apr. 20, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 66-EA-101]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Palmer, Mass.

A non-Federal radio beacon was recently commissioned at Palmer, Mass. A new NDB (ADF) instrument approach procedure is predicated on this facility. To provide airspace protection for IFR arrival and departure procedures at Metropolitan Airport, Palmer, Mass., designation of a 700-foot floor transition area will be required.

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

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

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

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of

Palmer, Mass., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by adding the following transition area:

PALMER, MASS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 42°13'25" N., 72°18'45" W., of Metropolitan Airport, Palmer, Mass.; within 2 miles each side of the runway 4 centerline extended from the 5-mile radius area to 9 miles northeast of the end of the runway; within 2 miles each side of the runway 22 centerline extended from the 5-mile radius area to 9 miles southwest of the end of the runway, and within 2 miles each side of the 202° bearing from the Palmer, Mass., RBN, 42°13'26" N., 72°18'47" W., extending from the 5-mile radius area to 8 miles south of the RBN, excluding the portion which coincides with the Chicopee Falls, Mass., transition area.

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

Issued in Jamaica, N.Y. on April 3, 1967.

WAYNE HENDERSHOT,
Acting Director,
Eastern Region.

[F.R. Doc. 67-4402; Filed, Apr. 20, 1967; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 67-100]

TUNA FISH

Tariff-Rate Quota for 1967

APRIL 17, 1967.

Pursuant to the provisions of Item 112.30, Tariff Schedules of the United States, it has been determined that 69,472,200 pounds of tuna may be entered for consumption or withdrawn from warehouse for consumption during the calendar year 1967 at the rate of 12½ per centum ad valorem under Item 112.30. Any such tuna which is entered, or withdrawn from warehouse, for consumption during the current calendar year in excess of this quota will be dutiable at the rate of 25 per centum ad valorem under Item 112.34 of the tariff schedules.

The above quota is based on the U.S. pack of canned tuna during the calendar year 1966, as reported by the U.S. Fish and Wildlife Service.

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

[F.R. Doc. 67-4419; Filed, Apr. 20, 1967; 8:48 a.m.]

[T.D. 67-101; Delegation Order No. 29]

COMMISSIONER OF CUSTOMS AND FIELD OFFICERS

Delegations of Authority

APRIL 17, 1967.

Order of Commissioner of Customs establishing an order of succession of persons to act as Commissioner of Customs in the event of an enemy attack and delegation to Customs field officers of authority vested in the Commissioner of Customs by law or delegation from the Secretary of the Treasury.

By virtue of the authority vested in me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955 (20 F.R. 2875), it is hereby ordered that the following officers of the Bureau of Customs, in the order of succession enumerated, shall, in the event of an enemy attack on the continental United States, act as Commissioner of Customs, during the absence or disability of the Commissioner of Customs, or when there is a vacancy in such office:

1. The Deputy Commissioner of Customs;
2. The Assistant Commissioner of Customs, Office of Administration;
3. The Assistant Commissioner of Customs, Office of Investigations;
4. The Assistant Commissioner of Customs, Office of Operations;
5. The Assistant Commissioner of Customs, Office of Regulations and Rulings;
6. The Regional Commissioner of Customs, Region IV;
7. The Regional Commissioner of Customs, Region II;
8. The Regional Commissioner of Customs, Region I;
9. The Regional Commissioner of Customs, Region III;
10. If none of the above officials is available, the remaining Regional Commissioners of Customs in the order of their appointment as Regional Commissioners of Customs.

By virtue of authority vested in me by said Treasury Department Order No. 129 (Rev. No. 2), and Treasury Department Order No. 165, Revised (T.D. 53654; 19 F.R. 7241), there is hereby delegated to the regional commissioners of customs, district directors of customs, and port directors of customs, in the event of an enemy attack on the continental United States, authority to perform any function of the Commissioner of Customs which is necessary to insure continuous performance of essential functions otherwise assigned to such officers. This delegation of authority will remain in effect until notice has been received from proper authority that it has been terminated.

This order supersedes Customs Delegation Order No. 8, dated April 15, 1955 (T.D. 53781; 20 F.R. 2668). This order in no way affects Customs Delegation Order No. 27, dated November 25, 1966 (T.D. 66-265; 31 F.R. 15098).

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

[F.R. Doc. 67-4420; Filed, Apr. 20, 1967; 8:48 a.m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

SINGLE MANAGER ASSIGNMENT FOR AIRLIFT SERVICE

The Deputy Secretary of Defense approved the following on March 24, 1967:

References:

(a) DoD Directive 1100.9, "Military-Civilian Staffing of Management Positions in the Support Activities," April 24, 1957.

(b) DoD Directive 1100.10, "Control of Manpower Resources in Event of Reorganizations," June 19, 1962.

(c) DoD Directive 4000.19, "Basic Policies and Principles for Interservice Support," March 26, 1960.

(d) DoD Directive 5160.2, "Single Manager Assignment for Airlift Service," December 7, 1956 (canceled herein).

(e) DoD Directive 5160.10, "Single Manager Service Assignment for Ocean Transportation," March 24, 1967.

(f) DoD Directive 5160.12, "Policies for Implementation of Single Manager Assignments," August 10, 1960.

(g) DoD Directive 5160.53, "Single Manager Assignment for Military Traffic, Land Transportation and Common-User Ocean Terminals," March 27, 1967.

(h) DoD Directive 7410.4, "Regulations Governing Individual Fund Operations," March 13, 1967.

(i) DoD Instruction 4410.6, "Uniform Materiel Movement and Issue Priority System (UMMIPS)," August 24, 1966.

(j) DoD Directive 4500.32, "Military Standard Transportation and Movement Procedures (MILSTAMP)," July 7, 1966.

(k) SecDef memorandum, "Mobility Planning and Operations Organization," March 22, 1966.

(l) DoD Instruction 4100.31, "Reports on Single Manager Operations," September 2, 1960.

I. *Purpose.* A. Pursuant to the authority vested in the Secretary of Defense, a Single Manager Service Assignment is hereby directed within the Department of Defense with authority, functions, responsibilities, and relationships as set forth herein.

B. The purposes and objectives of this assignment with respect to DoD airlift are:

1. To eliminate duplication and overlapping of effort between and among military departments, Defense Agencies, and other components of DoD.
2. To improve the effectiveness and economy of airlift service throughout the Department of Defense.
3. To ensure that approved emergency and wartime requirements of the Department of Defense are met.
4. To provide the level of DoD airlift capability and the organization required for 3. above, having due regard to available commercial airlift.
5. To integrate into a single military agency all DoD transport type aircraft engaged in scheduled point-to-point service or aircraft whose operations are susceptible of such scheduling, and such organizational and other transport aircraft as may be specifically designated by the Secretary of Defense.
6. To develop and guide the peacetime employment of airlift services in a manner that will enhance the emergency and wartime airlift capability, achieve greater flexibility and mobility of forces, and increase logistics effectiveness and economy.
7. To procure, control, operate, and administer services related to airlift transportation and, as assigned by the Secretary of Defense, provide services other than transportation.

II. *Cancellation.* This Directive cancels and supersedes reference (d).

III. *Definitions.* For the purpose of this directive, the following definitions, in addition to those set forth in reference

(f) which are relevant to this assignment, will apply:

A. *Administrative Airlift Service.* The airlift service provided by specifically identifiable aircraft assigned to organizations or commands for internal administration.

B. *Airlift Service.* The performance or procurement of air transportation and services incident thereto required for the movement of persons, cargo, and mail.

C. *Airlift Unit.* An organizational unit which provides airlift service or support through the operation of controlled transport aircraft.

D. *Attached Airlift Service.* The airlift service provided to an organization or command by an airlift unit of the Agency attached to that organization or command for operational control.

E. *Channel Traffic.* The movement of personnel and cargo over established worldwide routes, serviced by either scheduled military aircraft or commercial aircraft under contract to and scheduled by the Agency.

F. *Common User Airlift Service.* The airlift service provided on a common basis for all Department of Defense components and, as authorized, for other agencies of the U.S. Government.

G. *CONUS.* The 48 contiguous states and the District of Columbia, excluding Alaska and Hawaii.

H. *Controlled Transport Aircraft.* Transport aircraft designated by the Secretary of Defense for transfer or assignment to the Agency.

I. *DoD Airlift Capability.* The airlift which the Agency is capable of providing for the movement of passengers and cargo through the use of controlled transport aircraft and commercial aircraft.

J. *DoD Components.* For the purposes of this directive, DoD components include the Office of the Secretary of Defense, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, the military departments, the Military Services, and the Defense Agencies.

K. *Military Airlift Command (MAC).* The Single Manager Operating Agency for Airlift Service (herein referred to as the Agency or as MAC).

L. *Military Sea Transportation Service (MSTS).* The Single Manager Operating Agency for Sealift Service (reference (e)).

M. *Military Traffic.* DoD personnel and materiel to be transported.

N. *Military Traffic Management and Terminal Service (MTMTS).* The Single Manager Operating Agency for Military Traffic, Land Transportation and Common User Ocean Terminals.

O. *Organizational Airlift Service.* The airlift service provided by DoD aircraft not assigned to the Agency as specified in subsection V.B., below.

P. *Passenger Groups.* Passenger groups are usually composed of 10 or more travelers; however, this is subject to change based upon traffic management considerations.

Q. *Release Unit of Cargo.* Release unit of cargo for surface shipment is usually 10,000 pounds; however, this is subject to change based upon traffic management considerations.

R. *Special Assignment Airlift.* Those airlift requirements, including JCS-directed/coordinated exercises, which require special consideration due to the number of passengers involved, weight or size of cargo, urgency of movement, sensitivity, or other valid factors which preclude the use of channel airlift.

IV. *Applicability and Scope.* A. The operations of the Single Manager for Airlift Service will be conducted between points in the Continental United States and overseas areas, between and within overseas areas, and within the Continental United States when necessary for reasons of national security, and will include those additional functions specifically outlined herein or subsequently assigned by the Secretary of Defense.

B. The provisions of this directive apply to all components of the Department of Defense.

V. *Composition.* A. The Agency shall be composed of Controlled Transport Aircraft together with personnel facilities, and equipment necessary to support the operation.

B. It is not intended that there be assigned to the Agency transport aircraft in the following categories:

1. Those whose design or configuration limits their employment to specialized tasks.

2. Those required by the military departments for Administrative Airlift Service or Combat Readiness Training.

3. Those whose assignment outside of the Agency is required by overriding military considerations.

VI. *Functions of MAC.* A. Within the mission of MAC, provide transportation planning support to the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, the Military Services, and the Department of Defense agencies in support of the plans of the Joint Chiefs of Staff and other military operations as required.

B. Provide airlift service support to the DoD components as required.

C. Develop, establish, and operate an integrated transportation information data system to support the mission of the Agency.

D. Develop plans to assure the efficient use and control of military-owned and commercial air transportation resources and capabilities made available to the DoD under mobilization or other emergency conditions other than LOGAIR/QUICKTRANS.

E. Based on evaluated requirements submitted by the DoD components, prepare long and short range forecasts of airlift requirements and match them with airlift capabilities. In accordance with procedures established by the OJCS (par. VII.B.1. below), submit requirements and capabilities to the OJCS together with recommendations as appropriate to assure a proper balance.

F. Provide necessary information required by MTMTS or other military commands or activities exercising traffic management functions for the diversion of passenger groups or release unit cargo between modes of transportation or to alternate loading points due to changes in capabilities. However, no diversion is to be made without the concurrence of the shipper Service or agency affected.

G. Cooperate with MTMTS in the performance by MTMTS of analytical studies of all overseas outbound passenger patterns within CONUS.

H. Advise MTMTS and the Military Service representatives of any problems encountered at aerial ports of embarkation which prevent passengers from boarding planes due to incomplete preparation for travel.

I. Maintain and operate a DoD airlift service system within limits approved by the Secretary of Defense to

1. Maintain an adequate emergency readiness position;

2. Carry out realistic training programs;

3. Control, operate and administer government-owned aircraft assigned, and control and administer all other aircraft required for the purpose of providing air transportation service for the movement of personnel, cargo and mail;

4. Provide attached airlift service as required to DoD components;

5. Provide channel traffic and special assignment airlift service as required by DoD user components and, as authorized, for other agencies of the U.S. Government.

a. Between points in CONUS and overseas areas,

b. Between and within overseas areas, and

c. Within CONUS when necessary for reasons of national security or to supplement commercial air carrier service based on determinations of MTMTS; and

6. Provide aeromedical evacuation service within CONUS and between and within overseas areas, consistent with assigned resources.

J. Augment the airlift capacity of the Agency as required to meet requirements by the use of commercial airlift service in peacetime on a basis which will contribute to the sound economic development of an increased modern civil airlift capacity and enhance the ability of civil carriers to operate with maximum effectiveness in support of the military forces in time of war.

K. Procure long-term domestic airlift service for LOGAIR and QUICKTRANS.

L. Procure by contract or otherwise all commercial contract airlift service between CONUS and overseas areas and within and between overseas areas, including both (a) charter service and (b) service on scheduled commercial flights where advance space blocking is necessary. Also, negotiate with scheduled air carriers, as appropriate, the terms and conditions and rates for service on scheduled commercial flights without space block; however, such space on specific flights shall be procured by the DoD user components, except as otherwise agreed between a component and the Agency. In coordination with MTMTS and the user components, expand arrangements for the use of scheduled overseas commercial service, mini-

mizing the need for advanced space blocking, to include all major points of origin and destination for DoD traffic.

M. Prepare recommendations for the design, specifications and equipment of transport aircraft. In collaboration with appropriate Government agencies, make studies, analyses, and recommendations for the improvement of air transportation systems.

N. Determine and advise MTMTS regarding the volume and rate of flow of cargo and passenger traffic that can be received into air terminals. (MTMTS will control the movement of release unit cargo, and passenger groups into these terminals in accordance with provisions of reference (g)). Loading plans and the loading and unloading of cargo and passengers (including patients) shall be the responsibility of MAC utilizing, as appropriate, the advice and participation of the DoD user components when required.

O. Operate a world-wide passenger reservation system for all international travel via MAC transport aircraft and commercial contract airlift. Develop procedures in coordination with DoD components for obtaining reservations for such travel.

P. Operate aerial ports/air terminals (including the processing of traffic) at Air Force installations and operate or arrange for operation at civil airfields serving MAC channels flown by scheduled Agency airlift, except as specifically excluded by the Single Manager for Airlift Service or the Airlift Clearance Authority functions assigned to MTMTS by reference (g) regarding the movement of cargo. Operation of terminals at other installations shall be the responsibility of the host Department unless otherwise agreed between the Department and the Agency.

Q. Select routes and negotiate rates for commercial overseas passenger service other than charter flights. MTMTS will participate with MAC in the selection of routes.

R. Provide MTMTS with necessary reports of tonnage on hand at aerial ports of embarkation in accordance with procedures established by MTMTS in coordination with MAC.

S. Provide MTMTS with concurrent copies of reservation confirmations for overseas air passengers.

T. Advise MTMTS with respect to traffic and documentation irregularities regarding CONUS outbound air cargo.

U. Advise MTMTS of receipt of retrograde air cargo.

V. Provide recoopering, repacking, marking, and similar services as required for cargo in transit.

W. Maintain on a current basis and provide to MTMTS a listing of supplemental carriers approved for contract (charter) domestic military passenger operations based on the results of capability and related surveys.

X. Act as a central clearance agency on all matters pertaining to the proposed establishment, amendment or interpretation of such rules and regulations as may be promulgated by air regulatory bodies relating to the movement of dangerous articles aboard MAC assigned aircraft, to include commercial airlift procurement as applicable.

VII. *General Responsibilities and Relationships of DoD Components With Respect to MAC and MAC Functions.* A. The Secretary of the Air Force is designated as the Single Manager for Airlift Service and will:

1. Establish and organize, as a major command of the U.S. Air Force, the Single Manager Operating Agency for Airlift Service which shall have no functions other than those assigned to it in this directive.

2. Designate a general officer as Executive Director for the Agency, subject to the approval of the Secretary of Defense. The Executive Director shall have no other duties but to direct the operations of the Agency, including such Technical Services (nonairlift) which are not subject to industrial funding and which may be included in the Agency at the option of the Secretary of the Air Force. As of the date of this directive the following such Technical Services are included in the Agency:

a. Aerospace audio visual service;

b. Aerospace rescue and recovery service;

c. Air weather service; and

d. Photomapping and geodetic services.

The Executive Director shall be responsible to the Secretary of the Air Force through channels prescribed by the Secretary.

3. Prepare plans for the employment and expansion of the Agency in time of war or national emergency for support of approved Joint War Plans consistent with Joint Chiefs of Staff allocations approved by the Secretary of Defense.

4. Prepare and submit to the Secretary of Defense the annual operating plans and programs of the Agency in support of DoD requirements, consistent with approved requirements of the Joint Chiefs of Staff for the employment of the Agency in time of peace.

5. Accomplish additional missions and specific functions as may be subsequently assigned by the Secretary of Defense.

6. Provide for direct coordination on matters connected with the operation of the Agency, as prescribed by reference (f).

7. Organize, equip, and attach airlift units necessary to meet military requirements as determined by the Joint Chiefs of Staff.

8. Prepare and submit to the Office of the Secretary of Defense those reports provided for in reference (1).

B. The Joint Chiefs of Staff will:

1. Establish procedures and formats in coordination with the appropriate Assistant Secretaries of Defense and the Secretaries of the Military Departments for the submission of transportation requirements by the DoD user components to the appropriate Single Managers and for the submission of evaluated requirements and capabilities by the Single Manager Agencies.

2. Assure the participation of each Single Manager operating agency in the planning cycle, as appropriate.

3. Prescribe a transportation priority system for passengers and for cargo in consonance with the Uniform Materiel Movement and Issue Priority System that will assure responsiveness in movement to meet the requirements of the using forces (reference (i)).

4. Review and evaluate requirements of the DoD components for airlift service and the ability of MAC to meet these requirements.

5. Allocate the capabilities of MAC as required to meet approved plans of the Joint Chiefs of Staff, or upon request by MAC or one of the user components.

6. Review and approve, as appropriate, Agency plans and transportation movement schedules issued in support of general, limited, and cold war plans previously approved by the Joint Chiefs of Staff.

7. Task MAC, singly or jointly with MTMTS, and MSTS to provide such information and assistance, within their respective capabilities, resources and areas of responsibility as may be required to enable the Joint Chiefs of Staff/the Special Assistant for Strategic Mobility to fulfill their movement responsibilities and implement their capability to act effectively as the interface between the Military Services and the Single Manager Operating Agencies, and among the Single Manager Operating Agencies.

C. The Assistant Secretary of Defense (Installations and Logistics) is responsible for issuing policy direction in connection with this single manager assignment except as otherwise specifically designated in this Directive. In developing such policies, ASD (I&L) will collaborate with ASD (Comptroller) to assure maximum utilization of the assignment for budgetary purposes. Similarly he will collaborate with ASD (Systems Analysis) to assure maximum application of the assignment for manpower utilization effectiveness purposes. The ASD (I&L) will also collaborate with other elements of the Office of the Secretary of Defense, as appropriate.

D. All DoD components, as applicable, will:

1. Provide such information and assistance, within their respective capabilities and areas of responsibility, as may be needed by the Secretary of the Air Force and the Executive Director to carry out the single manager assignments as outlined in this Directive.

2. Identify passengers and the specific material and quantities to be moved.

3. Determine the destinations to which passengers and materiel are to be moved.

4. Specify date(s) available for movement and the required date of arrival at destination for passengers and materiel to be moved.

5. Establish transportation priorities for passengers and materiel in accordance with applicable DoD/JCS issuances.

6. Arrange with MTMTS for receipt of necessary data, as required, to determine the status of CONUS originated traffic enroute to or within air terminals.

7. Provide technical advice to MAC.

8. Provide MTMTS with diversion, disposition and/or supply instructions regarding CONUS-originated cargo. Diversion requests regarding cargo already

loaded in an aircraft, if such cargo diversion will result in the diversion of the aircraft, should be sumbitted to MAC.

9. Execute, or arrange for the execution of, necessary documentation and/or data to obtain necessary customs clearances for their materiel.

10. Plan for the movement aspects of special projects and coordinate, as appropriate, with MAC.

11. Assure that materiel offered for shipment is properly packed, marked, certified, and documented.

12. Perform, or arrange for performance of, the acceptance function for vendor-supplied materiel shipped direct to an air terminal, the function to include technical inspection, and preparation or completion of shipping documentation.

13. Plan, program, budget for, and finance the movement of passengers and cargo.

14. Provide liaison officers at MAC headquarters, area commands, and at such activities/installations as mutually agreed with MAC.

15. Submit specific reservation requests for overseas passengers to MAC.

16. Organizations having command jurisdiction over the installation at which the MAC aerial port or delivery point is located will arrange for the prompt onward movement of terminating air cargo. CONUS organizations will provide the data to MTMTS necessary for MTMTS monitoring the movement of retrograde cargo.

17. Identify to MAC or MTMTS, as appropriate, material which should move promptly to meet specific Service requirements.

VIII. *Specific Responsibilities and Relationships of MTMTS and DoD Components With Respect to CONUS Outbound Air Passenger and Cargo Traffic.*—A. *Overseas Outbound Air Passenger Traffic.* 1. MTMTS will: a. Provide for diversions of passenger groups within CONUS between modes of transportation, or to a CONUS port of embarkation other than that originally intended. However no diversion is to be made without the concurrence of the shipper service or shipper agency.

b. In cooperation with MAC and MSTS, perform analytical studies of all overseas outbound passenger travel patterns within CONUS and make appropriate recommendations to the Secretary of Defense through the JCS regarding improvements in passenger traffic management and relationship between CONUS and overseas movements. Copies of reports will be furnished concurrently to the Military Services.

c. Develop, in coordination with the DoD component, joint regulations regarding preparation of air passengers for overseas travel. Based upon the feedback of information from MAC, provide information and advice to the appropriate DoD components as to problems encountered at aerial ports of embarkation which prevent passengers from being processed for overseas travel.

d. Based on space assignments made by MAC, receive specific reservation requests from the Army, receive copies of reservation confirmations from MAC for all overseas passengers and port call Army passengers.

e. Receive requests from the Military Services and other DoD components for desired departure dates and required arrival dates at Aerial Ports of Embarkation (APOE) of passenger group moves and plan, program and manage the flow of CONUS-originated passenger groups to appropriate air terminals.

f. Make necessary arrangements, in accordance with OJCS procedures for air or land transportation of units between inland CONUS points and the APOE and advise the Military Services and other DoD components of the transportation mode, the particular carrier within a mode, or the particular charter to be used, as appropriate, as well as the time and place from which the CONUS portion of the travel will originate.

g. Participate with MAC in the selection of routes for commercial service other than chartered flights.

2. The DoD components will:

a. Submit requirements for passenger travel to MAC in accordance with procedures established by MAC in coordination with the Military Services (and consistent with procedures established in accordance with paragraph VII.B.1.). Concurrently with such submissions, the Military Services will submit copies of CONUS-originated/overseas destined passenger requirements to MTMTS.

b. Submit reservation requests for overseas air travel to MAC in accordance with procedures established by MAC in coordination with the affected DoD components. (Army will submit reservation requests through MTMTS.)

c. Process and transmit, or arrange for transmission of, passports or other documentation to passengers as required.

d. Provide, or arrange for, processing of intransit personnel including arrangements for pay, reassignment orders, and such other services which were not provided prior to movement.

e. Provide required personnel actions prior to movement to port.

f. Port call air passengers. (Army air passengers will be port called by MTMTS.)

B. *CONUS Movement of Outbound Air Cargo.* 1. MTMTS will:

a. Provide for diversion of outbound air cargo within CONUS between transportation modes, to intransit storage or to a CONUS port of embarkation other than that originally intended. However, no diversion is to be made without concurrence of the shipper service or shipper agency. When cargo cannot be cleared for movement to an Aerial Port of Embarkation, provide timely advice to the shipper as prescribed by MILSTAMP (reference (j)).

b. Select the CONUS mode of transportation for release unit shipments that will be responsive to the priority and the delivery date that the DoD component has established. The use of either air or surface movement from CONUS to overseas may be questioned by MTMTS.

c. Acting as the point of contact between the sponsoring agency and the airlift system, perform the following airlift clearance authority (ACA) functions as prescribed by MILSTAMP.

(1) Control the movement of air eligible cargo into the airlift system.

(2) Arrange for diversion of cargo as conditions require in coordination with the shipper service. However, no diversion is to be made without the concurrence of the shipper service or shipper agency.

(3) Initiate necessary corrective action with the shipper service on discrepancies in documentation and shipment identification.

(4) Furnish the terminal operator with an advance transportation Control and Movement Document (TCMD) for each shipment unit prior to shipment arrival.

(5) Monitor retrograde cargo requiring onward movement from the Aerial Port of Debarkation (APOD) to assure shipment to the ultimate consignee.

(6) Respond to requests for movement information, expediting services (including expedited handling shipments—RDD Code "999") and tracer action.

(7) Coordinate the movement of classified and/or courier materiel. When classified materiel is diverted to surface transportation, the Airlift Clearance Authority will insure that the shipment is properly coded and documented.

d. In order to perform its ACA functions in an effective manner, MTMTS is authorized to establish in CONUS a "Military Air Traffic Coordinating Office (MATCO)" at the CONUS aerial ports of embarkation to perform on behalf of all shipper services and agencies those ACA functions requiring physical presence at the air terminals. The MATCO will be jointly staffed. In addition, shipper services or agencies may have logistic officers (APLO) at the CONUS aerial ports of embarkation to take necessary corrective action on cargo packaging, to advise MATCO with respect to diversions, to identify to MAC or MATCO, as appropriate, materiel which should be moved promptly to meet specific service requirements, and to inspect their service shipments received directly from vendors. However, these representatives will not perform MATCO Air Clearance Authority functions; conversely, MATCO will not perform functions assigned to the Service Logistic Officer (APLO) unless requested to do so by the shipper service or agency concerned. Similarly, MATCO will not duplicate the responsibilities of MAC for air terminal operations, nor will MAC duplicate the airlift clearance functions of MTMTS within the United States.

2. The DoD components will:

a. Submit total air cargo lift requirements to MAC in accordance with procedures developed by MAC in coordination with the DoD components and consistent with procedures established in accordance with paragraph VII.B.1. herein. Concurrently with such submissions, the DoD components will submit copies to MTMTS.

b. In CONUS, forward cargo to air terminals in accordance with procedures established by MTMTS in coordination with the DoD components.

c. Submit special assignment airlift requirements direct to MAC, furnishing information copy to MTMTS when CONUS land transportation is involved.

d. Insure air eligibility of cargo entering the airlift system.

e. The Air Force and the Navy respectively will control and administer the operation of LOGAIR and QUICKTRANS.

IX. *Authority.* To discharge the functions and responsibilities prescribed in this directive, the Secretary of the Air Force and Executive Director of the Agency are authorized to:

A. Organize, direct, manage, administer, and control all elements of the Agency.

B. Communicate and coordinate directly with all components of DoD and with other departments and agencies of Government in matters relating to Agency functions.

X. *Administration and Financing.* A. The Agency headquarters and its subordinate elements will be staffed with civilian employees who will be employees of the Department of the Air Force and with military personnel from all Services, as appropriate.

B. Positions within the Agency will be identified as military or civilian based on criteria established by the Secretary of Defense in reference (a).

C. Manpower requirements for the Agency on a phased-basis will be consistent with the transfer of responsibilities and will be provided to the ASD (Systems Analysis) at least 30 days in advance of the effective date of functional transfers to permit the necessary evaluation of realignment of such resources.

D. The transfer of manpower authorizations to the Department of the Air Force from other DoD components will be accomplished in accordance with reference (b). The transfer of personnel resources will be in accord with established policies and procedures.

E. The transfer of financial and other resources will be accomplished in accordance with established DoD procedures and as approved by the appropriate elements of the Office of the Secretary of Defense.

F. Interservice support agreements, assignments or delegations of functions and authority will be executed as required for the performance of assigned responsibilities in accordance with reference (c).

G. The Department of the Air Force will program, budget, and finance for the Agency.

H. Airlift service of the Agency shall be financed under an Air Force Industrial Fund, administered in accordance with reference (h) except as specifically excluded by the ASD (Comptroller).

I. Implementing directives and instructions will be coordinated in accordance with reference (f).

XI. *Effective Date and Implementation.* This directive is effective upon publication. Two (2) copies of implementing instructions shall be forwarded to the Assistant Secretary of Defense (Installations and Logistics) within sixty (60) days.

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

[F.R. Doc. 67-4383; Filed, Apr. 20, 1967; 8:45 a.m.]

SINGLE MANAGER ASSIGNMENT FOR MILITARY TRAFFIC, LAND TRANSPORTATION, AND COMMON-USER OCEAN TERMINALS

The Deputy Secretary of Defense approved the following on March 24, 1967:

References:

(a) DoD Directive 1100.9, "Military-Civilian Staffing of Management Positions in the Support Activities," April 24, 1957.

(b) DoD Directive 1100.10, "Control of Manpower Resources in Event of Reorganization," June 19, 1962.

(c) DoD Directive 4000.19, "Basic Policies and Principles for Interservice Support," March 26, 1960.

(d) DoD Directive 4500.31, "Traffic Management Assignment for the Transportation of Household Goods of Military and Civilian Personnel of the Department of Defense," September 16, 1963.

(e) DoD Directive 5160.2, "Single Manager Assignment for Airlift Service," March 24, 1967.

(f) DoD Directive 5160.10, "Single Manager Assignment for Ocean Transportation," March 24, 1967.

(g) DoD Directive 5160.12, "Policies for Implementation of Single Manager Assignments," August 10, 1960.

(h) DoD Directive 5160.53, "Single Manager Assignment for Military Traffic, Land Transportation and Common-User Ocean Terminals," June 24, 1965 (cancelled herein).

(i) DoD Directive 7410.4, "Regulations Governing Industrial Fund Operations," March 13, 1967.

(j) DoD Instruction 4410.6, "Uniform Materiel Movement and Issue Priority System (UMMIPS)," August 24, 1966.

(k) DoD Directive 4500.32, "Military Standard Transportation and Movement Procedures (MILSTAMP)," July 7, 1966.

(l) SecDef memorandum, "Mobility Planning and Operations Organization," March 22, 1966.

(m) DoD Directive 3005.7, "Emergency Requirements, Allocations, Priorities, and Permits for DoD Use of Domestic Civil Transportation," October 31, 1964.

(n) DoD Instruction 4100.31, "Reports on Single Manager Operations," September 2, 1960.

I. *Purpose.* A. Pursuant to the authority vested in the Secretary of Defense, a Single Manager Service Assignment is directed within the Department of Defense with authority, functions, responsibilities, and relationships as set forth herein.

B. The purposes and objectives of this assignment with respect to DoD military traffic, land transportation, and common-user ocean terminals are:

1. To eliminate duplication and overlapping of effort between and among Military Departments, Defense Agencies, and other components of DoD.

2. To improve the effectiveness and economy of these operations throughout the DoD.

3. To ensure that the approved emergency and wartime requirements of the DoD are met.

II. *Cancellation.* This directive cancels and supersedes reference (h).

III. *Definitions.* For the purpose of this directive the following definitions, in addition to those set forth in reference (g) which are relevant to this assignment, will apply:

A. *Common-User Ocean Terminals.* A military installation, part of a military installation, or a commercial facility operated under contract or arrangement of the Military Traffic Management and Terminal Service (MTMTS) which regularly provides for two or more Services' terminal functions of receipt, transit storage or staging, processing, loading and unloading of passengers or cargo aboard ships.

B. *CONUS.* The 48 contiguous states and the District of Columbia, excluding Alaska and Hawaii.

C. *DoD Components.* For the purposes of this directive, DoD components include the Office of the Secretary of Defense, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, the Military Departments, the Military Services, and the Defense Agencies.

D. *Military Airlift Command (MAC).* The Single Manager Operating Agency for Airlift Service (reference (e)).

E. *Military Land Transportation Resources.* All military-owned transportation resources designated for common-user, over the ground, point-to-point use within the CONUS.

F. *Military Sea Transportation Service (MSTS).* The Single Manager Operating Agency for Sealift Service (reference (f)).

G. *Military Traffic.* DoD personnel and materiel to be transported.

H. *Military Traffic Management.* The direction, control and supervision of all functions incident to the effective and economical procurement and use of freight and passenger transportation service from commercial for-hire transportation companies (including rail, air highway, inland waterway, coastwise and intercoastal carriers). (Reference to coastwise and intercoastal carriers is not intended to affect those responsibilities of ocean carrier functions assigned to MSTS but has reference to the traffic management authority necessary to determine the proper mode of shipment. Reference to air carriers is not intended to affect those responsibilities for procurement of commercial airlift services assigned to MAC.)

I. *Military Traffic Management and Terminal Service (MTMTS).* The Single Manager Operating Agency for military traffic, land transportation, and common-user ocean terminals (herein referred to as the Agency or as MTMTS).

J. *Passenger Groups.* Passenger groups are usually composed of 10 or more travelers; however, this is subject to change based upon traffic management considerations.

K. *Release Unit of Cargo.* Release unit of cargo for surface shipment is

usually 10,000 pounds; however, this is subject to change based upon traffic management considerations.

L. *Water Terminal Clearance Authority.* An activity designated by MTMTS or an overseas theater commander to control and monitor the flow of cargo into water terminals.

IV. *Applicability and Scope.* A. The operations of the Single Manager for Military Traffic, Land Transportation, and Common-User Ocean Terminals will be conducted within the CONUS except for those functions specifically outlined below or subsequently assigned by the Secretary of Defense requiring operations outside the CONUS.

B. The provisions of this directive apply to all components of the Department of Defense.

C. This directive does not modify Department of the Navy responsibility for command and control of its tidewater installations providing ocean terminal services except at the Naval Supply Centers, Oakland, Calif., and Bayonne, N.J., where Military Ocean Terminals have been established.

D. This directive does not modify Department of the Air Force responsibility for command and control of air terminals and aerial ports of embarkation/debarkation worldwide except as otherwise specifically provided for herein.

V. *General Functions of MTMTS.* A. Within the mission of MTMTS, provide transportation planning support to the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, the Military Services, and the DoD Agencies in support of the plans of the Joint Chiefs of Staff and other military operations as required.

B. Provide traffic management and common-user and commercial ocean terminal support for assigned functions and responsibilities to the DoD components as required.

C. Develop, establish, and operate an integrated transportation information data system to support the mission of the Agency.

D. Develop plans to assure the efficient use and control of military-owned and commercial CONUS land transportation resources and capabilities made available to the DoD under mobilization or other emergency conditions.

E. Receive, consolidate, and analyze total overseas passenger and cargo requirements from the DoD components to determine CONUS transportation and terminal capability needed to satisfy the requirements. Advise the OJCS, and other appropriate DoD components of insufficient CONUS transportation and CONUS ocean terminal capabilities with recommendations to the OJCS for appropriate actions when requirements exceed capabilities.

F. Provide for diversions of passenger groups or release unit cargo within CONUS between modes of transportation, to a CONUS port of embarkation other than that originally intended, or to intransit storage in the case of cargo. However, no diversion is to be made without the concurrence of the shipper Service or shipper agency.

G. In cooperation with MAC and MSTS perform analytical studies of all overseas outbound passenger travel patterns within CONUS and make appropriate recommendations to the Secretary of Defense through the JCS regarding improvements in passenger traffic management and relationship between CONUS and overseas movement.

H. Develop, in coordination with the DoD components, joint regulations regarding preparation of air and ocean passengers for overseas travel. Based upon the feed back of information from ocean terminals and MAC provide information and advice to the appropriate DoD components as to problems encountered at Aerial and Ocean Ports of Embarkation which prevent passengers from being processed for overseas travel.

I. Control the use of and, as directed by the Secretary of Defense, operate military-owned CONUS land transportation resources required to supplement the capability of commercial transportation carriers when the land transportation resources of commercial transportation carriers operating within the CONUS are inadequate to meet military requirements.

J. Command oversea Army terminal units providing terminal service in oversea areas in support of the Department of the Air Force and other agencies as assigned.

K. Provide worldwide traffic management for the Department of Defense Household Goods Moving and Storage Program as set forth in reference (d).

L. Command and operate, or arrange for the operation of, holding and reconsignment points and other intransit control activities or installations when required for en route shipments of cargo within the CONUS.

M. Command and operate common-user military ocean terminals assigned to MTMTS by the Secretary of Defense, providing such fleet support requirements to the Navy as are required by the Department of the Navy and delineated in applicable cross-servicing agreements. (Assignments of command and operation of ocean terminals to either Navy or MTMTS will be based upon the concept that the entire terminal operations at any one installation will be conducted by only one DoD activity.)

N. Arrange for the utilization of common-user military ocean terminals operated by any Military Service on a reimbursable basis. The Navy will operate common-user ocean terminals at designated tidewater installations for manifested Department of Defense cargo in accordance with interservice support agreement between MTMTS and the Navy. This function may include responsibility for all manifested DoD cargo moving through the entire port complex, if in accordance with the interservice support agreement in effect between MTMTS and the Navy.

O. Arrange for the operation or use of commercial ocean terminals within the CONUS for the shipment of military manifested cargo.

P. Control and direct the operations of military-owned railway rolling stock registered for interchange service other than that permanently assigned to intrabase or intraplant operations, to include supply accountability and maintenance of the Defense Freight Railway Interchange Fleet.

Q. In coordination with affected DoD components establish the size of passenger groups and release unit cargo.

R. Perform the additional specific functions outlined in Paragraph VII below.

S. Prescribe, under guidance of the Joint Chiefs of Staff, the methods and format for use by the Military Services and other Department of Defense components to develop and forecast their CONUS transportation requirements by mode or modes (including the assumptions and computations on which they are based), which will assure responsiveness to their individual logistic systems, and evaluate the question, where necessary, the validity of the requirements specified.

T. Develop and improve the small shipment consolidation programs and develop and improve the loss and damage prevention program.

VI. *General Responsibilities and Relationships of DoD Components With Respect to MTMTS and MTMTS Functions.* A. The Secretary of the Army is designated as the Single Manager for Military Traffic, Land Transportation and Common-User Ocean Terminals and will:

1. Establish and organize, as a major command of the U.S. Army, the Single Manager Operating Agency which shall have no functions other than those assigned to it in this directive.

2. Designate a general officer as Executive Director for the Agency subject to the approval of the Secretary of Defense. The Executive Director shall have no other duties but to direct the operations of the Agency and shall be responsible to the Secretary of the Army through channels prescribed by the Secretary.

3. Prepare plans for the employment and expansion of the Agency in time of war or national emergency for support of approved Joint War Plans consistent with Joint Chiefs of Staff allocations approved by the Secretary of Defense.

4. Prepare and submit to the Secretary of Defense the annual operating plans and programs of the Agency in support of DoD requirements.

5. Accomplish additional missions and specific functions as may be subsequently assigned by the Secretary of Defense.

6. Provide for direct coordination on matters connected with the operation of the Agency, as prescribed by reference (g).

7. Prepare and submit to the Office of the Secretary of Defense those reports provided for in reference (n).

B. The Joint Chiefs of Staff will:

1. Establish procedures and formats in coordination with the appropriate Assistant Secretaries of Defense and the Secretaries of the Military Departments for the submission of transportation requirements by the DoD user components

to the appropriate Single Managers and for the submission of evaluated requirements and capabilities by the Single Manager Agencies.

2. Assure the participation of each Single Manager operating agency in the planning cycle as appropriate.

3. Prescribe a transportation priority system for passengers and for cargo in consonance with the Uniform Materiel Movement and Issue Priority System (reference (j)) that will assure responsiveness in movement to meet the requirements of the using forces.

4. Review and evaluate requirements of the DoD components for CONUS transportation and common-user ocean terminal service and the ability of MTMTS to meet these requirements.

5. Allocate the capabilities of MTMTS as required to meet approved plans of the Joint Chiefs of Staff, or upon request by MTMTS, or one of the user components.

6. Review and approve, as appropriate, Agency plans and transportation movement schedules issued in support of general, limited, and cold war plans previously approved by the JCS.

7. Task MTMTS, singly or jointly with MAC and MSTS to provide such information and assistance, within their respective capabilities, resources and areas of responsibility as may be required to enable the Joint Chiefs of Staff/the Special Assistant for Strategic Mobility to fulfill their movement responsibilities and implement their capability to act effectively as the interface between the Military Services and the Single Manager operating agencies, and among the Single Manager operating agencies.

C. The Assistant Secretary of Defense (Installations and Logistics) is responsible for issuing policy direction in connection with this single manager assignment except as otherwise specifically designated in this Directive. In developing such policies, ASD (I&L) will collaborate with ASD (Comptroller) to assure maximum utilization of the assignment for budgetary purposes. Similarly he will collaborate with ASD (Systems Analysis) to assure maximum application of the assignment for manpower utilization effectiveness purposes. The ASD (I&L) will also collaborate with other elements of the Office of the Secretary of Defense, as appropriate.

D. All DoD Components as applicable, will:

1. Provide such information and assistance, within their respective capabilities and areas of responsibility, as may be needed by the Secretary of the Army and the Executive Director to carry out the single manager assignment as outlined in this directive.

2. Identity passengers and the specific material and quantities to be moved.

3. Determine the destinations to which passengers and materiel are to be moved.

4. Specify date(s) available for movement and the required date of arrival at destination for passengers and materiel to be moved.

5. Establish transportation priorities for passengers and materiel in accordance with applicable DoD/JCS issuances.

6. Arrange with MTMTS for receipt of necessary data, as required, to determine the status of CONUS-originated en route traffic.

7. Provide technical advice to MTMTS.

8. Provide MTMTS with diversion, disposition and/or supply instructions regarding CONUS-originated cargo. Diversion requests regarding cargo already loaded on a ship or aircraft, if such cargo diversion will result in the diversion of the ship or aircraft, should be submitted by the DoD component to MSTS or MAC as appropriate.

9. Execute, or arrange for the execution of, necessary documentation and/or data to obtain necessary customs clearances for their materiel.

10. Plan for the movement aspects of special projects and coordinate as appropriate with MTMTS.

11. Assure that materiel offered for shipment is properly packed, marked, certified, and documented.

12. Perform, or arrange for performance of the acceptance function for vendor-supplied materiel shipped direct to an air or ocean terminal, the function to include technical inspection, and preparation or completion of shipping documentation.

13. Plan, program, budget for, and finance the movement of passengers, cargo, and bulk petroleum.

14. Provide liaison officers at MTMTS headquarters, area commands, and at such activities/installations as mutually agreed with MTMTS.

15. Advise MTMTS on problems of commercial leave travel by military personnel within CONUS.

16. Submit requirements for overseas passenger travel and cargo movement to MAC and MSTS in accordance with procedures established by MAC and MSTS in coordination with the Military Services and consistent with procedures established in accordance with paragraph VI.B.1. Concurrently with such submissions, the Military Service will submit copies of CONUS-originated overseas destined passenger and cargo requirements to MTMTS.

17. Place requests for CONUS movement of passenger group travel from inland CONUS point to air and ocean terminals in accordance with procedures established by MTMTS in coordination with affected DoD components.

18. Submit reservation requests for overseas air travel to MAC in accordance with procedures established by MAC in coordination with affected DoD components. (Army will submit reservation requests through MTMTS.)

19. Submit reservation requests for CONUS-originated/overseas destined passenger ocean travel as follows:

a. The Army and the Air Force will submit reservation requests to MTMTS in accordance with procedures developed by MTMTS in coordination with the Army and Air Force.

b. The Navy and the Marine Corps will submit reservation requests directly to MSTS with copies to MTMTS in accordance with procedures established by MSTS in coordination with the Navy and the Marine Corps.

20. Process and transmit, or arrange for transmission of, passports or other documentation to passengers as required.

21. Provide, or arrange for, processing of in-transit personnel including arrangement for pay, reassignment orders, and such other services which were not provided prior to movement.

22. Provide required personnel actions prior to movement to port.

23. Port-call air passengers. (Army air passengers will be port-called by MTMTS.)

24. The Navy and the Marine Corps will port-call their ocean passengers. (Army and Air Force ocean passengers will be port-called by MTMTS.)

VII. *Specific Responsibilities and Relationships of MTMTS and DoD Components With Respect to the Various Type Movement Operations*—A. *Commercial Freight and Passenger Traffic Movement Between CONUS Points.*

1. MTMTS will:

a. Provide traffic management for freight movements for all components of the DoD (except common-user transportation service procured by MAC under its Single Manager operating authority).

b. Advise and assist, by provision of adequate cost, rate and traffic data services:

(1) Procurement agencies in developing the most economical sources of supply;

(2) Production activities in programing the processing of raw materials and semifinished and finished products through Government-operated facilities;

(3) Distribution agencies in programing the position of stocks;

(4) Site selection authorities in evaluating transportation considerations in the selection of sites for plants and facilities;

(5) Fiscal agencies in the development and improvement of cost data techniques;

(6) Appropriate agencies as to the effect of packing and packaging costs on transportation and distribution costs and the utilization of transportation equipment.

c. Determine or establish proper freight classification and freight and passenger rates, fares, charges, rules, and regulations for DoD traffic.

d. Negotiate, as necessary, with for-hire commercial carriers of cargo or passengers or their rate-making agencies, for the classification, rates, fares, charges, rules, and regulations to carry out the functions assigned in subparagraph c above.

e. Administer the transit management program.

f. Maintain surveillance of reissued freight and passenger tariffs and of tariff supplements to determine changes made which would affect the cost of moving or the routing of military traffic.

g. Review all for-hire commercial carrier (freight and passenger) dockets and other proposals to determine the extent to which military traffic would be affected and the action required.

h. Recommend to the Judge Advocate General, Department of the Army, actions concerning DoD litigation in the transportation and traffic management areas necessary to protect or promote the interests of the DoD.

i. Plan, develop, and monitor the Freight Classification Guide System.

j. Develop and maintain current transportation cost and statistical data necessary to facilitate efficient and effective performance of the functions assigned in subparagraphs c through i above.

k. Maintain tariff files.

l. Obtain and quote rates.

m. Determine the transportation mode and type of service required to move freight in release unit lots.

n. Arrange with carriers for the transportation required for the movement of passenger groups and release unit cargo (except common-user transportation service procured by MAC under its Single Manager operating authority).

o. Route traffic or prescribe rules, regulations, and criteria for the guidance of those assigned routing responsibilities.

p. In coordination with affected DoD components, prescribe regulations and disseminate technical instructions on the issuance and completion of transportation documentation (e.g., bills of lading, and transportation requests).

q. In coordination with affected DoD components, develop and improve procedures for facilitating and assuring control and expeditious movement of traffic within CONUS (except common-user transportation service procured by MAC under its Single Manager operating authority).

r. In coordination with affected DoD components, develop and maintain uniform procedures, regulations, forms and other documents for the movement of traffic within CONUS (except common-user transportation service procured by MAC under its Single Manager operating authority).

s. In coordination with affected DoD components, develop and maintain procedures, regulations, systems, forms, and other documents for monitoring en route traffic within CONUS (except common-user transportation service which is procured by MAC under its Single Manager operating authority).

t. Advise, as required, affected DoD components with respect to status of en route traffic within the CONUS.

u. Based on evaluated requirements submitted by the DoD components, prepare long- and short-range forecasts of CONUS transportation and ocean terminals' requirements and match them with capabilities of CONUS transportation and ocean terminals. In accordance with procedures established by the OJCS, submit requirements and capabilities to the OJCS together with recommendations, as appropriate, to assure a proper balance.

v. In coordination with other affected DoD components, establish specific cargo movement procedures to be followed by the DoD components in requesting routing and release of cargo for movement within the CONUS.

w. In coordination with other affected DoD components, establish specific movement procedures for passenger groups and units for movement within CONUS.

x. Arrange for and manage the flow of passenger groups and units and cargo from point of origin to point of destination within the CONUS. This responsibility excludes cargo movements made on airlift services procured by MAC. Unit moves within CONUS under the auspices of a unified or specified command will be arranged in accordance with instructions of that command.

y. Perform analytical studies of all passenger travel patterns of domestic movements within the CONUS and make appropriate recommendations to the Secretary of Defense regarding improvements in passenger traffic management.

z. Maintain cognizance of, and take appropriate action on, problems of commercial leave travel of military personnel within CONUS.

B. *CONUS Outbound Air Passenger Traffic (Other Than JCS-Directed Deployments or Training Exercises).* 1. MTMTS will:

a. Based on space assignments made by MAC, receive specific reservation requests from the Army, receive copies of reservation confirmations from MAC for all overseas passengers and port-call Army passengers.

b. Receive requests from the Military Services and other DoD components for desired departure dates and required arrival dates at Aerial Ports of Embarkation of passenger group moves and plan, program and manage the flow of CONUS-originated passenger groups to appropriate air terminals.

c. Make necessary arrangements, in accordance with OJCS procedures for air or land transportation of units between inland CONUS points and the Aerial Ports of Embarkation and advise the Military Services and other DoD components of the transportation mode, the particular carrier within a mode, or the particular charter to be used, as appropriate, as well as the time and place from which the CONUS portion of the travel will originate.

d. Participate with MAC in the selection of routes for commercial service other than chartered flights.

C. *Conus Outbound Ocean Passenger Traffic (Other Than JCS-Directed Deployment or Training Exercises).* 1. MSMTS will:

a. Based upon space assignments made by MSTS, receive specific reservation requests from the Army and Air Force and copies of reservation requests from the Navy and Marine Corps.

b. Advise MSTS of Army and Air Force passenger identifications. Port-call Army and Air Force passengers.

c. Provide temporary accommodations of ocean passengers when passenger arrivals at ocean terminals do not coincide with ship availability.

d. Receive requests from the Military Services and other DoD components for desired departure dates and required arrival dates at Ocean Ports of Embarkation of passenger group moves and plan, program, and manage the flow of CONUS-originated passenger groups to and through appropriate ocean terminals.

e. Make necessary arrangements, in accordance with OJCS procedures for air or land transportation of units between inland CONUS points and the ocean terminals and advise the Military Services and other DoD components of the transportation mode, the particular carrier within a mode or the particular charter to be used, as appropriate, as well as the time and place from which the CONUS portion of the travel will originate.

f. Provide or arrange for, with respect to passengers at ocean terminals, information and services as required or requested.

D. *CONUS Movement of Outbound Air Cargo (Other Than JCS-Directed Deployment or Training Exercises).* 1. MTMTS will:

a. Select the CONUS mode of transportation for release unit shipments that will be responsive to the priority and the delivery date that the DoD component has established. The use of either air or surface movement from CONUS to overseas may be questioned by MTMTS.

b. Provide for diversion of outbound air cargo within CONUS between transportation modes, to intransit storage or to a CONUS port of embarkation other than that originally intended. However, no diversion is to be made without concurrence of the shipper Service or shipper agency. When cargo cannot be cleared for movement to an Aerial Port of Embarkation, provide timely advice to the shipper as prescribed by MILSTAMP (reference (k)).

c. Acting as the point of contact between the sponsoring agency and the airlift system, perform the following Airlift Clearance Authority (ACA) functions as prescribed by MILSTAMP:

(1) Control the movement of air eligible cargo into the airlift system.

(2) Arrange for diversion of cargo as conditions require in coordination with the shipper Service. However, no diversion is to be made without the concurrence of the shipper Service or agency affected.

(3) Initiate necessary corrective action with the shipper Service on discrepancies in documentation and shipment identification.

(4) Furnish the terminal operator with an advance Transportation Control and Movement Document (TCMD) for each shipment unit prior to shipment arrival.

(5) Monitor retrograde cargo requiring onward movement from the Aerial Port of Debarkation (APOD) to assure shipment to the ultimate consignee.

(6) Respond to requests for movement information, expediting services (including expedited handling shipments—RDD Code "999") and tracer action.

(7) Coordinate the movement of classified and/or courier materiel. When classified materiel is diverted to surface transportation, the ACA will insure that the shipment is properly coded and documented.

d. In order to perform its ACA functions in an effective manner, MTMTS is authorized to establish in CONUS a "Military Air Traffic Coordinating Office (MATCO)" at the CONUS Aerial Ports of Embarkation to perform on behalf of all shipper Services and agencies those ACA functions requiring physical presence at the air terminals. The MATCO will be jointly staffed. In addition, shipper Services or agencies may have logistic officers (APLO) at the CONUS Aerial Ports of Embarkation to take necessary corrective action on cargo packaging, to advise MATCO with respect to diversions, to identify to MAC or MAT CO, as appropriate, materiel which should be moved promptly to meet specific service requirements, and to inspect their service shipments received directly from vendors. However, these representatives will not perform MATCO Air Clearance Authority functions; conversely, MATCO will not perform functions assigned to the Service Logistic Officer (APLO) unless requested to do so by the shipper Service or agency concerned. Similarly, MATCO will not duplicate the responsibilities of MAC for air terminal operations, nor will MAC duplicate the airlift clearance functions of MTMTS within the United States.

2. The DoD Components will:

a. Submit total air cargo lift requirements to MAC in accordance with procedures developed by MAC in coordination with the DoD components and consistent with procedures established in accordance with paragraph VI.B.1. herein. Concurrently with such submissions, the DoD components will submit copies to MTMTS.

b. In CONUS, forward cargo to air terminals in accordance with procedures established by MTMTS in coordination with the DoD components.

c. Submit special assignment airlift requirements direct to MAC, furnishing information copy to MTMTS when CONUS land transportation is involved.

d. Insure air eligibility of cargo entering the airlift system.

3. MAC will:

a. Provide MTMTS with necessary reports of tonnage on hand at Aerial Ports of Embarkation in accordance with procedures established in coordination with MTMTS.

b. Provide recoopering, repacking, marking, and similar services as required for cargo in transit.

c. Provide MTMTS and appropriate DoD agencies current airlift capability information.

E. *CONUS Movement of Outbound Ocean Cargo (Other Than JCS-Directed Deployments or Training Exercises).*

1. MTMTS will:

a. Select the CONUS mode of transportation for release unit shipments that will be responsive to the priority and the delivery date that the DoD component has established. The use of either air or surface movements from CONUS to overseas may be questioned by MTMTS.

b. Provide for diversion of outbound ocean cargo within CONUS between transportation modes, to intransit storage or to a CONUS port of embarkation other than that originally intended. However, no diversion is to be made without concurrence of the shipper Service or shipper agency. When cargo cannot be cleared for movement to an Ocean Port of Embarkation, provide timely advice to the shipper as prescribed by MILSTAMP.

c. Provide traffic management and terminal service incident to the CONUS movement of DoD-sponsored freight/cargo through common-user military and commercial ocean terminals, to include routing via the inland carrier, releasing and control of the input and flow into the terminal, and processing through the ocean terminal. MTMTS services shall be in accordance with program and operational requirements of the DoD components. The foregoing does not modify Navy responsibilities for control over movements within the tidewater installation of fleet support cargo to be lifted via fleet ships.

d. Control the flow of DoD-sponsored traffic into ocean terminal facilities through the Offering, Acceptance and Release procedures.

e. Make cost evaluations, ascertain port-handling capability, select port, offer cargo for booking by MSTS, call cargo forward to designated terminal facilities, provide terminal operator(s) with shipment data, and issue appropriate export release with due dates, rate, route, and tariff or tender information.

f. Operate designated common-user ocean terminals. This function includes responsibility for all manifested DoD cargo moving through the entire port complex and for any fleet support requirements set forth in cross-servicing agreements in effect between MTMTS and the Navy.

g. Establish and command outport detachments or other subordinate activities, as required, or through cross-servicing agreements or contracts, execute MTMTS terminal service operations incident to the transshipment of DoD cargo through commercial ocean facilities.

h. For release-unit freight, determine specific inland mode and carrier, and ocean terminal based on lowest landed cost within priority and delivery data limitations and operational requirements established by the appropriate DoD components.

i. Provide or arrange for terminal service to include receipt, transit storage and marshaling of cargo, loading and discharge of ships, and preparation of required documents.

j. Supervise, direct and control operations, staffing, and physical plant of assigned terminal facilities and activities.

k. Offer cargo to MSTS for booking and accept satisfactory bookings, provide traffic information essential to MSTS planning and operations, serving as the single point of contact with MSTS in regard to booking of DoD sponsored manifested export cargo.

l. Provide movement information tonnage on hand awaiting lift, expediting services and tracer action for the DoD components as required.

m. Provide or arrange for recoopering, repacking and marking service as required for cargo in transit and report discrepancies to DoD components for future correction.

n. Correct, or provide for correction of, and report discrepancies to applicable DoD components in documentation and technical order violations, to include preparation of mechanized TCMDs when required.

o. Arrange for shipment of retrograde cargo requiring onward movement from ocean terminals to inland points.

p. Furnish each DoD component copies of required documents covering all of their sponsored export cargo moved via MSTS.

q. Perform the Water Terminal Clearance Authority functions as prescribed by MILSTAMP.

r. Develop and maintain a terminal selection guide for use by CONUS shipping activities in routing less than release unit shipments to CONUS ports of embarkation in accordance with MILSTAMP (reference (k)).

2. The DoD components will:

a. Submit total cargo ocean lift requirements to MSTS in accordance with procedures developed by MSTS in coordination with the DoD components and consistent with procedures established in accordance with paragraph VI.B.1. herein. Concurrently with such submissions, the DoD components will submit copies to MTMTS.

b. Forward cargo to ocean terminals in accordance with procedures established by MTMTS in coordination with the DoD components.

F. *Overseas JCS-Directed Deployment and Training Exercises.* 1. MTMTS will:

a. Participate in the planning cycle as it affects the mission of MTMTS.

b. Prepare and submit CONUS transportation plans to JCS in support of JCS deployments and training exercises.

VIII. *Authority.* To discharge the functions and responsibilities prescribed in this Directive, the Secretary of the Army and the Executive Director of the Agency are authorized to:

A. Organize, direct, manage, administer, and control all elements of the Agency.

B. Communicate and coordinate directly with all components of the DoD and with other departments and agencies of Government in matters relating to Agency functions.

IX. *Administration and Financing.* A. The Agency shall be jointly staffed in accordance with a Joint Table of Distribution (JTD), developed by the Secretary of the Army in coordination with the Secretaries of the Navy and Air Force and approved by the OSD.

1. The Agency headquarters and its subordinate elements will be staffed with civilian employees who will be employees of the Department of the Army and with military personnel from all Services, as appropriate.

2. Positions within the Agency will be identified as military or civilian based on criteria established by the Secretary of Defense in reference (a).

3. Manpower requirements for the Agency on a phased basis will be consistent with the transfer of responsibilities and will be provided to the Assistant Secretary of Defense (Systems Analysis) at least thirty (30) days in advance of the effective date of functional transfers to permit the necessary evaluation and realignment of such resources.

4. The transfer of manpower authorizations to the Department of the Army from other DoD components will be accomplished in accordance with reference (b). The transfer of personnel resources will be in accord with established policies and procedures.

B. The transfer of financial and other resources will be accomplished in accordance with established DoD procedures and as approved by the appropriate elements of the OSD.

C. Interservice support agreements, assignments, or delegations of functions and authority will be executed as required for the performance of assigned responsibilities in accordance with reference (c).

D. The Department of the Army will program, budget, and finance for the Agency.

E. Operations of the Agency shall be financed under an Army Industrial Fund—MTMTS, administered in accordance with reference (i) except as specifically excluded by the Assistant Secretary of Defense (Comptroller).

F. The MTMTS industrial fund accounting system, in addition to conforming to existing requirements, shall provide separate identification of the costs of operating MTMTS, as between port handling costs (direct and indirect), traffic management costs, intermediate command headquarters costs and MTMTS headquarters costs. Port handling costs will be further identified as necessary in order to provide a basis for negotiating cross-servicing rates, and for making appropriate comparisons with cross-servicing and commercial rates.

G. Implementing directives and instructions will be coordinated in accordance with reference (g).

X. *Effective Date and Implementation.* This directive is effective upon publication. Two (2) copies of implementing instructions shall be forwarded to the Assistant Secretary of Defense (Installations and Logistics) within sixty (60) days.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division O A S D (Administration).

[F.R. Doc. 67-4384; Filed, Apr. 20, 1967; 8:45 a.m.]

SINGLE MANAGER ASSIGNMENT FOR OCEAN TRANSPORTATION

The Deputy Secretary of Defense approved the following on March 24, 1967:

References:

(a) DoD Directive 1100.9, "Military-Civilian Staffing of Management Positions in the Support Activities," April 24, 1957.

(b) DoD Directive 1100.10, "Control of Manpower Resources in Event of Reorganizations," June 19, 1962.

(c) DoD Directive 4000.19, "Basic Policies and Principles for Interservice Support," March 26, 1960.

(d) DoD Directive 5160.2, "Single Manager Assignment for Airlift Service," March 24, 1967.

(e) DoD Directive 5160.10, "Single Manager Assignment for Ocean Transportation," May 28, 1956 (canceled herein).

(f) DoD Directive 5160.12, "Policies for Implementation of Single Manager Assignments," August 10, 1960.

(g) DoD Directive 5160.53, "Single Manager Assignment for Military Traffic, Land Transportation, and Common-User Ocean Terminals," March 24, 1967.

(h) DoD Directive 7410.4, "Regulations Governing Industrial Fund Operations," March 13, 1967.

(i) DoD Instruction 4410.6, "Uniform Materiel Movement and Issue Priority System (UMMIPS)," August 24, 1966.

(j) DoD Directive 4500.32, "Military Standard Transportation and Movement Procedures (MILSTAMP)," July 7, 1966.

(k) SecDef memorandum, "Mobility Planning and Operations Organization," March 22, 1966.

(l) DoD Instruction 4100.31, "Reports on Single Manager Operations," September 2, 1960.

I. *Purpose.* A. Pursuant to the authority vested in the Secretary of Defense a Single Manager Service Assignment is hereby directed within the Department of Defense with authority, functions, responsibilities, and relationships as set forth herein.

B. The purposes and objectives of this assignment with respect to DoD ocean transportation are:

1. To eliminate duplication and overlapping of effort between and among military departments, Defense Agencies, and other components of DoD.

2. To improve the effectiveness and economy of ocean transportation service throughout the Department of Defense.

3. To ensure that approved emergency and wartime requirements of the Department of Defense are met.

4. To provide the level of DoD ocean transportation capability and the organization required for 3. above, having due regard for available commercial ocean transportation.

5. To develop and guide the peacetime employment of ocean transportation in a manner that will enhance the emergency and wartime ocean transportation capability, achieve greater flexibility and mobility of forces, and increase logistics effectiveness and economy.

6. To procure, control, operate, and administer services related to ocean transportation and, as assigned by the Secretary of Defense, provide services other than transportation.

II. *Cancellation.* This directive cancels and supersedes reference (e).

III. *Definitions.* For the purpose of this directive, the following definitions, in addition to those set forth in reference (f) which are relevant to this assignment, will apply:

A. *CONUS.* The 48 contiguous States and the District of Columbia, excluding Alaska and Hawaii.

B. *Controlled Shipping.* Organic ships designated by the Secretary of Defense for assignment to the Agency and ships acquired by the Agency by bare boat, time or voyage charter or by allocation from other Government agencies.

C. *DoD Components.* For the purposes of this Directive, DoD components include the Office of the Secretary of Defense, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, the military departments, the Military Services, and the Defense Agencies.

D. *Military Airlift Command (MAC).* The Single Manager Operating Agency for Airlift Service (reference (d)).

E. *Military Sea Transportation Service (MSTS).* The Single Manager Operating Agency for Sealift Service (herein referred to as the Agency or as MSTS).

F. *Military Traffic.* DoD personnel and materiel to be transported.

G. *Military Traffic Management and Terminal Service (MTMTS).* The Single Manager Operating Agency for Military Traffic, Land Transportation, and Common-User Ocean Terminals (reference (g)).

H. *Ocean Transportation Service.* The performance or procurement of ocean transportation and services incident thereto required for the movement of persons, cargo, bulk petroleum, and mail.

I. *Passenger Groups.* Passenger groups are usually composed of 10 or more travelers; however, this is subject to change based upon traffic management considerations.

J. *Release Unit of Cargo.* Release unit of cargo for surface shipment is usually 10,000 pounds; however, this is subject to change based upon traffic management considerations.

K. *Ships and Craft Organic to a Military Service.* Ships and craft assigned to and forming an essential part of a military organization.

L. *Water Terminal Clearance Authority.* An activity designated by MTMTS or an overseas theater commander to control and monitor the flow of cargo into water terminals.

IV. *Applicability and Scope.* A. The operation of the Single Manager for Ocean Transportation will be conducted between points in the Continental United States and overseas areas, between and within overseas areas, and in intercoastal and coastwise service within the Continental United States, and will include those additional functions specifically outlined herein or subsequently assigned by the Secretary of Defense.

B. The provisions of this directive apply to all components of the Department of Defense.

V. *Composition.* The Agency shall be composed of all Government-owned ships of the Department of the Navy (except those ships assigned to the combatant fleets of the Navy); all other ships acquired by MSTS for the purpose of providing transoceanic, intratheater, intercoastal and coastwise transportation of personnel, cargo and mail; and ships and craft utilized for other than transportation purposes assigned by the

Secretary of Defense, together with personnel, facilities (exclusive of shoreside facilities of the military departments), and equipment necessary to support the operation.

VI. *Functions of MSTS.* A. Within the mission of MSTS, provide ocean transportation planning support to the Organization of the Joint Chiefs of Staff, the unified and specified commands, the Military Services and the Department of Defense agencies in support of the plans of the Joint Chiefs of Staff and other military operations as required.

B. Provide ocean transportation support to the DoD components as required.

C. Develop, establish, and operate an integrated transportation information data system to support the mission of the agency.

D. Develop plans to assure the efficient use and control of military-owned and commercial ocean transportation resources and capabilities made available to the DoD under mobilization or other emergency conditions.

E. Based on evaluated requirements submitted by the DoD components, prepare long and short range forecasts of sealift requirements and match them with sealift capabilities. In accordance with procedures established by the OJCS (para. VII.B.1. below), submit requirements and capabilities to the OJCS together with recommendations as appropriate to assure a proper balance.

F. Provide necessary information required by MTMTS or other military commands or activities exercising traffic management functions for the diversion of passenger groups or release unit cargo between modes of transportation or to alternate loading points due to changes in capabilities. However, no diversion is to be made without the concurrence of the shipper Service or agency affected.

G. Cooperate with MTMTS in the performance by MTMTS of analytical studies of all overseas outbound passenger travel patterns within CONUS.

H. Maintain and operate a DoD ocean transportation system within limits approved by the Secretary of Defense to:

1. Maintain an adequate emergency readiness position.

2. Carry out realistic training programs.

3. Control, operate, and administer Government-owned ships assigned, and all other ships acquired for the purpose of providing ocean transportation service for the movement of personnel, cargo, bulk petroleum, and mail.

4. Provide ocean transportation service, except that performed by units of the fleet, to all components of the Department of Defense, and as authorized for other agencies of the U.S. Government on a basis consonant with national policy, the need for efficient and economical operations, and responsiveness to military requirements.

I. Procure ships outside the MSTS fleet by bare boat, time, or voyage charter, or by allocation from other Government agencies, and procure passenger (except individual travel which may be procured by the military departments) and cargo space in commercial ships to meet the requirements of the Department of Defense and such other agencies of the U.S. Government as authorized by the Secretary of Defense. The DoD agencies may be authorized by MSTS to purchase passenger space on an individual transportation request basis. In the procurement of cargo space in commercial ships, contract provisions for or relating to the working of cargo, terminal facilities, or other responsibilities of the military departments or MTMTS will be coordinated with the military departments or MTMTS, as appropriate, prior to inclusion in MSTS contracts.

J. In coordination with appropriate Government agencies, prepare recommendations for the design, specifications and equipment of ocean-going ships except combatant types. In collaboration with appropriate Government agencies, make studies, analyses and recommendations for the improvement of ocean transportation systems.

K. Keep MTMTS informed, to the extent mutually agreed necessary, as to the availability of opportune MSTS ocean lift including coastwise and intercoastal lift capacity.

L. Meet all requirements of the Department of Defense and other agencies as authorized for ships and craft for purposes other than transportation, such as research, survey, oceanographic, cable laying, repair facilities, and range instrumentation ships except those met by ships and craft organic to the Military Services and those required in the installation phase of a system by the systems contractor.

M. Provide or arrange for the maintenance, repair and alteration of all Government-owned ships assigned to MSTS, plus the maintenance and repair of any ships acquired through bare boat charter to MSTS.

N. Coordinate with MTMTS in the booking of outbound ocean cargo, passengers, and mail and with the Military Services or the theater commander as appropriate for retrograde, or intra- or inter-theater ocean cargo, passenger, and mail movements.

O. Approve stowage plans and their implementation to insure seaworthiness of the ship, safety of the cargo and efficient use of ship space. (The responsibility of MSTS for cargo normally begins when finally stowed on board and accepted by the Commanding Officer of the ship and terminates when the cargo is accepted free on board at destination.)

P. Book, billet, and exercise control of all passengers aboard MSTS ships and book and billet passengers in commercial space procured by MSTS. Administrative control may be exercised through commander of personnel assigned by the Military Services concerned. (The responsibility of MSTS for passengers begins when the passenger embarks and terminates when the passenger debarks.)

Q. Coordinate MSTS operations with appropriate port authorities.

R. Manage, process, determine and settle claims by or against commercial carriers and/or the Government arising out of MSTS contracts for ocean transportation of personnel, cargo, mail, and bulk petroleum.

S. Provide tankers to meet ocean transportation bulk POL requirements of the military departments.

T. Provide services which are related to the basic ocean transportation service when operationally required or directed by higher authority.

U. Book cargo, passengers, and mail in coordination with MTMTS and the DoD agencies, as appropriate, in accordance with reference (j).

V. Provide information to MTMTS on ship operating costs to enable that Agency to determine the advisability of working ships at overtime rates.

W. Provide ocean transportation rates when requested by the military departments and MTMTS in accordance with policies established by the Secretary of Defense.

X. Serve as single point of contact with ocean carriers in regard to the negotiation of ocean rates, terms, and conditions of ocean transportation and the procurement of ocean shipping capability or ocean transportation services.

VII. *General Responsibilities and Relationships of DoD Components With Respect to MSTS and MSTS Functions.* A. The Secretary of the Navy is designated as the Single Manager for Ocean Transportation and will:

1. Establish and organize, as a major command of the U.S. Navy, the Single Manager Operating Agency for Ocean Transportation which shall have no functions other than those assigned to it in this directive.

2. Designate a flag officer as Executive Director for the Agency, subject to the approval of the Secretary of Defense. The Executive Director shall have no other duties but to direct the operations of the Agency, and shall be responsible to the Secretary of the Navy through channels prescribed by the Secretary.

3. Prepare plans for the employment and expansion of the Agency in time of war or national emergency for support of approved Joint War Plans consistent with Joint Chiefs of Staff allocations approved by the Secretary of Defense.

4. Prepare and submit to the Secretary of Defense the annual operating plans and programs of the Agency in support of DoD requirements, consistent with approved requirements of the Joint Chiefs of Staff for the employment of the Agency in time of peace.

5. Accomplish additional missions and specific functions as may be subsequently assigned by the Secretary of Defense.

6. Provide for direct coordination on matters connected with the operation of the Agency, as prescribed by reference (f).

7. Establish and control such units ashore as may be necessary for the administration and operation of MSTS.

8. Prepare and submit to the Assistant Secretary of Defense (Comptroller) those reports provided for in reference (l).

B. The Joint Chiefs of Staff will:

1. Establish procedures and formats in coordination with the appropriate Assistant Secretaries of Defense and the Secretaries of the military departments for the submission of transportation requirements by the DoD user components to the appropriate Single Managers and for the submission of evaluated requirements and capabilities by the Single Manager Agencies.

2. Assure the participation of each Single Manager Operating Agency in the planning cycle, as appropriate.

3. Prescribe a transportation priority system for passengers and for cargo in consonance with the Uniform Materiel Movement and Issue Priority System (reference (i)) that will assure responsiveness in movement to meet the requirements of the using forces.

4. Review and evaluate requirements of the DoD components for sealift service and the ability of MSTS to meet these requirements.

5. Allocate the capabilities of MSTS as required to meet approved plans of the Joint Chiefs of Staff, or upon request by MSTS or one of the user components.

6. Review and approve, as appropriate, Agency plans and transportation movement schedules issued in support of general, limited and cold war plans previously approved by the JCS.

7. Task MSTS singly or jointly with MTMTS and MAC to provide such information and assistance, within their respective capabilities, resources, and areas of responsibility as may be required to enable the Joint Chiefs of Staff/the Special Assistant for Strategic Mobility to fulfill their movement responsibilities and implement their capability to act effectively as the interface between the Military Services and the Single Manager Operating Agencies, and among the Single Manager Operating Agencies.

C. The Assistant Secretary of Defense (Installations and Logistics) is responsible for issuing policy direction in connection with this single manager assignment except as otherwise specifically designated in this directive. In developing such policies, ASD (I&L) will collaborate with the ASD (Comptroller) to assure maximum utilization of the assignment for budgetary purposes. Similarly he will collaborate with the ASD (Systems Analysis) to assure maximum application of the assignment for manpower utilization effectiveness purposes. The ASD (I&L) will also collaborate with other elements of the Office of the Secretary of Defense, as appropriate.

D. All DoD components, as applicable will:

1. Provide such information and assistance, within their respective capabilities and areas of responsibility, as may be needed by the Secretary of the Navy and the Executive Director to carry out the single manager assignment as outlined in this Directive.

2. Identify passengers and the specific material and quantities to be moved.

3. Determine the destinations to which passengers and materiel are to be moved.

4. Specify date(s) available for movement and the required date of arrival at destination for passengers and materiel to be moved.

5. Establish transportation priorities for passengers and materiel in accordance with applicable DoD/JCS issuances.

6. Arrange with MTMTS for receipt of necessary data, as required, to determine the status of CONUS/originated en route traffic.

7. Provide technical advice to MSTS.

8. Provide MTMTS with diversion, disposition and/or supply instructions regarding CONUS-originated cargo. Diversion requests regarding cargo already loaded in a ship, if such cargo diversion will result in the diversion of the ship, should be submitted by the DoD component to MSTS.

9. Execute, or arrange for the execution of necessary documentation and/or data to obtain, necessary customs clearances for their materiel.

10. Plan for the movement aspects of special projects and coordinate as appropriate with MSTS.

11. Assure that materiel offered for shipment is properly packed, marked, certified and documented.

12. Perform, or arrange for performance of the acceptance function for vendor-supplied materiel shipped direct to an ocean terminal, the function to include technical inspection, and preparation or completion of shipping documentation.

13. Plan, program, budget for, and finance the movement of passengers, cargo, and bulk petroleum.

14. Provide liaison, officers at MSTS headquarters, area commands, and at such activities/installations as mutually agreed with MSTS.

VIII. *Specific Responsibilities and Relationships of MTMTS and DoD Components With Respect to Ocean Passenger, Cargo, and Bulk Petroleum Traffic—*

A. *Overseas Outbound Ocean Passenger Traffic.*

1. MTMTS will:

a. In coordination with the affected DoD component, provide for diversion of within CONUS passenger groups between modes when required by changes in capabilities. However, no diversion is to be made without the concurrence of the shipper Service or agency affected.

b. In cooperation with MAC and MSTS, perform analytical studies of all overseas outbound passenger travel patterns within CONUS and make appropriate recommendations to the Secretary of Defense through the JCS regarding improvements in passenger traffic management and relationship between CONUS and overseas movements. Copies of reports will be furnished concurrently to the Military Services.

c. Develop, in coordination with the DoD components, joint regulations establishing procedures regarding preparation of ocean passengers for overseas travel.

d. Based upon space assignments made by MSTS, receive specific reservation requests from the Army and Air Force and copies of reservation requests from the Navy and Marine Corps.

e. Receive requests from the Military Services and other DoD components for desired departure dates and required arrival dates at ocean Ports of Embarkation of passenger group moves and plan, program and manage the flow of CONUS-originated passenger groups to appropriate ocean terminals.

f. Make necessary arrangements, in accordance with OJCS procedures for air or land transportation of units between inland CONUS points and the ocean terminals and advise the military Services and other DoD components of the transportation mode, the particular carrier within a mode or the particular charter to be used, as appropriate, as well as the time and place from which the CONUS portion of the travel will originate.

g. Provide or arrange for, with respect to passengers at ocean terminals, information and services as required or requested.

h. Advise MSTS of Army and Air Force passenger identifications. Port-call Army and Air Force passengers.

i. Provide temporary accommodations of ocean passengers when passenger arrivals at ocean terminals do no coincide with ship availability.

2. The DoD components will:

a. Submit requirements for passenger travel to MSTS in accordance with procedures established by MSTS in coordination with the military Services (and consistent with procedures established in accordance with para. VII.-B.1). Concurrently with such submissions the military Service will submit copies of CONUS originated/overseas destined passenger requirements to MTMTS.

b. Submit reservation requests for overseas ocean travel as follows:

(1) The Army and Air Force will submit reservation requests to MTMTS in accordance with procedures developed by MTMTS in coordination with the Army and Air Force.

(2) The Navy and the Marine Corps will submit reservation requests directly to MSTS with copies to MTMTS in accordance with procedures established by MSTS in coordination with the Navy and Marine Corps.

c. Process and transmit, or arrange for the transmission of, passports or other documentation to passengers as required.

d. Provide, or arrange for, processing of intransit personnel, including arrangements for pay, reassignment orders, and such other services which were not provided prior to movement.

e. Provide required personnel actions prior to movement to port.

f. The Navy and the Marine Corps will port-call their ocean passengers. (Army and Air Force ocean passengers will be port-called by MTMTS.)

B. *CONUS Movement of Outbound Ocean Cargo.* 1. MTMTS will:

a. Provide for diversion of outbound ocean cargo within CONUS between transportation modes, to intransit storage or to a CONUS port of embarkation other than that originally intended. However, no diversion is to be made without concurrence of the Shipper Service or Shipper Agency. When cargo cannot be cleared for movement to an ocean

Port of Embarkation, provide timely advice to the shipper as prescribed by MILSTAMP (reference (j)).

b. Select the CONUS mode of transportation for release unit shipments that will be responsive to the priority and the delivery date that the Department of Defense component has established. The use of either air or surface movement from CONUS to overseas may be questioned by MTMTS.

c. Provide traffic management and terminal service incident to the CONUS movement of DoD-sponsored freight/cargo through common-user military and commercial ocean terminals, to include routing via the inland carrier, releasing and control of the input and flow into the terminal, and processing through the ocean terminal. MTMTS services shall be in accordance with program and operational requirements of the Department of Defense components. The foregoing does not modify Navy responsibilities for control over movements within the tidewater installation of fleet support cargo to be lifted via fleet ships.

d. Control the flow of DoD-sponsored traffic into ocean terminal facilities through the Offering, Acceptance and Release procedures.

e. Make cost evaluations, ascertain port handling capability, select port, offer cargo for booking by MSTS, call cargo forward to designated terminal facilities, provide terminal operator(s) with shipment data, and issue appropriate export release with due dates, rate, route, and tariff or tender information.

f. Operate designated common-user ocean terminals. This function includes responsibility for all manifested Department of Defense cargo moving through the entire port complex and for any fleet support requirements set forth in cross-servicing agreements in effect between MTMTS and the Navy.

g. Establish and command outport detachments or other subordinate activities, as required, or through cross-servicing agreements or contracts, execute MTMTS terminal service operations incident to the transshipment of Department of Defense cargo through commercial ocean facilities.

h. For release-unit freight, determine specific inland mode and carrier, and ocean terminal based on lowest landed cost within priority and delivery data limitations and operational requirements established by the appropriate Department of Defense components.

i. Provide or arrange for terminal service to include receipt, transit storage and marshaling of cargo, loading and discharge of ships, and preparation of required documents.

j. Supervise, direct, and control operations, staffing, and physical plant of assigned terminal facilities and activities.

k. Offer cargo to MSTS for booking and accept satisfactory bookings, provide traffic information essential to MSTS planning and operations, serving as the single point of contact with MSTS in regard to booking of Department of Defense-sponsored manifested export cargo.

l. Provide movement information, tracer action, tonnage on hand awaiting lift and expediting services for the DoD components as required.

m. Provide or arrange for recoopering, repacking, and marking service as required for cargo intransit and report discrepancies to DoD components for future correction.

n. Correct, or provide for correction of, and report discrepancies to applicable DoD components in documentation and Technical Order violations, to include preparation of mechanized Transportation Control and Movement Documents (TCMDs) when required.

o. Arrange for shipment of retrograde cargo requiring onward movement from ocean terminals.

p. Furnish each DoD component copies of required documents covering all of their sponsored export cargo moved via MSTS.

q. Perform the water clearance authority functions as prescribed by MIL STAMP (reference (j)).

r. Develop and improve the small shipment consolidation programs and develop and improve the loss and damage prevention programs.

2. The DoD components will:

a. Submit total cargo ocean lift requirements to MSTS in accordance with procedures developed by MSTS in coordination with the DoD components, and consistent with procedures established in accordance with paragraph VII.B.1. herein. Concurrently with such submissions the DoD components will submit copies to MTMTS.

b. Forward cargo to ocean terminals in accordance with procedures established by MTMTS in coordination with the DoD components.

c. Submit total bulk POL ocean lift requirements to MSTS via the Defense Fuel Supply Center (DFSC) in accordance with procedures required by MSTS.

d. Submit all requirements for tanker services other than point-to-point transportation to MSTS with information to DFSC. Requirements for floating storage or special support shuttle services will be submitted to MSTS via the JCS.

3. The Defense Fuel Supply Center, Defense Supply Agency (DFSC, DSA) will:

a. In coordination with the military departments and Joint Petroleum offices submit annual and long-range forecasts of ocean bulk POL lift requirements and revision thereto as required by MSTS.

b. Provide monthly bulk POL cargo lift requirements to MSTS received from the military departments and Joint Petroleum Office, accept satisfactory tanker nominations, provide supplier information essential to MSTS operations, coordinate tanker transportation and serve as the single point of contact with MSTS in regard to the ocean movement of DoD-sponsored bulk POL.

c. Establish, in coordination with the military departments and MSTS, standard procedures of inspection and documentation for ocean bulk POL carriers and cargoes.

d. Provide traffic management of bulk POL ocean movements, consolidate requirements of the military departments.

IX. *Authority.* To discharge the functions and responsibilities prescribed in this directive, the Secretary of the Navy and Executive Director of the Agency are authorized to:

A. Organize, direct, manage, administer, and control all elements of the Agency.

B. Communicate and coordinate directly with all components of the DoD and with other departments and agencies of Government in matters relating to Agency functions.

X. *Administration and Financing.* A. The Agency headquarters and its subordinate elements will be staffed with civilian employees who will be employees of the Department of the Navy and with military personnel from all Services, as appropriate.

B. Positions within the Agency will be identified as military or civilian, based on criteria established by the Secretary of Defense in reference (a).

C. Manpower requirements for the Agency on a phased-basis will be consistent with the transfer of responsibilities and will be provided to the ASD (Systems Analysis) at least 30 days in advance of the effective date of functional transfers to permit the necessary evaluation and realignment of such resources.

D. The transfer of manpower authorizations to the Department of the Navy from other DoD components will be accomplished in accordance with reference (b). The transfer of personnel resources will be in accord with established policies and procedures.

E. The transfer of financial and other resources will be accomplished in accordance with established DoD procedures and as approved by the appropriate elements of the OSD.

F. Interservice support agreements, assignments or delegations of functions and authority will be executed as required for the performance of assigned responsibilities in accordance with reference (c).

G. The Department of the Navy will program, budget, and finance for the Agency.

H. Operations of the Agency shall be financed under a Navy Industrial Fund-MSTS, administered in accordance with reference (h), except as specifically excluded by the ASD (Comptroller).

I. Implementing directives and instructions will be coordinated in accordance with reference (f).

XI. *Effective date and implementation.* This directive is effective upon publication. Two (2) copies of implementing instructions shall be forwarded to the Assistant Secretary of Defense (Installations and Logistics) within sixty (60) days.

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

[F.R. Doc. 67-4385; Filed, Apr. 20, 1967; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

ASSISTANT TO CHIEF ENGINEER (PROGRAMS MANAGEMENT)

Redelegation of Authority Regarding Contracts for Engineering and Architectural Services

The Redelegations of Authority published in the FEDERAL REGISTER November 14, 1964 (29 F.R. 15295), as amended January 29, 1965 (30 F.R. 957), August 13, 1965 (30 F.R. 10121), April 8, 1966 (31 F.R. 5577), and May 28, 1966 (31 F.R. 7724), are hereby amended by revising section 6.a thereto as follows:

6. *Negotiated contracts.* * * *

a. Assistant to the Chief Engineer (Programs Management) may exercise the authority to execute contracts for engineering and architectural services pursuant to section 302(c) (4) and (10) of the Federal Property and Administrative Services Act of 1949, as amended.

(NOTE: This position was established Oct. 9, 1966.)

* * * * *

Dated: April 14, 1967.

DAVID S. BLACK,
Administrator.

[F.R. Doc. 67-4392; Filed, Apr. 20, 1967; 8:46 a.m.]

Office of the Secretary

LOWELL E. HUNT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of March 23, 1967.

Dated: March 14, 1967.

LOWELL E. HUNT.

[F.R. Doc. 67-4393; Filed, Apr. 20, 1967; 8:46 a.m.]

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Assignment of Compliance Responsibilities Under Title VI of Civil Rights Act of 1964

Notice is hereby given of the assignment of certain responsibilities under Title VI of the Civil Rights Act of 1964 (78 Stat. 241, 252; 42 U.S.C. secs. 2000d—2000d-4) and 43 CFR Part 17 to the Secretary of Health, Education, and Welfare. These assignments are contained in letters from the Secretary of the Interior to the Secretary of Health, Education, and Welfare, which are set forth below.

Dated: April 13, 1967.

PAUL BOYAJIAN,
Director,
Office for Equal Opportunity.

JUNE 2, 1966.

Hon. JOHN W. GARDNER,
Secretary of Health, Education, and Welfare,
Washington, D.C. 20201.

DEAR MR. GARDNER: Pursuant to the authority of 43 CFR Part 17.11(c), I hereby assign to you the responsibilities listed below of the Department of the Interior and of the responsible Department of the Interior officials under Title VI and the Department of the Interior's regulations issued thereunder (43 CFR 17) with respect to elementary and secondary schools and school systems.

1. Soliciting, receiving, and determining the adequacy of assurances of compliance, voluntary desegregation plans, and final court orders under 43 CFR 17.4;

2. Mailing, receiving, and evaluating compliance reports under 43 CFR 17.5(b);

3. All other actions related to securing voluntary compliance, or related to investigations, compliance reviews, complaints, determinations of apparent failure to comply, and resolutions of matters by informal means.

The Department of the Interior specifically reserves to itself the responsibilities for the effectuation of compliance under 43 CFR 17.7, 17.8, and 17.9

The responsibilities so designated to you are to be exercised in accordance with the Plan for Coordinated Enforcement Procedures for Elementary and Secondary Schools and School Systems dated May 1966, developed by the interested governmental agencies and approved by the Department of Justice, and may be redelegated by you to other officials of your Department. The Department of the Interior also retains the right to exercise these responsibilities itself in special cases with the agreement of the appropriate official in your Department. If you consent to this assignment, please indicate your acceptance by signing in the space provided below.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

Accepted: June 22, 1966.

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

May 2, 1966.

Hon. JOHN W. GARDNER,
Secretary of Health, Education, and Welfare,
Washington, D.C. 20201.

DEAR MR. GARDNER: Pursuant to the authority of 43 CFR Part 17.11(c), I hereby assign to you the responsibilities listed below of the Department of the Interior and of the responsible Department of the Interior officials under Title VI and the Department of the Interior's regulations issued thereunder 43 CFR 17 with respect to institutions of higher education.

1. Compliance Reports, including the mailing, receiving, and evaluation thereof under 43 CFR 17.5(b);

2. Other actions under 43 CFR 17.5;

3. All actions under 43 CFR 17.6 including periodic compliance reviews, receiving of complaints, investigations, determination of recipient's apparent failure to comply, and resolution of matters by informal means.

The Department of the Interior specifically reserves to itself the responsibilities for the effectuation of compliance under 43 CFR 17.7, 17.8, and 17.9.

The responsibilities so designated to you are to be exercised in accordance with the Plan for Coordinated Enforcement Procedures for Higher Education dated February 1966, developed by the interested governmental agencies and approved by the Department of Justice, and may be redelegated by you to other officials of your Department. The Department of the Interior also retains the right to exercise these responsibilities itself in special cases with the agreement of the appropriate official in your Department.

If you consent to this assignment, please indicate your acceptance by signing in the space provided below.

Sincerely yours,

STEWART L. UDALL,
Secretary of the Interior.

Accepted: June 13, 1966.

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

[F.R. Doc. 67-4394; Filed, Apr. 20, 1967; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

WILLIAM M. FIRSHING

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past 6 months:

A. Deletions:
Unexcelled Chemical.
Montgomery Ward.
Purex.
Flintkote.
Signal Oil "A."
High Voltage Eng.
B. Additions:
Livingston Oil.
American Potash.
United Nuclear.
Niagara Mohawk.

This statement is made as of April 6, 1967.

WILLIAM M. FIRSHING.

APRIL 6, 1967.

[F.R. Doc. 67-4381; Filed, Apr. 20, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Notice of Hearing on Application for Provisional Construction Permit

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules

of Practice," notice is hereby given that a hearing will be held at 9 a.m., local time, on May 25, 1967, in the Wright County Courthouse, Buffalo, Minn., to consider the application filed under section 104(b) of the Act by the Northern States Power Co., Minneapolis, Minn., for a provisional construction permit for a boiling water nuclear reactor, designed to operate at 1,469 megawatts (thermal), to be located at a site in Wright County, Minn., approximately 3 miles northwest of Monticello, Minn.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission consisting of Dr. David B. Hall, Los Alamos, N. Mex.; Dr. Thomas H. Pigford, Berkeley, Calif.; and Arthur W. Murphy, Esquire, Chairman, New York, N.Y. Mr. Reuel C. Stratton, Hartford, Conn., has been designated as a technically qualified alternate.

A prehearing conference will be held by the Board at 9 a.m., local time, on May 12, 1967, in the Wright County Courthouse, Buffalo, Minn., to consider the matters provided for consideration by § 2.752 of 10 CFR Part 2 and section II of Appendix A to 10 CFR Part 2.

The Director of Regulation proposes to make affirmative findings on Item Nos. 1–3 and a negative finding on Item 4 specified below as the basis for the issuance of a provisional construction permit to the applicant substantially in the form proposed in Appendix A hereto.

1. Whether in accordance with the provisions of 10 CFR § 50.35(a)

(a) The applicant has described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether the applicant is technically qualified to design and construct the proposed facility;

3. Whether the applicant is financially qualified to design and construct the proposed facility; and

4. Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

In the event that this proceeding is not a contested proceeding, as defined by § 2.4 of the Commission's "Rules of Practice," 10 CFR Part 2, the Board will, without conducting a de novo evaluation of the application, consider the issues of whether the application and the record of the proceeding contain sufficient information, and the review by the Commission's regulatory staff has been adequate, to support the findings proposed to be made and the provisional construction permit proposed to be issued by the Director of Regulation.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as the issues in this proceeding, Item Numbers 1 through 4 above as the basis for determining whether a provisional construction permit should be issued to the applicant.

As they become available, the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS), and the Safety Analysis by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of the ACRS report and the regulatory staff's Safety Analysis may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Petitions for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's "Rules of Practice", must be received in the Office of the Secretary, U.S. Atomic Energy Commission, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than May 12, 1967, or in the event of a postponement of the specific hearing date, at such time as the Board may specify.

Any person who wishes to make an oral or written statement setting forth his position on the issues specified, but who does not wish to file a petition to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's "Rules of Practice". Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, by May 12, 1967.

Answers to this notice, pursuant to the provisions of § 2.705 of the Commission's "Rules of Practice", must be filed by the applicant on or before May 12, 1967.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, or may be filed by delivery to the Office of the Secretary, U.S. Atomic Energy Commission, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's "Rules of Practice", an original and 20 conformed copies of each such paper with the Commission.

Dated at Washington, D.C., this 19th day of April 1967.

UNITED STATES ATOMIC ENERGY COMMISSION
W. B. McCOOL,
Secretary to the Commission.

APPENDIX A

NORTHERN STATES POWER CO.

(Monticello Nuclear Generating Plant)

[Docket No. 50-263]

PROVISIONAL CONSTRUCTION PERMIT

Construction Permit No. .....

1. Pursuant to § 104(b), of the Atomic Energy Act of 1954, as amended (the Act), and Title 10, Chapter 1, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", and pursuant to the order of the Atomic Safety and Licensing Board, the Atomic Energy Commission (the Commission) hereby issues a provisional construction permit to Northern State Power Co. (the applicant) for a utilization facility (the facility), described in the application and amendments thereto filed in this matter by the applicant and as more fully described in the evidence received at the public hearing upon that application. The facility, known as the Monticello Nuclear Generating Plant, will be located at the applicant's site in Wright County, Minn., about 3 miles northwest of Monticello, Minn.

2. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act, and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the conditions specified or incorporated below:

A. The earliest date for the completion of the facility is October 1, 1969, and the latest date for completion of the facility is February 1, 1970.

B. The facility shall be constructed and located at the site as described in the application, as amended, in Wright County, Minn., about 3 miles northwest of Monticello, Minn.

C. This construction permit authorizes the applicant to construct the facility described in the application and the hearing record in accordance with the principal architectural and engineering criteria set forth therein.

3. This permit is provisional to the extent that a license authorizing operation of the facility will not be issued by the Commission unless (a) the applicant submits to the Commission, by amendment to the application, the complete final safety analysis report, portions of which may be submitted and evaluated from time to time; (b) the Commission finds that the final design provides reasonable assurance that the health

and safety of the public will not be endangered by the operation of the facility in accordance with procedures approved by it in connection with the issuance of said license; and (c) the applicant submits proof of financial protection and the execution of an indemnity agreement as required by § 170 of the Act.

For the Atomic Energy Commission.

[F.R. Doc. 67-4459; Filed, Apr. 20, 1967; 8:50 a.m.]

AUTOMOTIVE AGREEMENT ADJUSTMENT ASSISTANCE BOARD

CERTAIN WORKERS OF EATON YALE & TOWNE, INC.

Summary of Final Determinations and Notice of Certification Regarding Petition for Determination of Eligibility To Apply for Adjustment Assistance

Determinations of the Board. Pursuant to the Automotive Products Trade Act of 1965 (Public Law 89-283; 79 Stat. 1016) the Automotive Agreement Adjustment Assistance Board determines that:

Dislocation of workers in the leaf spring department of the Detroit, Mich. plant, Eaton Spring Division, Eaton Yale & Towne, Inc., has occurred or threatens to occur.

U.S. production of the automotive product concerned—flat leaf springs—has decreased appreciably (sec. 302(b)(2), Act), and U.S. imports from Canada of the automotive product concerned have increased appreciably (sec. 302(b)(3)(A), Act).

No factor other than the operation of the United States-Canadian Automotive Products Agreement has been the primary factor in causing or threatening to cause the dislocation.

Certification. The Board hereby certifies that the workers of the leaf spring department of the Detroit, Mich. plant, Eaton Spring Division, Eaton Yale & Towne, Inc., who became or will become unemployed or underemployed on or after January 7, 1967, are eligible to apply for adjustment assistance.

Background. A petition for a determination of eligibility to apply for adjustment assistance under the Automotive Products Trade Act of 1965 was filed with the Automotive Agreement Adjustment Assistance Board on February 2, 1967, by the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (U.A.W.), and its Local 368, of Detroit, Mich., on behalf of a group of workers at the Detroit plant, Eaton Spring Division, Eaton Yale & Towne, Inc. The petition alleged that the transfer of the production of automotive leaf springs from Detroit to a newly established plant in Chatham, Ontario, resulted in the permanent layoff of 166 workers between January 7 and January 21, 1967, and threatens approximately 125 additional permanent layoffs in 1967. The petition further alleged that, had it not been for the United States-Canadian Automotive Products Agreement, the leaf spring production would have remained in Detroit.

On February 7, 1967, the Automotive Assistance Committee of the Board requested the U.S. Tariff Commission to investigate and report on the facts relating to this petition (32 F.R. 2915, Feb. 15, 1967). Although the petitioners had originally indicated the desire for a public hearing, they subsequently withdrew their request. No other parties requested a hearing and none was held.

The Commission submitted its report on March 30, 1967 (APTA-W-7). The Commission stated that only certain sections of the report could be made public since much of the information it contains was received in confidence (32 F.R. 5530, Apr. 4, 1967).

The Board, in addition, obtained advice from the Departments of the Treasury, Commerce, Labor, and the Small Business Administration under section 302(f)(1) of the Act.

Eaton Yale & Towne, Inc., and its Eaton Spring Division. Eaton Yale & Towne, Inc. is a diversified corporation manufacturing, both here and abroad, a variety of components used in the production of transportation and industrial equipment.

The Eaton Spring Division operates plants in Detroit (passenger car springs) and Lackawanna, N.Y. (truck springs). The only other suspension spring facility of Eaton Yale & Towne, Inc., is the recently formed subsidiary, Eaton Springs, Canada, Ltd., in Chatham, Ontario, about 70 miles east of Detroit. Although the Lackawanna and Chatham plants produce leaf springs exclusively, the Detroit plant also makes other types of springs and related articles.

The decision to build the Chatham facility, which would consolidate all leaf spring production of Eaton Yale & Towne, Inc., was made after the United States-Canadian Automotive Products Agreement was signed. Limited production at the Chatham plant began in the last half of 1966, but production in the leaf spring department of the Detroit plant did not cease until January 1967. Production at the Lackawanna plant is expected to be terminated during the first half of 1967.

Conclusions and determinations—Automotive product. The Board concludes that the petitioners were employed in a plant of Eaton Yale & Towne, Inc., manufacturing an automotive product, as defined by the Act: Leaf springs for use primarily as original equipment in the assembly of motor vehicles (sec. 302(1)(1), Act).

Dislocation. Dislocation in the case of a group of workers means actual or threatened unemployment or underemployment of a significant number or proportion of the workers of a firm or an appropriate subdivision thereof.

The Detroit leaf spring department was distinct from other production facilities in the plant. Equipment used in the production of leaf springs was housed in a separate area of the plant.

During 1966 monthly employment in the production of leaf springs at the Detroit plant was fairly steady, averaging slightly over 300 persons per month except during summer model changeover periods. Layoffs resulting from the transfer of leaf spring production to Canada began January 7, 1967, and by April 1, about 270 persons had been laid off. Some workers from the leaf spring department were transferred to other departments from which they "bumped" workers with less seniority.

The Board determines that the leaf spring department of the Detroit, Mich., plant, Eaton Spring Division, is the appropriate subdivision of Eaton Yale & Towne, Inc., and that a significant number or proportion of the workers thereof have been dislocated (sec. 302(b)(1), Act; § 501.2(i)(2), Board Regulations).

Role of the operation of the Agreement. Section 302(c) of the Act provides that if there is appreciable decrease in U.S. production and an appreciable increase in imports from Canada of the automotive product concerned (sec. 302(b)(2) and (b)(3), Act), the group of workers must be certified as eligible to apply for adjustment assistance unless the Board determines that the operation of the Agreement has not been the primary factor in causing the dislocation.[1]

Data obtained by the Tariff Commission show that in each of the months of October 1966 through January 1967 (model year 1967) production in the United States of flat leaf springs has been at least 15 percent less than production during corresponding months in model year 1964, and averaged 20 percent less. The data on U.S. imports from Canada of automotive flat leaf springs indicate that imports in recent months of the 1967 model year are at least 80 percent greater than the same months of the 1964 model year.

The Board therefore determines that the economic criteria in section 302(b) of the Act are met.

On the basis of the Tariff Commission report, the Board determines that no factor other than the operation of the Agreement has been the primary factor causing the dislocation of the workers.

(Sec. 302, Automotive Products Trade Act of 1965, 79 Stat. 1018; Executive Order 11254, 30 F.R. 13569; Automotive Agreement Adjustment Assistance Board regs., 48 CFR Part

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[1] "For purposes of determining whether the changes specified in sec. 302(b) have taken place, it is necessary to determine both a current period and a base period. It is believed that 3 to 4 recent consecutive months would usually be representative of the current period, and that the base period should be the model year 1964, except in cases where this year is considered to be an atypical one.

"With respect to the term 'appreciably' in sec. 302(b), a change of 5 percent in production, imports, or exports would normally be an appreciable one * * *".

H. Rpt. No. 537 (Committee on Ways and Means), 89th Cong., 1st sess., on H.R. 9042, pp. 21-22.

501, 31 F.R. 827; Board Order No. 1, 31 F.R. 853)

Dated: April 14, 1967.

AUTOMOTIVE AGREEMENT ADJUSTMENT ASSISTANCE BOARD,
EDGAR I. EATON,
Executive Secretary.

[F.R. Doc. 67-4396; Filed, Apr. 20, 1967; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18394]

AIR-INDIA

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 25, 1967, at 10 a.m. (e.s.t.), in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Herbert K. Bryan.

Dated at Washington, D.C., April 17, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-4421; Filed, Apr. 20, 1967; 8:48 a.m.]

[Docket No. 18408]

ALASKA-ALASKA COASTAL MERGER CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 11, 1967, at 10 a.m. (d.s.t.), in Room 211, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner Herbert K. Bryan.

In order to facilitate the conduct of the conference, interested parties are instructed to submit on or before May 5, 1967, (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statements of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., April 17, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67-4422; Filed, Apr. 20, 1967; 8:48 a.m.]

[Docket No. 17828; Order No. E-25003]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of April 1967.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements have been adopted by mail votes and have been assigned the CAB Agreement numbers designated Agreement CAB 19395, Agreement CAB 19462, Agreement CAB 19517, Agreement CAB 19519.

The agreements name proportional fares for use in the construction of through fares (1) to and from interior points of the United States and points in the South Pacific, (2) to and from points within the Eastern Hemisphere with respect to transatlantic group inclusive tour basing fares, and (3) to and from interior points in India. Additionally, the agreements provide for the incorporation into the IATA fare structure of student and excursion fares now offered by the British West Indian Airways, Ltd., which recently became a member of IATA.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. The Board finds that Resolution 100 (Mail 484) 092, incorporated in Agreement CAB 19462, does not affect air transportation within the meaning of the Act;

2. The Board does not find the following resolutions, which are incorporated in the agreements indicated and which do not directly affect air transportation within the meaning of the Act, to be adverse to the public interest or in violation of the Act:

CAB Agreement:	*IATA Resolution*
19462	100(Mail 484)080.
19519	300(Mail 240)053.
	300(Mail 240)063.
	JT23(Mail 174)055.
	JT23(Mail 174)065.

3. The Board does not find the following resolutions, incorporated in the agreements indicated, to be adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions specified below:

CAB Agreement:	*IATA Resolution*
19395	JT31(Mail 126)015a.
19462	100(Mail 484)014a.
19517	JT12(Mail 489)087.
	JT123(Mail 489)087.
19519	JT123(Mail 490)057a.
	JT123(Mail 490)067a.
	JT123(Mail 490)080e.
	JT123(Mail 490)080f.
	JT123(Mail 490)084y.
	JT123(Mail 490)087.

Provided that with respect to Resolution JT31(Mail 126)015a:

(a) Copies of minutes or reports of meetings shall be submitted to the Board at the conclusion of any meetings which may be held as well as copies of any notices that are circulated at the time of circulation to members.

(b) Agreements reached at meetings shall be filed with the Board under section 412 of the Act and approved prior to being placed in effect. Similarly, all unprotested notices shall be filed as agreements and approved by the Board prior to being placed in effect.

Accordingly, it is ordered, That:

1. Jurisdiction is disclaimed with respect to that portion of Agreement C.A.B. 19462 described in finding paragraph 1; and

2. Those portions of Agreements C.A.B. 19395, 19462, 19517, and 19519, described in finding paragraphs 2 and 3, are approved subject to the condition stated therein.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-4423; Filed, Apr. 20, 1967; 8:48 a.m.]

CIVIL SERVICE COMMISSION

MANPOWER SHORTAGE

Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective April 5, 1967, that there is a manpower shortage for the positions of Education Officer or Education Specialist, GS-1720-12/15, Washington, D.C. This finding is limited to those positions involved in the education of the handicapped.

The appointees to these positions may be paid for the expense of travel and transportation to the first post of duty.

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

[F.R. Doc. 67-4405; Filed, Apr. 20, 1967; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 67-471]

LAND MOBILE SERVICE

Examination of Frequency Relief

APRIL 14, 1967.

The Commission is undertaking an intensified study of the feasibility of meeting the needs of the land mobile service within spectrum space now allocated to the upper and lower ends of the bands now assigned to UHF television. The

objective is to provide essentially needed spectrum space for the explosive growth of land mobile use with a minimum impact on our nationwide television service.

The Commission will examine the more efficient use of frequencies now assigned to the land mobile services, geographical sharing between television and the land mobile services, reallocation of UHF television frequencies to the land mobile services, and various combinations of the above. The Commission has noted that industry groups contemplate similar studies. By this notice we invite and encourage such studies, and request that they be expedited and the results submitted to the Commission as promptly as possible.

Adopted: April 14, 1967.

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

[F.R. Doc. 67-4425; Filed, Apr. 20, 1967; 8:48 a.m.]

[Docket Nos. 17357-17359; FCC 67M-641]

AKRON TELERAMA, INC. ET AL.

Order Scheduling Hearing

In re petitions by Akron Telerama, Inc., Akron, Ohio, Docket No. 17357, File No. CATV 100-16; Lorain Cable TV, Inc., Lorain, Ohio, Docket No. 17358, File No. CATV 100-128; Telerama, Inc., Cleveland Heights, Richmond Heights, South Euclid, Beachwood, Oakwood, East Cleveland, Garfield Heights, Euclid, Highland Heights, University Heights, Bedford Heights, Maple Heights, Lyndhurst, Bedford and North Randall; also Shaker Heights, Warrensville Heights, and Warrensville Township, Ohio, Docket No. 17359, File No. CATV 100-146; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Cleveland Television Market.

It is ordered, This 17th day of April 1967, that H. Gifford Irion shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on June 12, 1967, at 10 a.m.; and that a prehearing conference shall be held on May 10, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: April 18, 1967.

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

[F.R. Doc. 67-4426; Filed, Apr. 20, 1967; 8:48 a.m.]

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[1] Commissioner Lee dissenting and issuing a statement filed as part of the original document and commissioner Johnson concurring in the result.

[Docket No. 16981; FCC 67M-636]

AUGUSTINE L. CAVALLARO, JR.

Order Continuing Hearing

In re application of Augustine L. Cavallaro, Jr., Bayamon, P.R., Docket No. 16891, File No. BP-16182; for construction permit.

The Hearing Examiner having under consideration a petition filed on April 14, 1967 by Augustine L. Cavallaro, Jr., requesting that the further evidentiary hearing in the above-styled proceeding presently scheduled for April 17, 1967 be continued; and

It appearing, that the continuance is needed because of difficulties encountered in the framing of written interrogatories which will be utilized in the case; and

It further appearing, that counsel for the Broadcast Bureau, the only other party now in this proceeding, has consented to a grant of the requested relief;

It is, therefore, ordered, This 17th day of April, 1967, that the petition be and the same is hereby granted and the hearing is accordingly continued to May 15, 1967 at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: April 17, 1967.

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

[F.R. Doc. 67-4427; Filed, Apr. 20, 1967; 8:48 a.m.]

[Docket No. 16722; FCC 67M-642]

BLACK HAWK BROADCASTING CO. (KWWL-TV)

Order Continuing Hearing

In re application of Black Hawk Broadcasting Co. (KWWL-TV), Waterloo, Iowa, Docket No. 16722, File No. BPCT-3606; for construction permit.

The Hearing Examiner having under consideration the informal request for continuance of hearing filed by Black Hawk Broadcasting Co. under date of April 11, 1967, and supplemented by letter dated April 13, 1967;

It appearing, that the request for approval for construction at a site which would meet Commission spacing requirements is still pending before the Federal Aviation Administration and accordingly good cause for grant is present;

It further appearing, that all parties have consented to immediate consideration and grant of the said request;

It is ordered, This 14th day of April 1967, that the said request is granted and the hearing is continued from April 19, 1967, to June 1, 1967, in the offices of the Commission at Washington, D.C., commencing at 10 a.m.

Released: April 18, 1967.

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

[F.R. Doc. 67-4428; Filed, Apr. 20, 1967; 8:48 a.m.]

[Docket No. 17373, 17374; FCC 67-450]

DESERT EMPIRE TELEVISION CORP. AND OASIS BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Desert Empire Television Corp., Palm Springs, Calif., Docket No. 17373, File No. BPCT-3848; Oasis Broadcasting Corp., Palm Springs, Calif., Docket No. 17374, File No. BPCT-3877; for construction permit for new television broadcast station.

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 12th day of April 1967;

1. The Commission has before it for consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 36, Palm Springs, Calif.

2. While Desert Empire Television Corp. indicates that it will operate the proposed station by remote control from its studio site in Palm Springs, Calif., it has failed to make a showing as to whether the remote control operation will comply with the requirements of § 73.676 of the Commission's rules. Accordingly, an issue has been specified.

3. Oasis Broadcasting Corp. is qualified to construct, own, and operate the proposed new television broadcast station and, except as indicated by the issue set forth below, Desert Empire Television Corp. is qualified to construct, own, and operate the proposed new television broadcast station. The applications are, however, mutually exclusive, in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is, therefore, unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Desert Empire Television Corp. and Oasis Broadcasting Corp., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Desert Empire Television Corp.'s proposed remote control operation will comply with the requirements of § 73.676 of the Commission's rules.

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

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to

§ 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

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

Released: April 18, 1967.

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

[F.R. Doc. 67-4429; Filed, Apr. 20, 1967; 8:49 a.m.]

[Docket Nos. 17258-17260; FCC 67M-605]

GAMMA TELEVISION CORP. ET AL.

Order Regarding Procedural Dates

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.

A prehearing conference having been held on April 12, 1967, whereat certain agreements were reached and certain rulings were made;

It is ordered, This 12th day of April 1967, that:

(1) The applicants' direct affirmative cases shall be presented primarily in the form of sworn, written exhibits, but may be supplemented by oral testimony;

(2) On or before June 19, 1967, the applicants shall exchange their exhibits informally, and shall also exchange a list of their witnesses to be presented orally together with a brief statement as to the facts to be elicited from each witness;

(3) On or before July 10, 1967, the applicants shall formally exchange their exhibits in final form;

(4) Any party wishing to call for cross-examination the sponsor of any other party's exhibit shall give notification thereof on or before July 17, 1967; and

(5) Hearing shall commence on July 24, 1967, at 10 a.m., in the offices of the Commission in Washington, D.C.; and

It is further ordered, That the foregoing procedural dates shall be adhered to unless the parties advise the Examiner informally on or before April 28, 1967, that they have reached an agreement which will obviate the necessity for hearing, and shall have submitted formally such agreement to the Commission for approval on or before June 19, 1967.

Released: April 13, 1967.

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

[F.R. Doc. 67-4430; Filed, Apr. 20, 1967; 8:49 a.m.]

[Docket No. 17365; FCC 67-448]

GREAT SOUTHERN BROADCASTING CO.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of William O. Barry trading as Great Southern Broadcasting Co., Donelson, Tenn., Docket No. 17365, File No. BP-16707; requests: 1190kc, 250w, Day, Class II; for construction permit.

1. The Commission has before it for consideration, the above captioned and described application for a construction permit for a new standard broadcast station in Donelson, Tenn.

2. Donelson is an unincorporated community of 17,195 persons according to the 1960 U.S. Census. It is located approximately 6 miles east of Nashville, Tenn., a city of 170,874 persons according to the same census. Recently, Nashville merged with Davidson County to form "The Metropolitan Government of Nashville and Davidson County", a governmental complex approximately 625 square miles in area with a population of 367,545. Within the corporate limits of this new entity are numerous communities, both incorporated and unincorporated, some of which have been assigned radio stations. The population of the Metropolitan Government is concentrated largely in that portion recognized as Nashville and the few separate communities within the county, the rest of the area being largely rural in nature. Since the new municipality is so large and since it encompasses urban areas, small towns, and farmland—all with diverse needs and interest—the Commission, in allocating stations, will continue to recognize the former town and city limits as they existed prior to the merger.

3. The applicant's proposed 5 mv/m contour would cover large portions of Nashville. Since the population of Nashville exceeds 50,000 and is more than twice that of Donelson, a rebuttable presumption that the applicant is realistically proposing to serve that city rather than Donelson arises under the Commission's Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901. In an amendment filed June 10, 1966, the applicant submitted data and arguments in an attempt to rebut the aforementioned presumption. However, after careful study of this material, the Commission finds that the applicant has failed to overcome this presumption and that the matter must be explored further in hearing.

4. Having examined the financial portion of the proposal, we find that the applicant has failed to establish that there are sufficient funds available to construct and operate the proposed station for 1 year. In addition, the applicant states that he presently owns the transmitter, monitors, studio, and office equipment. In view of the fact that no detailed inventory is presented, the Commission is unable to determine whether the equipment owned is suitable for the operation as proposed, and if not, what the additional cost of suitable equipment will be. The applicant needs $41,500 for the construction and operation of the station for 1 year, provided that no additional purchases of equipment are necessary. Since his balance sheet indicates the availability of only $12,837 in liquid assets, an issue will be included to determine whether the additional funds are available.

5. Except as indicated by the issues specified below, the applicant is qualified to construct, own, and operate as proposed, but in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

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

1. To determine the areas and populations which would receive primary service from the proposed operation of Great Southern Broadcasting Co. and the availability of other primary service and populations.

2. To determine whether the proposal of Great Southern Broadcasting Co. will realistically provide a local transmission facility for Donelson or for Nashville, Tenn., in light of the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(a) The extent to which Donelson has been ascertained by the applicant to have separate and distinct programing needs;

(b) The extent to which the needs of Donelson are being met by existing standard broadcast stations;

(c) The extent to which the applicant's programing proposal will meet the specific, unsatisfied programing needs of Donelson, Tenn.; and

(d) The extent to which the projected sources of the applicant advertising revenues within Donelson are adequate to support the proposed station as compared with the projected sources from all other areas.

3. To determine, in the event that it is concluded pursuant to issue 2, above, that the proposal of Great Southern Broadcasting Co. will not realistically provide a local transmission service for Donelson, whether the proposal meets all of the technical provisions of the rules for standard broadcast stations assigned to Nashville, Tenn.

4. To determine, with respect to the applicant's financial proposal:

(a) Whether the equipment owned by the applicant will be suitable for use in the proposed station, and, if not, the extent to which additional funds will be necessary for the purchase of equipment.

(b) Whether the applicant has sufficient funds available to construct and operate the proposed station for 1 year.

(c) Whether, in light of the evidence adduced pursuant to item 4 a and b, the applicant is financially qualified.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience, and necessity.

It is further ordered, That, in the event of a grant of the above application, the construction permit shall contain the following condition:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

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

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: April 12, 1967.

Released: April 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 67-4431; Filed, Apr. 20, 1967; 8:49 a.m.]

[Docket No. 17255; FCC 67M-643]

HARRIMAN BROADCASTING CO.

Order Rescheduling Hearing

In re application of F. L. Crowder, trading as Harriman Broadcasting Co., Harriman, Tenn., Docket No. 17255, File No. BP-15122; for construction permit.

On April 14, 1967, counsel for Folkways Broadcasting Co., Inc. (WHBT) filed a motion for continuance of hearing from April 18, 1967, to May 8, 1967, as it is impossible to secure Washington hotel accommodations for witnesses next week. Continuance will also "permit additional time for the compilation and delivery in Washington, D.C. of material requested by the Broadcast Bureau from WHBT for inspection and study prior to the hearing."

The motion is unopposed.

Accordingly, it is ordered, This 14th day of April 1967, that the motion for continuance filed for WHBT on April 14, 1967, is granted, and the hearing is rescheduled from April 18, to May 8, 1967.

Released: April 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

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

[F.R. Doc. 67-4432; Filed, Apr. 20, 1967; 8:49 a.m.]

[Docket Nos. 17345, 17346; FCC 67M-640]

LEE BROADCASTING CORP. AND MID AMERICA BROADCASTING, INC.

Order Scheduling Hearing

In re applications of Lee Broadcasting Corp., Moline, Ill., Docket No. 17345, File No. BPH-5470; Mid America Broadcasting, Inc., Moline, Ill., Docket No. 17346, File No. BPH-5569; for construction permits.

It is ordered, This 17th day of April 1967, that Isadore A. Honig shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on June 14, 1967, at 10 a.m.; and that a prehearing conference shall be held on May 17, 1967, commencing at 9 a.m.: *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: April 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

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

[F.R. Doc. 67-4433; Filed, Apr. 20, 1967; 8:49 a.m.]

WBIZ, INC., AND WECL, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of WBIZ, Inc., Eau Claire, Wis., Docket No. 17353, File No. BPH-5567; Requests: 100.7 mc, No. 264; 100 kw; 738 ft.; WECL, Inc., Eau Claire, Wis., Docket No. 17354, File No. BPH-5623; Requests: 100.7 mc, No. 264; 100 kw; 314 ft.; for construction permit.

1. The Commission, by the Chief, Broadcast Bureau, under delegated authority considered the above captioned and described applications for construction permits on April 14, 1967.

2. These applications are mutually exclusive in that operation by the applicants as proposed would cause mutually destructive interference.

3. The areas and populations to be served are markedly different in size and for the purposes of comparison, the areas and populations within the respective 1 mv/m contours together with the availability of other FM service of 1 mv/m or greater intensity in such areas will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to either of the applicants.

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

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

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

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

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

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

Released: April 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

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

[F.R. Doc. 67-4434; Filed, Apr. 20, 1967; 8:49 a.m.]

FEDERAL MARITIME COMMISSION

PORT OF ASTORIA AND WATERWAY TERMINALS CO.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

[1] Commissioner Johnson concurring in the result.

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. G. C. Fulton, Anderson, Fulton and Lovis, Spexarth Building, Astoria, Oreg. 97102.

Agreement No. T-2034 between the Port of Astoria (Port) and Waterway Terminals Co. (Waterway) provides for the lease of certain property which Waterway will operate as a marine terminal, either under the terms of Astoria's effective terminal tariff, or by publishing its own tariff. Waterway will pay Port 2 cents per square foot for rental of the area known as House No. 6, plus all wharfage and dockage fees. Wharfage on cargo transshipped between vessels moored at the facility will be divided equally between the parties.

Dated: April 18, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-4410; Filed, Apr. 20, 1967; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-17371]

MONTANA POWER CO.

Order Fixing Date of Prehearing Conference and Granting Intervention

APRIL 14, 1967.

On December 22, 1966, the Montana Power Co. (Montana Power) filed an application under section 3 of the Natural Gas Act requesting that the Commission issue an order authorizing it to import natural gas from the Province of Alberta, Canada, into the State of Montana.

Montana Power proposes to import gas which it will purchase at the Montana-Alberta border from the Canadian-Montana Pipe Line Co. (Canadian Montana), a wholly owned Canadian subsidiary of Montana Power. Canadian-Montana will purchase gas in Canada from Alberta and Southern Gas Co., Ltd. (Alberta & Southern). The gas that Montana Power proposes to import will in turn be purchased by Alberta and Southern from producers in Canada. This gas will be transported by Alberta Gas Trunk Line Co., Ltd. (Alberta Gas Trunk) to a point near the Alberta-Montana border where it will be sold and delivered by Alberta & Southern to Canadian-Montana. Canadian-Montana will transport the gas approximately 4 miles to the international boundary where it will be sold and delivered to Montana Power.

Montana Power is presently authorized to import gas from Canada at an average daily rate of 50,000 Mcf.[1] It was authorized to import this gas from Canada pursuant to authorizations granted to it by the Federal Power Commission by orders issued on August 5, 1960, and February 8, 1966, in Docket No. G-17371. Montana Power seeks authorization to import an average of 20,000 Mcf per day in addition to the average daily rate of 50,000 Mcf per day it is presently authorized to import from Canada. Montana Power proposes to import the additional gas at the same point of connection on the international boundary through which it presently is importing gas as authorized by the Commission in Docket No. G-17371.

Montana Power has previously constructed facilities necessary for the importation of natural gas pursuant to the authorization granted by the Presidential permit issued to it on September 19, 1960, in Docket No. G-17350. It contends that no change or alteration of such facilities is required.

Montana Power proposes to import the additional natural gas at an average rate of 10,000 Mcf per day commencing on or about November 1, 1968, and at the average rate of 20,000 Mcf per day commencing on or about November 1, 1969. Montana Power contemplates that the maximum daily quantity may exceed the aforementioned 20,000 Mcf per day by approximately 20 percent.

Montana Power estimates that the purchase gas cost per Mcf to Canadian Montana in 1969 will be 24.02 cents per Mcf (Canadian) at 14.73 p.s.i.a. and that the costs per Mcf to it at the U.S. border will be 22.41 cents per Mcf (American) at 14.73 p.s.i.a. without the additional volumes requested herein. The costs to Canadian Montana will be reduced to 22.91 cents per Mcf (Canadian) and 21.34 cents per Mcf (American) to Montana Power at the border in the event that Montana Power is authorized to import the additional volumes it requests herein.

Montana Power contends that it needs this additional supply of natural gas from Canada to meet the requirements of its existing customers.

On February 1, 1967, High Crest Oils, Inc. (High Crest) filed a petition to intervene.

The Commission is of the opinion that a prehearing conference held before the formal hearing will prove beneficial to all the parties and tend to expedite the hearing phase of this proceeding once it has commenced. The Commission will therefore require that a prehearing conference be held with respect to the aforementioned proceeding on May 15, 1967.

The Commission finds:

(1) It appears that the participation in this proceeding by High Crest Oils, Inc., may be in the public interest.

(2) It appears that the scheduling of a prehearing conference prior to the formal hearing may be in the public interest.

The Commission orders:

(A) High Crest Oils, Inc., is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of High Crest Oils, Inc., shall be limited to matters affecting asserted rights and interests specifically set forth in its petition to intervene: *And, provided further,* That the admission of High Crest Oils, Inc., shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders entered in this proceeding.

(B) A prehearing conference be convened in the proceeding entitled Montana Power Co., Docket No. G-17371, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C. on May 15, 1967, at 10 a.m., e.d.s.t. The Chief Examiner will designate an appropriate officer of the Commission to preside at the prehearing conference and at the formal hearing of these matters, pursuant to the Commission's rules of practice and procedure.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67-4388; Filed, Apr. 20, 1967; 8:45 a.m.]

[1] The above volumes relate solely to the gas that Montana Power is authorized to import through its delivery point near Carway, Alberta.

[Docket No. CP67-289]

SOUTHERN NATURAL GAS CO.

Notice of Application

APRIL 14, 1967.

Take notice that on April 6, 1967, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP67-289 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate a line tap and a metering and regulating station located at approximately M.P. 159 on its main South Line in Perry County, Ala., and a metering station at the plant of MacMillan Bloedel United Inc. (MacMillan). Applicant also seeks authorization to deliver natural gas on a firm and interruptible basis for use by MacMillan for the manufacture of pulp, linerboard, and wood products at its plants near Pine Hill, Ala. The natural gas will be transported from Applicant's main South Line to MacMillan's plants by Wilcox Gas

District (Wilcox) which has filed, in Docket No. CP67–274, an application for an order under section 7(a) of the Natural Gas Act directing Applicant to establish physical connection of its transmission facilities with the facilities proposed to be constructed by Wilcox and to sell and deliver to Wilcox volumes of natural gas for resale and distribution.

MacMillan's estimated natural gas requirements are 28,600 Mcf per day, of which 550 Mcf per day will be firm gas and the balance interruptible.

Applicant estimates the total cost of the proposed facilities at approximately $87,030, said cost to be financed from cash on hand.

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

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67–4389; Filed, Apr. 20, 1967; 8:45 a.m.]

[Docket No. CP67–292]

TRANSWESTERN PIPELINE CO.

Notice of Application

APRIL 14, 1967.

Take notice that on April 10, 1967, Transwestern Pipeline Co. (Applicant), First City National Bank Building, Houston, Tex. 77002, filed in Docket No. CP67–292 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Southern Union Gas Co. (Southern) together with the construction and operation of minor facilities incident thereto, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to sell up to 25,000 Mcf of natural gas per year to Southern for resale to its farm customers, in Loving, Winkler, Ward, Reeves, and Crane Counties, Tex., for domestic and irrigational use.

Applicant also seeks authorization to install and operate minor pipeline tap valves incident to such sales.

Applicant states that the total cost of any facilities incident to such sales will be reimbursed to Applicant by Southern.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before May 11, 1967.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67–4390; Filed, Apr. 20, 1967; 8:45 a.m.]

[Docket Nos. G–4592 etc.]

ELIZABETH M. BROWN ET AL.

Findings and Order; Correction

APRIL 6, 1967.

Elizabeth M. Brown et al. (successor to H. L. Brown Estate et al.), Docket Nos. G–4592 etc.; James F. Scott doing business as E. Chapman Lease, Docket No. CI62–437; James F. Scott et al., doing business as J. T. Shields Wells No. 1, Docket No. CI67–924.

In the findings and orders after statutory hearing issuing certificates of public convenience and necessity, dismissing application, amending certificates, permitting and approving abandonment of service, terminating certificates, substituting respondents, making successors co-respondents, redesignating proceedings, requiring filing of agreements and undertakings, requiring filing of surety bond, accepting agreement and undertaking for filing, and accepting related rate schedules and supplements for filing, issued March 21, 1967 and published in the FEDERAL REGISTER March 31, 1967 (F.R. Doc. 67–3375, 32 F.R. 5430), in the chart, after Docket No. CI62–437 change FPC Gas Rate Schedule "No. 7" to read FPC Gas Rate Schedule "No. 9".

After Docket No. CI67–924 change Applicant's name to read "James F. Scott" in lieu of "John F. Scott".

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 67–4387; Filed, Apr. 20, 1967; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST WISCONSIN BANKSHARES CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of First Wisconsin Bankshares Corp., Milwaukee, Wis., for approval of the acquisition of 80 percent or more of the outstanding voting shares of Waunakee State Bank, Waunakee, Wis.

There has come before the Board of Governors, pursuant to section 3(a) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)), and § 222.4(a) of Federal Reserve Regulation Y (12 CFR 222.4(a)), an application by First Wisconsin Bankshares Corp., Milwaukee, Wis., a registered bank holding company, for the Board's approval of the acquisition of 80 percent or more of the outstanding voting shares of Waunakee State Bank, Waunakee, Wis.

As required by section 3(b) of the Act, notice of receipt of the application was given to the Commissioner of Banks for the State of Wisconsin with a request for his views and recommendation. The Commissioner advised that he had no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on February 15, 1967 (32 F.R. 2915), providing an opportunity for submission of comments and views regarding the proposed acquisition. A copy of the application was forwarded to the Department of Justice for its consideration. The time for filing such comments and views has expired and all those received have been considered by the Board.

It is ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day after the date of this Order or (b) later than 3 months after the date of the Order.

Dated at Washington, D.C., this 13th day of April 1967.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 67–4391; Filed, Apr. 20, 1967; 8:45 a.m.]

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

[2] Voting for this action: Vice Chairman Robertson, and Governors Shepardson, Mitchell, Daane, Maisel, and Brimmer. Absent and not voting: Chairman Martin.

SECURITIES AND EXCHANGE COMMISSION

ELECTRO-NUCLEONICS, INC.

Order Suspending Trading

APRIL 17, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Electro-Nucleonics, Inc., Caldwell, N.J., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 18, 1967, through April 25, 1967, both dates inclusive.

By the Commission.

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

[F.R. Doc. 67-4417; Filed, Apr. 20, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 18, 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. 40984—*Newsprint paper and ground wood papers to Orlando, Fla.* Filed by O. W. South, Jr., agent (No. A5011), for interested rail carriers. Rates on newsprint paper and ground wood papers, as described in the application, in carloads, from Trois Rivieres, Quebec, Canada, to Orlando, Fla.

Grounds for relief—Water-rail competition.

Tariff—Supplement 17 to Canadian Pacific Railway Co. tariff ICC E.2629.

By the Commission.

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

[F.R. Doc. 67-4411; Filed, Apr. 20, 1967; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 18, 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. 40985—*Class and commodity rates from and to West Dawson, Ga.* Filed by O. W. South, Jr., agent (No. A5014), for interested rail carriers. Rates on property moving on class and commodity rates, between West Dawson, Ga., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

FSA No. 40986—*Class and commodity rates from and to Wentz, Va.* Filed by O. W. South, Jr., agent (No. A5016), for interested rail carriers. Rates on property moving on class and commodity rates, between Wentz, Va., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

FSA No. 40987—*Class and commodity rates from and to Snider, Ky.* Filed by O. W. South, Jr., agent (No. A5018), for interested rail carriers. Rates on property moving on class and commodity rates, between Snider, Ky., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

FSA No. 40988—*Chlorine from Brunswick, Ga.* Filed by O. W. South, Jr., agent (No. A5017), for interested rail carriers. Rates on chlorine, in tank carloads, from Brunswick, Ga., to Selma, Ala.

Grounds for relief—Market competition.

Tariff—Supplement 66 to Southern Freight Association, agent, tariff ICC S-600.

By the Commission.

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

[F.R. Doc. 67-4412; Filed, Apr. 20, 1967; 8:47 a.m.]

[Notice 1507-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 18, 1967.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 179:

No. MC-FC-69595. By application filed April 17, 1967, D & M BUS CO., 146 Northmont Boulevard, Danville, Va., seeks temporary authority to lease the operating rights of C. W. STEVENS (AMERICAN NATIONAL BANK AND TRUST COMPANY OF DANVILLE, Executor), doing business as DANVILLE-MARTINSVILLE BUS LINE, Main Street, Danville, Va., under section 210a (b). The transfer to D & M BUS CO., of the operating rights of C. W. STEVENS (AMERICAN NATIONAL BANK AND TRUST COMPANY OF DANVILLE, Executor), doing business as DANVILLE-MARTINSVILLE BUS LINE, is presently pending.

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

[F.R. Doc. 67-4413; Filed, Apr. 20, 1967; 8:47 a.m.]

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PART II

Department of Transportation

Federal Aviation Administration

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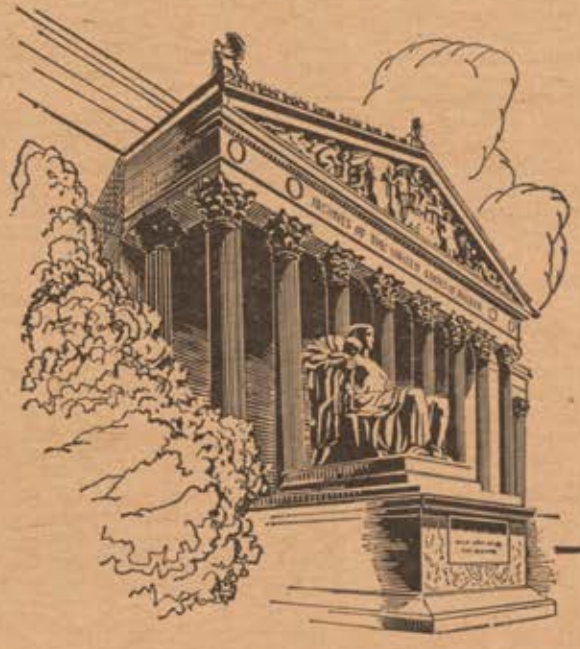

Proposed Airman Certification System; Proposed Fees

[Notices 67-17 and 67-18]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 21, 37, 43, 121, 127, 133, 135, 137, 141, 145, 147, 149, 187]

[Docket No. 8114; Notice 67-17]

FEES FOR CERTAIN FAA ACTIVITIES

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Parts 21, 37, 43, 121, 127, 133, 135, 137, 141, 145, 147, 149, and 187 of the Federal Aviation Regulations to establish a schedule of fees for certain FAA activities conferring special benefits on members of the aviation community that are over and above the benefits accruing to the general public.

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 the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before July 18, 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.

Title V of the Independent Offices Appropriation Act of 1952 (65 Stat. 290) states: "It is the sense of the Congress that any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility preformed, furnished, provided, granted, prepared, or issued by any Federal agency * * * to or for any person (including groups, associations, organizations, partnerships, corporations, or businesses), except those engaged in the transaction of official business of the Government, shall be self-sustaining to the full extent possible * * *." To give full effect to this statement of policy, Title V further provides: "The head of each Federal agency is authorized by regulation (which, in the case of agencies in the executive branch, shall be as uniform as practicable and subject to such policies as the President may prescribe) to prescribe therefor such fee, charge, or price, if any, as he shall determine, in case none exists, or redetermine, in case of an existing one, to be fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts * * *." The statute provides that the amounts collected shall be paid into the Treasury as miscellaneous receipts.

Federal administrative user charges are not new. For instance, during fiscal year 1966, the last annual period for which statistics are available, over 300 actions were taken by Federal agencies to establish new fees or revise existing ones. The President, in his message to Congress on the Budget for fiscal year 1966, stated: "I will continue to press for *other user charges* in Government programs where benefits are provided to specific, identifiable individuals and businesses. Fairness to all taxpayers demands that those who enjoy special benefits should bear a greater share of the costs. Legislation is needed for some of the charges, such as patent and meat inspection fees. In other instances, equitable user charges will be instituted through administrative action."

The Bureau of the Budget issued Circular A-25 on September 23, 1959. Circular A-25 sets forth general policies for developing an equitable and reasonably uniform system of charges for certain Government services and property. The Circular provides that a reasonable charge be made for any Federal activity that conveys special benefits to the recipient over and above those accruing to the public at large. The proposed fee schedules are consistent with the user charge policies set forth in the Circular.

In arriving at the proposed fees, the FAA has considered the cost of issuing certificates and ratings, the factor of value to the recipient, and the fact that the fees proposed would be periodically reviewed and revised consistent with the public interest. In particular the FAA also has considered sections 103 (a) and (b), and 305 of the Federal Aviation Act of 1958 (49 U.S.C. 1303 (a) and (b), and 1346). Section 103 (a) and (b) provides: "In the exercise and performance of his powers and duties under this Act the Administrator shall consider the following, among other things, as being in the public interest: (a) The regulation of air commerce in such manner as to best promote its development and safety and fulfill the requirements of national defense; (b) The promotion, encouragement, and development of civil aeronautics * * *." Section 305 states: "The Administrator is empowered and directed to encourage and foster the development of civil aeronautics and air commerce in the United States and abroad."

The FAA has carefully considered all the ramifications of the proposed fees keeping in mind its obligation to promote air commerce. Every effort has been made to assure that the proposed fees would be reasonable and equitable. In no case has a fee been proposed that the FAA believes would inhibit the growth of aviation. No proposed fee would recover more than the personnel compensation and benefits costs incurred by the FAA for those man-hours directly involved in issuing and processing certificates, based upon FAA records or technical staff estimates in those instances where man-hour data was not available. Where certificates or authorizations are issued through designated examiners, the proposed fees provide only for recovery of FAA processing costs.

It must be emphasized that the proposed fee schedules contained herein are just that—proposals. They are in no way final and are being circulated to provide interested persons with the opportunity to submit comments, suggestions, and recommendations. It is recognized that certain inequities with respect to the extremes within each fee classification can result from the use of a fixed fee based on average costs. These inequities can be minimized by ensuring that applications falling into any one fee classification are reasonably homogeneous. The proposed fee classifications are continuing to be studied by the FAA and any suggestions concerning their further refinement would be welcomed. The fixed fee approach has one definite advantage—an applicant will always know the exact amount he will have to pay. However, as an alternative to the fixed fees that are proposed in this notice, the FAA is also considering the establishment of fees based on a rate of $7.50 for each FAA man-hour actually spent in performing one of the listed services for a particular applicant. The FAA particularly invites the public to comment on the merits of this proposed alternative.

The proposed fees are application processing fees and refunds normally would not be made to unsuccessful applicants. However, particularly with respect to the larger aircraft certification fees, the FAA is studying alternatives such as progressive payments or refunds to ensure that overcompensation for FAA services does not result in the event the application is abandoned before its processing is completed. In addition, the FAA is considering partial fees to cover applications that have been filed but that are still being processed on the effective date of any final rule imposing fees. These partial fees would relate only to the costs of processing incurred by the FAA after that effective date. Comments on these matters are also particularly invited.

In reviewing the FAA's programs to determine which activities fall within the established guidelines, several programs were found to require further separate study. Those FAA services or activities not included in this notice, or in Notice 67-18,[1] will receive further separate study. For example, the fees now charged under Part 47, "Aircraft Registration", under Part 49, "Recording of Aircraft Titles and Security Documents", under Part 171, "Non-Federal Navigation Facilities", and under Part 187, "Fees for Copying and Certifying Federal Aviation Administration Records", have been excluded from this proposal and will receive separate review and study. Also, charges for export airworthiness approvals (Part 21, Subpart L), and for certificates issued by Designated Alteration Stations (Part 21, Subpart M) will receive separate study.

[1] See F.R. Doc. 67-4414 infra.

Finally, charges for the renewal of supplemental air carrier or commercial operator operating certificates, for the requested amendment of air carrier or commercial operator operating certificates, and for the requested issue or amendment of air carrier or commercial operator operations specifications, will receive separate study.

It is anticipated that the proposed fees will result in revenues totaling approximately $2,100,000 a year. The cost of collection should not exceed 1 percent of these revenues. The fee proposals contained in this notice may be issued either as amendments to specific parts, as amendments to Part 187, or as a new part. At that time, they will be issued in appropriate regulatory language.

The FAA does not propose to charge persons for designation as representatives of the Administrator under section 314(a) of the Federal Aviation Act of 1958, since they fall within the exception in Title V of the Independent Offices Appropriation Act of 1952 for those persons "engaged in the transaction of official business of the Government." Circular A-25 states that agencies may consider exceptions from fees when to do so would be an appropriate courtesy to a foreign country or international organization; when the recipient is engaged in a nonprofit activity for public safety, health, or welfare; or when payment of the full fee by a State, municipal agency, or nonprofit group would not be in the interest of the program. The FAA invites comments that specifically suggest and justify additional exceptions from fees on these grounds.

In consideration of the foregoing it is proposed to amend Parts 21, 37, 43, 121, 127, 133, 135, 137, 141, 145, 147, 149, and 187 by adding the schedules of fees, as hereinafter set forth.

This proposal is made under the authority of sections 311, 313(a), 314, 601, 603, 604, 605, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1352, 1354(a), 1355, 1421, 1423, 1424, 1425, and 1427), Title V of the Independent Offices Appropriation Act of 1952 (65 Stat. 290), and Bureau of the Budget Circular A-25, dated September 23, 1959.

Issued in Washington, D.C., on April 18, 1967.

CLARKE HARPER,
Associate Administrator for Administration.

Proposed Fees

The schedules of fees proposed below are for applications for the approvals, authorizations, certificates, permits, or ratings indicated. Each person desiring to obtain any approval, authorization, certificate, permit, or rating listed would be required to pay the fee proposed. The fee would be paid by check, draft, or money order payable to the "Federal Aviation Administration".

The FAA proposes not to charge a separate fee for a temporary certificate issued under Subchapter H of the Federal Aviation Regulations. The present fees for replacement of a lost or destroyed certificate, under § 187.3 would remain in effect.

An "X" in any column indicates that there is no fee, since the regulations do not provide for the issue of the approval, authorization, certificate, permit, or rating indicated.

SUBCHAPTER C—AIRCRAFT

C-1 SCHEDULE OF APPLICATION FEES

Required by [1]	Aircraft, engine, or propeller	Type certificate		Production certificate or approved production inspection system	
		Original [2]	Change or supplemental [3]	Original [4]	Amendment [5]
Part 21	Glider (§ 21.23)	$6,500	$65	$2,500	$250
Part 23	Unpressurized single reciprocating engine powered airplane.	13,000	130	4,000	400
Part 23	Pressurized single reciprocating engine powered airplane.	16,000	160	6,250	625
Part 23	Unpressurized single turbine engine powered airplane.	19,500	195	7,750	775
Part 23	Pressurized single turbine engine powered airplane.	26,000	260	10,250	1,025
Part 23	Unpressurized multiengine powered airplane	32,000	320	12,250	1,225
Part 23	Pressurized multiengine powered airplane	49,000	490	17,500	1,750
Part 25	Unpressurized airplane	80,000	800	24,500	2,450
Part 25	Pressurized airplane for flight at 25,000 feet, or less:				
	Gross weight under 55,000 pounds	94,000	940	25,000	2,500
	Gross weight 55,000 pounds, and over	169,000	1,690	45,000	4,500
Part 25	Pressurized airplane for flight at over 25,000 to 45,000 feet:				
	Gross weight under 55,000 pounds	131,000	1,310	25,000	2,500
	Gross weight 55,000, and over	244,000	2,400	45,000	4,500
Part 27	Rotorcraft	39,000	390	7,000	700
Part 29	do	65,000	650	13,000	1,300
Part 31	Balloon	100	2	40	
Part 33	Reciprocating engine used in Part 23 or Part 27 aircraft.	1,100	11	350	30
Part 33	Turbine engine used in Part 23 or Part 27 aircraft	1,800	18	500	50
Part 33	Reciprocating engine used in Part 25 or Part 29 aircraft.	3,000	30	850	85
Part 33	Turbine engine used in Part 25 or Part 29 aircraft.	5,000	50	1,300	130
Part 35	Fixed-pitch or ground adjustable-pitch propeller used in Part 23 airplane engine.	300	3	125	13
Part 35	Variable-pitch propeller used in Part 23 airplane engine.	600	6	200	20
Part 35	Propeller used in Part 25 airplane engine	900	9	450	45

[1] "Required by": Federal Aviation Regulations Part that provides the substantive requirements for the issue of a type certificate or production certificate, or for an approved production inspection system under the procedural rules of Part 21 cited in footnotes 2, 3, 4, and 5.

[2] "Type certificate—original": Proposed fees for each application for a type certificate listed in this schedule and issued under § 21.21, § 21.23, § 21.25 or § 21.27.

[3] "Type certificate—change or supplemental": Proposed fees for each application for a change to a type certificate listed in this schedule and approved under § 21.95 or § 21.97, and for each application for a supplemental type certificate listed in this schedule and issued under § 21.117.

[4] "Production certificate etc.—original": Proposed fees for each application for a production certificate listed in this schedule and issued under § 21.135, or for an approved production inspection system required under § 21.123(c) for production under a type certificate only and listed in this schedule.

[5] "Production certificate etc.—amendment": Proposed fees for each application for an amendment to a production certificate listed in this schedule and issued under § 21.153, or for a change to an approved production inspection system required under § 21.123(c) and listed in this schedule.

C-2 SCHEDULE OF APPLICATION FEES

Issued under [1]	Approval, authorization, certificate, or permit	Fee
§ 21.29	Type certificate for import products [2]	$15 per hour.
§ 21.81 or § 21.83	Provisional type certificate or amendment to provisional type certificate [3]	No fee.
§ 21.85	Provisional amendment to type certificate [3]	Do.
§ 21.127(a)	Approval of production flight test procedure and flight checkoff form	$2.
§ 21.183 through § 21.191	Airworthiness certificate: [4]	
	Issued by FAA Inspector—	
	Original for Part 23 aircraft	$40.
	Renewal for Part 23 aircraft under § 21.195	$10.
	Original for Part 25 aircraft	$150.
	Renewal for Part 25 aircraft under § 21.195	$40.
	Issued by § 183.31 Designated Manufacturing Inspection Representative.	No fee.
§ 21.221 through § 21.225	Provisional airworthiness certificate [3]	Do.
§ 21.199	Special flight permit:	
	For a purpose stated in § 21.197(a)	$5.
	For a purpose stated in § 21.197(b)	$50.
§ 21.231 through § 21.263	Certificate issued under delegation option procedure:	
	Type certificate	$500.
	Amended type certificate	$12.
	Amended production certificate	$12.
	Export airworthiness approval, airworthiness approval tag, or airworthiness certificate.	No fee.
§ 21.303(c)	Parts manufacturing approval of design data for—	
	Individual material, part, process, or appliance	$15.
	Assemblies of two or more materials, parts, processes, or appliances	$30.
§ 21.303(c)	Parts manufacturing approval of fabrication inspection system for—	
	Individual material, part, process, or appliance	$150.
	Assemblies of two or more materials, parts, processes, or appliances	$300.

See footnotes at end of table.

C-2 SCHEDULE OF APPLICATION FEES

Issued under [1]	Approval, authorization, certificate, or permit	Fee
§ 21.303(c)	Parts manufacturing approval of change to fabrication inspection system for—	
	Individual material, part, process, or appliance	$30.
	Assemblies of two or more materials, parts, processes, or appliances	$90.
§ 37.5(a)	TSO authorization	$150.
§ 37.9	Approval for deviation	No fee.
§ 37.11	Approval of design change	$30.
§ 43.7(a)	Approval by FAA Inspector of aircraft, airframe, aircraft engine, propeller, or appliance for return to service after it has undergone maintenance, preventive maintenance, rebuilding or alteration.	$25.

[1] "Issued under": The section of the Federal Aviation Regulations that provides for the approval, authorization, certificate, or permit described.
[2] "Import products": This hourly fee would recover approximately 100 percent of the Agency's costs, direct and indirect.
[3] "Provisional type certificate, etc.": No separate fee is proposed for an application for the issue or amendment of a provisional type certificate issued under § 21.81 or § 21.83, or for the issue of a provisional amendment to a type certificate under § 21.85. However, they would not be issued unless the applicant also had applied for the issue of a type certificate or for approval of a change to a type certificate and paid the fee prescribed in Schedule C-1.
[4] "Airworthiness certificate": The fee proposed for an application for an airworthiness certificate also applies to an application for an experimental airworthiness certificate issued under § 21.191. The fee for "renewal" is for each renewal of an experimental airworthiness certificate that expires under § 21.195(a).
[5] "Provisional airworthiness certificate": No separate fee is proposed for an application for the issue of provisional airworthiness certificate under § 21.221 or § 21.223. However, it would not be issued unless an applicant also had applied for an airworthiness certificate and paid the fee prescribed in this schedule.

SUBCHAPTER G—AIR CARRIER AND COMMERCIAL OPERATOR CERTIFICATION AND OPERATIONS

G SCHEDULE OF APPLICATION FEES

Issued under	Certificate	Fee
Part 121	Domestic air carrier operating certificate	$10,000
Part 121	Flag air carrier operating certificate	10,000
Part 121	Supplemental air carrier operating certificate	9,000
Part 121	Commercial operator operating certificate	9,000
Part 127	Domestic air carrier helicopter operating certificate	8,000
Part 133	Rotorcraft external-load operator certificate:	
	One class of rotorcraft-load combinations under § 133.41 [1]	70
	Two classes of rotorcraft-load combinations under § 133.41 [2]	80
	Three classes of rotorcraft-load combinations under § 133.41	90
Part 135	Air taxi/commercial operator operating certificate	110
Part 137	Agricultural aircraft operator certificate	70

[1] Proposed fee for each application for one original or additional class of rotorcraft-load combinations.
[2] Proposed fee for each application for two original or additional classes of rotorcraft-load combinations.

SUBCHAPTER H—SCHOOLS AND OTHER CERTIFICATED AGENCIES

H SCHEDULE OF APPLICATION FEES [1]

Issued under	Certificate	Original [2]	Added rating [3]
Part 141	Pilot school certificate	$100	$50
	Reissue under § 141.5(a) (after expiration or change in ownership)	$100	X
	Reissue under § 141.5(d) (after change in name)	No fee	X
	Authority under § 141.19 (to give graduates written or flight tests, or both).	do	X
	Approval under § 141.23 (of change of location)	$100	X
Part 145	Repair station certificate (without ratings)	$100	X
	Each rating [4]	$50	$50
	Change under § 145.15(a)(1) (after change in location, or housing and facilities).	$100	X
	Change under § 145.15(a)(2) or § 145.15(a)(3) (after change in responsible officials, or in authorized signatures).	No fee	X
	Change under § 145.15(a)(4) (after request to change or amend rating)	$20	X
	Change under § 145.15(b) (after change of ownership)	$100	X
Part 147	Mechanic school certificate	$100	$50
	Approval under § 147.41 (of change of location)	$100	X
Part 149	Parachute loft certificate	$75	$35
	Approval under § 149.27 (of change of location)	$75	X

[1] "General": An applicant who fails to meet a regulatory requirement would be allowed to meet that requirement within 90 days after the date of original application. Thereafter a new application and fee would be required.
[2] "Original": Proposed fees for each application for a certificate. The proposed fee would include the charge for ratings included in the application for the original certificate, and finally issued with the original certificate, except as stated in footnote 4 below.
[3] "Added rating": Proposed fees for each application for a rating to be added to a certificate in addition to any present ratings on the certificate, except as stated in footnote 4 below.
[4] A separate application and fee would be required for each rating on a repair station certificate, including each rating issued with the original certificate.

[F.R. Doc. 67-4415; Filed, Apr. 20, 1967; 8:45 a.m.]

[14 CFR Parts 61, 63, 65, 67, 143, 187]

[Docket No. 1127; Notice 67-18]

AIRMAN AND GROUND INSTRUCTOR CERTIFICATION SYSTEM AND FEES FOR CERTIFICATION APPLICATIONS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Parts 61, 63, 65, 67, 143, and 187 of the Federal Aviation Regulations to revise the system for issuing airman, medical, and ground instructor certificates; and to establish a schedule of fees for applications for new certificates and ratings, and for conversion of outstanding certificates into the new system. The FAA's consideration of a new certification system was announced in Notices of Proposed Rule Making dated March 28, 1962 (27 F.R. 3141), and May 9, 1963 (28 F.R. 4851), and circulated as Draft Release No. 62-13 and Notice 63-18, respectively.

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 the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before July 18, 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.

CERTIFICATION SYSTEM

As stated in Notice 63-18, the present certification system is primarily that in effect during the earliest days of the Civil Aeronautics Administration and it no longer serves the needs of the public, the aviation community, or the FAA. It necessarily reflects, and reflects upon, the airman records of the FAA, their currency, the efficiency with which they can be maintained, the nature and value of the recorded information available to the FAA, and the FAA's ability to extract needed information from these records. The problems created by the present system must be corrected. However, correction within the framework of the present certification system is impractical, would at best be only temporary in nature, would invite repetition of current problems in the future, and would not in any event produce the information that is required.

The proposed new program differs in two major respects from that proposed in Notice 63-18. It is proposed that 10 percent of the airmen submit airman activity information annually, rather than 100 percent at 2-year intervals. In addition, it is proposed to charge fees for applications for new certificates and ratings, and for conversion of outstanding certificates and ratings.

Notice 63-18 proposed to require each airman to submit once during each 2-year period information reflecting the extent of his active participation in aviation. Further study has revealed that it is not necessary to require 100-percent airman participation at 2-year intervals. A 10-percent-yearly sample of the airman population should accurately portray the characteristics of that population as a whole. Accordingly, the FAA now proposes to require an annual sample, by mail, of activity information from 10 percent of the certificate holders. The 10-percent cross section, together with other presently available sources of data, is expected to furnish enough information to fulfill the needs stated in Notice 63-18, such as identifying areas of regulatory need and areas where present regulations are no longer appropriate or necessary. This system would ensure a

continual flow of vitally needed information to the FAA and yet keep the burden on the individual airman to the absolute minimum consistent with the objectives sought.

The remainder of the program proposed in Notice 63–18 would not be changed substantially. Each present certificate holder would be required to convert his certificate into the new system over a period of 2 years. The date for this conversion would be determined by the holder's birth month, and by whether he was born in an odd or even year. A single consolidated certificate card would be issued listing each certificate and rating held. This card would be wallet size and of durable material.

FEES

Title V of the Independent Offices Appropriation Act of 1952 (65 Stat. 290) states: "It is the sense of the Congress that any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency * * * to or for any person (including groups, associations, organizations, partnerships, corporations, or businesses), except those engaged in the transaction of official business of the Government, shall be self sustaining to the full extent possible * * *." To give full effect to this statement of policy, Title V further provides: "The head of each Federal agency is authorized by regulation (which, in the case of agencies in the executive branch, shall be as uniform as practicable and subject to such policies as the President may prescribe) to prescribe therefor such fee, charge, or price, if any, as he shall determine, in case none exists, or redetermine, in case of an existing one, to be fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts * * *." The statute provides that the amounts collected shall be paid into the Treasury as miscellaneous receipts.

Federal administrative user charges are not new. For instance, during fiscal year 1966, the last annual period for which statistics are available, over 300 actions were taken by Federal agencies to establish new fees or revise existing ones. The President, in his message to Congress on the Budget for Fiscal Year 1966, stated: "I will continue to press for *other user charges* in Government programs where benefits are provided to specific, identifiable individuals and businesses. Fairness to all taxpayers demands that those who enjoy special benefits should bear a greater share of the costs. Legislation is needed for some of the charges, such as patent and meat inspection fees. In other instances, equitable user charges will be instituted through administrative action."

The Bureau of the Budget issued Circular A–25 on September 23, 1959. Circular A–25 sets forth general policies for developing an equitable and reasonably uniform system of charges for certain Government services and property. The circular provides that a reasonable charge be made for any Federal activity that conveys special benefits to the recipient over and above those accruing to the public at large, and specifically cites airman certificates as an example of a service providing special benefits. The proposed fee schedules are consistent with the user charge policies set forth in the circular.

In arriving at the proposed fees, the FAA has considered the cost of issuing certificates and ratings, the factor of value to the recipient, and the fact that the fees proposed would be periodically reviewed and revised consistent with the public interest. In particular, the FAA also has considered sections 103 (a) and (b), and 305 of the Federal Aviation Act of 1958 (49 U.S.C. 1303 (a) and (b), and 1346). Section 103 (a) and (b) provides: "In the exercise and performance of his powers and duties under this Act the Administrator shall consider the following, among other things, as being in the public interest: (a) The regulation of air commerce in such manner as to best promote its development and safety and fulfill the requirements of national defense; (b) The promotion, encouragement, and development of civil aeronautics * * *." Section 305 states: "The Administrator is empowered and directed to encourage and foster the development of civil aeronautics and air commerce in the United States and abroad."

The FAA has carefully considered all the ramifications of the proposed fees, keeping in mind its obligation to promote air commerce. Every effort has been made to ensure that the proposed fees would be reasonable and equitable. In no case has a fee been proposed that the FAA believes would inhibit the growth of aviation. No proposed fee would recover more than the personnel compensation and benefits costs incurred by the FAA for those man-hours directly involved in issuing and processing certificates, based upon FAA records or technical staff estimates in those instances where man-hour data was not available. Where certificates or authorizations are issued through designated examiners, the proposed fees provide only for recovery of FAA processing costs. It must be emphasized that the proposed fee schedules contained herein are just that—proposals. They are in no way final and are being circulated to provide interested persons with the opportunity to submit comments, suggestions, and recommendations.

The proposed fees are application processing fees, and refunds normally would not be made to unsuccessful applicants. It is anticipated that the proposed fees will result in revenues totaling approximately $2,600,000 a year. The cost of collection should not exceed 3 percent of these revenues. The fee proposals contained in this notice may be issued either as amendments to specific parts, as amendments to Part 187, or as a new part. At that time, they will be issued in appropriate regulatory language.

The proposed certification and conversion fees would not apply to U.S. Government employees who are required to hold an airman certificate by reason of that employment, since they fall within the exception in Title V of the Independent Offices Appropriation Act of 1952 for those persons "engaged in the transaction of official business of the Government."

Circular A–25 states that agencies may consider exceptions from fees when to do so would be an appropriate courtesy to a foreign country or international organization; when the recipient is engaged in a nonprofit activity for public safety, health or welfare; or when payment of the full fee by a State, municipal agency, or nonprofit group would not be in the interest of the program. The FAA invites comments that specifically suggest and justify additional exceptions from fees on these grounds.

In consideration of the foregoing and, in addition, for the reasons outlined in Notice 63–18, it is proposed to amend Parts 61, 63, 65, 67, 143, and 187 by adopting a new certification system and by adding the schedules of fees, as hereinafter set forth.

This proposal is made under the authority of sections 311, 313(a), 601, 602, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1352, 1354(a), 1421, 1422, and 1427), Title V of the Independent Offices Appropriation Act of 1952 (65 Stat. 240), and Bureau of the Budget Circular A–25, dated September 23, 1959.

Issued in Washington, D.C., on April 18, 1967.

CLARKE HARPER,
Associate Administrator
for Administration.

Proposed Certification System

1. After the effective date of the new system (assumed for purposes of illustration in this notice to be Jan. 1, 1968) each person holding a certificate issued before that date will be required to have that certificate converted into the new system. This conversion will be required before the end of the certificate holder's birth month in 1968, if he was born in an even year, or in 1969, if he was born in an odd year. However, at any time after the effective date of the new system, if the holder of an old form airman or ground instructor certificate applies for a new airman or ground instructor certificate or rating, he will be required at that time, as a condition to the receipt of the new certificate or rating, to convert all certificates that he holds.

2. The conversion will be accomplished by submitting an application and the required fee. No reexamination of competency or medical requalification is involved. Application forms may be obtained at any FAA Office. In order to allow time for processing and to ensure that there will be no lapse in certificate privileges, the application must be filed at least 30 days before the required conversion date.

3. The following examples represent the kind of information that will be requested on the application form:

(a) General information, such as name, address, and social security number.

(b) Name and address of employer, if employed in an airman or ground instructor capacity.

(c) Kinds of certificates held, their numbers and dates of issue.

(d) Class of medical certificate held and its date of issue.

(e) Kind of activity in which the certificate holder engages, e.g., air carrier operations; flying for business or personal pleasure; self-employed mechanic; or employment by manufacturer, repair station, or ground school.

(f) In the case of flying personnel, the make, model, and type of aircraft flown; the number of hours flown; and the kind of flying, e.g., night, cross-country, instrument, pilot, or flight engineer.

(g) In the case of mechanics and repairmen, the principal maintenance activities, e.g., repairs, alterations, overhauls, or inspection; and the types of aircraft and powerplants involved.

(h) In the case of parachute riggers, the number and types of parachutes packed.

(i) After conversion, the information listed in paragraphs (e) through (h) above, will be requested only for the calendar year preceding that in which a certificate holder is required to submit activity information, under paragraph 5 below.

4. Any certificate not converted as required in paragraph 1 will cease to be effective and the holder may not exercise its privileges. However, he may convert it into the new system at any time in the same manner as if he had applied for conversion before the due date. All records relating to present certificate holders will be kept in a current file for the first 4 years after the beginning of the new system. Thereafter, records relating to certificates that have not been converted will be removed from the current file and stored separately. If application for conversion of such a certificate is then made, a search of these stored records to establish eligibility for certificate conversion will entail substantial additional processing over what would otherwise have been required. It is therefore proposed to charge a fee of $5 for this service.

5. After the 2-year conversion period, submission of airman activity information will be required annually of 10 percent of all certificate holders. The 10 percent will be selected to provide a representative cross section of all certificate holders. Each certificate holder in the selected 10 percent for any given year will be required to submit activity information covering the preceding calendar year. A holder who does not comply with this requirement may not exercise the privileges of his certificate until he does so comply. The information form will be mailed to the holder approximately 60 days before the date required for its submission.

6. The new consolidated certificate card will list all certificates and ratings held. However, each certificate listed will retain its separate identity. Medical qualification will be shown on the consolidated card if the medical examination on which it is based was given after January 1, 1967. During the 2-year conversion period, Aviation Medical Examiners will continue to issue separate medical certificates in the old form to accommodate airmen who have not yet converted their certificates. Airmen holding converted certificates will be issued temporary medical certificates valid for not more than 60 days pending final action on their medical examinations. Upon review and approval, the airman will receive without additional cost a new consolidated card including evidence of his medical qualification.

7. The new consolidated certificate card number will be the holder's social security number or, if that number is not made available to the FAA an assigned nine-digit number. A space will also be provided on the card to display the holder's present certificate number if he so requests. If he holds more than one certificate now, the FAA will display his choice of the numbers involved.

8. The FAA will continue to issue temporary certificates to applicants for new certificates or ratings, pending the issue of the permanent certificate card.

9. Inspection authorizations on mechanic certificates, presently renewed each year during the month of March, will not be affected by the new system.

10. Certificates that presently have a limited duration (such as student and special purpose pilot certificates, and certain airmen certificates issued to persons who are not citizens of the United States) will continue to have a limited duration and will not be subject to conversion.

11. The fee for application for conversion of any number of certificates held is as follows:

(a) For conversion before Jan. 1, 1972	$1
(b) For conversion thereafter	5

These fees would not apply to a U.S. Government employee converting a certificate that he is required to hold by reason of his employment.

Proposed Fees

The schedules of fees proposed below are for applications for the certificates or ratings indicated. Each person desiring to obtain any certificate or rating listed would be required to pay the fee proposed. The fee would be paid by check, draft, or money order payable to the "Federal Aviation Administration." These fees would not apply to a U.S. Government employee who is required to hold a certificate or rating by reason of his employment.

In several of the following schedules, fees are proposed for the written or practical tests, rather than for the certificate or rating itself. These certificates or ratings would be issued to successful applicants without any additional charge. Also, there would be no additional charge for a rating that is issued with an original certificate. An applicant who fails a test would be allowed to retake the test within 24 months after the date of original application, in the case of an airman certificate, or within 90 days after the date of original application, in the case of a ground instructor certificate. Thereafter, a new application and fee would be required.

The schedules reflect the fact that an applicant may choose to take his practical tests from either an FAA-employed Inspector or a designated FAA Examiner. However, an applicant would be required to pay the difference between these fees if he originally chooses to take his practical tests from an Examiner, and subsequently comes to an FAA-employed Inspector for any practical test.

Although the fee for a Part 61 written test do not apply to written tests administered by a certificated pilot school (under § 141.19), the fee for Part 61 practical tests in paragraph (d) of that schedule does apply and must be paid before the certificate or rating is issued. The present fees for replacement of a lost or destroyed certificate, under §§ 61.13, 63.16, 65.16, 143.8, and 187.3 would remain in effect.

Part 61—Certification: Pilots and Flight Instructors

Except for a student pilot certificate, the following fees are proposed for an application for the written or practical (oral and flight) tests required before a pilot or flight instructor certificate is issued under this part:

	Fee
(a) Student pilot certificate—	
(1) Issued or reissued by FAA	$2
(2) Issued or reissued by a designated FAA Examiner	1
(b) Written test (if required) administered by the FAA for—	
(1) Certificate issued to military pilot or former military pilot under § 61.31	7
(2) Certificate issued to any other applicant	2
(3) Any added rating	2
(c) Practical tests (oral, or flight, or both) administered by the FAA for—	
(1) Certificate or added rating issued to military pilot or former military pilot under § 61.31	10
(2) Private pilot certificate or added rating	20
(3) Commercial pilot certificate or added rating	20
(4) Airline transport pilot certificate or added rating	35
(5) Flight instructor certificate or added rating, exchange of certificate under § 61.175 or § 61.176, or renewal of expired certificate under § 61.177	30
(6) Renewal of unexpired flight instructor certificate under § 61.177	3
(d) Practical tests (oral, or flight, or both) administered by a designated FAA Examiner for any pilot certificate or added rating	2

(e) There is no fee for:
(1) A temporary certificate issued under § 61.7.
(2) A pilot certificate of a lower grade exchanged under § 61.11.
(3) A special purpose pilot certificate issued under § 61.33.
(4) A certificate reissued after change of address under § 61.51.
(5) A rating issued with an original pilot or flight instructor certificate.

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

The following fees are proposed for an application for the written or practical (oral and flight) tests required before a certificate is issued under this part:

	Fee
(a) Written test administered by the FAA	$2
(b) Practical tests administered by the FAA	30
(c) Practical tests administered by a designated FAA Examiner	2
(d) There is no fee for:	
(1) A temporary certificate issued under § 63.13.	
(2) A certificate reissued under § 63.15(a).	
(3) A certificate reissued after change of address under § 63.21.	
(4) A rating issued with an original certificate.	

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

Except for an inspection authorization, the following fees are proposed for an application for the written or practical tests required before a certificate is issued under this part:

	Fee
(a) Inspection authorization—	
(1) Issued under § 65.91	$25
(2) Renewed under § 65.93	3
(b) Written test (if required) administered by FAA for—	
(1) Senior parachute rigger certificate issued to military rigger or former military rigger under § 65.117	6
(2) Certificate issued to any other applicant	2
(3) Any added rating	2
(c) Practical tests (if required) administered by the FAA for—	
(1) Aircraft dispatcher certificate	30
(2) Mechanic certificate	25
(3) Added rating for mechanic certificate	25
(4) Parachute rigger certificate	20
(5) Added rating for parachute rigger certificate	13
(d) Practical tests (if required) administered by a designated FAA Examiner for any certificate or any added rating	2
(e) There is no fee for:	
(1) An air traffic control tower operator certificate or rating.	
(2) A repairman certificate.	
(3) A temporary certificate issued under § 65.13.	
(4) A certificate reissued under § 65.15(b).	
(5) A certificate reissued after change of address under § 61.21.	
(6) A rating issued with an original certificate.	

PART 67—MEDICAL STANDARDS AND CERTIFICATION

The fee proposed for an application for any medical certificate issued under this part is $4.

PART 143—GROUND INSTRUCTORS

The fee proposed for an application for a written test required under § 143.11 before a ground instructor certificate or added rating is issued under this part is $7. There is no fee for:

(a) A temporary certificate issued under § 143.5.
(b) A certificate reissued after change of address under § 143.23.

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