

FEDERAL REGISTER

VOLUME 32 • NUMBER 109

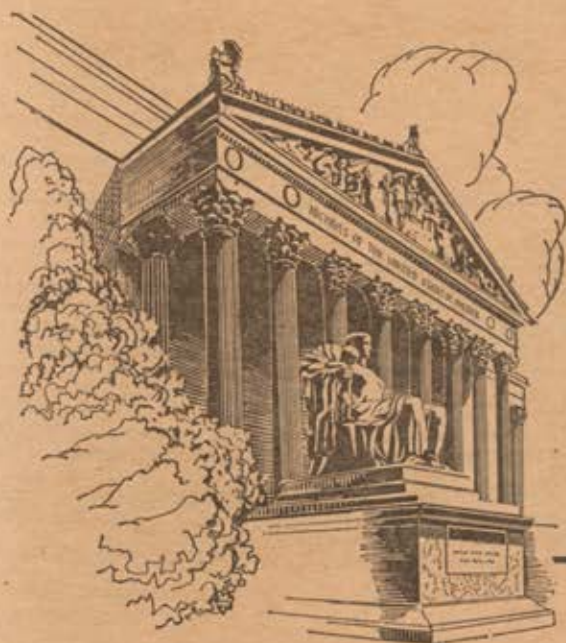
Wednesday, June 7, 1967 • Washington, D.C.

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Veterans Administration

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[Revised as of January 1, 1967]

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

FEDERAL REGISTER

Area Code 202

Phone 962-8626

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

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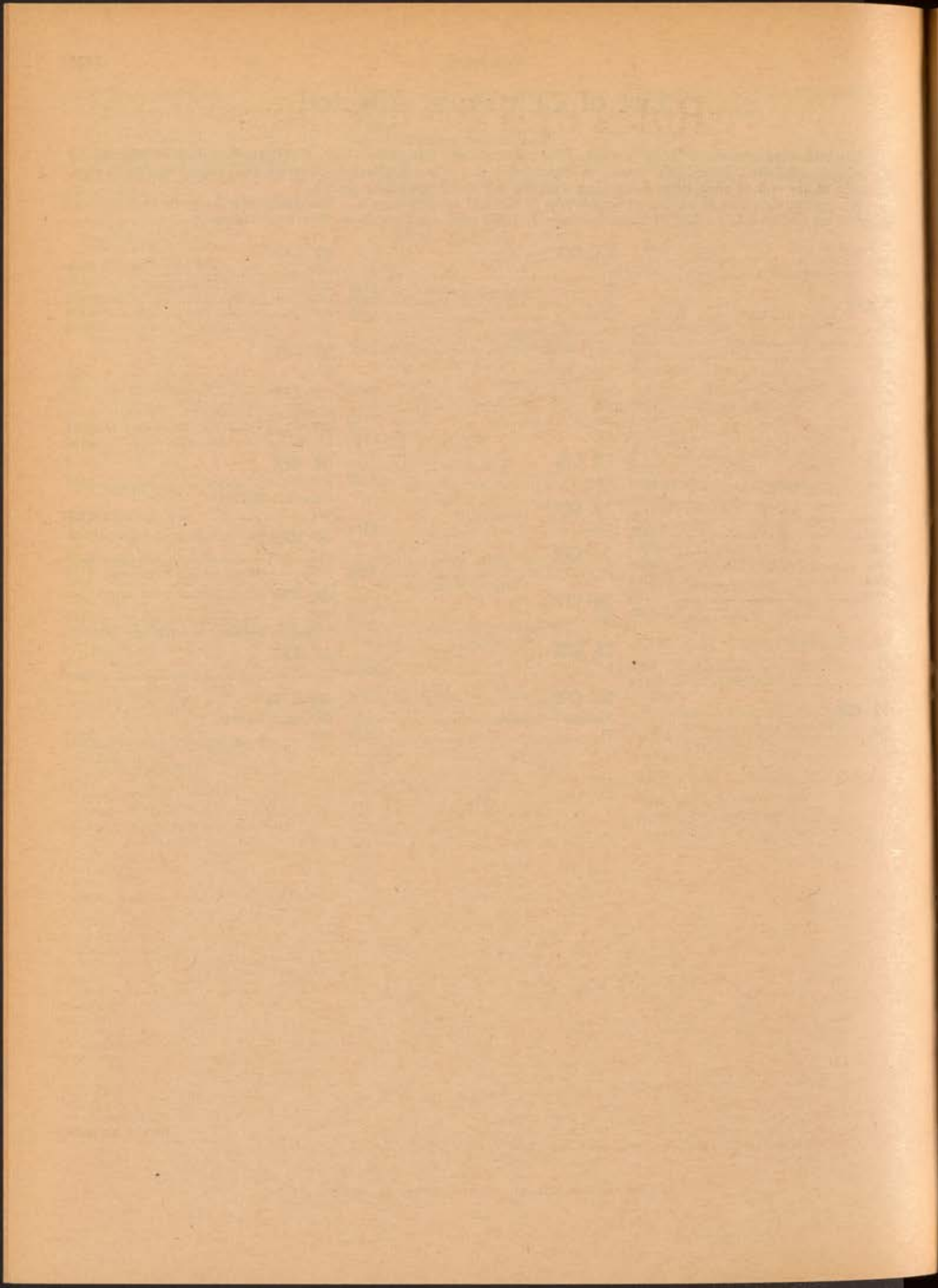
List of CFR Parts Affected

(Codification Guide)

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

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

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Title 7—AGRICULTURE

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

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 7]

PART 775—FEED GRAINS

Subpart—1966-69 Feed Grain Program Regulations

MISCELLANEOUS AMENDMENTS

The regulations governing the 1966-69 Feed Grain Program, 31 F.R. 8339, as amended, are hereby further amended as follows:

§ 775.402 [Amended]

1. Section 775.402(d)(3) is amended by adding the following sentence at the end thereof: "Sweet sorghums shall be considered as grain sorghums for purposes of this subparagraph when in a mixture with grain sorghums."

2. Section 775.409 is amended as follows:

§ 775.409 Farm feed grain base.

(e) * * *

(2) * * *

(vi) The applicant has at least two years' experience in the last 5 years producing the commodity for which a base is requested: *Provided*, That the number of years which may be used in determining whether the applicant has at least 2 years' experience may be increased from 5 years by the number of years in which the applicant could not grow the feed grain commodity because the permitted acreage of nonconserving crops was zero on all farms in which the applicant had an interest.

(4) If the feed grain acreage for the year a new farm base is established is less than 75 percent of the base, or 75 percent of the feed grain permitted acreage if such farm is participating in the program, the total feed grain base for the succeeding year shall be limited to the prior year's feed grain acreage plus any acreage diverted under the program in the prior year. Bases by commodities for the succeeding year shall be established in proportion to the acreage devoted to each feed grain in the prior year.

§ 775.411 [Amended]

3. Section 775.411 is amended by adding the following sentence at the end thereof: "A revised notice shall be mailed to the operator of any farm for which the commodity base acreage, yield, rate,

or conserving base is revised after the initial notice has been mailed: *Provided*, That the farm operator may be notified by letter of corrections and changes resulting from administrative appeal."

(Sec. 16(1), 79 Stat. 1190, 16 U.S.C. 590p(1); sec. 105(e), 79 Stat. 1188, as amended, 7 U.S.C. 1441 note)

Effective date: Upon publication in the FEDERAL REGISTER.

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

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

[F.R. Doc. 67-6354; Filed, June 6, 1967; 8:51 a.m.]

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

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Sugar Determination 848.2, Supp. 5]

PART 848—VIRGIN ISLANDS

Approved Local Producing Area for 1966 Crop

Pursuant to the provisions of § 848.2 (17 F.R. 2111), the Director of the Agricultural Stabilization and Conservation Service, Caribbean Area Office, hereby makes the following determinations:

§ 848.7 Approved local producing area in the Virgin Islands.

For purposes of considering eligibility of farms for abandonment and crop deficiency payments on the 1966 sugarcane crop in the Virgin Islands, the island of St. Croix is determined to be a local producing area in which, due to drought, the actual yields of sugar for the 1966 crop year from 10 percent or more of the total planted acreage of sugarcane in such local producing area were not in excess of 80 percent of the applicable farm normal yields.

Statement of bases and considerations. One of the conditions of eligibility of a farm in the Virgin Islands for an acreage abandonment or crop deficiency payment in connection with the production of sugar from sugarcane is that the farm be located in a local producing area for which the Director of the Agricultural Stabilization and Conservation Service, Caribbean Area Office, determines that drought, flood, storm, disease, or insects damaged a substantial part of the sugarcane crop in such area.

The purpose of this supplement is to give notice that the island of St. Croix has been determined to comprise a local producing area for the 1966 crop and that such area has qualified under the

requirements relating to crop damage. Any sugarcane producer on a farm which is located in whole or in part in this local producing area and which is otherwise qualified may apply for payment accordingly, if he has not already done so.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, sec. 303, 61 Stat. 930; 7 U.S.C. 1133)

CARLOS G. TROCHE,
Director, Agricultural Stabilization
and Conservation Service,
Caribbean Area Office.

MAY 22, 1967.

[F.R. Doc. 67-6355; Filed, June 6, 1967; 8:51 a.m.]

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

[Valencia Orange Reg. 204, Amdt. 1]

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

Limitation of Handling

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i), (ii), and (iii) of § 908.504 (Valencia Orange Regulation 204, 32 F.R. 7741) are hereby amended to read as follows:

§ 908.504 Valencia Orange Regulation 204.

- (b) Order. (1) * * *
- (i) District 1: 350,000 cartons;
 - (ii) District 2: 430,000 cartons;
 - (iii) District 3: 220,000 cartons.

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

Dated: June 2, 1967.

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

[F.R. Doc. 67-6307; Filed, June 6, 1967;
8:47 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1966 and Subsequent Crops Grain Sorghum Supplement, Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1966 and Subsequent Crops Grain Sorghum Loan and Purchase Program

DEDUCTION OF STORAGE CHARGES AND SUPPORT RATES AT DESIGNATED TERMINAL MARKETS

The regulations issued by the Commodity Credit Corporation published in 31 F.R. 8000, containing provisions for price support loans and purchases applicable to the 1966 and subsequent crops of grain sorghum are amended as follows:

§ 1421.2569 [Amended]

1. Section 1421.2569 is amended by deleting paragraph (c) pertaining to deduction of storage charges—Eastern common carriers.

§ 1421.2571 [Amended]

2. In § 1421.2571 subparagraphs (3) and (5) of paragraph (a) are amended to provide a reduction in the amount to be deducted from the loan rate for grain sorghum received by truck at terminal markets with respect to the 1967 and subsequent crops of grain sorghum. The amended subparagraphs read as follows:

§ 1421.2571 Support rates.

(a) Support rates at designated terminal markets. * * *

(3) The support rate for grain sorghum received by truck and stored at any designated terminal market shall be determined by deducting from the applicable basic support rate an amount equal to 6 cents per hundredweight with respect to 1966-crop grain sorghum and 4.5 cents per hundredweight with respect to the 1967 and subsequent crops of grain sorghum, plus the actual amount of paid-in freight required to guarantee the proportional out-bound rate from the terminal market to a recognized market determined by the appropriate ASCS commodity office.

(5) Notwithstanding the foregoing provisions of this paragraph, in determining the support rate for grain sorghum received by truck and stored at any of the terminal markets listed in subparagraph (4) of this paragraph, there shall be deducted from the applicable basic support rate an amount equal to 6 cents per hundredweight with respect to 1966-crop grain sorghum and 4.5 cents per hundredweight with respect to the 1967 and subsequent crops of grain sorghum, plus the transportation cost, if any, as determined by the appropriate ASCS commodity office, for moving the grain sorghum to a tidewater facility located within the same switching limits.

(Sec. 4, 62 Stat. 1070 as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051 as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441)

Effective date: Upon publication in the FEDERAL REGISTER.

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

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

[F.R. Doc. 67-6380; Filed, June 6, 1967;
8:51 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that the position of Special Assistant to the Assistant Secretary for Manpower is excepted under Schedule C in lieu of the position of Executive Assistant to the Manpower Administrator. Effective on publication in the FEDERAL REGISTER, subparagraph (24) of paragraph (a) of § 213.3315 is amended as set out below.

§ 213.3315 Department of Labor.

(a) Office of the Secretary. * * *

(24) Special Assistant to the Assistant Secretary for Manpower.

(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. 67-6306; Filed, June 6, 1967;
8:52 a.m.]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that the position of Deputy Assistant Secretary for International Affairs is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (3) is added to paragraph (a) as set out below.

§ 213.3394 Department of Transportation.

(a) Office of the Secretary. * * *

(3) Deputy Assistant Secretary for International Affairs.

(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,
JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[F.R. Doc. 67-6397; Filed, June 6, 1967;
8:52 a.m.]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 70—SPECIAL NUCLEAR MATERIAL

Licenses To Own and Export Special Nuclear Material

On February 7, 1967, F.R. Doc. 67-1386 was published in the FEDERAL REGISTER (32 F.R. 2562), amending, among other things, the Atomic Energy Commission's regulation 10 CFR Part 70. Paragraphs 8, 9, 10, and 11 of the amendments, all of which amended § 70.19 of Part 70, were inadvertently omitted. Accordingly, the text of the notice of rule making in F.R. Doc. 67-1386 is amended to insert, after paragraph 7, paragraphs 8, 9, 10, and 11 to read as follows:

8. Section 70.19(a) of 10 CFR Part 70 is amended by inserting the words "receive title to, own, acquire, deliver," between the words "to" and "receive".

9. Section 70.19(b) of 10 CFR Part 70 is amended by inserting the words "or importer" between the words "manufacturer" and "of".

10. Section 70.19(c) of 10 CFR Part 70 is amended by inserting the words "receive title to, own, acquire, deliver," between the words "who" and "receive".

11. Section 70.19(e) (2) of 10 CFR Part 70 is amended by deleting the words "(Name of Manufacturer)" and substituting therefor the words "(Name of Manufacturer or Importer)".

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 1st day of June 1967.

For the Atomic Energy Commission.

W. B. McCool,
Secretary.

[F.R. Doc. 67-6277; Filed, June 6, 1967;
8:45 a.m.]

PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

Change in the Amount of Financial Protection Required for Certain Reactors

On November 30, 1965, the Atomic Energy Commission published an amendment to 10 CFR Part 140, effective January 1, 1966, (1) increasing from \$60

million to \$74 million, the amount of financial protection required of licensees of facilities having a rated capacity of 100 electrical megawatts or more (who are required by statute to have and maintain financial protection in the maximum amount available from private sources) and (2) reducing the amount of indemnity extended by the Commission to such licensees by a like amount (30 F.R. 14779). Simultaneously with the publication of this amendment the Commission published a notice of proposed rule making (30 F.R. 14814) stating that it was considering whether to effect a proportional increase (approximately 23 percent) in the financial protection requirements for licensees of power or testing reactors having an authorized thermal power level in excess of one megawatt but having a rated electrical capacity less than 100 megawatts (licensees governed by application of the formula set forth in 10 CFR 140.12). Interested persons were invited to submit comments or suggestions within 60 days after publication of the notice.

After careful consideration of the comments received and other factors involved, the Commission has decided to adopt the amendments set forth below. The amendments would effect an increase of approximately 23 percent in the financial protection requirements for licensees governed by application of the formula set forth in 10 CFR 140.12. The increase would be proportional to the increase made effective January 1, 1966, for reactors having a rated capacity of 100 electrical megawatts or more.

Pursuant to the Atomic Energy Act of 1954, as amended, and the Administrative Procedure Act of 1946, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 140, § 140.12, are published as a document subject to codification, to be effective sixty (60) days after publication in the FEDERAL REGISTER.

1. Section 140.12(a) is amended by deleting the words and figures "\$3,500,000 or more than \$60,000,000" and substituting therefor the words and figures "\$4,500,000 or more than \$74,000,000."

2. Section 140.12(b) (3) is amended by deleting "\$150" and substituting therefor "\$185."

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201; sec. 170, 71 Stat. 576; 42 U.S.C. 2210)

Dated at Germantown, Md., this 22d day of May 1967.

For the Atomic Energy Commission,

W. B. McCool,
Secretary.

[F.R. Doc. 67-6276; Filed, June 6, 1967; 8:45 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC-3,218]

PART 562—APPLICATION FOR INSURANCE OF ACCOUNTS

MAY 26, 1967.

Whereas, by Federal Home Loan Bank Board Resolution No. FSLIC-3,052, dated April 6, 1967, and duly published in the FEDERAL REGISTER on April 14, 1967 (32 F.R. 5999), this Board proposed, pursuant to Part 508 of the General Regulations of the Board (12 CFR Part 508) and § 567.1 of the rules and regulations for Insurance of Accounts, to amend Part 562 of the rules and regulations for Insurance of Accounts (12 CFR Part 562), the substance of which proposal was set out in said publication; and

Whereas, all relevant material presented or available having been considered by it;

Now, therefore, be it resolved, that this Board hereby determines to adopt the amendment, as proposed, without change, effective July 7, 1967.

By the Federal Home Loan Bank Board.

[SEAL]

HARRY W. CAULSEN,
Secretary.

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| Sec. | |
| 562.1 | General provisions. |
| 562.2 | Application form. |
| 562.3 | Filing and amendment of application. |
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AUTHORITY: The provisions of this Part 562 issued under secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.

§ 562.1 General provisions.

All requests by interested persons for advice or instructions with respect to any matter arising under this part shall be addressed to the Corporation's Supervisory Agent. As used in this part, the term "Supervisory Agent" means the President of the Federal home loan bank of the district in which the insured institution is to be located or any other officer or employee of such bank designated by the Board as agent of the Corporation as provided by § 501.10 of the general regulations of the Federal Home Loan Bank Board (§ 501.10 of this chapter).

§ 562.2 Application form.

An application for insurance of accounts shall be submitted in form pre-

scribed by the Corporation and shall be supported in accordance with the prescribed "Outline of Information to be Submitted in Support of an Application for Insurance of Accounts or a Request for a Commitment to Insure Accounts" (hereinafter in this part referred to as "Outline of Information").

§ 562.3 Filing and amendment of application.

An application for insurance of accounts shall be filed with the Corporation by delivering two copies thereof, together with two copies of all supporting information, to the Supervisory Agent. After an application for insurance of accounts has been filed with the Corporation, and prior to the date of advice by the Supervisory Agent to the applicant to publish notice of the filing of the application pursuant to § 562.4, the applicant may file additional information in support of the application and may amend it; after the date of such advice the applicant may not amend the application or, unless and until a hearing on the application is ordered, file any additional supporting information unless requested by or on behalf of the Corporation.

§ 562.4 Processing of application by supervisory agent; public notice; inspection.

(a) *Public notice.* Upon determination by the Supervisory Agent that an application for insurance of accounts is complete, the Supervisory Agent shall advise the applicant, in writing, to publish, within 15 days from the date of such advice, in a newspaper printed in the English language and having general circulation in the community proposed to be served by the applicant as an insured institution, a notice of the filing of the application in the following form:

NOTICE OF FILING OF APPLICATION FOR INSURANCE OF ACCOUNTS

Notice is hereby given that, pursuant to the provisions of Part 562 of the rules and regulations for Insurance of Accounts, (Fill in name of applicant institution or names of organizers who are applicants in cases in which no charter has yet been issued) has (have) filed with the Federal Savings and Loan Insurance Corporation (Fill in either (1) an application for insurance of accounts or (2) a request for a commitment to insure accounts) of an institution located or to be located at, or in the immediate vicinity of, (Street address or street intersection), (City), (State). The application has been delivered to the office of the Supervisory Agent of the Corporation located at the Federal Home Loan Bank of (City), (Street address), (City), (State). Any person may file communications in favor or in protest of said application at the aforesaid office of the Supervisory Agent within 20 days after the date of this publication. Under the said rules and regulations for Insurance of Accounts, a hearing in Washington, D.C., may be held if, pursuant to this notice, any interested person expresses a written protest, which shall be filed in duplicate and supported by specific written objections, to said application and requests a hearing at which he expresses intention to appear, provided such protest and request are received at the aforesaid office of the Supervisory Agent within 20 days after the date of this publica-

tion. Any such written protest which is not coupled with a request for hearing will also be considered if received at the aforesaid office of the Supervisory Agent within 20 days of the date of this publication. The application, together with communications in favor or in protest thereof, are available for inspection by interested persons at the aforesaid office of the Supervisory Agent.

(b) *Filing of communications by others.* Within 20 days after the date of publication of said notice, any person may file, at the office of the Supervisory Agent designated in the notice, communications in favor or in protest of the application.

(c) *Proof of publication.* Promptly after publication of the notice, the applicant shall transmit two copies thereof to the Supervisory Agent accompanied by two copies of a publisher's affidavit of publication.

(d) *Inspection.* The application together with communications in favor or in protest thereof shall be available at the office of the Supervisory Agent during regular working hours for inspection by interested persons following the date of publication of the notice as hereinabove provided. Prior to the issuance to the applicant of advice to publish a notice, the application and the fact that it has been filed shall be held as confidential.

§ 562.5 Hearings.

(a) *General provisions.* A hearing shall be held upon an application for insurance of accounts or a request for a commitment to insure accounts in any case in which a hearing is ordered unless it is dispensed with as provided in the order for a hearing. A copy of an order for a hearing shall be mailed to the applicant and to all persons who have filed written statements protesting approval of the application. In any case in which the Corporation has rejected an application or a request without a hearing, a hearing may be held, at the discretion of the Corporation, if such hearing is requested by the applicant within 30 days after receipt of advice that the Corporation has rejected the application or request. Notwithstanding any other provision of this section, the Corporation may at any time, in its discretion and on its own motion, order a hearing on an application for insurance of accounts or a request for a commitment to insure accounts. Any interested person may appear, in person or by attorney, at any hearing held pursuant to this section and submit any evidence pertinent to the questions at issue.

(b) *Procedure.* After a hearing has been ordered, the order for such hearing, the application and supporting information, and any protest and information in support of any protest, shall be available at the Office of the Secretary to the Board for inspection during regular working hours. The hearing shall be held before a hearing officer who shall be a member of the staff of the General Counsel of the Federal Home Loan Bank Board and who shall be designated by the General Counsel or a Deputy or Associate General Counsel. The hearing

officer shall have complete charge of the hearing; may receive, admit, allow, exclude, and deny petitions, briefs, and evidence, including the hearing of testimony according to the rules of evidence governing civil proceedings in matters not involving trial by jury in the courts of the United States; *Provided, however,* That such rules may be relaxed by the hearing officer in order to expedite the proceedings or promote the just determination of the ultimate issue; may make rulings and note exceptions, but shall not have power to grant any motion to dismiss the proceedings or other motion that involves final determination of the ultimate issue; may hear arguments; may adjourn the said hearing from time to time, if, in his judgment, it is desirable to the orderly conduct of the said hearing or to promote the just determination of the ultimate issue; shall order the preparation of a record, including a transcript of the testimony and evidence presented; and may do all such things and have all such powers as are necessary or proper for the orderly conduct of the hearing or to promote the just determination of the ultimate issue, but shall not have power to finally determine the ultimate issue. The hearing officer shall determine whether the filing of briefs after a hearing will be permitted, and if such filing is permitted, the hearing officer shall restrict the time for filing to a postmark date not later than 30 days after the conclusion of the hearing, unless for good cause a longer period is allowed. The hearing officer shall not permit the filing of reply briefs.

§ 562.6 Exceptions to foregoing procedure.

(a) *Procedure prior to receipt of State charter.* The foregoing sections of this part shall be applicable to an application submitted to obtain insurance of accounts by persons in process of organizing a new institution and who have received a conditional approval of organization from the State, but have not yet received a charter, except that said organizers shall initially submit, in lieu of an application for insurance of accounts, a request for a commitment to insure accounts in form prescribed by the Corporation and supported in accordance with the prescribed Outline of Information. Immediately following the valid incorporation of the institution under State law, the applicant institution shall file an application for insurance of accounts in form prescribed by the Corporation by delivering two copies thereof to the Supervisory Agent.

(b) *Procedure not applicable to Federal savings and loan association.* The procedure prescribed by the foregoing sections of this part shall not be applicable to an application for insurance of accounts by a Federal savings and loan association.

(c) *Procedure not applicable to an operating institution.* Except as the Board may otherwise determine, the procedure prescribed by the foregoing sections of this part, except §§ 562.1 and 562.2 and the first sentence of § 562.3,

shall not be applicable to an application for insurance of accounts by an operating institution.

§ 562.7 Action by Corporation.

(a) *Conditional approval.* The Corporation's approval of an application for insurance of accounts or of a request for a commitment to insure accounts may be conditioned by the Corporation upon submission of evidence satisfactory to the Corporation that the applicant has complied in a manner satisfactory to the Corporation with such conditions as are deemed necessary to enable the applicant to qualify for insurance. Failure by an applicant to comply with conditions imposed by the Corporation within the time fixed for such compliance, or within any extended time as the Corporation may fix, will result in the withdrawal of the conditional approval. Any subsequent application from such applicant shall be treated in the same manner as a new application.

(b) *Time.* An application for insurance of accounts or a request for a commitment to insure accounts shall be acted upon by the Corporation within a period not exceeding 9 months after publication of the notice required by § 562.4 unless the Corporation, with respect to a particular application or request, extends such period, and the applicant will be advised of the Corporation's action.

§ 562.8 Costs of examination, audit, and appraisal.

The cost, as computed by the Corporation, of all examinations, including any required eligibility examination, audits, appraisals, and character-credit-financial reports, whether or not the application for insurance of accounts or a request for a commitment to insure accounts is withdrawn or whether or not insurance of accounts is approved, shall be paid by the applicant.

§ 562.9 Effective date of insurance; initial premium payment, issuance of certificate of insurance.

Upon the approval of any application for insurance of accounts, the Corporation will notify the applicant, and upon receipt of the initial premium payment for such insurance, and an admission fee in such amount as the Corporation has determined pursuant to subsection (d) of section 403 of the National Housing Act, as amended, the Corporation will issue to the applicant a certificate of insurance. Insurance becomes effective as of the date of such certificate.

§ 562.10 Prohibition against advertising prospective insurance.

Prospective insurance of accounts by the Corporation may not be advertised or publicized without the written approval of such advertising or other publicity by the Corporation.

(Sec. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

[F.R. Doc. 67-6327; Filed, June 6, 1967; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 67-WE-22]

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

Alteration of Transition Area

On Page 6145 of the FEDERAL REGISTER dated April 19, 1967, there was published a notice of proposed rule making to amend Part 71 of the Federal Aviation Regulations that would alter the Cheyenne, Wyo., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed alteration. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective as of August 17, 1967.

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

Issued in Los Angeles, Calif., on May 26, 1967.

ARVIN O. BASNIGHT,
Director, Western Region.

In § 71.181 (32 F.R. 2167) the Cheyenne, Wyo., transition area is amended by deleting all before " * * * that airspace extending upward from 1,200 feet * * * ", and substituting therefor, "That airspace extending upward from 700 feet above the surface within a 14-mile radius of the Cheyenne Municipal Airport (latitude 41°09'20" N., longitude 104°48'30" W.), and within 6 miles southeast and 8 miles northwest of the Cheyenne VORTAC 029° radial, extending from the 14-mile radius area to 14 miles north-east of the VORTAC * * *".

[P.R. Doc. 67-6331; Filed, June 6, 1967; 8:49 a.m.]

[Airspace Docket No. 67-SW-19]

PART 73—SPECIAL USE AIRSPACE

Revocation of Restricted Area/Military Climb Corridor

The purpose of this amendment to Part 73 is to revoke the San Antonio, Tex. (Kelly AFB) Restricted Area/Military Climb Corridor R-6311.

The U.S. Air Force has stated that current air traffic control procedures in effect for the Kelly AFB adequately accommodate the Air Defense activity and that the requirement for the restricted area/military climb corridor no longer exists.

Since this restricted area/military climb corridor was designated solely for use of the military, revocation thereof will reduce the burden on the public. Therefore, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than thirty days. In consideration of the fore-

going, Part 73 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 73.63 (32 F.R. 2331, 5769) R-6311 San Antonio, Tex. (Kelly AFB) Restricted Area/Military Climb Corridor is revoked.

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

Issued in Washington, D.C., on May 31, 1967.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.
[P.R. Doc. 67-6332; Filed, June 6, 1967; 8:49 a.m.]

[Docket No. 7025; Amdts. 1-12; 61-32; 91-39; 135-5]

PART 91—GENERAL OPERATIONS AND FLIGHT RULES

Appendix A—Category II Operations: Manual, Instruments, Equipment and Maintenance

Correction

In F.R. Doc. 67-5033 appearing at page 6901 of the issue for Friday, May 5, 1967, the word "require" in the eighth line of item 3.(c) (4) of Appendix A is corrected to read "reacquire".

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-496]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

Posting of Notice of Limitation of Liability for Death or Injury of Passengers Under the Warsaw Convention

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

The Board has published in 31 F.R. 12573, and circulated to the industry in EDR-105, dated September 19, 1966, Docket 17725, a notice of proposed rule making with respect to Part 221 (14 CFR Part 221) which proposed to modify the posting requirements of the notice of limitation of liability for death or injury of passengers under the Warsaw Convention. In the notice, the Board invited interested persons to submit pertinent information and data with respect to the proposed rule.

Pursuant to the above notice, seven comments were received, including six from U.S. certificated route carriers¹ and one from a foreign air carrier.²

Interested persons have been offered an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter presented. For the reasons herein-after set forth, we have decided to adopt the rule as proposed.³ Therefore, except

¹ Delta, Eastern, Mohawk, National, Trans Caribbean, and Western.

² Japan Air Lines Co., Ltd.

as modified herein, the tentative findings set forth in the explanatory statement to the proposed rule (EDR-105, supra) are incorporated herein by reference and finalized.

The Warsaw Convention, where applicable, limits the legal liability of airlines to passengers and shippers in international transportation. The Convention creates a presumption of liability on the part of the carrier and limits, in general, the carrier's liability for death or injury of passengers to approximately \$8,290. The Convention further provides that by special contract the carrier and the passenger might agree to a higher limit of liability than the \$8,290 set forth in the Convention. The Board by regulation (ER-395, adopted October 31, 1963, 28 F.R. 11775) required air carriers and foreign air carriers in the United States which avail themselves of the limit on liability to passengers provided in the Warsaw Convention to notify the public of such limits by, inter alia, posting a ticket counter sign containing a notice prescribed by the regulation.⁴

By order E-23680, May 13, 1966, the Board approved an "interim agreement" among various air carriers, foreign air carriers, and other carriers to increase the limitations of liability of claims for personal injury and death under the Warsaw Convention. By this agreement, the parties thereto bound themselves to include in their tariffs, effective May 16, 1966, a special contract in accordance with the Warsaw Convention providing for a limit of liability for each passenger for death or bodily injury of \$75,000 inclusive of legal fees (\$58,000 exclusive of legal fees and costs). The agreement also provided that carriers which are subscribers thereto shall not, with respect to any claim arising out of the death or bodily injury of a passenger, avail itself of any defense under Article 20(1) of said Convention which permits avoidance of liability upon proof that a carrier and its agents took all necessary measures to avoid the damage or that it was impossible for them to take such measures.

³ Our action herein is also dispositive of Docket 17558, Pan American's and TWA's joint petition for rule making which initiated the instant rule making proceeding.

⁴ Section 221.175(a) sets forth a prescribed form of notice with the amounts of limitations with respect to personal injury or death specified therein and contains a provision that when the carrier elects to agree to a higher limit of liability to passengers than that provided in the Warsaw Convention, such statement shall be modified to reflect the higher limit. Section 221.175(b) requires that each air carrier and foreign air carrier which avails itself of the limitation on liability to passengers provided by the Warsaw Convention display at each desk, station and position in the United States which is in charge of a person employed by it or by any agent employed by such carrier to sell tickets to passengers whose transportation may be governed by the Warsaw Convention and whose place of departure or destination may be in the United States, a sign which shall have printed thereon the statement prescribed in § 221.175(a).

This provision of the interim agreement is referred to as the "waiver of defenses." The carriers further stipulated that they would, at the time of delivery of the tickets, furnish each passenger whose transportation is governed by the Convention, as amended by the special contract described above, a notice advising such international passengers of the limitations of liability established by the Convention or the higher liability agreed to in the special contracts pursuant to the Convention as described above. Under the existing regulation (§ 221.175(a)), the subscribing carriers are permitted to give the notice to passengers prescribed by the interim agreement in lieu of the form of notice set forth in the regulation.⁵ In addition, under the regulation (§ 221.175(b)), the notice prescribed by this special contract is required to be posted by the subscribing carriers and their ticket agents as a ticket counter sign.

In the subject rule making proceeding it was proposed to modify the posting requirement of § 221.175(b) by authorizing use of a simpler, shorter form of notice of Warsaw Convention limitations as a ticket counter sign to be used only by those carriers which had become parties to the new intercarrier agreement.

The comments as a whole support the proposed rule which we are finalizing herein. However, several comments seek modification of the proposed rule and some of these suggestions will now be discussed.

Eastern asserts, *inter alia*, that posting of the notice of liability limitations under the Warsaw Convention is not needed,⁶ relying in part on the Board's recent decision in the Baggage Liability Rules Case,⁷ where the Board left to carrier discretion the determination of the appropriate method of giving actual notice to passengers and posting baggage liability limitations.

⁵ Since the notice set forth in the regulation refers to baggage liability limitations while the special contract notice does not, giving the latter notice alone would result in a failure to give the notice required by § 221.175(a) with respect to such limitations. However, subsequent to the adoption of § 221.175(a) we have had occasion to consider carrier practices with respect to giving notice of baggage liability rules in interstate air transportation (Baggage Liability Rules Case, Docket 15529, Order E-24198, decided Sept. 19, 1966), and concluded there that we should not prescribe particular practices concerning notice. Consistent with our reasons in that proceeding, we are simultaneously with our action herein directing that a rule-making proceeding be initiated to eliminate the notice requirement with respect to baggage liability limitations from § 221.175(a), thus permitting similar flexibility in solving the notice problem under the Warsaw Convention. Unlike the situation in interstate air transportation, however, transportation governed by the Convention will, of course, continue to be subject to the notice requirements of Article 4 of the Convention.

⁶ Western and Japan Air Lines support Eastern's contention that no posting of notice of liability limitations for death or personal injury should be required.

⁷ Docket 15529, Order E-24198 dated Sept. 19, 1966.

We see no merit in this contention. For the reasons set forth in the explanatory statement, the Board has determined that some type of posting is needed to adequately inform the public as to the limitations of carrier liability for death or personal injury or loss or damage to baggage under the Warsaw Convention. We do not regard the Board's decision in the Baggage Liability Rules Case with respect to posting baggage liability rules as applicable to limits of liability for death or personal injury to international travelers. In this connection, we have in mind the major consequences which can flow to individuals and their families as a result of inadequate notice of limitations of carrier liability for personal injury or death. Thus, we shall require that all reasonable means be used to apprise the public that the customary rule of full liability of carriers for death or personal injury is not applicable in the case of travel which may be covered by the Warsaw Convention.

Delta, National, and Trans Caribbean object to the proposed rule insofar as it would limit the use of the short form of posting to those carriers which signed and filed counterparts of the intercarrier agreement providing for the higher limits of liability prescribed therein and a waiver of defenses, *i.e.*, liability without fault. Delta states that although it subscribed to the higher limits of liability in the intercarrier agreement, it has not agreed to the waiver of defenses provision thereof and thus would not be eligible to use the short form of notice of posting under EDR-105; that Delta and other carriers like it should be permitted to use the short form of notice in the proposed regulation because: (1) The existing form of notice is wordier than the proposed short form, contains no needed data not supplied in the latter, will not be read by the public and is therefore ineffective; (2) the proposed short form contains no reference to the waiver of defenses provision and thus is applicable to carriers like Delta which have subscribed to the higher limits of liability in the new intercarrier agreement but have not agreed to the waiver of defenses provision thereof; and (3) there are inherent advantages in prescribing a uniform posting requirement for Warsaw Convention passengers since some of Delta's outgoing interline passengers would be confronted by one form of ticket counter sign (the existing long form) while the same interline passengers on their return journey might find a different form of notice (the proposed short form). Delta further asserts that for the Board to force carriers like Delta to use the long form of notice for posting is an attempt to get it to agree to the waiver of defenses provisions of the intercarrier agreement. National concurs in Delta's position.

Both Delta and National have now subscribed to all provisions of the interim

⁸ The form of actual notice required to be given to passengers by the intercarrier agreement is substantially longer than that prescribed in the existing regulation (§ 221.175(a)).

agreement, including waiver of defenses, and their objections have become moot as to themselves. However, Delta's comments, concurred in by National, deserve consideration, as they bear generally on the question of whether the short form of notice should be made applicable to the remaining carriers which have not subscribed to the interim agreement.

We find no merit in the above objections and shall limit use of the short form of notice to carriers which have subscribed to the intercarrier agreement. The short form notice provided for herein states essentially that airline liability for death or personal injury on international journeys may be limited by the Warsaw Convention and refers passengers to the notice accompanying their ticket or their airline ticket office or travel agent for further information. This relatively brief notice is justified because such carriers offer the much greater protection for passengers afforded by the interim agreement which raised the limitations of liability to \$75,000 and also contained the waiver of defenses provision. Carriers which have not subscribed to the interim agreement may assert a limit of liability for death or personal injury of \$8,290 under the Warsaw Convention as well as the defense of Article 20(1) thereof as to avoidance of liability upon certain proof. The notice which we shall continue to require to be used in the case of non-subscribers (existing § 221.175(a)) will disclose, in addition to the data in the new notice, the amount of limit of liability for death or personal injury and the fact that passengers can obtain additional protection by purchasing insurance from a private company. Carriers which insist upon the lower limits of financial responsibility under the Warsaw Convention should be required to give full disclosure of such limits.

Mohawk and Japan Air Lines request that the Board remove the requirement that the notice of liability limitations under the Warsaw Convention be posted at each desk or station where tickets are sold to passengers whose transportation may be governed by the Convention and to limit the posting requirement to one sign at a ticket office regardless of the number of ticket-selling stations thereat. In this connection, Mohawk asserts that the cost of posting a notice of tariffs and a notice of liability limitations under the Warsaw Convention for its stations and 2,700 travel agents authorized to sell its ticket stock is approximately \$3,000, assuming that each travel agent has only one ticket position; and that this expense necessarily bears some relationship to subsidy requirements.

We shall not modify the existing posting requirement of § 221.175(b) that a sign be placed at each desk or station where tickets are sold. In our view, the burden on the carrier of posting notices of liability limitations is not unreasonable and is necessary in the public interest. In the absence of a showing of

⁹ Trans Caribbean was a party to the interim agreement when it filed its comments in this proceeding.

substantial burden to the carrier or inconvenience to the public from this posting requirement—and no such showing has been made in this proceeding—we shall adhere to the present requirement of § 221.175(b), that a notice of liability limitations under the Warsaw Convention be posted at each desk, station, and position where applicable tickets are sold.

Also, Mohawk proposes "that the Board consolidate the various signs necessitated by all posting requirements into one simplified sign" of the character thereafter described in its comments. The Board's regulations require the posting of two types of signs, namely, (1) the Warsaw limitation of liability notice, and (2) a notice advising the public of its right to inspect the carrier's tariffs (§ 221.173). Mohawk would have the Board authorize a substantially abbreviated sign in the case of the notice of tariff posting and proposes that the one consolidated sign be required to be posted only at each carrier or agent ticket counter, rather than one at each desk or station at each ticket counter which, it asserts, the present regulation requires in the case of notice of Warsaw liability limitations and notice of tariff posting. The carrier further requests that the Board consider its comments as a separate petition for rule making to the extent that it raises new matters not contained in EDR-105.

We are not persuaded to change the regulation as requested by Mohawk. There is nothing in the Board's regulations to prohibit a carrier from using one consolidated sign for the notice of tariff posting and the notice of limitations of liability of the Warsaw Convention, so long as the sign contains the data required by the Board's rules as to such notice (§§ 221.173 and 221.175(b), respectively). Moreover, Mohawk's request is premised upon a misinterpretation of "the requirement of §§ 221.173 and 221.175(b) that signs be displayed at each desk or station at a carrier or agent ticket counter." Although the notice of limitations of liability under the Warsaw Convention must be posted "at each desk, station and position" where tickets are sold (§ 221.175(b)), such a requirement is not applicable to the posting of notice of tariffs, which is satisfied by posting at "each station, office, or location" (§ 221.173). Mohawk's petition for rule making is, therefore, denied.

It should also be pointed out that nothing contained in this rule is intended to foreclose or prejudice the consideration of possible amendments of the aforementioned interim agreement. Certain problems with respect to the notice requirements of the Convention and the agreement, particularly in relation to the waiver of defenses provisions of the latter, have recently been brought to the attention of all interested parties, including the United States, by the International Civil Aviation Organization.

Our present action, however, is concerned only with the contents of the counter sign, and does not affect the possibility of amendment of the agreement.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 221 of the Economic Regulations (14 CFR Part 221), effective July 6, 1967, by modifying § 221.175(b) to read as follows:

§ 221.175 Special notice of limited liability for death or injury under the Warsaw Convention.

(b) Each air carrier and foreign air carrier which, to any extent, avails itself of the limitation on liability to passengers provided by the Warsaw Convention, shall also cause to be displayed continuously in a conspicuous public place at each desk, station, and position in the United States which is in charge of a person employed exclusively by it or by it jointly with another person, or by any agent employed by such air carrier or foreign air carrier to sell tickets to passengers whose transportation may be governed by the Warsaw Convention and whose place of departure or destination may be in the United States, a sign which shall have printed thereon the statement prescribed in paragraph (a) of this section: *Provided, however,* That an air carrier or foreign air carrier which provides a higher limitation of liability than that set forth in the Warsaw Convention and has signed a counterpart of the agreement among carriers providing for such higher limit, which agreement was approved by the Board by Order E-23680, dated May 13, 1966 (31 F.R. 7302, May 19, 1966), may use the following notice in the manner prescribed above in full compliance with the posting requirements of this paragraph:

ADVICE TO INTERNATIONAL PASSENGERS ON LIMITATION OF LIABILITY

Passengers traveling to or from a foreign country are advised that airline liability for death or personal injury and loss or damage to baggage may be limited by the Warsaw Convention and tariff provisions. See the notice with your ticket or contact your airline ticket office or travel agent for further information.

Such statements shall be printed in bold face type at least one fourth of an inch high.

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply secs. 401(e), 402(e), 403, 411, 72 Stat. 754, 757, 758, 769; 49 U.S.C. 1371, 1372, 1373 and 1381)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-6338; Filed, June 6, 1967; 8:49 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10 Gen. Rev. of Export Regs., Amdt. 29]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 371, 382, 384, and 399 of the Code of Federal Regulations are amended as set forth below:

Effective date: May 11, 1967.

RAUER MEYER,
Director,
Office of Export Control.

PART 371—GENERAL LICENSES

I. Elimination of Canadian Customs Entry, Form B-13 for intransit shipments valued under \$50. Intransit shipments moving from Canada through the United States for shipment under General License GIT require that a copy of an approved Form B-13, Canadian Customs Entry, be presented at the U.S. port of exit. This requirement is now modified to eliminate the need for presentation of Form B-13 where the value of the intransit shipment is less than \$50.

Accordingly, § 371.9(b) (1) of the U.S. Export Regulations is amended to read as set forth below:

§ 371.9 General License—GIT; intransit shipments.

(b) *Special provisions for shipments originating in Canada.* (1) The provisions of General License GIT are applicable, as modified herein, to all shipments from Canada, regardless of origin of the commodities included in the shipment, moving in transit through the United States to any foreign destination. The Customs Officer at the U.S. port of exit shall require for each shipment a copy of Form B-13, Canadian Customs Entry, certified or stamped by the Canadian customs authorities. However, the Form B-13 need not be presented if the shipment is made under a validated U.S. export license or any applicable U.S. general license other than General License GIT, or is valued at less than \$50. Where the commodity description, quantity, ultimate consignee, country of ultimate destination, or any other pertinent detail of such shipment is not the same on the U.S. Shipper's Export Declaration as that shown on the required Form B-13, Canadian Customs Entry, a corrected Form B-13 authorizing the shipment is required unless, as indicated above, the exporter chooses instead to make the shipment under a validated U.S. export license or an applicable U.S. general license other than this General License GIT.

(2) Any parties to the export shall submit any further proof which the Customs Officer at the U.S. port of entry or at the port of exit may require to enable him to determine that the shipment is properly exportable under General License GIT, including the fact that the destination of the shipment is properly authorized by the Canadian authorities. An export shall not be cleared for shipment by the Customs Officer at the U.S. port of exit under General License GIT unless all provisions of this general license have been complied with.

PART 384—GENERAL ORDERS

II. Disclosure of license issuance and other information. In the past, the Office of Export Control has made available daily certain information with regard to unshipped balances remaining on expired, revoked, or canceled licenses covering shipments to Country Groups W, Y, and Z, and to Yugoslavia. For the reason that this information has proven to be of little or no value to exporters, it is no longer being made available in published form.

This action in no way affects the present practice of the Office of Export Control in making available daily, in published form, certain information regarding licenses issued on the previous business day. The information consists of a general description of the commodity or technical data licensed for export, the value of the licensed commodity, and the name of the country to which the commodity is to be exported.

Accordingly, § 384.4 of the U.S. Export Regulations is amended as set forth below:

§ 384.4 Disclosure of license issuance and other information.

By order of the Secretary of Commerce, the Office of Export Control will make available daily, for each export license granted on the previous business day:

(a) A general description of the commodity or technical data licensed for export;

(b) The total value of the licensed commodity; and

(c) The country of destination of the export.

No other specific information regarding any validated export license will be made available to the public by the Office of Export Control, except with the approval of the Secretary of Commerce.

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

III. Revision of the Commodity Control List. Section 399.1 Commodity Control List, is amended as follows:

A. Revisions. The Commodity Control List is revised as set forth below, effective May 11, 1967, unless otherwise specified. Exporters are advised that only the items listed below opposite the specific Export Control Commodity Numbers are affected

by these changes. The unnumbered captions serve only to identify the broad categories of commodities within which these items are to be found in Schedule B.

Two different types of explanatory numerical references are used at the end of a commodity description:

(a) A numerical reference enclosed in parentheses to indicate the entry being revised. For example, where a revised entry is followed by (1), this indicates that the new entry revises the first entry or only entry presently on the Commodity Control List under the same Export Control Commodity Number; if the entry is followed by a (2), it revises the second entry on the Commodity Control List, etc.

(b) A footnote reference referring to the footnote below which explains the effect of the revision.

¹ A validated license is no longer required for export of peanuts, roasted or otherwise prepared, except salted, to Country Group Y. In accordance with previously announced controls, a validated license is not required for export to these destinations of salted peanuts and other commodities in this entry.

² A validated license is no longer required for export of these commodities to Country Group Y.

³ These commodities are transferred from No. 68213 to conform with Schedule B classification and are subject to the provisions set forth in §§ 373.37, 373.43, and 379.2.

⁴ A validated license is no longer required for export of these commodities to Country Groups X and Y.

⁵ This entry is deleted; a validated license is no longer required for export of these commodities to Country Group Y and these commodities are included in the last entry under this number.

⁶ A validated license is no longer required for export of buggies, cutting machines, grout mixers and plaster and mortar mixers and parts therefor to Country Group Y.

⁷ A validated license is no longer required for export to Country Groups X and Y of beverage pumps for soft drink machines, and

parts and attachments therefor (formerly included in the last entry under this Export Control Commodity Number).

⁸ Two entries are substituted for two entries presently on the Commodity Control List under this number.

⁹ A validated license is no longer required for export to Country Groups X and Y of construction jacks less than 100 tons lifting capacity, and drill jacks, and parts therefor.

¹⁰ These commodities are transferred from No. 71842 to conform with Schedule B classification.

¹¹ A validated license is no longer required for export to Country Group Y of wood preparation equipment for the paper industry, and parts, accessories, and attachments.

¹² A separate entry is established.

¹³ A validated license is no longer required for export of these commodities to East Germany.

¹⁴ This entry is deleted; a validated license is no longer required for export of these commodities to Country Group W and these commodities are included in the twelfth entry under this number.

¹⁵ Two entries are substituted for an entry presently on the Commodity Control List under this number.

¹⁶ An Import Certificate is no longer required in support of an application for a license to export these commodities to the countries specified in § 373.2.

¹⁷ The GLV Dollar-Value Limit is increased for shipments to Country Group V.

¹⁸ This entry is deleted and these commodities are now included in the last entry on the Commodity Control List under this number.

¹⁹ The commodity description is revised with no change in controls.

²⁰ The commodity description is revised with no change in controls. Unmounted crystals are included in No. 66700.

²¹ The GLV Dollar-Value Limit is increased for Country Groups S, T and V.

²² A reporting requirement is added.

²³ The Processing Number is changed.

²⁴ The GLV Dollar-Value Limit is decreased for Country Groups S and V, effective May 18, 1967.

²⁵ The GLV Dollar-Value Limit is decreased for Country Group S, effective May 18, 1967.

Department of Commerce export control commodity number and commodity description	Unit	*Processing number	*Validated license required for country groups shown below	*GLV dollar value limits for shipments to country groups				*Special provisions list
				S	T	V	X	
<i>Fruit and vegetables</i>								
053 Fruit juices; vegetable juices; frozen fruits; and fruits and nuts, prepared or preserved, n.e.c. (Report peanuts, green, in 22110, and fresh or dried edible nuts (other than oil nuts) in No. 051.) (1 through 6) ¹	Lb.	208	Z.....					B.
<i>Oil seeds, oil nuts, and oil kernels, and flour and meal of oil seeds, nuts, and kernels</i>								
22110 Peanuts (groundnuts), green, shelled or unshelled. (1) ²	Lb.	208	SZ.....	500				B.
<i>Chemical materials and products, n.e.c.</i>								
51470 Master alloys of copper containing 8 percent or more phosphorus. (Also specify copper content in pounds.) (See § 373.43 (d).) (Report master alloys of copper containing less than 8 percent phosphorus in No. 68213.) ³	Lb.	272	STVWXYZ.....		100	100		FG.
59964 Wood resins; gum rosin; tall oil rosin; derivatives of rosin and resin acids, except ester gums. (1) ⁴	Lb.	208	SZ.....					B.
<i>Manufactures of metal, n.e.c.</i>								
69523 Industrial guns, and parts, n.e.c. (1) ⁵		408	SZ.....	500				B.

Department of Commerce export control commodity number and commodity description	Unit	*Processing number	*Validated license required for country groups shown below	*GLV dollar value limits for shipments to country groups				*Special provi- sions list
				S	T	V	X	
<i>Machinery, other than electric</i>								
7115 Textile cutting machines, and parts and attachments, n.e.c. (2) *		413	SZ					B.
7153 Equipment for mining and forming minerals, and accessory equipment as fol- lows: Brigsquint, presser, langes, cut- ting machines; presser, langes, plaster and mortar mixer; and brick, tile, household ceramic, and concrete products manu- facturing machines; and parts. (3 and 4) *		408	SZ					B.
7121 Beverage pumps for soft drink ma- chines; hand pumps; wind-mill pumps; self-contained household water systems; service station pumps; and measuring and dispensing pumps designed for fuels and lubricants; and parts and attachments, n.e.c. (14 and 20) *		408	EXYZ				100	B.
7183 Construction jacks, hydraulic, 100 tons or over lifting capacity; and parts, n.e.c. (7) *		408	SZ					B.
7183 Other construction jacks: drill jacks; overhead hoists; pendant type; crawler lowering devices; and fishing boat winches; and parts and attachments, n.e.c. (3 and 7) *		408	SZ					B.
7181 Equipment, 135 horsepower and over, as follows: (a) Logging vehicles, self- propelled, and (b) pipe layers, integrated track-laying type and specially designed parts, accessories, and attachments there- for, except chisels and cable guides (convey- or type). (13 and 14) *		408	SXYZ				100	B.
7181 Logging vehicles and logging arbores, except self-propelled of 135 horsepower or over, and parts, n.e.c. (13 and 14) *		408	SYZ					B.
7182 Machines for working wood and cork. (Report parts to No. 71864) (1 and 2) *		413	SZ					B.
71864 Parts, accessories and attachments for machines for working wood and cork. (13 and 14) *		413	SZ					B.
71860 Concrete floor finishing machines; and rotary finishers; and parts and ac- cessories, n.e.c. (2) n. a.		408	SZ					B.
<i>Electrical machinery, apparatus, and appliances</i>								
72250 Other electronic cells, reactors and chokes, n.e.c., and parts. (24) *		413	SZ					B.
72220 Other potentiometers using only switched elements, and parts, n.e.c. (Specify by name and type number.) (11) *		413	SXYZ				100	B.
72220 Carbon composition resistors. (12) *		413	SZ					B.
72620 Photomicrographic arc lamps spe- cially designed for use with the high speed cameras and/or photographic microfilm equipment under Export Control Com- modity Nos. 8410 and 8610 which are subject to the Import Certificate/Delivery Verification procedure. (2) *	No.	211	STVWXYZ			500	25	A.
72620 Photomicrographic arc lamps spe- cially designed for use with photomicrographic equipment capable of giving a flash of between 1/100,000 and 1/200,000 second duration at a minimum recurrent frequency of 200 flashes per second. (2) *	No.	212	STVWXYZ			500	25	A.

Department of Commerce export control commodity number and commodity description	Unit	Processing number	Validated license required for country groups shown below	*GLV dollar value limits for shipments to country groups			*Special provisions List
				S	T	V	
Clothing and accessories							
84100 Underwater apparel, designed for scuba diving. (Report breathing apparatus in No. 84172.) (1) n Professional, scientific, and controlling in- struments, photographic and optical goods, watches and clocks	Lb.	212	STVWXYZ	500	1,000	1,000	A
84111 Optical elements of monocrystalline silicon, or of silicon with a purity of 99.99 percent or more. (Specify weight.) (2) n n n n	No.	241	STVWXYZ	500	500	500	A
84111 Optical elements of silicon with a purity of 99.9 percent up to but not in- cluding 99.99 percent silicon. (Specify weight.) (4) n n n n	No.	242	STVWXYZ	500	500	500	A

*Three entries are substituted for an entry presently on the Commodity Control List under this number.

*A validated license is no longer required for export of these commodities to Country Group Y.

*The commodity description is revised with no change in controls.

*Three entries are substituted for three entries presently on the Commodity Control List under this number.

*A validated license is no longer required for export of inbred seed corn and inbred seed grain sorghum to Rumania.

*Effective May 18, 1967, a validated license is required for export of seed corn not chemically treated and colored for use as seed to Country Group Y. A validated license is presently required for export of all inbred seed corn to Country Group Y.

*Six entries are substituted for two entries presently on the Commodity Control List under this number.

*A validated license is no longer required for export to Country Group Y of alfalfa, fescue grass, timothy grass, red top, sugarbeet, and all clover seeds not presently exportable under General License G-DEST to Country Group Y.

*Three entries are substituted for two entries presently on the Commodity Control List under this number.

B. Other revisions. The Commodity Control List is revised as set forth below, effective May 11, 1967, unless otherwise specified. Exporters are advised that only the items listed below opposite the specific Export Control Commodity Numbers are affected by these changes. The unnumbered captions serve only to identify the broad categories of commodities within which these items are to be found in Schedule B.

Two different types of explanatory numerical references are used at the end of a commodity description:

(a) A numerical reference enclosed in parentheses to indicate the entry being revised. For example, where a revised entry is followed by (1), this indicates that the new entry revises the first entry or only entry presently on the Commodity Control List under the same Number; if the entry is followed by a (2), it revises the second entry on the Commodity Control List, etc.

(b) A footnote reference referring to the footnote below which explains the effect of the revision.

Department of Commerce export control commodity number and commodity description	Unit	Processing number	Validated license required for country groups shown below	*GLV dollar value limits for shipments to country groups			*Special provisions List
				S	T	V	
72930 Transistors and related devices (or related semiconductor amplifying devices, such as field-effect transistors, and transistors) having any of the following characteristics: (a) having four or more active junctions within any single block of semiconductor material; (b) using a bulk semiconductor material other than germanium or silicon; (c) permanently mounted having either (i) an average f_T of 40 to 100 megacycles and a collector dissipation greater than 150 milliwatts, or (ii) an average f_T greater than 100 megacycles or (d) silicon types having any of the following characteristics: (i) an average f_T of up to 100 kilocycles and designed to have a maximum collector dissipation greater than 5 watts; (ii) an average f_T from greater than 500 kilocycles to 3 megacycles and designed to have a maximum collector dissipation greater than 500 milliwatts; (iii) an average f_T from greater than 3 megacycles to 30 megacycles and designed to have a collector dissipation greater than 250 milliwatts; (iv) an average f_T greater than 20 megacycles; (v) majority carrier devices, including but not limited to field-effect transistors and metal oxide semiconductor transistors; or (vi) a modulus of the current gain in the common emitter configuration of 10 or more for collector currents of 100 microamperes or less. (Specify by type number.) (2) n	No.	611	STVWXYZ	500	100	100	A
72930 Solid state semiconductor devices specially designed for operation at ambient temperatures below minus 20° F. (minus 10° C.). (Specify by name and type number.) (2) n	No.	611	STVWXYZ	500	100	100	A
72941 Spark plugs, aircraft and automotive type, and parts. (Report transistors in No. 72930.) (2) n		618	SZ and East Germany.				B
72941 Electrical starting and ignition equipment, aircraft type, and specially designed parts, except spark plugs and parts. (2) n		618	SWXYZ and Republic of South Africa.			100	B
72941 Electrical starting and ignition equipment, automotive type, and specially designed parts, except spark plugs and parts. (2) n		618	SWXYZ			100	B
72948 Capacitors for electronic applications, paper, polyester and air dielectric type; and parts. (2) n		618	SZ				B
72948 Quartz crystals and assemblies thereof; and parts. (2) n		611	STVWXYZ	500	100	100	A

Name and address	Effective date	Expiration dates	Export privileges affected	FEDERAL REGISTER citation
Achermann, Paul, Frenzelstrasse 21, Post Office Box 300, Zurich, Switzerland.	8-3-67	June 17, 1967	General license, all commodities, any destination, also exports to Canada.	32 F.R. 6736-6741, 8-3-67.
Gordon, Eric, Frenzelstrasse 19, Vienna IX, Austria.	4-30-67	Apr. 20, 1970 (On probation from Jan. 21, 1968 to Apr. 21, 1970)	General and validated license, all commodities, any destination, also exports to Canada.	33 F.R. 6222, 4-30-67.
Hath, Claus, Georgplatz 14, 1 Hamburg 1, West Germany.	4-30-67	Indefinite	do	32 F.R. 6736-6738, 8-3-67.
Oesterreichische Fremdenber., G.m.b.H., Frenzelstrasse 19, Vienna IX, Austria.	4-30-67	Apr. 20, 1970 (On probation from Jan. 21, 1968 to Apr. 21, 1970)	do	32 F.R. 6222, 4-30-67.
Schweidtschek, G.m.b.H., Frenzelstrasse 21, A-1230 Vienna, Austria, 26 Humboldtstrasse, Linz/Donau, Austria, and 56 Auenstrasse, Graz, Styria, Austria.	4-8-67	Indefinite	do	32 F.R. 5811, 4-11-67.

*The expiration date of this order is subject to extension. Before making shipment to this person or firm, the shipper should inquire of the Office of Export Control as to whether the order has been extended.

**No export of any commodity in any amount may be made to this party under any General License. A validated license is required for all exports to any destination, including Canada.

***Although the named person or firm is entitled to all export privileges during this probation period, these privileges may be revoked upon a finding that the probation has been violated.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-63 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-63 Comp.)

[F.R. Doc. 67-6159; Filed, June 6, 1967; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter II—Tennessee Valley Authority

PART 301—PROCEDURES

Records and Drawings, Plans and Designs

Chapter II of Title 18 CFR is hereby amended by revising § 301.1 as indicated below and by deleting § 301.3:

§ 301.1 Records.

(a) Records available. TVA's records will be made available for inspection and copying upon request, except that records are not made available if they are (1) specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(2) related solely to the internal personnel rules and practices of any agency;

(3) specifically exempted from disclosure by statute; (4) trade secrets and commercial or financial information obtained from any person and privileged or confidential; (5) interagency or intragovernmental memorandums or letters which would not be available by law to a private party in litigation; (6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; (7) investigatory files compiled for law enforcement purposes except to the extent available by law to a private party; (8) contained in or related to examination, operation, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions; and (9) geological and geophysical information and data (including maps) concerning wells.

Department of Commerce export control commodity number and commodity description	Unit	Prohibiting number	*Validated country groups shown below	*GLW dollar value limits for shipments to country groups	*Special license list
				S T V X	
Cereals and cereal preparations					
04100 Seed wheat chemically treated and colored for use as seed, except inbred seed wheat. (1) *	Bu.	208	Z		B.
04300 Other seed wheat. (1) *	Bu.	208	YZ		B.
04300 Other seed wheat, including spelt or emmer. (1) *	Bu.	208	YZ		B.
04300 Other seed wheat, (1, 2 and 3) *	Lb.	208	YZ		B.
04300 Seed barley chemically treated and colored for use as seed, except inbred seed barley. (1) *	Bu.	208	Z		B.
04300 Other seed barley. (1) *	Bu.	208	YZ		B.
04300 Other barley, unmilled. (1) *	Bu.	208	YZ		B.
04400 Seed corn chemically treated and colored for use as seed, except inbred seed corn. (1) *	Bu.	208	Z		B.
04400 Other seed corn. (1 and 2) *	Bu.	208	YZ		B.
04400 Other seed corn. (1 and 2) *	Bu.	208	YZ		B.
04400 Other seed corn. (1 and 2) *	Bu.	208	YZ		B.
04400 Seed rye chemically treated and colored for use as seed, except inbred seed rye. (1) *	Bu.	208	Z		B.
04400 Other seed rye. (1) *	Bu.	208	YZ		B.
04400 Other rye, unmilled. (1) *	Bu.	208	YZ		B.
04400 Seed oats, chemically treated and colored for use as seed, except inbred seed oats. (1) *	Bu.	208	Z		B.
04400 Other seed oats. (1) *	Bu.	208	YZ		B.
04400 Other oats, unmilled. (1) *	Bu.	208	YZ		B.
04400 Seed grain sorghum chemically treated and colored for use as seed, except inbred seed grain sorghum. (1 and 2) *	Bu.	208	Z		B.
04400 Other seed grain sorghum. (1 and 2) *	Bu.	208	YZ		B.
04400 Other grain sorghum, unmilled. (2) *	Bu.	208	YZ		B.
04400 Seed cereal grains, n.e.c., chemically treated and colored for use as seed, except inbred seed cereal grains. (1 and 2) *	Lb.	208	Z		B.
04400 Other seed cereal grains, n.e.c. (2) *	Lb.	208	YZ		B.
04400 Other cereal grains, unmilled, n.e.c. (2) *	Lb.	208	YZ		B.
Crude animal and vegetable materials, n.e.c.					
29200 Forage sorghum seed chemically treated and colored for use as seed, except inbred forage sorghum seed. (1) *	Lb.	208	SZ	800	B.
29200 Other forage sorghum seed. (1) *	Lb.	208	SZ	800	B.
29200 Other seeds, fruit and spores for planting, n.e.c. (Report offshoots in Nos. 2100-2200, and seed cereal grains in Nos. 04100-04400.) (1 and 2) *	Lb.	208	SZ	800	B.

C. **Saving clause.** Shipments of commodities removed from general license as a result of changes set forth in Parts A and B above which were on dock for loading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a.m. May 18, 1967, may be exported under the previous general license provisions up to and including June 12, 1967. Any such shipments are added to the table of orders:

PART 382—ADMINISTRATIVE PROCEEDINGS

IV. **Additions to table of orders.** Section 382.51 Table of denial and probation orders, the following persons and firms are added to the table of orders:

(b) *Requests.* Requests for TVA records shall be made in writing to the "Director of Information, Tennessee Valley Authority, Knoxville, Tenn. 37902," and shall contain sufficient information to identify the records sought.

(c) *Action upon requests.* Upon receipt of such a request, TVA shall promptly determine whether the records can be made available under the provisions of this section and shall notify the person making the request (1) where, when and in what manner the records will be made available and the estimated cost, or (2) that the records are not available, giving the reasons therefor.

(d) *Manner of making available.* TVA will provide an opportunity for inspection and copying of the records at the place it considers most feasible, or, should TVA find it more convenient to do so, furnish copies of such records.

(e) *Fees.* A price list for various TVA publications and reports is contained in TVA form 3077, and copies of this price list may be obtained by writing to the "Director of Information, Tennessee Valley Authority, Knoxville, Tenn. 37902." TVA records which are not included in the foregoing price list are made available at prices which will approximately cover direct or incremental costs to TVA for searching, compiling, copying, transporting, or otherwise preparing and furnishing the records. A minimum charge of \$4 is made except that charges may be waived for information supplied to public or governmental bodies or officials, when it is in TVA's interests to provide information without charge, or in other cases where TVA determines it would be inappropriate to make a charge.

§ 301.3 [Deleted]

(48 Stat. 58, as amended; 16 U.S.C. secs. 831-831dd (1964))

This regulation is effective on July 4, 1967.

TENNESSEE VALLEY AUTHORITY,
L. J. VAN MOL,
General Manager.

[F.R. Doc. 67-6304; Filed, June 6, 1967; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-139]

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

Smelting and Refining Warehouses; Filing of Manufacturers' Statements

Section 19.19 of the Customs Regulations requires every manufacturer engaged in smelting or refining, or both, under bond to file with the district director of customs an annual statement containing certain basic information relating to the metal-bearing materials

handled. That statement, which must be submitted not later than 60 days after the termination of the manufacturer's fiscal year, is used to determine the applicable loss allowance for products of each plant.

Since schedule 6, part 1, headnote 4(b), Tariff Schedules of the United States, now provides for allowable absolute deductions for losses on the copper, lead, or zinc content of ores or other metal-bearing materials, it appears that no such annual statement is necessary so long as the manufacturer complies with the requirements of paragraph (d) of that headnote, maintains records as required by paragraph (f) thereof, and claims only such allowable absolute deductions. In order to relieve manufacturers of the necessity for filing an annual statement in such a case, §19.19 of the Customs Regulations is amended to read as follows:

§ 19.19 Manufacturers' records; annual statement.

(a) Every manufacturer engaged in smelting or refining, or both, shall immediately notify the district director of customs for the district in which the plant is located of any material change in the character of the metal-bearing materials smelted or refined and of any change in the methods of smelting or refining. Each plant for which any of the deductions provided for in schedule 6, part 1, headnote 4, Tariff Schedules of the United States, is to be claimed shall maintain complete smelting and refining records showing the receipt and disposition of each shipment of materials received in the plant. If losses are to be claimed under paragraph (c) of said headnote, a record shall be kept from which the annual statement described in paragraph (b) of this section shall be prepared. These records shall be retained for a period of not less than 5 years. In the case of records forming the basis of such an annual statement, the period for retention shall run from the date of the related annual statement. All such records shall be made available to the district director of customs for such inspection and verification as he may deem advisable.

(b) Every manufacturer engaged in smelting or refining, or both, who pursuant to paragraph (d) of headnote 4, part 1, schedule 6, Tariff Schedules of the United States, elects to make claim for losses under paragraph (c) of that headnote, shall file with the district director of customs for the district in which the plant is located an annual statement of losses for the fiscal year for the plant involved not later than 60 days after the termination of that fiscal year. No specific form is prescribed in which such statement shall be prepared. As basic information, the statement shall show the quantities of metal-bearing materials on hand at the beginning of the period and the dutiable contents thereof; the quantities of metal-bearing materials received during the period and the dutiable contents thereof; the total

metal-bearing materials to be accounted for and the dutiable contents thereof; the quantities of metal-bearing materials on hand at the end of the period and the dutiable contents thereof; and the quantities of metal-bearing materials worked during the period and the dutiable contents thereof. The statement of the quantity of metal-bearing materials worked during the period shall show the quantity of foreign material and the quantity of domestic material put in process during the smelting operations. The statement shall contain such further information concerning the quantities and kinds of metals and intermediary products produced at the plant as will show the wastage sustained in the smelting and refining operation (sec. 312, 46 Stat. 692, as amended; 19 U.S.C. 1312).

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

Since this amendment provides for an exception to a requirement which, under certain circumstances, would serve no necessary purpose, notice and public procedure under 5 U.S.C. 553 are found to be unnecessary 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. This amendment shall, therefore, become effective on the date of its publication in the FEDERAL REGISTER.

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

Approved: May 29, 1967.

TRUE DAVIS,
Assistant Secretary
of the Treasury.

[P.R. Doc. 67-6328; Filed, June 6, 1967; 8:49 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

Canned Preserved Figs—Precooked in Sirup; Definition and Standard of Identity

In the matter of establishing a definition and standard of identity for canned preserved figs—precooked in sirup:

A notice of proposed rulemaking in the above-identified matter was published in the FEDERAL REGISTER of December 30, 1966 (31 F.R. 16716), based on a joint petition filed by J. R. May Co., Post Office Box 147, Friendswood, Tex. 77546, and The Bama Co., Post Office Box 15213, Houston, Tex. 77020.

In response to the notice, an ingredient supplier submitted a comment suggesting certain changes in the ingredients

specified in the proposal. This suggestion has not been adopted because it was not accompanied by evidence that packers of canned preserved figs are interested in using such alternative ingredients or that the suggested change would be in the interest of consumers.

On the basis of the information submitted by the petitioners, and other relevant material, it is concluded that it will promote honesty and fair dealing in the interest of consumers to establish a definition and standard of identity for canned preserved figs—precooked in sirup as hereinafter set forth. Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120): *It is ordered*, That Part 27 be amended by adding the following new section:

§ 27.71 Canned preserved figs; identity; label statement of optional ingredients.

(a) Canned preserved figs is the food prepared from one of the optional fig ingredients specified in paragraph (b) of this section and the packing medium specified in paragraph (c) of this section, to which citric acid or lemon juice or concentrated lemon juice is added, if necessary, in such quantity as to reduce the pH of the finished product to 4.9 or below. The figs are precooked in the packing medium, sealed in a container, and so processed by heat, either before or after sealing, as to prevent spoilage.

(b) The optional fig ingredients referred to in paragraph (a) of this section are whole mature figs of the light or dark varieties that may be either peeled or unpeeled.

(c) (1) The packing medium referred to in paragraph (a) of this section is prepared from water and one of the following optional sweetening ingredients:

- (i) Sugar.
- (ii) Invert sugar sirup.
- (iii) Any mixture of optional sweetening ingredients designated in subdivisions (i) and (ii) of this subparagraph.
- (iv) Any of the optional sweetening ingredients designated in subdivisions (i), (ii), and (iii) of this subparagraph with dextrose: *Provided*, That the weight of the solids of dextrose does not exceed one-third of the total weight of the solids of the combined sweetening ingredients.
- (v) Any of the optional sweetening ingredients designated in subdivisions (i), (ii), and (iii) of this subparagraph with corn sirup or with dried corn sirup or with glucose sirup or with dried glucose sirup, or with any two or more of these: *Provided*, That the weight of the solids of corn sirup, dried corn sirup, glucose sirup, dried glucose sirup or the sum of the weights of the solids of corn sirup, dried corn sirup, glucose sirup, and dried glucose sirup, in case two or more of these are used, does not exceed one-fourth of the total weight of the solids of the combined sweetening ingredients.

(vi) Any mixture of the optional ingredients designated in subdivisions (iv) and (v) of this subparagraph.

(2) The density of the packing medium described in subparagraph (1) of this paragraph, as measured on the Brix hydrometer 15 days or more after the figs are canned, is not less than 50° and not more than 55°.

(d) (1) The name of the food is "Preserved Figs—Precooked in Sirup." For the purpose of label declaration, the words "Precooked in Sirup" may appear immediately below the words "Preserved Figs," but there shall be no intervening written, printed, or graphic matter, and the letters used for the words "Precooked in Sirup" shall be of the same type style and not less than one-half the height of the letters in the words "Preserved Figs."

(2) The label shall indicate which optional fig ingredient specified in paragraph (b) of this section is used.

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words herein specified, showing the optional fig ingredient used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the varietal name of the figs may so intervene.

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

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

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

Dated: May 29, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-6351; Filed, June 6, 1967; 8:50 a.m.]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER H—INTERNAL REVENUE PRACTICE

PART 601—STATEMENT OF PROCEDURAL RULES

Miscellaneous Amendments

This part as filed with the *FEDERAL REGISTER* on June 29, 1955, was last amended on November 8, 1966. The further amendments made herein do not reflect changes made by Public Law 89-332, approved on November 8, 1965, which provides for the right of persons to be represented on matters before Federal agencies, and Public Law 89-487, approved July 4, 1966, which provides for the protection and clarification of the right of the public to information. Subpart E of this part, relating to conference and practice requirements, and Subpart G of this part, relating to records, will be amended subsequently to reflect the changes made by Public Law 89-332 and Public Law 89-487 (effective July 4, 1967), respectively. The following amendments are made to Part 601:

PARAGRAPH 1. Section 601.104 is amended by revising paragraph (c) (3) and (4) to read as follows:

§ 601.104 Collection functions.

(c) Enforcement procedure. * * *

(3) **Liens.** The United States' claim for taxes is a lien on the taxpayer's property at the time of assessment. Such lien is not valid as against any purchaser, holder of a security interest, mechanic's lienor, or judgment lien creditor until notice has been filed by the district director. Despite such filing, the lien is not valid with respect to certain securities as against any purchaser of such security who, at the time of purchase, did not have actual notice or knowledge of the existence of such lien and as against a holder of a security interest in such security who, at the time such interest came into existence, did not have actual notice or knowledge of the existence of such lien. Certain motor vehicle purchases are similarly protected. Even though a notice of lien has been filed, certain other categories are afforded additional protection. These categories are: Retain purchases, casual sales, possessory liens, real property taxes and property assessments, small repairs and improvements, attorneys' liens, certain insurance contracts and passbook loans. A valid lien generally continues until the liability is satisfied, becomes unenforceable by reason of lapse of time or is discharged in bankruptcy. A certificate of release of lien may be issued upon the taxpayer's furnishing proper bond in lieu of the lien, or when the liability is satisfied, becomes unenforceable by reason of lapse of time or discharged in bankruptcy. The Code also contains additional provisions with respect to the discharge of specific property from the effect of the

lien. Also, under certain conditions, a lien may be subordinated. The Code also contains additional provisions with respect to liens in the case of estate and gift taxes. For the specific rules with respect to liens, see subchapter C of chapter 64 of the Code and the regulations thereunder.

(4) *Penalties.* In the case of failure to file a return within the prescribed time, a certain percentage of the amount of tax is, pursuant to statute, added to the tax unless the failure to file the return within the prescribed time is shown to the satisfaction of the district director or the director of the regional service center to be due to reasonable cause and not neglect. Civil penalties are also imposed for fraudulent returns; in the case of income and gift taxes, for intentional disregard of rules and regulations or negligence; and additions to the tax are imposed for the failure to comply with the requirements of law with respect to the estimated income tax. See chapter 68 of the Code. A 50 percent penalty, in addition to the personal liability incurred, is imposed upon any person who fails or refuses without reasonable cause to honor a levy. Civil penalties may also be imposed for failure to pay the tax on liquors, cigars, cigarettes, and cigarette papers and tubes within the time prescribed. See chapters 51 and 52 of the Code. Criminal penalties are imposed for willful failure to make returns, keep records, supply information, etc. See chapter 75 of the Code.

PAR. 2. Section 601.105 is amended by revising paragraphs (b) (5) (iii) and (e) (6) to read as follows:

§ 601.105 Examination of returns and claims for refund, credit or abatement; determination of correct tax liability.

(b) *Examination of returns.* . . .

(5) *Technical advice from the National Office.* . . .

(iii) *Requesting technical advice.* (a) It is the responsibility of the district office to determine whether technical advice is to be requested on any issue before that office. However, during the course of an examination or a conference in a district office, a taxpayer or his representative may request that an issue be referred to the National Office for technical advice on the grounds that a lack of uniformity exists as to the disposition of the issue, or that the issue is so unusual or complex as to warrant consideration by the National Office. While taxpayers are encouraged to make written requests setting forth the facts, law, and argument with respect to the issue, and reasons for requesting National Office advice, a taxpayer may make the request orally. If, after considering the taxpayer's request, the examining officer or conferee is of the opinion that the circumstances do not warrant referral of the case to the National Office, he will so advise the taxpayer.

(b) The taxpayer may appeal the decision of the examining officer or conferee

not to request technical advice by submitting to that official, within 10 days (or such longer period as may be agreed upon), a statement of the facts, law, and arguments with respect to the issue, and the reasons why he believes the matter should be referred to the National Office for advice.

(c) The examining officer or conferee will submit the statement of the taxpayer through channels to the Chief, Audit Division, accompanied by a statement of his reasons why the issue should not be referred to the National Office. The Chief, Audit Division, will determine, on the basis of the statements submitted, whether technical advice will be requested. If he determines that technical advice is not warranted, he will inform the taxpayer in writing that he proposes to deny the request. In the letter to the taxpayer the Chief, Audit Division, will (except in unusual situations where such action would be prejudicial to the best interests of the Government) state specifically the reasons for the proposed denial. The taxpayer may not appeal the decision of the Chief, Audit Division, not to request technical advice from the National Office. However, he will have 15 days in which to notify the Chief, Audit Division, whether he agrees with the proposed denial. If he does not agree, all data relating to the issue for which technical advice has been sought, including taxpayer's written request and statements will be submitted to the National Office, Attention: Director, Audit Division, for review. After review in the National Office, the district office will be notified as to whether the proposed denial is approved or disapproved.

(d) While the matter is being reviewed in the National Office, the district office will suspend action on the issue (except where the delay would prejudice the Government's interests) until it is notified of the National Office decision. This notification will be made within 30 days after receipt of the data in the National Office. The review will be solely on the basis of the written record and no conference will be held in the National Office.

(e) When technical advice is to be requested, whether or not upon the request of the taxpayer, the taxpayer will be so advised, except as noted in (f) of this subdivision. If the examining officer or the conferee initiates the action, the taxpayer will be furnished a copy of the statement of the pertinent facts and the question or questions proposed for submission to the National Office. The request for advice submitted by the district director should be so worded as to avoid possible misunderstanding, in the National Office, of the facts or of the specific point or points at issue.

(f) The taxpayer will be given 10 days (or such longer period as may be agreed upon) in which to indicate in writing the extent, if any, to which he may not be in complete agreement with the statement of facts and specific questions presented to him by the district office. Every effort should be made to reach agreement as to the facts and the specific point at issue.

If agreement cannot be reached, the taxpayer may submit a statement of his understanding as to the specific point or points at issue which will be forwarded to the National Office with the request for advice.

(g) If the taxpayer initiates the action to request advice, and his statement of the facts and point or points at issue are not wholly acceptable to the district officials, the taxpayer will be advised in writing as to the areas of disagreement. If agreement cannot be reached, both the statements of the taxpayer and the district official will be forwarded to the National Office.

(h) If the taxpayer has not already done so, he may submit a statement explaining his position on the issues, citing precedents which he believes will bear on the case. This statement will be forwarded to the National Office with the request for advice. If it is received at a later date, it will be forwarded for association with the case file.

(i) At the time the taxpayer is informed that the matter is being referred to the National Office, he will also be informed of his right to a conference in the National Office in the event an adverse decision is indicated, and will be asked to indicate whether he desires such a conference.

(j) The provisions of (a) through (i) of this subdivision, relating to the referral of issues upon request of taxpayer, advising taxpayers of the referral of issues, and the granting of conferences in the National Office, are not applicable to matters primarily of internal concern or in instances where it would be prejudicial to the interests of the Internal Revenue Service (as for example in cases involving fraud or jeopardy assessments).

(e) *Claims for refund or credit.* . . .

(6) For special procedure applicable to claims for payment or credit in respect of gasoline used on a farm for farming purposes, or by local transit systems, see sections 39, 6420, and 6421 of the Code and § 601.402(c) (3). For special procedure applicable to claims for payment or credit in respect of lubricating oil used otherwise than in a highway motor vehicle, see sections 39 and 6424 of the Code and § 601.402(c) (3).

PAR. 3. Section 601.106 is amended by revising paragraphs (a) (1) and (2) (iii), (c), (f) (3), and (g) (1) to read as follows:

§ 601.106 Appellate functions.

(a) *General.* (1) There is provided in each region an Appellate Division with office facilities within the region. Unless they otherwise specify, taxpayers residing outside the territorial limits of the regional Appellate Divisions use the facilities of the Washington, D.C., branch office of the Appellate Division of the Mid-Atlantic Region. Subject to the limitations set forth in subparagraphs (2) and (3) of this paragraph, the Commissioner has delegated to certain officers of the Appellate Division of each region authority to represent the regional com-

missioner in his exclusive and final authority for the determination of Federal income, profits, estate, or gift tax liability (whether before or after the issuance of a statutory notice of deficiency) and for the determination of employment or certain Federal excise tax liability in any case originating in the office of any district director situated in the region, or in any case in which jurisdiction has been transferred to the region in which the taxpayer has protested the determination of liability made by that officer and no agreement has been reached. The Appellate Division has complete jurisdiction of every income, profits, estate, or gift tax case after the issuance of the statutory notice of deficiency, subject to the limitations provided in subparagraph (2) of this paragraph. If the statutory notice of deficiency was issued by a district director or the Director of International Operations, the Appellate Division may waive jurisdiction to the director who issued the statutory notice during the 90-day (or 150-day) period for filing petition with the Tax Court, except where criminal prosecution has been recommended and not finally disposed of or the statutory notice includes the ad valorem fraud penalty. After the filing of a petition in the Tax Court the Appellate Division continues to have exclusive jurisdiction of the case, subject to the provisions of subparagraph (2) of this paragraph. Subject to the exceptions and limitations set forth in subparagraph (2) of this paragraph, there is also vested in the Appellate Division of the region authority to represent the regional commissioner in his exclusive authority to settle (i) all cases docketed in the Tax Court of the United States and designated for trial at any place within the territory comprising the region and (ii) all docketed cases originating in the office of any district director situated within the region or in which jurisdiction has been transferred to the region, which are designated for trial at Washington, D.C., unless the petitioner resides in and his books and records are located (or can be made available) in the region which includes Washington, D.C.

(2) * * *

(iii) Eliminate the ad valorem fraud penalty in any income, profits, estate or gift tax case in which the penalty has been determined by the district office in connection with a tax year or period, or which is related to or affects such year or period, for which criminal prosecution against the taxpayer (or a related taxpayer involving the same transaction) has been recommended to the Department of Justice for willful attempt to evade or defeat tax, or for willful failure to file a return, except upon the recommendation or concurrence of the Regional Counsel.

(c) *Nature of proceedings before the Appellate Division.* Proceedings before the Appellate Division are informal. Testimony under oath is not taken, although matters alleged as facts may be required to be submitted in the form of affidavits,

or declared to be true under the penalties of perjury. Taxpayers may represent themselves or designate a qualified representative to act for them. See Subpart E of this part for conference and practice requirements. At any conference granted by the Appellate Division on a non-docketed case, the district director will be represented if he and the Appellate Division official having settlement authority deem it advisable. At any such conference on a case involving the ad valorem fraud penalty for which criminal prosecution against the taxpayer (or a related taxpayer involving the same transaction) has been recommended to the Department of Justice for willful attempt to evade or defeat tax, or for willful failure to file a return, the Regional Counsel will be represented if he so desires.

(f) *Conference and practice requirements.* * * *

(3) *Rule III.* Where the Appellate Division conferee recommends acceptance of the taxpayer's proposal of settlement, or, in the absence of a proposal, recommends action favorable to the taxpayer, and said recommendation is disapproved in whole or in part by a reviewing officer in the Appellate Division, the taxpayer shall be so advised and upon written request shall be accorded a conference with such reviewing officer. The Appellate Division may disregard this rule where the interest of the Government would be injured by delay, as for example, in a case involving the imminent expiration of the period of limitations or the dissipation of assets.

(g) *Limitation on the jurisdiction and functions of the Appellate Division—(1) Overpayments of more than \$100,000.* If the Appellate Division of a region determines in any case that there is an overpayment of income, war profits, excess profits, estate or gift tax, including penalties and interest, in excess of \$100,000, such determination will be considered by the Joint Committee on Internal Revenue Taxation. See § 601.108.

PAR. 4. Section 601.109 is amended by revising paragraph (c) (2) to read as follows:

§ 601.109 Bankruptcy and receivership cases.

(c) *Procedures before the Appellate Division restricted.* * * *

(2) If a petition for redetermination of the deficiency has been filed in the Tax Court prior to the adjudication of bankruptcy or the filing or (where approval is required by the Bankruptcy Act) the approval of a petition of, or the approval of a petition against, the taxpayer in any other bankruptcy proceeding, or the appointment of a receiver, the proceeding may be prosecuted in the Tax Court. All such docketed cases will be referred to the Appellate Division promptly after issuance of the Form 7900 letter. If a case not docketed in the Tax Court is under Appellate Division

consideration at the time that circumstances require the issuance of a Form 7900 letter, that Division may request return of the file in order to continue its consideration and arrive at a determination.

Par. 5. Section 601.201 is amended by revising paragraphs (a) (6), (b) (1), (3) and (4), (c) (1), (4) and (7), (e) (2) and (5), (f) (1), (7) and (8), (m), (n), (o) (1) (i), (2) (i), (iii) (c), (iv) (e) (1), (vi), and (vii) (d), (3) (iii) and (4) (vi), and by adding two new paragraphs, (o) (2) (ii) (f) and (3) (ix). The revised and added provisions read as follows:

§ 601.201 Rulings and determination letters.

(a) *General practice and definitions.*

(6) A "closing agreement," as the term is used herein, is an agreement between the Commissioner of Internal Revenue or his delegate and a taxpayer with respect to a specific issue or issues entered into pursuant to the authority contained in section 7121 of the Internal Revenue Code. Such a closing agreement is based on a ruling which has been signed by the Commissioner or his delegate and in which it is indicated that a closing agreement will be entered into on the basis of the holding of the ruling letter. Closing agreements are final and conclusive except upon a showing of fraud, malfeasance, or misrepresentation of material fact. They may be entered into where it is advantageous to have the matter permanently and conclusively closed, or where a taxpayer can show good and sufficient reasons for an agreement and the Government will sustain no disadvantage by its consummation. See § 601.202 for closing agreements of the type not covered in this section.

(b) *Rulings issued by the National Office.* (1) In income and gift tax matters, the National Office issues rulings on prospective transactions and on completed transactions before the return is filed. However, rulings will not ordinarily be issued if the identical issue is also involved in a return of the taxpayer already filed for a taxable period with respect to which the statutory period of limitations on assessment or refund of tax has not expired. The National Office issues rulings involving qualifications of plans under section 401 of the Code or the exempt status of organizations under section 501 or 521 of the Code, only to the extent provided in paragraphs (o) and (n), respectively, of this section. The National Office will not issue rulings with respect to the replacement of involuntarily converted property, even though replacement has not been made, if the taxpayer has filed a return for the taxable year in which the property was converted. However, see paragraph (c) (6) of this section as to the authority of district directors to issue determination letters in this connection.

(3) In employment and excise tax matters, the National Office issues rulings

with respect to prospective transactions and to completed transactions either before or after the return is filed. However, the National Office will not ordinarily rule with respect to an issue, whether related to a prospective or a completed transaction, if it knows or has reason to believe that the same or an identical issue is before any field office (or any branch office of the Appellate Division) in connection with an examination or audit of the liability of the same taxpayer for the same or a prior period.

(4) Ordinarily, the Service will not issue rulings to business, trade, or industrial associations or to other similar groups relating to the application of the tax laws to members of the group. However, rulings may be issued to such groups or associations relating to their own tax status or liability provided such tax status or liability is not an issue before any field office (or any branch office of the Appellate Division) in connection with an examination or audit of the liability of the same taxpayer for the same or a prior period.

(c) *Determination letters issued by district directors.* (1) In income and gift tax matters, district directors issue determination letters in response to taxpayers' requests submitted to their offices involving completed transactions which affect returns required to be filed in their districts, but only if the question presented is covered specifically by statute, Treasury decision or regulation, or specifically by a ruling, opinion, or court decision published in the Internal Revenue Bulletin. A determination letter will not usually be issued with respect to a question which involves a return to be filed by the taxpayer if the identical question is involved in a return or returns already filed by the taxpayer. District directors may not issue determination letters as to the tax consequence of prospective or proposed transactions, except as provided in subparagraphs (5) and (6) of this paragraph.

(4) Notwithstanding the provisions of subparagraphs (1), (2), (3), (5), and (6) of this paragraph, a district director may not issue a determination letter in response to an inquiry, although the inquiry presents a question covered specifically by statute, regulations, rulings, etc., published in the Internal Revenue Bulletin, where (i) it appears that the taxpayer has directed a similar inquiry to the National Office, (ii) the identical issue involving the same taxpayer is pending in a case before the Appellate Division, (iii) the determination letter is requested by an industry, trade association, or similar group, or (iv) the request involves an industry-wide problem. Under no circumstances will a district director issue a determination letter unless it is clearly indicated that the inquiry is with regard to a taxpayer or taxpayers who have filed or are required to file returns in the district under his supervision. Notwithstanding the provisions of subparagraph (3) of this paragraph, a district director may not issue a determination letter on an employment tax

question when the specific question involved has been or is being considered by the national office of the Social Security Administration. Nor may district directors issue determination letters on excise tax questions if a request is for a determination of a constructive sales price under sections 4216(b) and 4218 of the Code. However, the National Office will issue rulings in this area. See paragraph (d) (3) of this section.

(7) A request received by a district director with respect to a question involved in an income, estate, or gift tax return already filed will, in general, be considered in connection with the examination of the return. If response is made to such inquiry prior to an examination or audit, it will be considered a tentative finding in any subsequent examination or audit of the return.

(e) *Instructions to taxpayers.* . . .

(2) Each request for a determination letter or a ruling must contain a complete statement of facts relating to the transaction. This includes, but is not necessarily limited to, the names, addresses, and taxpayer identifying numbers of all interested parties; the district office where each file or will file its return or report; a full and precise statement of the business reasons for the transaction; and true copies of all contracts, wills, deeds, agreements, or other documents involved in the transaction. (The term "all interested parties" is not to be construed as requiring a list of all shareholders of a widely held corporation requesting a ruling relating to a reorganization, or a list of employees where a large number may be involved in a plan.) The request must contain a statement whether, to the best of the knowledge of the taxpayer or his representative, the identical issue is being considered by any field office of the Service in connection with an examination or audit of a tax return of the taxpayer already filed. Where the request pertains to only one step of a larger integrated transaction, the facts, circumstances, etc., must be submitted with respect to the entire transaction. As documents and exhibits become a part of the Internal Revenue Service file and cannot be returned, the original documents should not be submitted. When documents and exhibits are submitted, they must be accompanied by an analysis of their bearing on the issue or issues, specifying the pertinent provisions. If the request is with respect to a corporate distribution, reorganization, or other similar or related transaction, the corporate balance sheet nearest the date of the transaction should be submitted. (If the request relates to a prospective transaction, the most recent balance sheet should be submitted.)

(5) A request by or for a taxpayer must be signed by the taxpayer or his authorized representative. If the request is signed by a representative of the taxpayer, or if the representative is to appear before the Internal Revenue Serv-

ice in connection with the request, he must either be:

(i) An attorney who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia, and who files with the service a written declaration that he is currently qualified as an attorney and he is authorized to represent the principal,

(ii) A certified public accountant who is duly qualified to practice in any State, possession, territory, Commonwealth, or the District of Columbia, and who files with the Service a written declaration that he is currently qualified as a certified public accountant and he is authorized to represent the principal, or

(iii) A person, other than an attorney or certified public accountant, enrolled to practice before the Service. (See Treasury Department Circular No. 230, as amended, I.R.B. 1966-37, 18.)

The above requirements do not apply to an individual representing his full-time employer, or to a bona fide officer, administrator, trustee, etc., representing a corporation, trust, estate, association, or organized group. An unenrolled preparer of a return (other than an attorney or certified public accountant referred to in subdivisions (i) and (ii) of this subparagraph (5)) who is not a full-time officer, administrator, trustee, etc., may not represent a taxpayer with respect to a ruling or a determination letter. Any authorized representative, whether or not he is enrolled to practice, must also comply with the conference and practice requirements of Subpart E of this part.

(1) *Effect of rulings.* (1) A ruling, except to the extent incorporated in a closing agreement, may be revoked or modified at any time in the wise administration of the taxing statutes. See paragraph (a) (6) of this section for the effect of a closing agreement. If a ruling is revoked or modified, the revocation or modification applies to all open years under the statutes, unless the Commissioner or his delegate exercises the discretionary power under section 7805(b) of the Code to limit the retroactive effect of the ruling. The manner in which the Commissioner or his delegate generally will exercise this power is set forth in this paragraph. With reference to rulings relating to the sale or lease of articles subject to the manufacturers excise tax, see specifically subparagraph (8) of this paragraph.

(7) If a ruling is issued covering a continuing action or a series of actions and it is determined that the ruling was in error or no longer in accord with the position of the Service, the Assistant Commissioner (Technical) ordinarily will limit the retroactivity of the revocation or modification to a date not earlier than that on which the original ruling was modified or revoked. To illustrate, if a taxpayer rendered service or provided a facility which is subject to the excise tax on services or facilities, and in reliance on a ruling issued to the same taxpayer did not pass the tax on to the user

of the service or the facility, the Assistant Commissioner (Technical) ordinarily will restrict the retroactive application of the revocation or modification of the ruling.

(8) A ruling holding that the sale or lease of a particular article is subject to the manufacturers excise tax or the retailers excise tax may not revoke or modify retroactively a prior ruling holding that the sale or lease of such article was not taxable, if the taxpayer to whom the ruling was issued, in reliance upon such prior ruling, parted with possession or ownership of the article without passing the tax on to his customer. Section 1108(b), Revenue Act of 1926.

(m) *Effect of determination letters.* A determination letter issued by a district director, in accordance with this section, shall be given the same effect upon examination of the return of the taxpayer to whom the determination letter was issued as is described in paragraph (1) of this section, in the case of a ruling issued to a taxpayer, except that reference to the National Office is not necessary where, upon examination of the return, it is the opinion of the district director that a conclusion contrary to that expressed in the determination letter is indicated. A district director may not limit the modification or revocation of a determination letter but may refer the matter to the National Office for exercise by the Commissioner or his delegate of the authority to limit the modification or revocation.

(n) *Organization claiming exemption under section 501 or 521 of the Code—*

(1) *Filing applications for exemption.* (i) An organization seeking a ruling or determination letter of exemption under section 501 or section 521 of the Code is required to file an application (in duplicate, if under section 501) with the district director of internal revenue for the district where it would otherwise be required to file a tax return. Any application received by the National Office or by a district director other than as provided above will be forwarded, without any action thereon, to the appropriate district director.

(ii) An exemption ruling or determination letter will be issued to an organization, provided its application and supporting documents establish that it meets the particular requirements of the section under which exemption is claimed. Exempt status will be recognized in advance of operations if proposed operations can be described in sufficient detail to permit a conclusion that the organization clearly will be exempt. A mere restatement of purpose or a statement that proposed activities will be in furtherance of such purposes will not satisfy the requirements for an advance ruling. Where the Service considers it warranted, a record of actual operations may be required before a ruling or determination letter will be issued.

(iii) Requests for rulings or determination letters other than in the form of applications for exemption are governed

by the procedures outlined in paragraphs (a) through (m) of this section.

(2) *Processing applications.* (i) Under the general procedures outlined in paragraphs (a) through (m) of this section, district directors are authorized to issue determination letters involving applications for exemption under sections 501 and 521 of the Code.

(ii) A district director will refer applications which present questions not covered by established precedents to the National Office for ruling. The National Office will consider each such application, issue a ruling directly to the organization, and send a copy of the ruling to the district director. In the event of a conclusion unfavorable to the applicant, it will be informed of the basis for the conclusion and of its rights to file a protest and to a conference in the National Office. If a conference is requested, the conference procedures outlined in subdivision (vi) of paragraph (b) (5) of § 601.105 will be followed. After reconsideration of the application in the light of the protest and any information developed in conference, the National Office will affirm, modify, or reverse the original conclusion, issue a ruling to the organization, and send a copy of the ruling to the district director.

(iii) An exemption application which does not contain the required information will be classified as an "incomplete application case." The applicant will be advised in writing why a determination will not be made.

(3) *Effect of exemption rulings or determination letters.* (i) An exemption ruling or determination letter is usually effective as of the date of formation of an organization if its purposes and activities during the period prior to the date of the ruling or determination letter were consistent with the requirements for exemption. If the organization is required to alter its activities or to make substantive amendments to its enabling instruments in order to qualify for exemption, the exemption ruling or determination letter will be effective only for the period specified therein.

(ii) An exemption ruling or determination letter may not be relied upon if there is a material change inconsistent with exemption in the character, the purpose, or the method of operation of the organization.

(4) *National Office review of determination letters.* The National Office will review determination letters to assure uniformity in the application of the established principles and precedents of the Service. Where the National Office takes exception to a determination letter, the district director will be advised. If the organization protests the exception taken, the file and protest will be returned to the National Office. The referral will be treated as a request for technical advice and the procedures of paragraph (b) (5) of § 601.105 will be followed.

(5) *Protest of adverse determination letters.* (i) Upon the issuance of a determination letter adverse to the applicant the district director will advise the organization of its right to protest the determination by submitting a statement

of the facts, law, and arguments in support of its application for exemption, and of its right to a district office conference.

(ii) The organization may waive its right to a district office conference and request referral of the matter directly to the National Office. The district director will advise the organization in writing that the matter will be referred to the National Office in accordance with its request only after a statement is filed setting forth the facts, law, and arguments in support of its application for exemption. In addition, the organization will be requested to specify whether it desires a conference in the National Office in the event an adverse decision is indicated.

(iii) If, after considering the organization's protest and any information developed in conference, the district director maintains his position and the organization does not agree, the case will be referred to the National Office. The referral will be considered a request for technical advice and the procedures of paragraph (b) (5) of § 601.105 will be followed.

(iv) The adverse determination letter will serve to inform the organization of the pertinent facts and the question or questions proposed for submission to the National Office, and will be deemed to satisfy the requirements of subdivision (iii) (e) of paragraph (b) (5) of § 601.105.

(v) The organization will not be afforded protest and conference rights if the determination letter is based on technical advice.

(6) *Revocation or modification of exemption rulings or determination letters.*

(i) An exemption ruling or determination letter may be revoked or modified by a ruling or determination letter addressed to the organization, or by a Revenue Ruling or other statement published in the Internal Revenue Bulletin. The revocation or modification may be retroactive if the organization omitted or misstated a material fact, operated in a manner materially different from that originally represented, or engaged in a prohibited transaction of the type described in subdivision (vii) of this subparagraph.

(ii) If a district director concludes, as a result of examining an information return or considering information from any other source, that a ruling or determination letter should be revoked or modified, the organization will be advised in writing of the proposed action and the reasons therefor. The district director will also advise the organization of its right to protest the proposed action by submitting a statement of the facts, law, and arguments in support of its continued exemption, and of its right to a district office conference.

(iii) The organization may waive its right to a district office conference and request referral of the matter directly to the National Office. The district director will advise the organization in writing that the matter will be referred to the National Office in accordance with its request only after it files a statement

setting forth the facts, law, and arguments in support of continued exemption. In addition, the organization shall be requested to specify whether it desires a conference in the National Office in the event an adverse decision is indicated.

(iv) If the organization agrees with the proposed action, either before or after a district office conference, or if no protest is filed, the district director will issue a determination letter revoking or modifying the organization's exemption.

(v) If, after considering the organization's protest and any information developed in conference, the district director maintains his position and the organization does not agree, the file and protest will be referred to the National Office. The referral will be considered a request for technical advice and the procedures of paragraph (b) (5) of § 601.105 will be followed.

(vi) The letter advising the organization of the proposed revocation or modification action will serve to inform the organization of the pertinent facts and the question or questions proposed for submission to the National Office, and will be deemed to satisfy the requirements of subdivision (iii) (e) of paragraph (b) (5) of § 601.105.

(vii) If it is concluded that an organization entered into a prohibited transaction for the purpose of diverting corpus or income from its exempt purpose and if the transaction involved a substantial part of the corpus or income of the organization, its exemption is revoked effective as of the beginning of the taxable year during which the prohibited transaction was commenced. An organization is ordinarily notified of such revocation of exemption by regular mail.

(viii) In all other prohibited transaction cases, the exemption is revoked effective as of the beginning of the first taxable year after the date of the revocation letter. In these cases the organization will be notified of the revocation of exemption by registered or certified mail, sent to its last known address.

(ix) While the organization, in a prohibited transaction case, will usually be permitted to submit its brief and to be heard in conference before the revocation notice is issued, the Service may, at its discretion, issue the revocation notice by registered or certified mail, prior to the receipt of the brief or prior to granting a conference. If it is later determined that the revocation was in error, it will be rescinded as of the date it was issued.

(x) The provisions of this section relating to protests and conference before a revocation notice is issued are not applicable to matters where delay would be prejudicial to the interests of the Internal Revenue Service (such as in cases involving fraud, jeopardy, the imminence of the expiration of the period of limitations, or where immediate action is necessary to protect the interests of the Government).

(7) *Prohibited transactions.* (i) Section 503 of the Code denies exemption to certain organizations which engage in transactions of the type described therein. The National Office may issue a ruling as to whether an organization has entered into, or proposed to enter into, a prohibited transaction; but, except as provided in subdivision (ii) of this subparagraph, a ruling will not be issued where the determination is primarily one of fact, e.g., market value of property, reasonableness of compensation, etc. Also no ruling will be issued with respect to such transactions as sales and leasebacks, gifts and leasebacks, and other rental transactions of real or personal property directly or indirectly with the creator or a related or controlled interest.

(ii) Where the adequacy of the security of a loan is involved, a ruling may be issued, but only if there is a clear indication of value which can be established by reference to recognized sources without requiring physical valuation or appraisal. The following are examples of transactions where the adequacy of security can be established by reference to recognized sources:

(a) A surety bond issued by a recognized surety company doing a surety bond business under applicable state law;

(b) An assignment of an insurance contract having a cash surrender value sufficient to cover the loan, interest, and possible costs of collection;

(c) A first mortgage on real property in an amount not in excess of 50 percent of its assessed value for local tax purposes; or,

(d) Collateral represented by securities listed on a recognized exchange of an aggregate value equal to twice the amount of the loan.

(iii) An organization whose exemption is revoked by reason of section 503 of the Code may file a new application in any taxable year following the taxable year in which the notice of revocation was issued. But the exempt status of an organization may not be renewed before the beginning of the first taxable year following the year in which its new application is filed. Thus, if a revocation notice was issued in 1966, the organization may not file a new application for exemption until 1967, and the new exemption may not be granted for a taxable year prior to 1968. If the organization does not file a new application until 1968, the new exemption may not be recognized for a year prior to 1969.

(c) *Employees' trusts or plans.* (1) *Determination letters.* (i) Determination letters authorized in paragraph (c) (5) of this section are limited to the qualification of plans or trusts under section 401(a) of the Code and bond purchase plans under section 405(a), and to the exempt status of trusts under section 501 (a). This includes consummated and proposed transactions relating to the following:

(a) The initial qualification of a plan and, if trusted, the status for exemption of a trust;

(b) Compliance with the applicable requirements of foreign situs trusts as to taxability of beneficiaries (section

402(c)) and deductions for employer contributions (section 404(a) (4));

(c) Amendments to plans and trusts;

(d) Curtailment of plans;

(e) Termination of plans and trusts; and

(f) The effect on the qualification of the plan, and status for exemption of the trust, of an investment of trust funds in the stock or securities of the employer or controlled corporation (ownership of 50 percent or more of all voting stock or 50 percent or more of the total value of shares of all classes of stock).

(2) *Instructions to taxpayers.* (i) All of the provisions of paragraph (e) of this section are applicable to requests for determination letters of the type discussed in this paragraph. In addition, the information required by subdivisions (ii) through (vi) of this subparagraph, together with the identification number of a participating trust, must also be furnished in requesting a determination letter on the qualification of an employees' plan or trust.

(ii) * * *

(f) Date on which the accounting year of the trust ends.

(iii) * * *

(c) The information required by subdivision (ii) (b) through (f) of this subparagraph, unless it was previously furnished with a request for a determination letter.

(iv) * * *

(e) * * *

(1) Name and whether an officer or supervisor;

(vi) When in connection with the request for a determination on the qualification of the plan, it is necessary to determine whether an organization is an association taxable as a corporation as defined in section 7701(a) (3) of the Code, and that an employer-employee relationship exists between it and its associates, the district director will make such determination. The request, in such case shall also be accompanied by copies of the articles of association or agreement establishing the organization, bylaws, and all other data relevant to the formation and operation of the association, and should show all pertinent dates. The organization should also support its request by furnishing copies of applicable local law relating to its status, copies of contracts of employment with its associates, and a brief of its position on its status for taxation and its relationship with its associates.

(vii) * * *

(d) In the case of a pooled fund arrangement (individual trusts under separate plans pooling their funds for investment purposes through a master trust), the request on behalf of the master trust will be addressed to the district director for the district where the principal place of business of such trust is located. Requests on behalf of the participating trusts and related plans will be addressed as otherwise provided in (a) through (c) of this subdivision.

(3) *Prohibited transactions.* * * *

(iii) If, upon examination of the return or returns of a trust, or from other sources, a district director is of the opinion that a trust has entered into a prohibited transaction, the trust will be advised in writing that it is proposed to revoke its exemption, and the reasons for such proposed action. The district office will also advise the trust of its rights to protest the proposed action by submitting a statement of the facts, law, and arguments in support of its continued exemption, and of its rights to a conference in the district office.

(ix) District directors have the authority to determine that a trust will not knowingly again engage in a prohibited transaction and that the trust also satisfies all other requirements under section 401(a) of the Code, and to notify such trust of the reestablishment of its exemption.

(4) *Reference of matters to the National Office.* * * *

(vi) Should a district director determine that an organization of the type described in subparagraph (2)(vi) of this paragraph is not an association taxable as a corporation or that the proper employer-employee relationship does not exist between the organization and its associates, the district director will so advise the organization. Inasmuch as the primary issue here is not the qualification of the plan under section 401(a) of the Code, the appeals procedures of subdivision (ii) through (v) of this subparagraph are not applicable.

PAR. 6. Section 601.202 is amended by revising paragraph (c) to read as follows:

§ 601.202 *Closing agreements.*

(c) *Approval.* (1) Closing agreements relating to alcohol, tobacco, and firearms taxes (other than the manufacturers excise tax on firearms arising from application of secs. 4181 and 4182 of the Internal Revenue Code of 1954) in respect of any prospective transactions or completed transactions affecting returns to be filed may be entered into and approved by the Assistant Commissioner (Compliance).

(2) Closing agreements relating to taxes other than those taxes covered by delegation to the Assistant Commissioner (Compliance) in subparagraph (1) of this paragraph in respect of any prospective transactions or completed transactions affecting returns to be filed may be entered into and approved by the Assistant Commissioner (Technical).

(3) Closing agreements for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods may be entered into and approved by the Assistant Commissioner (Compliance).

(4) Closing agreements in cases under the jurisdiction of regional commissioners, assistant regional commissioners (appellate), and chiefs and associate chiefs of appellate branch offices and

also in cases in which a closing agreement has been recommended for approval by the office of a district director (but excluding cases docketed before the Tax Court of the United States) for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods may be entered into and approved by such regional commissioners, assistant regional commissioners (appellate), and chiefs and associate chiefs of appellate branch offices.

(5) Closing agreements in cases under the jurisdiction of regional commissioners, assistant regional commissioners (appellate), and chiefs and associate chiefs of appellate branch offices docketed in the Tax Court of the United States but only in respect to related specific items affecting other taxable periods may be entered into and approved by such regional commissioners, assistant regional commissioners (appellate), and chiefs and associate chiefs of appellate branch offices.

(6) Closing agreements providing for the mitigation of economic double taxation under section 3 of Revenue Procedure 64-54, C.B. 1964-2, 1008, or for such mitigation and relief under Revenue Procedure 65-17, C.B. 1965-1, 833, may be entered into and approved by the Director of International Operations. The Director of International Operations may also enter into and approve closing agreements for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods, as the competent authority in the administration of the operating provisions of the tax conventions of the United States.

(7) Closing agreements in cases under the jurisdiction of a district director providing that the taxability of earnings from a deposit or account of the type described in Revenue Procedure 64-24, C.B. 1964-1 (Part 1), 693, opened prior to November 15, 1962, will be determined on the basis that earnings on such deposits or accounts are not includible in gross income until maturity or termination, whichever occurs earlier, and that the full amount of earnings on the deposit or account will constitute gross income in the year the plan matures, is assigned, or is terminated, whichever occurs first, may be entered into and approved by such district director.

PAR. 7. Section 601.203 is amended by revising so much of paragraph (c) (1) as precedes subdivision (i) thereof, and by revising paragraphs (c) (2) (iv) and (4), and (d) to read as follows:

§ 601.203 *Offers in compromise.*

(c) *Consideration of offer.* (1) An offer in compromise is first considered by the district director with whom the offer is filed. An examining officer, after investigation of the financial condition of the taxpayer, makes a written recommendation for acceptance or rejection of the offer. If the district director has jurisdiction over the processing of the offer he will:

(2) * * *

(iv) In those cases described in (b) through (h) of subdivision (i) of this subparagraph the district director retains the duplicate copy of the offer and the financial statement for investigation. After investigation, the district director transmits to the appropriate regional counsel for consideration and processing his recommendation for acceptance or rejection of the offer together with the examining officer's report of his investigation.

(4) If an offer involving unpaid liability of \$100,000 or more is considered acceptable by the office having jurisdiction over the offer, a recommendation for acceptance is forwarded to the National Office for review. If the recommendation for acceptance is approved, the offer is forwarded to the Office of the Chief Counsel for approval. After approval by the Office of the Chief Counsel, it is forwarded to the Commissioner for acceptance. The taxpayer is notified of the acceptance of the offer in accordance with its terms. Acceptance of an offer in compromise of civil liabilities does not remit criminal liabilities, nor does acceptance of an offer in compromise of criminal liabilities remit civil liabilities.

(d) *Conferences.* Before filing a formal offer in compromise, a taxpayer may request a conference in the office which would have jurisdiction of the offer filed by him for the purpose of exploring the possibilities of compromising the unpaid tax liability. A conference may also be requested by the taxpayer in the office which has jurisdiction of the offer filed by him after all investigations have been made for the purpose of determining the amount which may be accepted as a compromise. If the offer is one with respect to which the district director has processing jurisdiction and the proponent does not agree with the rejection or proposed rejection, and neither the examining officer nor the conferee of the district director's office has been able to convince the proponent of the correctness of the conclusion reached, the proponent will be apprised of his privilege of submitting a request in writing, accompanied by a protest, for a district conference. If the controversial issues cannot be resolved at the district conference level, the taxpayer may appeal the case to the appropriate appellate branch office for a conference provided the required protest has been filed. The procedure outlined in the preceding sentence will not be followed if the offer relates to a tax over which the Appellate Division has no authority (see paragraph (a)(3) of § 601.106). Taxpayers and their representatives are required to fulfill and comply with the applicable conference and practice requirements. See Subpart E of this part.

PAR. 8. Section 601.301 is amended by revising paragraph (c)(2) to read as follows:

§ 601.301 *Imposition of taxes, qualification requirements, and regulations.*

(c) *Regulations.* * * *

(2) *Miscellaneous liquor transactions.* Part 170 of this chapter contains miscellaneous regulations relative to:

(i) Restamping of packages of distilled spirits by persons other than proprietors of distilled spirits plants;

(ii) Refunds of tax and duty paid on distilled spirits, wine, rectified products, and beer lost as a result of floods, hurricanes, or other disasters;

(iii) Application of section 6423, Internal Revenue Code of 1954, as amended, to refund or credit of tax on distilled spirits, wines, and beer;

(iv) Regulations in effect on June 30, 1959, which were prescribed on July 1, 1959, as interim regulations;

(v) Manufacture and sale of certain compounds, preparations, and products containing alcohol; and

(vi) Temporary regulations respecting the filing of deferred payment tax returns by proprietors of distilled spirits plants, by proprietors of bonded wine cellars, and by brewers.

PAR. 9. Section 601.303 is amended by revising paragraph (e) to read as follows:

§ 601.303 Claims.

(e) *Claims for payment—disaster losses.* When distilled spirits, wines, rectified products, or beer held or intended for sale is lost, rendered unmarketable, or condemned by a duly authorized official by reason of a "major disaster" as determined by the President of the United States, the person holding such product for sale at that time may, subject to the conditions in the appropriate regulations, file claim on Form 843 with the assistant regional commissioner (alcohol and tobacco tax) of the region in which the product was lost, rendered unmarketable, or condemned, for payment of an amount equal to the internal revenue taxes paid or determined and any customs duties paid thereon. Claims must be filed within 6 months from the date on which the President makes the determination that the disaster has occurred. The determination date is construed to mean the date the Director, Office of Emergency Planning, identifies the specific disaster area.

PAR. 10. Section 601.315 is amended by revising paragraph (e) to read as follows:

§ 601.315 Claims.

(e) *Losses caused by disaster.* Payment of an amount equal to the amount of internal revenue taxes paid or determined and customs duties paid on cigars, cigarettes, and cigarette papers and tubes removed from the factory or released from customs custody, which were lost, rendered unmarketable, or condemned by a duly authorized official by reason of a "major disaster" as determined by the President of the United States, may be made only if, at the time of the disaster, such articles were being held for sale by the claimant. A claim

for payment of the internal revenue taxes for such losses is filed on Form 843 with the assistant regional commissioner (alcohol and tobacco tax) for the internal revenue region in which the articles were lost, rendered unmarketable, or condemned. A separate claim in respect of customs duties is also filed on Form 843 with the same assistant regional commissioner. Claims must be filed within 6 months from the date on which the President makes the determination that the disaster has occurred. The determination date is construed to mean the date the Director, Office of Emergency Planning, identifies the specific disaster area.

PAR. 11. Section 601.401 is amended by revising paragraph (a) (5) (i) to read as follows:

§ 601.401 Employment taxes.

(a) *General.* * * *

(5) *Use of Federal Reserve banks and authorized commercial banks in connection with payment of Federal employment taxes.* * * *

(i) *Semimonthly deposits.* With respect to wages paid during February and March of 1967 or any calendar quarter thereafter, special deposits within 3 banking days after the close of a semimonthly period are required if the employee tax deducted and the employer tax under chapter 21, and income tax withheld at source on wages under chapter 24, exclusive of taxes reportable on Form 942 and Form 943, aggregate more than \$2,500 (\$4,000 in the case of wages paid after May 1966 and before February 1967) for any month in the preceding calendar quarter. An amount not required to be deposited by this subdivision may nevertheless be directly remitted by the employer with his return, or may be deposited and the validated depositary receipt attached to his return.

PAR. 12. Section 601.402 is amended by revising paragraph (c) (3) to read as follows:

§ 601.402 Sales taxes collected by return.

(c) *Returns, refunds, and credits.* * * *

(3) *Payments to certain ultimate purchasers of gasoline and lubricating oil.* Sections 6420, 6421, and 6424 of the Code provide for certain payments to ultimate purchasers of gasoline used on a farm for farming purposes, used for certain nonhighway purposes, or used by local transit systems, and of lubricating oil used otherwise than in a highway motor vehicle. Payments allowable under section 6420, 6421, and 6424 of the Code may be claimed by an income taxpayer as a credit under section 39 of the Code against the tax due on his income tax return. Governmental agencies and certain exempt organizations may file claims for allowable payments on Form 2240 or Form 843. In the case of gasoline used for certain nonhighway purposes or used by local transit systems, and in the case of lubricating oil used otherwise than in

a highway motor vehicle, the ultimate purchaser may file a claim for payment in lieu of such income tax credit, with respect to any of the first three quarters of his taxable year for which he is entitled to a payment of \$1,000 or more. Applicable regulations and instructions accompanying the prescribed forms provide detailed procedures.

(R.S. 161; 5 U.S.C. 301)

[SEAL] SHELDON S. COHEN,
Commissioner of Internal Revenue.

[P.R. Doc. 67-6329; Filed, June 6, 1967;
8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTIONS

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

PART 1001—GENERAL PROVISIONS

Subpart C—General Policies

Subpart D—Procurement Responsibility and Authority

Section 1001.310 is amended by revising paragraphs (a) (1) and (d); and § 1001.456 is revised to read as follows:

§ 1001.310 Liquidated damages.

(a) (1) Liquidated damages provisions (except for construction) may be used only after prior approval of the following officials (as applicable) and the respective staff judge advocates: (i) Director of Procurement, Hq AFSC, and commanders of divisions and centers with power of redelegation to not below the level of the Deputy Chief of the Procurement and Production Office (or comparable level), (ii) Director of Procurement and Production, Hq AFLC, his assistant or deputies, (iii) Directors of Procurement and Production of AFLC procurement activities, and (iv) within the other major commands, at not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the major command. Requests for approval will be made in writing (electrically transmitted messages, or letters). Oral requests (either in person or telephone) will not be accepted. The following information will be furnished: (a) Identification number of the contemplated procurement (PR No., IFB No. 7, and/or contract number); (b) data which will adequately substantiate the need for strict compliance with the delivery schedule and reflect the estimated damage that will result if the delivery schedule is not met; (c) the dollar amount of the contemplated procurement, the amount of

competition available, the amount of estimated damages to be assessed, and the formula used to arrive at such estimate; (d) type and form of contract contemplated and the required delivery schedule to be met; (e) the AF technical personnel's written comment relative to the estimate of damages.

(d) Only recommendations for total or partial remissions will be forwarded by the procuring contracting officer with appropriate documentation through AFLC (MCPK) or AFSC (SCKP) as appropriate, to Hq USAF (AFSPBA) for submission to the Secretary. If the contracting officer determines that the request for remission is without merit, he will deny the request. Denial of requests favorably recommended by the contracting officer will be resolved at the lowest level possible.

§ 1001.456 Designation of heads of procuring activities.

(a) Commanders of AFLC and AFSC are each designated as "a head of a procuring activity" within the Department of the Air Force. The Director of Procurement and Production, Hq AFLC, and the DCS/Procurement and Production, Hq AFSC, have been authorized to act for their respective commanders in exercising Chapter I of this title prescribed responsibilities vested only in the "head of a procuring activity." This authority is not applicable to Part 17, Subchapter A of this title, Extraordinary Contractual Actions to Facilitate the National Defense.

(b) The persons listed in this paragraph are authorized to act in the capacity of a head of a procuring activity when a specific Armed Services Procurement Regulation gives the authority to "a head of a procuring activity or his designee." In the absence of the words "or his designee" the authority is not redelegated and can be exercised only at Hq AFSC or Hq AFLC.

(1) Commanders of major commands with power of redelegation not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the major command.

(2) Commanders of AFLC Air Materiel Areas, APRE, APRFE, and 2750th Air Base Wing with power of redelegation to Directors of Procurement and Production in AFLC AMAs, APRE, and APRFE, and in the 2750th Air Base Wing to the Director of Procurement, with further power of redelegation to a level higher than the contracting officer, except for those citations specifically set forth in this subparagraph which will be retained at Director level:

- (i) Section 1.1007 of this title.
- (ii) Section 7.103-24 of this title.
- (iii) Section 7.302-27 of this title.
- (iv) Section 7.503-9 of this title.
- (v) Section 9.202-2(g) of this title.
- (vi) Section 30.2, B-304.1 of this title.

The authority of § 1.405 of this title is not redelegable below the Commander

and Deputy Commander because of the delegation cited in § 1001.405.

(3) Air attaches and chiefs of AF foreign missions.

(4) Commanders of AFSC divisions, centers or ranges, with authority for redelegation no lower than the chief of the procurement and production activity.

NOTE: The delegations of procurement authority in this section are not applicable to cases under § 1.328 of this title.

PART 1002—PROCUREMENT BY FORMAL ADVERTISING

Subpart D—Opening of Bids and Award of Contract

Section 1002.408-1 is amended by revising paragraph (b) to read as follows:

§ 1002.408-1 Unclassified awards.

(b) In case, when an inquiry is made, the letter is addressed to an unsuccessful bidder who is lower in price than the successful bidder due to rejection of the lower bid on the basis of a negative preaward survey (facility capability report), the last paragraph will read as follows:

The interest shown by your firm in submitting a bid is appreciated; however we were unable to make the required determination that your company is "responsible" within the meaning of that term as defined in paragraph 1-902 of the Armed Services Procurement Regulation. The information upon which our decision was based was contained in a Preaward Survey which was issued by _____ (here insert name and address of the activity which issued the PAS). We have asked that organization to provide you with further details as to their findings if you call upon them for such details. The PCO should submit a copy of the above letter to the appropriate PAS activity and request that details of the PAS be disclosed to the unsuccessful bidder upon request.

PART 1003—PROCUREMENT BY NEGOTIATION

Subpart A—Use of Negotiation

Subpart B—Circumstances Permitting Negotiation

Subpart D—Types of Contracts

Subpart F—Small Purchases

Subpart A. is deleted.

§§ 1003.101-1003.106 [Deleted]

Subpart A, Use of Negotiation [Deleted]

§§ 1003.210-2; 1003.408 [Amended]

In § 1003.210-2, paragraph (c) is amended by changing the word "for" in the seventh line to read "the"; and in § 1003.408, paragraph (e) (3) (vii) (f) is amended by changing the reference "(d)" in the second line to read "(e)."

Sections 1003.604-49, 1003.609, 1003.609-2, 1003.609-3, and 1003.609-49 are added; and §§ 1003.651-1, 1003.651-2, 1003.651-3, and 1003.651-7 are deleted as follows:

§ 1003.604-49 AFPI Form 71, abstract of proposals/quotations.

AFPI Form 71 will be used to assist in evaluating quotations received involving small purchase transactions and to maintain records of such negotiated transactions.

§ 1003.609 U.S. Government national credit card.

§ 1003.609-2 Acquisition of Standard Form 149.

Upon receipt, the contracting officer will forward the cards by letter requesting the motor vehicle transportation officer to execute and furnish a receipt for the cards.

§ 1003.609-3 Billing codes, billing addresses, and registration number.

(a) *Billing code.* The fifth through the ninth digits of the billing code will reflect the AF Activity Address Number assigned to the activity. For local control purposes, upon receipt the cards will be sequentially numbered in the lower right corner of the card.

(b) *Billing address.* The address of the motor vehicle transportation officer will be furnished as the billing address on the Standard Form 149.

(c) *Tag or registration number.* AF activities will not cite a vehicle tag or registration number on the Standard Form 149.

§ 1003.609-49 Funding and payment procedures.

(a) At the beginning of each month, the motor vehicle transportation officer will forward, through the contracting officer, an estimate of the purchases to be made against the credit cards during the month. This estimate will include purchases to be made by the base and on-end off-base tenant units. After receiving the estimate, the accounting and finance officer will take action according to paragraphs 20253 and 20411, AFM 177-102 (Commercial Transactions at Base Level).

(b) The motor vehicle transportation officer will accumulate and retain all delivery tickets generated through purchases during the month. Upon receipt of an invoice, the motor vehicle transportation officer will match the delivery tickets against the invoice received, and if correct, execute the following certificate on the invoice: "I certify that the items listed on this invoice have been received and that the total amount due the contractor is correct." If the invoice is not correctly prepared, the motor vehicle transportation officer will forward the invoice, along with the delivery tickets, to the contracting officer for resolution with the contractor.

(c) Upon receipt of the certified invoice, the contracting officer will review the invoice and the attached delivery tickets to determine whether the invoice is proper for payment. If proper for payment, the contracting officer will attest to this by signature on the invoice, assign a delivery order number, and forward the invoice to the accounting and finance officer for payment.

- § 1003.651-1 Applicability of section. [Deleted]
- § 1003.651-2 General. [Deleted]
- § 1003.651-3 Issuance of tax exemption certificates. [Deleted]
- § 1003.651-7 U.S. Government national credit card. [Deleted]

PART 1007—CONTRACT CLAUSES

Subpart NN—Special Clauses

§ 1007.4048 [Amended]

In § 1007.4048, paragraph (d) of the clause in paragraph (a) is amended by changing "to" in the eighth line to read "T.O."

PART 1013—GOVERNMENT PROPERTY

Subpart E—Contract Clauses

Section 1013.552 is amended by revising the clause to read as follows:

§ 1013.552 Property records clause.

PROPERTY RECORDS

The Government for its own convenience has determined that the official contract records in connection with Government property subject to this contract shall be maintained by the Government. The Government Property clause of this contract is hereby modified by deleting so much thereof as requires that the contractor maintain such records.

(Sec. 8012, 70A Stat. 488, secs. 2301-2314, 70A Stat. 127-133; 10 U.S.C. 8012, 2301-2314) [AFPI Rev. No. 76, Mar. 31, 1967; AF Procurement Circulars No. 8, Apr. 13, 1967; No. 9, May 5, 1967]

By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,
Colonel, U.S. Air Force, Chief,
Special Activities Group, Office of
The Judge Advocate General.

[F.R. Doc. 67-6280; Filed, June 6, 1967; 8:45 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 378-67]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart W—Authority To Compromise and Close Civil Claims and Responsibility for Judgments, Fines, Penalties, and Forfeitures

REDELEGATION BY ASSISTANT ATTORNEY GENERAL IN CHARGE OF TAX DIVISION

By virtue of the authority vested in me by sections 509 and 510 of Title 28 and section 301 of Title 5 of the United States Code, § 0.171 of Subpart W of Part 0 of Chapter I of Title 28 of the Code of Fed-

eral Regulations is amended to read as follows:

§ 0.171 Redlegation by Assistant Attorney General in charge of Tax Division

The Assistant Attorney General in charge of the Tax Division is authorized to redelegate, to such extent and subject to such limitations as he may deem advisable, to the First Assistant, to the Second Assistant, to the Assistant for Civil Trials, to section chiefs in the Tax Division, and to U.S. Attorneys the authority delegated to him by §§ 0.160, 0.162, and 0.164.

The amendment made by this order shall be effective upon the publication of this order in the FEDERAL REGISTER.

Dated: May 29, 1967.

RAMSEY CLARK,
Attorney General.

[F.R. Doc. 67-6330; Filed, June 6, 1967; 8:40 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 9—SERVICEMEN'S GROUP LIFE INSURANCE

Criteria for Reinsurers and Converters

In § 9.28, paragraph (d) is amended to read as follows:

§ 9.28 Criteria for reinsurers and converters.

(1) The company will not be one (1) Certified by the Department of Defense as being under suspension for cause for purpose of allotment or on-base solicitation privileges.

(2) That solicits life insurance applications as conversion or other replacement of Servicemen's Group Life Insurance coverage in jurisdictions in which it is not licensed.

(3) That fails to take effective action to correct an improper practice followed by it or its agents within 30 days after written receipt of notice issued by the insurer or the Director, Insurance Service. Improper practice includes

(i) The use for solicitation purposes of lists of names and addresses of former members without obtaining reasonable assurance that such lists have not been obtained contrary to regulations of the Department of Defense or other Uniformed Service.

(ii) Failure to reveal sources and copies of mailing lists upon proper request or to otherwise cooperate in an authorized investigation of a reported improper practice.

(iii) The use of written or oral representations which may mislead the person addressed as to the true role of the company or its representatives as one of the participating companies.

(iv) The use of written or oral representations which may mislead a person addressed as to rights, privileges, coverage, premiums, or similar matters under Servicemen's Group Life Insurance or any policy issued or proposed to be issued as a conversion or other replacement coverage.

(v) Violation of regulations of a Uniformed Service concerning solicitation of life insurance.

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective the date of approval.

Approved: June 1, 1967.

By direction of the Administrator.

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

[F.R. Doc. 67-6314; Filed, June 6, 1967; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

PART 101-38—MOTOR EQUIPMENT MANAGEMENT

Definition of Terms; Code Designation; and Exemptions

This amendment clarifies and expands the definition of terms; adds the agency code designation for the Department of Transportation; and restates the exemption for certain Department of Agriculture motor vehicles.

The table of contents for Part 101-38 is amended as follows:

Sec. 101-38.001-15 Tag or registration number.

Subpart 101-38.0—Definition of Terms

Sections 101-38.001-11, 101-38.001-12, 101-38.001-15, and 101-38.001-16 are revised to read as follows:

§ 101-38.001-11 Supplies.

"Supplies" means regular and premium grade gasoline, diesel oil, and regular and premium grade lubricating oil. These are regularly refined products which are furnished to the public at service stations.

§ 101-38.001-12 Services.

"Services" means the furnishing by service stations of lubricating services; oil filter elements; air filter service; tire and tube repairs; battery charging; washing and cleaning services; mounting and dismounting chains; permanent type antifreeze; emergency replacement of defective spark plugs, fan belts, windshield wipers, lamps, and other emergency repairs known in the automobile trade as "road repairs."

§ 101-38.001-15 Tag or registration number.

"Tag or registration number" means the tag or registration number of the vehicle for which the credit card is issued, and is always the fifth embossed line. A credit card may be used only for supplies or services for the vehicle bearing the tag or registration number embossed thereon or, if no number is shown, for any properly identified U.S. Government vehicle, boat, or small aircraft.

§ 101-38.001-16 Billing data.

"Billing data" means the billing code, billing address, and tag or registration number as defined in §§ 101-38.001-13 through 101-38.001-15.

Subpart 101-38.3—Official Government Tags

Section 101-38.304-1 is amended by the addition of the following agency code designation in alphabetical order:

§ 101-38.304-1 Code designations.

Transportation, Department of... DOT.

Subpart 101-38.6—Exemptions From Use of Official U.S. Government Tags and Other Identification

Section 101-38.602(b) is revised to read as follows:

§ 101-38.602 Unlimited exemptions.

(b) *Department of Agriculture.* Motor vehicles which the Forest Service, Agricultural Research Service, and the Consumer and Marketing Service designate for use in the conduct of investigative or law enforcement activities.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

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

Dated: June 1, 1967.

LAWSON B. KNOTT, JR.,

Administrator of General Services.

[F.R. Doc. 67-6318; Filed, June 6, 1967, 8:48 a.m.]

SUBCHAPTER H—UTILIZATION AND DISPOSAL MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Part 101-45 is amended by the addition of a new Subpart 101-45.6 which provides information relative to debarred and suspended bidders. Part 101-46 is amended by providing in Subpart 101-46.4 instructions for the identification of exchange/sale property in invitations for bids.

PART 101-45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Subchapter H is amended by the addition of new Subpart 101-45.6, as follows:

Subpart 101-45.6—Debarred and Suspended Bidders

Sec.
101-45.600 Scope of subpart.

Sec.
101-45.601 Applicability.
101-45.602 General.
101-45.603 Notices of debarment or suspension.

Subparts 101-45.7—101-45.48 [Reserved]

AUTHORITY: The provisions of this Subpart 101-45.6 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 101-45.6—Debarred and Suspended Bidders

§ 101-45.600 Scope of subpart.

This subpart provides information and guidance governing the debarment and suspension of bidders relative to the sales of personal property.

§ 101-45.601 Applicability.

The policies and procedures with respect to the debarment and suspension of bidders applicable to procurement contained in Federal Procurement Regulations Subpart 1-1.6, unless otherwise provided herein, shall be applicable also, to the extent feasible, to the debarment and suspension of bidders with respect to sales of personal property.

§ 101-45.602 General.

Debarment and suspension are measures which may be invoked by the Government either to exclude or to disqualify bidders and contractors from participation in Government sales of personal property. These measures should be used for the purpose of protecting the interests of the Government and not for punishment. To assure that the Government derives the benefit from full and free competition of interested bidders, these measures should not be instituted for any time longer than deemed necessary to protect the interests of the Government, and should preclude awards only for the probable duration of the period of nonresponsibility.

§ 101-45.603 Notices of debarment or suspension.

(a) Any notice of debarment instituted hereunder shall be consistent with the requirements of FPR 1-1.604-1, shall be in writing, and shall provide the affected party an opportunity for a hearing if he so requests within a 20-day period from the date of mailing. The written notice shall be sent by registered or certified mail, return receipt requested, to the last known address of the party. Where the notice is sent by registered or certified mail to the last known address of the party but where actual or personal delivery is not effected by the Post Office Department or by other means, a debarment may be imposed; but any such debarment shall, upon the submission of an appropriate application, be subject to reopening and in such event a hearing shall be accorded in respect to the debarment.

(b) Any notice of suspension instituted hereunder shall be consistent with the requirements of FPR 1-1.605-4, shall be in writing, and shall be sent to the affected party by registered or certified mail, return receipt requested, to the last known address of the party in question. Such suspension shall be effective upon

the mailing of this notice. However, whether or not actual or personal delivery is accomplished by the Post Office Department, the party in question may, at any time, submit information in opposition to such suspension and such information shall be duly considered.

Subparts 101-45.7—101-45.48 [Reserved]

Subpart 101-45.49—Illustrations

Section 101-45.4916 is deleted and the section is reserved.

§ 101-45.4916 [Reserved]

PART 101-46—UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY PURSUANT TO EXCHANGE/SALE AUTHORITY

Subpart 101-46.4—Disposal

Section 101-46.403 is amended by the addition of a new paragraph (c), as follows:

§ 101-46.403 Sales methods and procedures.

(c) All invitations for bids containing only exchange/sale property shall include the following statement: "This property is being offered in accordance with the exchange/sale provisions of section 201 (c) of the Federal Property and Administrative Services Act of 1949, 63 Stat. 384 (40 U.S.C. 481(c))." When an invitation for bids includes both surplus and exchange/sale property, the foregoing statement will be modified to identify the items in the invitation that are exchange/sale property.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

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

Dated: June 1, 1967.

LAWSON B. KNOTT, JR.,

Administrator of General Services.

[F.R. Doc. 67-6316; Filed, June 6, 1967; 8:48 a.m.]

Title 42—PUBLIC HEALTH

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

SUBCHAPTER D—GRANTS

PART 54—GRANTS FOR SPECIALIZED SERVICE FACILITIES

Subpart C—Grants for Construction of Community Mental Health Centers

EQUIPMENT; COMPETITIVE BIDDING; MEDICAL AND PROFESSIONAL RESPONSIBILITIES IN CENTERS

Notice of proposed rule making, public rule making procedures, and delay of effective date have been omitted as unnecessary in the issuance of the following amendments to Subpart C of Part 54, which relates solely to grants for construction of community mental health

centers. These amendments relate to the definition of the term "equipment", competitive bidding on fixed equipment, and medical and professional responsibilities in centers.

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

1. Paragraph (j) of § 54.201 is revised to read as follows:

§ 54.201 Definitions.

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

2. Paragraph (c) of § 54.209 is revised to read as follows:

§ 54.209 State plan; assurances from applicant.

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

3. Subparagraph (2) of paragraph (c) of § 54.212 is revised and subparagraphs (3) and (4) are redesignated as subparagraphs (4) and (5), respectively, and a new subparagraph (3) is added to read as follows:

§ 54.212 Projects; essential elements of comprehensive mental health services; program requirements.

(c) * * *

(1) * * *

(2) The medical responsibility for each patient will be vested in a physician. Psychiatric consultation must be available on a continuing and regularly scheduled basis, not less than once weekly.

(3) The overall direction of a center may be carried out by a properly qualified member of any one of the mental health professions.

(P.L. 88-164, Sec. 203, 77 Stat. 293, 42 U.S.C. 2683)

Dated: May 11, 1967.

[SEAL] EUGENE H. GUTHRIE,
Acting Secretary.

Approved: May 29, 1967.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 67-6352; Filed, June 6, 1967;
8:51 a.m.]

Title 45—PUBLIC WELFARE

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

PART 177—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Adjusted Family Income

Section 177.3 dealing with the determination of adjusted family income is hereby amended by (1) providing that rather than being computed on the basis of the relevant taxable incomes, adjusted family income shall be computed on the basis of the sum of 90 percent of the relevant adjusted gross income less an amount equal to the amount allowable on account of exemptions, (2) deleting from the computation, interest income from tax-exempt securities, (3) clarifying the provisions relating to the inclusion in the computation of income not subject to taxation due to its origin and the residency of the borrower, his spouse, or his parents, (4) increasing from \$500 to \$600 the amount a borrower may receive from his parents and still exclude their income from the computation, and (5) providing that determinations of adjusted family income need be made only once during any 12-month period where funds are advanced pursuant to a line of credit covering such 12-month period. As so amended, § 177.3 reads as follows:

§ 177.3 Adjusted family income.

(a) *Computation.* In general, adjusted family income will be computed by adding 90 percent of the adjusted gross incomes (as defined in sec. 62 of the Internal Revenue Code, or in the case of residents of Puerto Rico, as defined in sec. 22(n) of the Commonwealth Tax Act of 1954) of the student borrower, his spouse, and his parents for the tax year immediately preceding the execution of the note or written agreement evidencing the loan, and deducting from such sum an amount equal to the amount allowable on account of exemptions for such individuals for such year (pursuant to sec. 151 of the Internal Revenue Code or, in the case of residents of Puerto Rico, pursuant to sec. 25 of the Commonwealth Tax Act of 1954).

(b) *Computation of income from foreign sources.* In cases where any of the income of the borrower, his spouse or his

parents is not subject to taxation under the Internal Revenue Code or the Commonwealth Tax Act of 1954 due to the fact that such individual is (1) residing abroad, or (2) a nonresident alien, such income shall be included in the borrower's adjusted family income. Income described in clause (1) shall be treated as if subject to taxation under the Internal Revenue Code and computed (together with any income which is subject to taxation) in accordance with paragraph (a) of this section. Income described in clause (2) shall be computed in accordance with instructions issued by the Commissioner.

(c) *Exclusion of income of parents or spouse in exceptional circumstances.* The income of a parent, or parents living together, shall be excluded from consideration under paragraphs (a) or (b) of this section if the borrower is not and, during the 12 months preceding the determination, has not been (1) residing with, (2) claimed as a dependent for Federal income tax purposes by, nor (3) the recipient of an amount in excess of \$600 from, such parent or parents. The income of a spouse shall also be excluded from such consideration where there has been a legal separation approved by a court or a separation which has, in fact, existed for 12 months or more.

(d) *Method of determination.* The determination of the adjusted family income of a student borrower shall be made on the basis of information submitted on forms supplied or approved by the Commissioner. The determination shall be made by the lender each time funds are advanced, except that no new determination need be made with respect to funds advanced (1) within the same tax year in which a determination was last made or (2) on a line of credit extended after May 31, 1967, where a determination has been made during the preceding 12-month period in connection with funds advanced on such line of credit.

Effective date. This amendment shall become effective with respect to determinations of adjusted family income made after May 31, 1967.

(Sec. 428, 77 Stat. 1240, 20 U.S.C. 1078)

Dated: May 12, 1967.

HAROLD HOWE II,
U.S. Commissioner of Education.

Approved: May 31, 1967.

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

[F.R. Doc. 67-6349; Filed, June 6, 1967;
8:50 a.m.]

PART 178—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS AND DIRECT FEDERAL LOANS TO VOCATIONAL STUDENTS

Adjusted Family Income

Section 178.3 dealing with the determination of adjusted family income is

hereby amended by (1) providing that rather than being computed on the basis of the relevant taxable incomes, adjusted family income shall be computed on the basis of the sum of 90 percent of the relevant adjusted gross incomes less an amount equal to the amount allowable on account of exemptions, (2) deleting from the computation, interest income from tax-exempt securities, (3) clarifying the provisions relating to the inclusion in the computation of income not subject to taxation due to its origin and the residency of the borrower, his spouse, or his parents, (4) increasing from \$500 to \$600 the amount a borrower may receive from his parents and still exclude their income from the computation, and (5) providing that determinations of adjusted family income need be made only once during any 12-month period where funds are advanced pursuant to a line of credit covering such 12-month period. As so amended, section 178.3 reads as follows:

§ 178.3 Adjusted family income.

(a) *Computation.* In general, adjusted family income will be computed by adding 90 percent of the adjusted gross incomes (as defined in sec. 62 of the Internal Revenue Code, or in the case of residents of Puerto Rico, as defined in sec. 22(n) of the Commonwealth Tax Act of 1954) of the student borrower, his spouse, and his parents for the tax year immediately preceding the execution of the note or written agreement evidencing the loan, and deducting from such sum an amount equal to the amount allowable on account of exemptions for such individuals for such year (pursuant to sec. 151 of the Internal Revenue Code or, in the case of residents of Puerto Rico, pursuant to sec. 25 of the Commonwealth Tax Act of 1954).

(b) *Computation of income from foreign sources.* In cases where any of the income of the borrower, his spouse or his parents is not subject to taxation under the Internal Revenue Code or the Commonwealth Tax Act of 1954 due to the fact that such individual is (1) residing abroad, or (2) a nonresident alien, such income shall be included in the borrower's adjusted family income. Income described in clause (1) shall be treated as if subject to taxation under the Internal Revenue Code and computed (together with any income which is subject to taxation) in accordance with paragraph (a) of this section. Income described in clause (2) shall be computed in accordance with instructions issued by the Commissioner.

(c) *Exclusion of income of parents or spouse in exceptional circumstances.* The income of a parent, or parents living together, shall be excluded from consideration under paragraph (a) or (b) of this section if the borrower is not and, during the 12 months preceding the determination, has not been (1) residing with, (2) claimed as a dependent

for Federal income tax purposes by, nor (3) the recipient of an amount in excess of \$600 from, such parent or parents. The income of a spouse shall also be excluded from such consideration where there has been a legal separation approved by a court or a separation which has, in fact, existed for 12 months or more.

(d) *Method of determination.* The determination of the adjusted family income of a student borrower shall be made on the basis of information submitted on forms supplied or approved by the Commissioner. The determination shall be made by the lender each time funds are advanced, except that no new determination need be made with respect to funds advanced (1) within the same tax year in which a determination was last made or (2) on a line of credit extended after May 31, 1967, where a determination has been made during the preceding 12-month period in connection with funds advanced on such line of credit.

Effective date. This amendment shall become effective with respect to determinations of adjusted family income made after May 31, 1967.

(Sec. 9, 77 Stat. 1041, 20 U.S.C. 988)

Dated: May 15, 1967.

HAROLD HOWE II,
U.S. Commissioner of Education.

Approved: May 31, 1967.

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

[P.R. Doc. 67-6350; Filed, June 6, 1967;
8:50 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Table of Frequency Allocations

In the matter of amendment of Part 2 of the Commission's rules and regulations to revise § 2.106 in the band 6425-7250 Mc/s to correct the error in the Geneva Footnotes for that band.

1. The Commission has before it the desirability of amending Part 2 of its rules and regulations to correct the Geneva Footnotes for the band 6425-7250 Mc/s.

2. In the Final Acts of the Extraordinary Administrative Radio Conference to Allocate Frequency Bands for Space Radiocommunication Purposes, Geneva (1959), footnotes 392B, 392F, and 393 are included under the band 6425-7250 Mc/s.

3. At the present time, the band 6425-7250 Mc/s contains only footnote 392F and incorrectly a number 393A plus the complete omission of number 392B. This error is hereby corrected by amending § 2.106 of Part 2 to read as set forth below.

4. Inasmuch as the amendments adopted herein are purely editorial in nature, the prior public notice and effective date provisions of section 4 of the Administrative Procedures Act are not applicable.

5. Authority for this action is contained in sections 4(i), 5(d)(1), and 303 (r) of the Communications Act of 1934, as amended, and in § 0.261(a) of the Commission's rules.

6. In view of the foregoing: *It is ordered*, That effective June 8, 1967, Part 2 of the Commission's rules is amended as set forth below.

Adopted: June 2, 1967.

Released: June 2, 1967.

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

In Part 2 of Chapter I of Title 47 of the Code of Federal Regulations, § 2.106, *Table of Frequency Allocations*, Column 1 is amended with respect to the 6425-7250 Mc/s frequency band; footnote (393A) is deleted; and new footnotes (392B) and (393) are added in appropriate numerical sequence as follows:

Worldwide		...
Band (Mc/s)		
1	...	...
...	...	...
6425-7250 (392B) (392F) (393)	...	...

FOOTNOTES

GENEVA FOOTNOTES

(392B) The band 7120-7130 Mc/s may be used for telecommand in association with space services, subject to agreement between the administrations concerned and those having services operating in accordance with the Table, which may be affected.

(393) In Italy, the band 6450-6675 Mc/s is also allocated to the radiolocation service.

(393A) Existing footnote to be deleted.

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

[P.R. Doc. 67-6340; Filed, June 6, 1967;
8:50 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER N—DANGEROUS CARGOES [CGFR 67-23]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

PART 147—REGULATIONS GOVERNING USE OF DANGEROUS ARTICLES AS SHIPS' STORES AND SUPPLIES ON BOARD VESSELS

Miscellaneous Amendments

Pursuant to the notice of proposed rule making published in the *FEDERAL REGISTER* of January 24, 1967 (32 F.R. 795-807), and the Merchant Marine Council Public Hearing Agenda dated March 20, 1967 (CG-249), the Merchant Marine Council held a public hearing on March 20, 1967, for the purpose of receiving comments, views, and data. The proposals considered were identified as Items PH 1-67 to PH 13-67, inclusive. Item PH 1-67 contained proposals regarding dangerous cargoes (CG-249, Item PH 1-67, pages 1 to 64, inclusive), and these proposals, as revised, are adopted and set forth in this document.

The oral and written comments received were considered and changes based thereon were made in certain proposals designated 46 CFR 146.03-4, definition of "carfloat"; 146.23-100 (corrosive liquids) hydrogen peroxide; 146.29-14(a), dangerous cargo manifests, lists, or stowage plans; 146.29-90(f), permitting certain persons other than the master to accept required "documents" when using cargo transporters (Conex box); 146.29-99 Chart A, is brought up to date to show compatibility of various classes of military explosives and hazardous munitions; and 146.29-100, under Class XC, the stowage requirements were clarified. The Merchant Marine Council's actions with respect to comments received are approved.

The Merchant Marine Council's recommendation to reject the proposal to amend 46 CFR 146.29-45(c) regarding the working of two holds simultaneously in the same hatch in loading or unloading military explosives and other cargo is adopted. The text of 46 CFR 146.29-45(c) is continued in effect without change in present practices and procedures.

The provisions of R.S. 4472, as amended (46 U.S.C. 170), require that the land and water regulations governing the transportation of dangerous articles or substances shall be as nearly parallel as practicable. The provisions in 46 CFR 146.02-18 and 146.02-19 make the Dangerous Cargo Regulations applicable to all shipments of dangerous cargoes by vessels. The Interstate Commerce Commission by Change Order No. 74 has made changes in regulations with respect

to definitions, descriptive names, specifications of containers, packing, marking, and labeling for radioactive materials which are now in effect for land transportation. Various amendments to the Dangerous Cargo Regulations in 46 CFR Part 146 have been included in this document in order that these regulations governing water transportation of certain dangerous cargoes will be as nearly parallel as practicable with the regulations which govern the land transportation of the same commodities.

The amendments to 46 CFR Part 146 which were not described in the *FEDERAL REGISTER* of January 24, 1967 (32 F.R. 795-798) are considered to be interpretations of law, or revised requirements to agree with existing regulations, or editorial in nature, and it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedure thereon, and effective date requirements thereof) is unnecessary with respect to such changes.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, U.S. Code and Department of Transportation Order 1100.1, dated March 31, 1967 (49 CFR 1.4(a)(2), 32 F.R. 5606), to promulgate regulations in accordance with the laws cited with the regulations below, the following amendments are prescribed and shall be effective July 1, 1967; however, the regulations in this document may be complied with in lieu of existing requirements prior to that date.

1. The authority note for Part 146 is amended to read as follows:

AUTHORITY: The provisions of this Part 146 issued under R.S. 4405, as amended, 4462, as amended, 4472, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 375, 416, 170, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671; Department of Transportation Order 1100.1, Mar. 31, 1967, 49 CFR 1.4(a)(2), 32 F.R. 5606; except as otherwise noted.

Subpart 146.02—General Regulations

1. In § 146.02-10, paragraph (a) is revised and the first sentence of paragraph (b) is revised. As amended, § 146.02-10 reads as follows:

§ 146.02-10 Export shipments.

(a) Export shipments of commercial Class A explosives and radioactive materials, Groups I, II, III, or IV, regardless of whether in interstate transportation prior to delivery to the vessel, shall be packed, marked, labeled, or otherwise in conformity with the Interstate Commerce Commission requirements for the transportation of explosives or other dangerous articles in effect at the time of shipment.

(b) Export shipments of explosives or other dangerous articles or combustible liquids (except commercial Class A explosives and radioactive materials, Groups I, II, III, and IV) may be accepted for transportation when packed, marked, labeled, and described in accordance with the regulations of the country of destination. The bill of lading or other shipping paper shall identify such shipments by

the shipping name shown in the regulations in this part for the particular substance, and also shall certify that the packing, marking, and labeling is in accordance with the foreign regulations and identify by title or otherwise such foreign regulations. Markings on export packages may be in the language of the country of destination. Labels shall be affixed or printed or stamped upon such export packages when offered for transportation in lots of one hundred (100) or less packages. Stowage on board a vessel shall be in accordance with the regulations in this part as applicable to the particular character of vessel.

2. In § 146.02-11, paragraph (a) is revised and the first sentences of paragraphs (b), (c), and (d) are revised. As amended, § 146.02-11 reads as follows:

§ 146.02-11 Import shipments.

(a) Import shipments of commercial Class A explosives and radioactive materials, Groups I, II, III, and IV, regardless of whether destined upon arrival at domestic ports for further transportation or not shall be packed, marked, labeled, or otherwise in conformity with the Interstate Commerce Commission requirements for the transportation of explosives or other dangerous articles in effect at the time of shipment.

(b) Import shipments of explosives or other dangerous articles (except commercial Class A explosives and radioactive materials, Groups I, II, III, and IV) destined upon arrival at domestic ports for further transportation outside the port area in original containers, by common contract, or private carrier, must comply with the Interstate Commerce Commission regulations for the transportation of explosives or other dangerous articles in effect at the time of shipment. The importer shall furnish with the order to the foreign shipper, and also to the forwarding agent at the port of entry, full and complete information as to packing, marking, labeling, and other requirements as prescribed by the Interstate Commerce Commission regulations (see § 146.05-14).

(c) Import shipments of explosives or other dangerous articles or combustible liquids (except commercial Class A explosives and radioactive materials, Groups I, II, III, and IV) accepted for transportation in a foreign port in outside metal or wooden barrels or drums not exceeding 110 gallons capacity, wooden boxes not exceeding 300 pounds weight of box and contents, or fiberboard boxes not exceeding 65 pounds weight of box and contents, which upon arrival at domestic ports are not destined for transportation outside the port area in these original import containers by common contract or private carrier may be carried on board vessels provided the shipper certified upon the bill of lading or other shipping paper that the packing, marking, and labeling are in conformity with the regulations of the country of origin. If the country of origin has no regulations governing the transportation by vessel of the explosives and dangerous substances involved, containers of the type described above in

this paragraph may be carried on board vessels: *Provided*, That the shipper shall certify that the container is so constructed as to maintain its complete integrity under all conditions likely to be encountered in transportation. The master of the vessel, before accepting such import shipments, shall satisfy himself that the containers are sufficiently strong to stand, without rupture or leakage of contents, all risks ordinarily incident to transportation. Stowage of import shipments on board vessels shall be in accordance with the provisions of the regulations in this part.

(d) Shipments of explosives or other dangerous articles or combustible liquids (except commercial Class A explosives and radioactive materials, Groups I, II, III, and IV) accepted for transportation in a foreign port which upon arrival at domestic ports are destined for transshipment on vessels subject to the regulations of this part, may be accepted on such vessels provided the bill of lading or other shipping paper identifies the shipment by the shipping name shown in the regulations in this part for the particular substance and provided further that the dangerous cargo is certified to be described as above and to be packaged, marked, and labeled in accordance with the regulations in this part or the regulations of the country of origin of the cargo (provided such regulations are compatible with minimum safety requirements of the regulations in this part). The connecting carrier, before accepting such transshipments, shall satisfy himself that the provisions of this paragraph are complied with. The master of the vessel shall satisfy himself that the containers are sufficiently strong to withstand, without rupture or leakage of contents, all risks incident to transportation. Stowage on board vessels shall be in accordance with the provisions of the regulations in this part.

Subpart 146.03—Definitions of Words and Terms Contained Within the Regulations in This Subchapter

3. Subpart 146.03 is amended by adding a new § 146.03-4, reading as follows:

§ 146.03-4 Carfloat.

A carfloat is a vessel that serves as an extension of a rail line or highway over water. It includes those vessels in other than ocean, coastwise, or ferry services having provisions only for "On deck" stowage of vehicles, operates on a short run, and differs from a ferry service in that it operates on an irregular basis and may serve several points in a port area.

Subpart 146.04—List of Explosives or Other Dangerous Articles Containing the Shipping Name or Description of Articles Subject to the Regulations in This Subchapter

§ 146.04-5 [Amended]

4. Section 146.04-5 is amended by adding or changing certain items as follows:

Article	Classed as	Label required ¹
<i>Items Added</i>		
*** Fissile radioactive materials, N.O.S.	Pols. D.	Radioactive materials, red.
*** Radioactive devices.	Pols. D.	***
*** Radioactive materials, low specific activity.	Pols. D.	Radioactive materials, red or blue.
<i>Items Canceled</i>		
*** Cesium-137 (see: "Radioactive Materials, Groups I and II")	Pols. D.	Poison radioactive materials (red).
*** Cobalt-60 (see: "Radioactive Materials, Groups I and II")	Pols. D.	Poison radioactive materials (red).
*** Gold-198 (see: "Radioactive Materials, Groups I and II")	Pols. D.	Poison radioactive materials (red).
*** Iridium-192 (see: "Radioactive Materials, Groups I and II")	Pols. D.	Poison radioactive materials (red).
*** Radioactive material—low activity	Pols. D.	***
<i>Items Changed</i>		
*** Magnesium-thorium alloys in formed shapes (not powdered, and which shall contain not more than 4 percent nominal thorium-232) (see: § 146.25-26(e)).	Pols. D.	Radioactive materials, red special.
*** Radioactive materials Groups I, II and IV.	Pols. D.	Radioactive materials, red.
*** Radioactive materials, Group III.	Pols. D.	Radioactive materials, blue.
*** Radioactive materials, N.O.S. (see: "Radioactive materials, Groups I, II and IV," or "Group III").	Pols. D.	Radioactive materials, red.
*** Uranium, normal or depleted, in solid metal form (not borings, chips, or pieces) (see: § 146.25-35 (f)).	Pols. D.	Radioactive materials, red special.
***	***	***

¹ Unless otherwise exempt by the provisions of the detailed regulations.

Subpart 146.05—Shipper's Requirements Re: Packing, Marking, Labeling, and Shipping Papers

5. In § 146.05-17, the heading for paragraph (q) is revised and Notes 1 and 2 are added to read as follows:

§ 146.05-17 Labels.

(q) Radioactive materials, Group I, II, or IV.

NOTE 1: Labels, when used for the shipment of Group IV fissile radioactive materials, must be overprinted or otherwise marked "GROUP IV" in a contrasting color.

NOTE 2: The term "Radiation unit" is defined in § 146.25-35(h) of this part.

Subpart 146.06—Vessel's Requirements, Re: Acceptance, Handling, Stowage, etc.

6. In § 146.06-14, paragraph (c) is revised. As amended, § 146.06-14 reads as follows:

§ 146.06-14 Source of information shown on manifest, list, or stowage plan.

(a) The information required to appear on a dangerous cargo manifest, list, or stowage plan by the provisions of § 146.06-15(b) shall be the information actually furnished to the vessel by the shipper of the dangerous substances upon his bill of lading or other shipping paper; and the owner, charterer, agent, master, or person under whose supervision the actual preparation of the mani-

fest, list, or stowage plan is made, shall cause the information required to be correctly transcribed.

(b) Every entry made upon the dangerous cargo manifest, list, or stowage plan shall be a true statement to the best knowledge and belief of the master of the vessel. The provisions of this paragraph shall not apply to barges.

(c) The master, or a licensed deck officer designated by the master and attached to the vessel shall, by his signature, acknowledge the correctness of the dangerous cargo manifest, list, or stowage plan. The provisions of this paragraph shall not apply to barges.

Subpart 146.09—Cargo Handling and Stowage Devices, U.S. Coast Guard Container Specifications

7. In § 146.09-15, the introductory text of paragraph (b) is revised and the introductory text of paragraph (d) is revised to read as follows:

§ 146.09-15 Power-operated industrial trucks.

(b) *Approved power-operated industrial trucks.* Where approved, power-operated industrial trucks are required by the regulations in this part, such approved trucks shall have the specific designation of a recognized testing laboratory, or a certification by the owner that the trucks meet the safety standards of a recognized testing laboratory for the specific designation. The certification shall be filed with the Captain of the Port, and shall identify each piece of equipment by make, type, serial number,

and owner's identification number. Such certification shall be accompanied by an inspection report of a cargo gear inspection service or a qualified inspector acceptable to the Captain of the Port, which shall attest that the equipment complies with the safety standards required by this section. The following laboratories are recognized for the specific type designations listed:

(d) *Minimum safety features.* In addition to the construction and design safety features required for approved power-operated industrial trucks, they shall have at least the following minimum safety features where applicable:

Subpart 146.20—Detailed Regulations Governing Explosives

8. In § 146.20-35, paragraph (e) (1) and (2) is revised. As amended, § 146.20-35(e) reads as follows:

§ 146.20-35 Handling explosives.

(e) Except as otherwise provided in this paragraph, power-operated industrial trucks shall not be used in a space in which Class A, Class B, or Class C explosives are stowed.

(1) The Commandant may grant authority for the use of approved power-operated industrial trucks of approved type "EX" (see § 146.09-15(b)) in spaces in which Class A, Class B, or Class C explosives are stowed when it can be shown that such trucks can be used with safety.

(2) In a space in which packaged small arms ammunition without explosive bullets is stowed when it can be shown power-operated industrial trucks of approved type "EX," "EE," "LPS," "GS," and "DS" (see § 146.09-15(b)) may be used with safety for handling cargo including the handling of such packaged small arms ammunition.

8a. In § 146.20-85, paragraph (a) is revised to read as follows:

§ 146.20-85 Authorization to load or discharge explosives.

(a) Unless exempt under paragraph (b) of this section, shipments of Class A explosives shall not be laden on, handled or restowed on, nor discharged from any vessel at any point or place in the United States, its territories or possessions (not including the Panama Canal Zone) until authorization for such loading, handling, restowing, or discharging has been obtained by the owner, agent, charterer, master, or person in charge of the vessel from the Coast Guard District Commander, or his authorized representative.

8b. Section 146.20-87 is amended by revising the introductory text and paragraph (a) to read as follows:

§ 146.20-87 Permit for Class A explosives.

Before a permit is issued authorizing the loading, handling, restowing, or dis-

charging of Class A explosives in accordance with § 146.20-85, the requirements of this section shall be met:

(a) The permittee shall file a written application for a permit authorizing the loading, handling, restowing, or discharging of explosives. When filed, the application for a permit to load, handle, or restow shall be accompanied by a preliminary manifest of all explosives or other dangerous articles comprising the cargo of the vessel together with a preliminary cargo stowage plan showing the proposed stowage of all such cargo. Changes in the final stowage from that shown in the preliminary cargo stowage plan may be made upon approval of the issuing officer.

Subpart 146.21—Detailed Regulations Governing Inflammable Liquids

9. Section 146.21-15 is amended by adding a new paragraph (c). As amended, § 146.21-15 reads as follows:

§ 146.21-15 Stowage on board vessels.

(a) All inflammable liquids permitted for transportation on board vessels shall, when taken on board a vessel, be stowed in accordance with the provisions applying to the particular character of vessel as shown in the tables, § 146.21-100, and with the detailed regulations of stowage shown in this subpart.

(b) ICC specification portable tanks, not over 20,000 pounds gross weight and ICC specification tank cars and motor vehicle tank trucks approved for the commodity carried and permitted transportation on board vessels by § 146.21-100 shall be stowed in the specific location provided by § 146.21-100. The conversion table 46 CFR 146.07-40(c) does not apply.

(c) Containers of inflammable liquids which are equipped with vents or safety relief devices shall be stowed "On deck" only.

10. Section 146.21-57 is revised to read as follows:

§ 146.21-57 Use of power-operated industrial trucks in spaces containing inflammable liquids.

(a) In a space in which packaged inflammable liquids are stowed, only approved power-operated industrial trucks of approved types EX, EE, GS, LPS, and DS (see § 146.09-15(b)) may be used for handling cargo including the handling of such packaged inflammable liquids.

Subpart 146.22—Detailed Regulations Governing Inflammable Solids and Oxidizing Materials

11. In § 146.22-7, paragraphs (a) and (c) are revised. As amended, § 146.22-7 reads as follows:

§ 146.22-7 Use of power-operated industrial trucks in spaces containing inflammable solids and oxidizing materials.

(a) In a space in which packaged inflammable solids or oxidizing materials are stowed, only approved power-oper-

ated industrial trucks of approved types EX, EE, GS, LPS, and DS (see § 146.09-15(b)) may be used for handling cargo including the handling of such packaged inflammable solids or oxidizing materials.

(b) When inflammable solids or oxidizing materials are contained in closed cargo vans or closed containers and no other dangerous cargo is stowed in the hold or compartment, any standard commercial type power-operated industrial truck in safe operating condition and having minimum safety features (see § 146.09-15) may be used in the space.

(c) When oxidizing materials in bulk are stowed in a hold or compartment, any approved commercial type power-operated industrial truck may be used in the space (see § 146.09-15(b)).

§ 146.22-100 [Amended]

12. Section 146.22-100 Table E—Classification: Inflammable solids is amended as follows:

A. Amend "Coal facings, etc." as follows:

(1) In columns 4 and 7, delete "Airtight metal containers, etc." and insert in lieu thereof:

Airtight metal containers, not over 350 lb. gr. wt.

Subpart 146.23—Detailed Regulations Governing Corrosive Liquids

13. Section 146.23-13 is revised to read as follows:

§ 146.23-13 Use of power-operated industrial trucks in spaces containing corrosive liquids.

(a) Any approved power-operated industrial truck (see § 146.09-15(b)) may be used in spaces in which corrosive liquids are stowed, including the handling thereof, unless otherwise restricted by regulations in this part.

§ 146.23-100 [Amended]

14. Section 146.23-100 Table F—Classification: Corrosive liquids is amended as follows:

A. Amend the following items as follows:

(1) Ethyl chloroformate.

(2) Methyl chloroformate.

In column 4, under "Stowage" add the following:

"Tween decks readily accessible."

"Under deck away from heat."

B. Amend "Hexamethylene diamine solutions" as follows:

(1) In columns 4 and 5, under "Stowage" add the following:

"Tween decks."

"Under deck."

C. Amend "Hydrogen peroxide, etc." as follows:

(1) In columns 4, 6, and 7, delete "Highway vehicle cargo tanks." and insert in lieu thereof:

Motor vehicle tank trucks complying with ICC regulations for hydrogen peroxide over 52% strength (trailerships and tankships only).

(2) In column 5, delete "Highway vehicle cargo tanks".

Subpart 146.24—Detailed Regulations Governing Compressed Gases

15. Section 146.24-27 is revised to read as follows:

§ 146.24-27 Use of power-operated industrial trucks in spaces containing compressed gases.

(a) Power-operated industrial trucks of approved types EX, EE, GS, LPS, and DS (see § 146.09-15(b)) may be used in spaces in which flammable compressed gases are stowed including handling thereof.

(b) Any approved power-operated industrial truck (see § 146.09-15(b)) may be used in spaces in which nonflammable compressed gases are stowed, including the handling thereof, unless otherwise restricted by regulations in this part.

Subpart 146.25—Detailed Regulations Governing Poisonous Articles

16. Section 146.25-20 is revised to read as follows:

§ 146.25-20 Radioactive materials, Class D poison.

(a) "Radioactive material" means any material, or combination of materials, that spontaneously emits ionizing radiation, and having a specific activity of greater than 0.002 microcuries per gram. Radioactive materials are divided into four groups as follows:

(1) *Group I.* Radioactive materials that emit either gamma rays only, or gamma rays plus alpha and/or beta particles.

(2) *Group II.* Radioactive materials that emit neutrons and either or both types of radiation characteristic of Group I materials.

(3) *Group III.* (i) Radioactive materials that emit alpha and/or beta particles only, or

(ii) Radioactive materials so shielded that the radiation at the external surface of the outside container does not exceed 0.5 milliroentgens per hour or equivalent.

(4) *Group IV.* Fissile radioactive materials, including uranium-233, uranium-235, plutonium-238, plutonium-239, and plutonium-241.

17. Section 146.25-21 is revised to read as follows:

§ 146.25-21 Fissile materials.

(a) Group IV fissile radioactive materials are classified according to the controls needed to provide nuclear criticality safety during transport as follows:

(1) *Fissile Class I.* Packages which may be transported in unlimited numbers and in any arrangements which require no nuclear criticality safety controls during transport.

(2) *Fissile Class II.* Packages which may be transported together in any arrangement but in numbers which do not exceed an aggregate of 40 radiation units. Such shipments require no nuclear criticality safety control by the shipper during transport.

(3) *Fissile Class III.* Shipments of packages which do not meet the requirements of Fissile Classes I or II and which are controlled in transport by special arrangements by the shipper.

(b) The following shall not be classified as Group IV fissile radioactive materials, but shall instead be classified as Group I, II, or III radioactive materials in accordance with the provisions of § 146.25-20(a):

(1) Not more than 15 grams of fissile radioactive materials.

(2) Any quantity of natural or depleted uranium.

(3) Solutions or homogeneous compounds of uranium where the uranium-235 content does not exceed 1 percent by weight of the total uranium content, and the uranium-233 and plutonium content does not exceed 1 percent by weight of the total uranium-235 content.

(4) Solutions or homogeneous compounds containing not more than:

(i) 500 grams of any fissile material, and the atomic ratio of hydrogen to fissile material is greater than 7,600;

(ii) 800 grams of uranium-235, the atomic ratio of hydrogen to fissile material is greater than 5,200, and the total uranium-233 and plutonium content is not more than 1 percent by weight of the total uranium-235 content; or

(iii) 500 grams of uranium-233, the atomic ratio of hydrogen to fissile material is greater than 5,200, and the total uranium-235 and plutonium content is not more than 1 percent by weight of the total uranium-233 content.

(c) Materials classified as Group IV fissile radioactive materials shall not, in addition, be classified as Group I, II, or III radioactive materials.

(d) Uranium-235 exists only in combination with various percentages of uranium-234 and uranium-238. The term "fissile radioactive material" as applied to uranium-235 refers to the amount of uranium-235 actually contained in the total quantity of uranium being transported.

18. A new § 146.25-23 is added, to read as follows:

§ 146.25-23 Low specific activity material.

"Low specific activity material" means any of the following:

(a) Uranium or thorium ores, physical or chemical concentrates and residues of those ores;

(b) Unirradiated natural or depleted uranium or unirradiated natural thorium;

(c) Tritium oxide in aqueous solutions provided the concentration does not exceed 5.0 millicuries per milliliter.

(d) Material in which the activity is uniformly distributed and in which the estimated concentration per gram does not exceed:

(1) 0.0001 millicuries of radium, plutonium, or polonium; or

(2) 0.005 millicuries of strontium-90 or mixed fission products; or

(3) 0.3 millicuries of other radioactive materials.

19. Section 146.25-25 is revised to read as follows:

§ 146.25-25 Exemptions for radioactive materials.

(a) Radioactive materials are exempt from prescribed packaging, marking, and labeling requirements, provided they fulfill all of the conditions in subparagraphs (1), (2), and (3) of this paragraph, except that the proper shipping name of the contents is required on the outside of the package.

(1) The package must be such that there can be no leakage of radioactive materials under conditions normally incident to transportation.

(2) The package must not contain more than any of the following quantities of radioactive materials:

(i) 0.1 millicurie of radium, polonium, or plutonium; or

(ii) 0.135 millicurie of strontium-90; or

(iii) 15 grams of uranium-235; or

(iv) 1.35 millicuries of other radioactive materials.

(3) The package must be such that the radiation at the external surface of the package does not exceed 0.5 milliroentgen per hour of gamma radiation or equivalent.

(b) Manufactured articles such as instruments, clocks, electronic tubes, or apparatus, or other similar devices, having radioactive materials (other than liquids) in a nondispersible form as a component part, are exempt from specification packaging, marking (other than the proper shipping name of the contents) and labeling, provided that all of the conditions in subparagraphs (1) to (6) of this paragraph are met. (For radioactive gases, the requirement for the radioactive material to be in a nondispersible form does not apply.)

(1) Radioactive materials are securely contained within the items, or are securely packaged in strong, tight outside containers;

(2) The radiation dose rate at 10 centimeters (4 inches) from any such article does not exceed 10 milliroentgens per hour of gamma radiation or equivalent;

(3) The radiation dose rate at the external surface of the package or item, as shipped, does not exceed 0.5 milliroentgen per hour of gamma radiation or equivalent.

(4) There is no significant removable surface contamination on the exterior of the package or item.

(5) The total radioactivity content of each package does not exceed the following:

(i) 1 millicurie of radium, polonium, or any isotope with an atomic number of 93 or greater; or

(ii) 50 millicuries of strontium-90 or mixed fission products;

(iii) 200 curies of tritium as a gas; as a luminous paint or as adsorbed on a solid carrier;

(iv) 2.7 curies of any other radionuclide, except that up to 20 curies of any radionuclide in special form is permitted and further provided that no package may contain more than 15 grams of fissile material.

NOTE 1: "Special form" is defined in the regulations of the U.S. Atomic Energy Commission, Title 10, Code of Federal Regulations, Part 71.

(6) The total radioactivity content of each individual item does not exceed 10 percent of the total package limits specified in subparagraph (5) of this paragraph.

(c) Radioactive materials of low specific activity, packed in strong, tight containers, are exempt from specification packaging, marking other than name of contents, and labeling requirements for transportation on board vessels only if the gamma radiation or equivalent in any area of habitual occupancy is such that a person continually present in such an area would not be likely to receive a whole body dose of more than 500 milliroentgens a year. The consignor or consignee shall advise the person in charge of loading or discharging of the hazards of the cargo and the regulations pertaining thereto.

(d) Detonating fuzes with radioactive components as described in § 146.20-7(g)(3) are exempt from the labeling requirement.

(e) Magnesium-thorium alloys containing not more than 4 percent nominal thorium-232, in formed shapes, must be in bundles, boxes, barrels, or crates and as such are exempt from specification packaging. Each bundle or package shall bear the radioactive materials label as prescribed in § 146.05-17(w) unless exempted under paragraph (a) or (b) of this section.

(f) Uranium, normal or depleted, in solid form (not borings, chips or finely divided pieces) must be packaged in strong, tight fibreboard, wooden, or plywood boxes, or metal containers, and as such are exempt from specification packaging except for conformance with § 146.25-30 (d) and (e). Packages weighing more than 500 pounds must be mounted on skids. Packages shall bear the radioactive materials label as described in § 146.05-17(w) unless exempt under paragraph (a) or (b) of this section. Radiation dose rates for each package shall be in accordance with § 146.25-30(g).

20. Section 146.25-30 is amended by revising paragraphs (a) and (b), by revoking paragraphs (c) and (f) and by revising paragraphs (g), (h), and (j). As amended, § 146.25-30 reads as follows:

§ 146.25-30 Packing and shielding of radioactive materials.

(a) Except for low specific activity materials, not more than the following amounts of radioactive materials may be packed in one outside container for shipment by water except as specifically approved by the Commandant of the U.S. Coast Guard:

- (1) 2 curies of polonium or radium;
- (2) 300 curies of any radionuclide meeting the definition of "special form" as described in the regulations of the U.S. Atomic Energy Commission, Title 10, Code of Federal Regulations, Part 71;
- (3) 2.7 curies of any other radioactive material.

(b) Radioactive materials that present special hazards due to their tendency to remain fixed in the human body for long periods of time (e.g., radium, plutonium, and radioactive strontium, etc.) must, in addition to the packing prescribed in § 146.25-400, Table H, be packed in inside metal containers Specification 2R or in other containers approved by the Interstate Commerce Commission and authorized by the Commandant of the Coast Guard. Radioactive materials meeting the definition of "special form" as described in the Regulations of the U.S. Atomic Energy Commission, Title 10, Code of Federal Regulations, Part 71, are approved as equivalent to a specification 2R container.

(c) [Reserved]

(d) The design and preparation of the package must be such that there will be no significant radioactive surface contamination of any part of the container.

(e) The smallest dimension of any outside shipping container for radioactive materials must be not less than 4 inches.

(f) [Reserved]

(g) All radioactive materials, liquid, solid, and gaseous, must be packed in suitable inside containers (shielded, if necessary) so that at any time during transport the radiation dose rate does not exceed any of the limits specified in subparagraphs (1), (2), and (3) of this paragraph. The container must be designed to maintain its shielding efficiency and leak-tightness under conditions normally incident to transport.

(1) 200 milliroentgens per hour of gamma radiation or equivalent at the external surface of the package.

(2) 10 milliroentgens per hour of gamma radiation or equivalent at one meter from the external surface of the package.

(3) 0.5 milliroentgens per hour of gamma radiation or equivalent at 5 meters (or 15 feet) from the external surface of the package.

(h) All liquid radioactive materials must, in addition, be packed in tight glass, earthenware, metal, or other suitable inside containers. The inside container must be surrounded on all sides by an absorbent material sufficient to absorb the entire liquid contents and of such a nature that its efficiency will not be impaired by chemical reaction with the contents. Where the use of shielding is necessary to reduce radiation dose rates to limits prescribed by this section, the absorbent materials should be placed within the shield. If the contents are packed in a metal container, ICC specification 2R or equivalent, the absorbent material is not required.

(i) [Reserved]

(j) Fissile radioactive materials, Group IV, are subject to the following additional provisions:

(1) The shipment shall be made in containers authorized by the Commandant, U.S. Coast Guard, and each shipment shall be made in accordance with procedures approved by the U.S. Atomic Energy Commission.

(2) For each shipment of fissile materials, the shipper shall supply the ves-

sel with a certificate issued and signed by the shipper or his duly authorized representative as follows:

This is to certify that this package contains fissile (special nuclear) material and has been prepared for shipment in accordance with the packaging requirements and limitations established by the U.S. Atomic Energy Commission as conditions of AEC License SNM No. _____ (or the terms of Contract No. _____). This type of packaging and the contents thereof have been approved as (insert the appropriate class according to § 146.25-21) and is safe for transport subject to the following conditions:

(List all conditions. If none, insert "None.")

(3) No package of fissile radioactive material for which the calculated radiation unit number is greater than 10 may be offered to a carrier for transport as Fissile Class II, nor may it be transported as Fissile Class II. Mixing of packages of other types of radioactive materials, including Fissile Class I, with Fissile Class II is permissible provided that the limitations of § 146.25-35 (f) and (g) are not exceeded.

(4) For Fissile Class III shipments, special authority must be obtained from the Commandant, U.S. Coast Guard.

Requests for authorizations shall include:

(i) The name and quantity of fissile contents.

(ii) A description of the special arrangements which assure nuclear criticality safety.

(5) Each outside container, unless exempt, must be labeled with a properly executed label as described in § 146.05-17(q). The number of radiation units to be entered on the label shall be determined in accordance with § 146.25-35(h)(2).

21. Section 146.25-35 is amended by revising paragraphs (e) and (f) and by adding new paragraphs (g) and (h) to read as follows:

§ 146.25-35 Stowage and handling of radioactive materials on board vessels.

(e) No radioactive materials, Groups I, II, III, or IV, shall be stowed on board a vessel in any hold, compartment, or deck space so that the total gamma radiation or equivalent in any space or area continuously occupied by passengers, crew, or shipments of animals will exceed 0.5 milliroentgens per hour at any time during transportation. Any hold, compartment, or enclosed deck space containing radioactive materials shall be so ventilated that there will be no accumulation of radioactive gases in that hold, compartment, or enclosed deck space.

(f) Not more than 40 units of radioactive materials Groups I, II, and IV shall be stowed together in any one area or place. If the shipment exceeds 40 units, a distance of at least 60 feet must separate increments of not more than 40 units each.

(g) For Fissile Class II shipments, not more than 40 radiation units may be stowed in any one hold. Not more than two Fissile Class II shipments may be

carried at any one time unless authorized by the Commandant, U.S. Coast Guard.

(h) A "radiation unit" is the number placed on a package label to designate the degree of control to be exercised by the carrier during transportation. Radiation units in excess of the number required must not be assigned for the purpose of effecting a higher degree of control during transportation, or for any other purpose. For the purposes of this Part 146, the radiation unit number to be assigned to a package shall be either of the following:

(1) One (1) radiation unit equals one (1) milliroentgen per hour of gamma radiation or equivalent at 1 meter from any accessible external surface of the package. One (1) millirad of beta radiation or 0.1 millirad of thermal neutron radiation is considered equivalent to 1 milliroentgen of gamma radiation.

(2) For Group IV fissile radioactive materials only, the number of radiation units to be marked on any package shall be the larger of the following:

(i) The number of radiation units as defined in subparagraph (1) of this paragraph; or

(ii) The number of calculated radiation units obtained by dividing the number "40" by the number of similar packages which may be transported together.

NOTE 1: The method of determination of the calculated number of radiation units for Group IV fissile radioactive materials is given in the regulations of the Atomic Energy Commission, Title 10, Code of Federal Regulations, Part 71.

22. Section 146.25-43 is revised to read as follows:

§ 146.25-43 Use of power-operated industrial trucks in spaces containing poisonous articles.

(a) Any approved power-operated industrial truck (see § 146.09-15(b)) may be used in spaces in which poisonous articles are stowed, including the handling thereof, unless otherwise restricted by regulations in this part.

23. In § 146.25-50, paragraph (b) is revised to read as follows:

§ 146.25-50 Care following leakage or sifting of poisonous articles.

(b) In case of fire, collision, or breakage involving shipments of radioactive materials, other than the materials of low specific activity, the package or material shall be segregated from contact with personnel. In case of obvious leakage, or if the inside container appears to have been damaged, the section (hold, deck area, or compartment) containing this cargo must be isolated as much as possible, and care should be taken to prevent radioactive material from entering the body through contact, inhalation, or ingestion. No person shall be allowed to handle the material or to remain in the vicinity until qualified personnel are present to supervise. In any incident in which radioactive materials are involved in fires or are damaged, the shipper and the District Commander of the U.S.

Coast Guard, or his authorized representative, having supervision over the port or place where the vessel is located or bound shall be notified immediately.

§ 146.25-400 [Amended]

24. Section 146.25-400 Table H—Classification: Class D; radioactive materials is amended as follows:

A. A new entry "Radioactive devices" is added as follows:

(1) In column 1 insert:

Radioactive devices.

(2) In column 2 insert:

Manufactured articles having radioactive material (other than liquids) as a component part as described by § 146.25-25(b).

Do not stow with explosives, flammable liquids, compressed flammable gases, corrosive liquids, or poisonous gases or liquids in cylinders, projectiles, or bombs.

Do not stow with undeveloped photographic or radiographic film. Observe instructions and safety precautions as set forth in this subpart.

(3) In column 3 insert:

No label required.

(4) In columns 4 and 5 insert:

Stowage:

"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
"Under deck."

Outside containers: Strong outside containers with or without inside containers, meeting the applicable requirements of § 146.25-25(b).

(5) In column 6 insert:

Ferry stowage (AA).

Outside containers: Strong outside containers with or without inside containers, meeting the applicable requirements of § 146.25-25(b).

(6) In column 7 insert:

Ferry stowage (BB).

Outside containers: Strong outside containers with or without inside containers, meeting the applicable requirements of § 146.25-25(b).

B. A new entry "Radioactive materials, low specific activity" is added as follows:

(1) In column 1 insert:

Radioactive materials, low specific activity.

(2) In column 2 insert:

Uranium or thorium ores, physical or chemical concentrates and residues of those ores; unirradiated natural or depleted uranium or unirradiated natural thorium; tritium oxide in aqueous solutions (including "heavy water") not exceeding 5.0 millicuries per milliliter concentration; and other materials containing dilute radionuclides as defined in § 146.25-23.

See § 146.25-25(c) for exemptions.

Do not stow with explosives, flammable liquids, compressed flammable gases, corrosive liquids, or poisonous gases or liquids in cylinders, projectiles, or bombs, or with undeveloped photographic and radiographic film.

Observe instructions and safety precautions as set forth in this subpart.

(3) In column 3 insert:

Radioactive materials, red or blue.

(4) In column 4 insert:

Stowage:

"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
"Under deck."

Outside containers:

Wooden boxes (ICC-15A, 15B, 19A, 19B) WIC.

Fiberboard boxes (ICC-12B) WIC.

Fiber drums:

(ICC-21C) not over 225 lb. net wt.

(ICC-21P) WIC ICC-2S, 2SL, 2T.

Metal barrels or drums:

(ICC-6A, 6B, 6C).

(ICC-6D) WIC ICC-2S, 2SL, 2T.

(ICC-17C, 17H) STC.

(ICC-37M) WIC ICC-2S, 2SL, 2T.

(5) In columns 5, 6, and 7 insert:

Not permitted.

C. The entry "Radioactive materials Groups I and II, etc." is amended as follows:

(1) Column 1 is revised to read as follows:

Radioactive materials, Groups I and II.

Radioactive materials, N.O.S.

(2) Column 2 is revised to read as follows:

Group I: Radioactive materials that emit gamma rays only or gamma rays plus alpha and/or beta particles.

Group II: Radioactive materials that emit neutrons and any of the following: Gamma rays, alpha particles, or beta particles.

Do not stow with explosives, flammable liquids, compressed flammable gases, corrosive liquids, or poisonous gases or liquids in cylinders, projectiles, or bombs. Do not stow with undeveloped photographic and radiographic films. Observe instructions and safety precautions as set forth in this subpart.

D. The entry "Radioactive materials Group III, etc." is amended as follows:

(1) Column 1 is revised to read as follows:

Radioactive materials, Group III.

Radioactive materials, N.O.S.

(2) Column 2 is revised to read as follows:

Group III: Radioactive materials that emit alpha and/or beta rays only or any other radioactive material that is so shielded that the gamma radiation at the surface of the package does not exceed 0.5 milliroentgens per hour or equivalent at any time during transportation.

Do not stow with explosives, flammable liquids, compressed flammable gases, corrosive liquids, or poisonous gases or liquids in cylinders, projectiles, or bombs. Do not stow with undeveloped photographic and radiographic films. Observe instructions and safety precautions as set forth in this subpart.

E. A new entry is added after "Radioactive Materials, Group III, etc." as follows:

(1) In column 1, insert:

Radioactive materials, Group IV.

Fissile radioactive materials, N.O.S.

(2) In column 2, insert:

Group IV: Radioactive materials that require controls to provide nuclear criticality safety as described in § 146.25-21.

Do not stow with explosives, flammable liquids, compressed flammable gases, corrosive liquids, or poisonous gases or liquids in cylinders, projectiles, or bombs. Do not stow with undeveloped photographic and radiographic films. Observe instructions and safety precautions as set forth in this subpart.

(3) In column 3, insert:

Radioactive materials, Group IV: Red.

(4) In column 4, insert:

Stowage:

- "On deck protected."
- "On deck under cover."
- "Tween decks readily accessible."

Outside containers:

- Authorized for not more than 14 kilograms of uranium-235:
- Metal barrels or drums (ICC 6L).
- Other approved containers.
- Packaging and shielding requirements of this subpart must be complied with.

(5) In column 5, insert:

Stowage:

- "On deck protected."
- "On deck under cover."
- "Tween decks readily accessible."

Outside containers:

- Authorized for not more than 14 kilograms of uranium-235:
- Metal barrels or drums (ICC 6L).
- Other approved containers.
- Packaging and shielding requirements of this subpart must be complied with.

(6) In column 6, insert:

Ferry stowage (AA).

Outside containers:

- Authorized for not more than 14 kilograms of uranium-235:
- Metal barrels or drums (ICC 6L).
- Other approved containers.
- Packaging and shielding requirements of this subpart must be complied with.

(7) In column 7, insert:

Ferry stowage (BB).

Outside containers:

- Authorized for not more than 14 kilograms of uranium-235:
- Metal barrels or drums (ICC 6L).
- Other approved containers.
- Packaging and shielding requirements of this subpart must be complied with.

F. The entry "Radioactive materials as described under § 146.25 (a) and (b)" is amended by revising column 1 to read as follows:

Radioactive materials as described under § 146.25-25(a).

G. The entry "Radioactive materials as described under § 146.25-25(c)" is revoked.

Subpart 146.26—Detailed Regulations Governing Combustible Liquids

25. Section 146.26-35 is revised to read as follows:

§ 146.26-35 Use of power-operated industrial trucks in spaces containing combustible liquids.

(a) Any approved power-operated industrial truck (see § 146.09-15(b)) may be used in spaces in which combustible liquids are stowed, including the handling thereof, unless otherwise restricted by regulations in this part.

Subpart 146.27—Detailed Regulations Governing Hazardous Articles

26. In § 146.27-35, paragraphs (a) and (c) are revised. As amended, § 146.27-35 reads as follows:

§ 146.27-35 Use of power-operated industrial trucks in spaces containing hazardous articles.

(a) *Articles of a fibrous nature or bulk sulfur.* In a space in which packaged or baled hazardous articles of a fibrous nature or bulk sulfur are stowed, only approved power-operated industrial trucks of approved types EX, EE, GS, LPS, and DS (see § 146.09-15(b)) may be used for handling cargo including the handling of such packaged or baled hazardous articles of a fibrous nature or bulk sulfur.

(b) *Articles of a fibrous nature in closed vans or portable containers.* When hazardous articles of a fibrous nature are contained in closed cargo vans or closed portable containers and no other dangerous cargo is stowed in the hold or compartment, any standard commercial type power-operated industrial truck in safe operating condition and having minimum safety features (see § 146.09-15) may be used in the spaces.

(c) *Articles other than those of a fibrous nature.* In a space in which hazardous articles other than of a fibrous nature are stowed, any approved power-operated industrial truck (see § 146.09-15(b)) may be used to handle cargo, including the handling of such hazardous articles other than of a fibrous nature.

Subpart 146.29—Detailed Regulations Governing the Transportation of Military Explosives and Hazardous Munitions on Board Vessels

27. Section 146.29-5 is revised to read as follows:

§ 146.29-5 Regulations not applicable.

Sections 146.02-11, 146.02-21, 146.03-3, 146.06-9, 146.06-12 to 146.06-15, inclusive, 146.09-1 to 146.09-6, inclusive, 146.10-6 (b), 146.20-15 to 146.20-51, inclusive, 146.20-85, 146.20-87, 146.20-90, 146.20-100 to 146.20-300, inclusive, 146.23-25 (a), (b), 146.24-55, the entries "Chemical ammunition containing Class 'A' poisons, liquids or gases," "Chemical ammunition containing Class 'B' poisons, liquids or gases," and "chemical ammunition containing Class 'C' liquids, gases, or solids" appearing in §§ 146.25-100, 146.25-200, and 146.25-300; 146.27-5 to 146.27-20, inclusive, 146.27-30 and 146.27-100 are hereby declared inapplicable to the transportation of military explosives.

28. In § 146.29-11, paragraph (c) is revised to read as follows (subparagraphs (11), (25), (42), (43), (44), and (54) are new):

§ 146.29-11 Definitions and abbreviations.

For the purpose of the regulations in this subpart, certain words, phrases, and abbreviations are defined as follows:

(c) *Related terms*—(1) *Adjacent hold; hold adjacent.* Any hold which has as one of its boundaries a permanent steel bulkhead that is common, either partially or in its entirety, to another hold shall be termed "adjacent hold" or "hold adjacent" to the focal hold. This shall not be construed as meaning a hold above or a hold below said hold nor shall it include a hold that is situated diagonally from said hold and has only a corner as a common boundary.

(2) *Any hold above.* "Any hold above" shall mean any hold that is partially or entirely in the same vertical plane over another hold even though there may be a hold or holds intervening.

(3) *Any hold below.* "Any hold below" shall mean any hold that is partially or entirely in the same vertical plane under another hold even though there may be a hold or holds intervening.

(4) *Ammunition for cannon.* Ammunition for cannon is fixed, semifixed, or separate loading ammunition which is fired from a cannon, mortar, gun, howitzer, or recoilless rifle.

(5) *Ammunition for cannon with empty projectiles, inert-loaded projectiles, solid projectiles or without projectiles, and catapult charges exceeding 2 inches in diameter.* Ammunition for cannon with empty projectiles, inert-loaded projectiles, solid projectiles, or without projectiles, and catapult charges exceeding 2 inches in diameter, is fixed ammunition assembled in a unit consisting of the cartridge case containing the propelling charge and primer with empty, inert-loaded, or solid projectiles, or without projectiles, which is fired from a cannon, mortar, gun, howitzer, or recoilless rifle.

(6) *Ammunition for cannon with explosive projectiles.* Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles, incendiary projectiles, or illuminating projectiles is fixed ammunition assembled in a unit consisting of the cartridge case containing the propelling charge and primer, and the projectiles, fused or unfused.

(7) *Ammunition for small arms with explosive bullets or explosive projectiles.* Ammunition for small arms with explosive bullets or ammunition for small arms with explosive projectiles is fixed ammunition to be used in machine guns or similar fire arms and consists of a metallic cartridge case, the primer and the propelling charge, with explosive bullet or explosive projectile with or without detonating fuze, the component parts necessary for one firing being all in one assembly.

(8) *Boosters, bursters, and supplementary charges.* Boosters and supplementary charges consist of a casing containing a high explosive and are used to increase the intensity of explosion of the detonator of a detonating fuze. Burst-ers consist of a casing containing a high explosive and are used to rupture a projectile or bomb to permit release of its contents.

(9) *Cargo hold.* A cargo hold is a space allotted entirely to the carriage of cargo and is bounded by permanent steel bulkheads, decks and the shell of the vessel;

the deck openings being provided with means of effectively closing the hold against the weather, and in the case of superimposed holds, effectively closing off each hold.

(10) *Cargo net.* A cargo net is a net made of fiber or wire rope and used as a means of handling loose or package cargo to and from the hold of a vessel.

(11) *Cargo transporter.* This term covers a noncollapsible reusable, steel shipping box of not over 135 cubic feet capacity, used for shipping separate items of cargo as a unit, and handled aboard ship by "lift-on/lift-off" methods. Such container must conform to Military Specification MIL-B-21560. It is commonly referred to as "Conex Box."

(12) *Chemical ammunition.* Chemical ammunition used in warfare is all kinds of explosive chemical projectiles, bombs, grenades, mines, etc., loaded with toxic, tear, or other gas, smoke or incendiary agent, also such miscellaneous apparatus as cloud-gas cylinders, smoke generators, etc., that may be utilized to project chemicals.

(13) *Compartment.* A compartment is any space formed by permanent steel bulkheads and the ship's side and decks. The limits of a compartment are determined by the integrity of the bulkheads, shell, or decks forming its boundaries. Access openings fitted with doors, hatch covers (steel or wood) or bolted plates are accepted as preserving the integrity of deck, bulkhead, or shell.

(14) *Complete round.* A complete round of "cannon ammunition," "artillery ammunition," or "gun ammunition" includes ammunitions used in cannon or gun of caliber 0.75 in. and above. It includes complete round with components. The complete round comprises all of the components necessary to fire the cannon or gun once. These components are, in general, the projectile, fuze, propelling charge, and primer. Depending upon both the type of propelling charge and method of loading the required components into the weapon, complete rounds of "cannon ammunition," "artillery ammunition," or "gun ammunition" are described as fixed, semifixed, separated, or separate loading ammunition.

(15) *Definitions of other dangerous articles.* For definitions of:

(i) Inflammable liquids, see § 146.21-1.
(ii) Inflammable solids and oxidizing materials, see § 146.22-1.

(iii) Corrosive liquids, see § 146.23-1.

(iv) Compressed gases, see § 146.24-1.

(v) Poisons, Class A, see § 146.25-5; Class B, see § 146.25-10; Class C, see § 146.25-15; Class D, see § 146.25-20.

(vi) Combustible liquids, see § 146.26-1.

(vii) Hazardous articles, see § 146.27-1.

(16) *Detonating fuzes.* (i) Detonating fuzes, Class A are used in the military service to detonate the high explosive bursting charges of projectiles, mines, bombs, torpedoes, and grenades. In addition to a powerful detonator, they may contain several ounces of a high explosive, such as tetryl or dry nitrocellulose, all assembled in a heavy steel envelope.

They may also contain a small amount of radioactive component.

(ii) Detonating fuzes, Class C are those that are so made and packed that they will not cause functioning of other fuzes, explosives, or explosive devices in the same or adjacent containers.

(17) *Division bulkhead.* (i) When part of a compartment or hold is utilized for the stowage of military explosives, the remaining portion of such compartment or hold may be utilized for the stowage of general cargo provided a temporary wooden bulkhead is constructed in the compartment or hold to completely divide and protect the stowage of military explosives from the general cargo. The scantlings and construction of such bulkheads shall be as follows: For tween deck compartments or holds construction shall be of commercial 2-inch boarding, secured on 4" x 6" uprights spaced not to exceed 30 inches center to center. For lower holds construction shall be of commercial 2-inch boarding secured on 6" x 6" uprights, spaced not more than 24 inches center to center. Random widths of boarding may be used. The boarding shall be close fitted edge to edge and butt to butt to form a smooth surface facing the explosive stowage. Nails shall not protrude beyond the surface of the boarding.

(18) *Dunnage.* Lumber of not less than 1-inch commercial thickness laid over tank tops, decks, or against bulkheads, frames, plating, ladders, etc., or used for filling up voids, or fitted around the cargo for the purpose of preventing damage during transportation.

(19) *Explosive bombs.* Explosive bombs are metal or other containers filled with explosives. They are used in warfare and include aeroplane bombs and depth bombs.

(20) *Explosive mines.* Explosive mines are metal or other containers filled with a high explosive.

(21) *Explosive projectiles.* Explosive projectiles are projectiles, guided missiles with warheads, warheads, or rocket heads, loaded with explosives or bursting charges, with or without other materials, for use in cannons, guns, tubes, mortars, or other firing or launching devices.

(22) *Explosive torpedoes.* Explosive torpedoes, such as are used in warfare, are metal devices containing a means of propulsion and a quantity of high explosives.

(23) *Fixed ammunition.* Fixed ammunition describes "cannon ammunition," "artillery ammunition," or "gun ammunition" of the type comprising a cartridge case with primer, a propellant charge and a projectile (fuzed or unfuzed) all of these components being assembled as a unit for one firing.

(24) *Grenades.* Grenades, hand or rifle, are small metal or other containers designed to be thrown by hand or projected from a rifle. They are filled with an explosive or a liquid, gas or solid material such as a toxic or tear gas or an incendiary or smoke producing material and a bursting charge.

(25) *Guided missile ammunition.* Includes missile or rocket bodies and related

components; warheads (explosives, chemical practice, etc.); propellants (liquid or solid); fuzes and arming devices with associated components; fins, stabilizers, or control surfaces; either or all of which may be in complete round configuration or as separately packaged items, as issued to assemble complete rounds as fired.

(26) *Hatch.* An opening in the weather deck and all decks below in the same vertical plane through which cargo, etc., is passed. This term is also used in the regulations in this subpart to designate the entire series of holds served through one weather deck hatch.

(27) *Igniters.* Igniters consist of fiber-board, plastic, paper, or metal tubes containing a small quantity of igniting compound which is ignited by the action of a primer, pull wire, or scratch composition.

(28) *Jet thrust units (jato), explosive (Class A), or igniters jet thrust (jato), explosive (Class A).* Jet thrust units (jato), explosive (Class A), are metal cylinders containing a mixture of chemicals capable of burning rapidly and producing considerable pressure. Under certain conditions the chemical fuel with which the unit is loaded may explode. Jet thrust units are designed to be ignited by an electric igniter. They are used to assist airplanes to take off. Igniters jet thrust (jato), explosive (Class A), and igniters, rocket motor, Class A explosives, are devices consisting of an electrically operated or remotely controlled ignition element and a charge of fast burning composition meeting the definition prescribed for Type I Class A explosives assembled in a unit for use in igniting the propelling charge of jet thrust units or rocket motors. Under certain conditions the burning composition may explode.

(29) *Jet thrust units (jato), Class B explosives.* Jet thrust units (jato), Class B explosives are metal cylinders containing a mixture of chemicals capable of burning rapidly and producing considerable pressure. Jet thrust units are designed to be ignited by an electric igniter. They are used to assist airplanes to take off.

(i) Igniters, jet thrust (jato), Class B explosives, and igniters, rocket motor, Class B explosives are devices consisting of an electrically operated or remotely controlled ignition element and a fast-burning composition which functions by rapid burning rather than detonation, assembled in a unit for use in igniting the propelling charge of jet thrust units, rocket motors, or rocket engines.

(ii) Starter cartridges, jet engine, Class B explosives, consist of plastic and/or rubber cases, each containing a pressed cylindrical block of propellant explosive and having in the top of the case a small compartment that encloses an electric squib, small amounts of black powder and smokeless powder, which constitute an igniter. The starter cartridge is used to activate a mechanical starter for jet engines.

(30) *On deck.* "On deck" means that that article may be stowed on the open weather deck of the vessel.

(31) *Overstow.* The term "overstow" as used in these regulations shall mean to stow directly over.

(32) *Pallet.* A pallet is a tray so designed as to be picked up by a fork truck or similar cargo handling equipment. Pallets are not usually equipped with sideboards.

(33) *Palletized unit.* Individual packages or unpackaged items stowed in a compact mass upon a pallet or skids and banded together and to the pallet or skids by metal straps to form a unit consisting of pallet and packages.

(34) *Partition bulkhead.* A partition bulkhead is a temporary bulkhead constructed of commercial 1-inch lumber of widths not less than 4 inches, secured alternately on both sides of the uprights and spaced not more than 6 inches apart. The uprights are at least 3" x 4" size, spaced not more than 30 inches apart.

(35) *Percussion fuzes, combination fuzes, and time fuzes.* Percussion fuzes, combination fuzes, and time fuzes are devices designed to ignite powder charges of ammunition or to initiate an intermediate charge (booster) in projectiles, bombs, etc. When such fuzes are assembled with booster charges they are properly described as "detonating fuzes."

(36) *Permitted explosives.* Permitted explosives as used in § 146.29-100 shall mean explosives that have compatibility in accordance with the admixture charts in § 146.29-99.

(37) *Pieplate.* A pieplate is the term generally applied to a round, oval, or hexagonal tray without sideboards.

(38) *Primers.* Primers are devices used to ignite the powder charges of ammunition. For small-arms ammunition, the primers are "small-arms primers" or "percussion caps."

(39) *Propellant explosives, solid, Class A.* Propellant explosives, Class A, are solid chemicals or solid chemical mixtures which are designed to function by rapid combustion of successive layers, generally with little or no smoke. The combustion is controlled by composition, size, and form of grain. Propellant explosives, Class A, include some types of smokeless powder for small arms and some types of solid propellant explosives for jet thrust units, rockets, or other devices. Any propellant explosive is Class A which detonates in any one out of five trials when tested in the packages in which it is offered for transportation. In conducting the test, one propellant container shall be surrounded by inert loaded containers of the same weight, including one inert container placed on top of the propellant container. The propellant shall be ignited by means of a commercial electric squib placed within 4 inches of the bottom of the container. The presence of a crater and absence of flame shall be considered as evidences of detonation.

(40) *Propellant explosives, solid Class B.* Propellant explosives, Class B, are solid chemicals or solid chemical mixtures which function by rapid combustion of successive layers, generally with little or no smoke. The combustion is controlled by composition, size, and form of grain. Any propellant explosive is

Class B which fails to detonate in five trials when tested in the packages in which it is offered for shipment. (See subparagraph (39) of this paragraph for test.) Propellant explosives, Class B, include smokeless powder for cannon, smokeless powder or solid propellant explosives for rockets, jet thrust units, or other devices. Black powder is not included in this classification.

(41) *Rocket ammunition.* Rocket ammunition is fixed ammunition which is fired from a tube, launcher, rails, trough, or other device as distinguished from cannon ammunition which is fired from a cannon, gun, or mortar.

(42) *Rocket motor, Class A explosives.* Rocket motor, Class A explosives, is a device containing a propelling charge and consisting of one or more continuous type combustion unit(s) closed at one end (closure may be an igniter with a thrust plate) and with a nozzle(s) at the other end. (The rocket motor carries its own solid oxidizer-fuel combination.) The propelling charge consists of a mixture of chemicals and/or chemical compounds which when ignited is capable of burning rapidly and producing considerable pressure and which will sustain a detonation. Rocket motors, Class A explosives, should be nonpropulsive in shipment (see subdivision (i) of this subparagraph). Rocket motors, Class A explosives, are designed to be ignited by an electrically actuated device which may be an igniter, or by other means. They are used to propel and/or provide thrust for guided missiles, rockets, or spacecraft.

(i) A rocket motor to be considered "nonpropulsive" must be capable of unrestrained burning and will not move appreciably in any direction when ignited by any means. Blast deflectors, thrust neutralizers, or other similar devices must be proven adequate by test prior to authorization for use.

(43) *Rocket motor, Class B explosives.* Rocket motor, Class B explosives, is a device containing a propelling charge and consisting of one or more continuous type combustion unit(s), closed at one end (closure may be an igniter with a thrust plate) and with a nozzle(s) at the other end. The propelling charge consists of a mixture of chemicals and/or chemical compounds which when ignited is capable of burning rapidly and producing considerable pressure and which will not sustain a detonation. (The rocket motor carries its own solid oxidizer-fuel combination.) Rocket motors, Class B explosives, should be nonpropulsive in shipment (see subdivision (i) of this subparagraph). Rocket motors, Class B explosives, are designed to be ignited by an electrically actuated device which may be an igniter, or by other means. They are used to propel and/or provide thrust for guided missiles, rockets, or spacecraft.

(i) A rocket motor to be considered "nonpropulsive" must be capable of unrestrained burning and will not move appreciably in any direction when ignited by any means. Blast deflectors, thrust neutralizers or other similar de-

vices must be proven by test prior to authorization for use.

(44) *Rocket engine (liquid), Class B explosives.* Rocket engine (liquid), Class B explosives is a complete, self-contained rocket propulsion unit which contains an oxidizer and a fuel, each separated by an aluminum or stainless steel wall of not less than 0.250 inch thickness. Double walls are permitted. Pressurization of the propellant tanks is by use of a gas generator. The ignition source must be in an unarmed position for shipment. Rocket engines (liquid) are used to propel or provide thrust for rockets, missiles or spacecraft.

(45) *Semifixed ammunition (Army).* Complete rounds composed of a projectile (fuzed) and a cartridge case with a primer and propellant charged which is in a cloth bag or bags of small size. The base of the projectile fits free in the neck of the cartridge case and may be readily detached from the cartridge case. The round is loaded into the cannon with the projectile assembled to the cartridge case and is handled similarly to fixed ammunition in loading. It may be packed with the projectile disassembled from the cartridge case containing the propellant. The projectile is usually assembled loosely in the cartridge case and is packed in the same individual container.

(46) *Semifixed ammunition (Navy).* Semifixed ammunition is ammunition in which the primer and the propellant charge are firmly secured in the cartridge case with the projectile separate from the cartridge case. The propellant charge is loaded loosely in the cartridge case, differing in this respect from that of the Army which is loaded in a bag. The end of the cartridge case is sealed with a prepared plug or disc which is fired with the powder and is usually shipped stowed in a metal tank. The projectile is shipped separate. The U.S. Army may refer to this ammunition as separate loading ammunition.

(47) *Separate loading ammunition.* Complete rounds in which the separate components—projectile, propellant charge, and primer—are loaded into the cannon or gun separately are known as "separate loading ammunition." Although the propellant charge may be in one section, it is usually divided into parts with each part assembled in a bag packed in outside shipping containers which may be of wood, fiber, or metal.

(48) *Separated ammunition.* In this type of ammunition, the propellant is sealed in a metal cartridge case into which a primer is fitted and this assembly is called a propelling charge. It is separate from the projectile with which it is used but the projectile and the propelling charge are loaded into the weapon in one operation. Separated ammunition is generally used in medium caliber antiaircraft and antitank guns.

(49) *Shelter deck space.* A shelter deck space is a space available for cargo situated above the uppermost complete continuous deck (main deck) and the deck next above. Normally this space contains no permanent watertight trans-

verse bulkheads except at its forward and aft extremities.

(50) *Shoring*. Shoring is a method of securing cargo against movement side-wise or downward. In this subpart it describes the use of timbers fitted vertically or at an angle to the side of the stowage. It may also describe the use of timber to support a stowage from moving downward.

(51) *Skipboard*. A skipboard is the term generally applied to a rectangular or square tray without sideboards.

(52) *Small arms ammunition*. Small arms ammunition is fixed ammunition consisting of a metallic, plastic composition, or paper cartridge case, a primer, and a propelling charge, with or without bullet, projectile, shot, tear gas material, tracer components, or incendiary compositions, or mixtures, and is further limited to the following:

(i) Ammunition designed to be fired from a pistol, revolver, rifle, or shotgun held by the hand or to the shoulder.

(ii) Ammunition of caliber less than 20 millimeters with incendiary, solid, inert or empty projectiles (with or without tracers), designed to be fired from machine guns or cannons.

(iii) Blank cartridges including can-opener remover cartridges, starter cartridges, and seat ejector cartridges, containing not more than 500 grains of propellant powder, provided that such cartridges shall be incapable of functioning en masse as a result of the functioning of any single cartridge in the container or as a result of exposure to external flame.

(iv) Twenty millimeter ammunition without explosive projectiles or incendiary projectiles.

(53) *Special fireworks*. Special fireworks are manufactured articles designed primarily for the purpose of producing visible or audible pyrotechnic effects by combustion or explosion. Examples are toy torpedoes, railway torpedoes, some firecrackers and salutes, exhibition display pieces, aeroplane flares, illuminating projectiles, incendiary projectiles, or incendiary bombs and smoke projectiles or smoke bombs fused or unfused and containing expelling charges but without bursting charges, hand or rifle grenades with ignition elements but not containing bursting charges, flash powders in inner units not exceeding 2 ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not over 72 grains of flash powder each and flash cartridges consisting of a paper cartridge shell, small-arms primer, and flash composition, not exceeding 180 grains all assembled in one piece. Fireworks must be in a finished state, exclusive of mere ornamentation, as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation.

(54) *Superstructure*. Superstructure is a structure of a vessel located on the

weather deck integral with the deck and of substantial weight and size to provide physical separation of cargoes, e.g., deck house, mast house, bridge structure, etc.

(55) *The hold above*. "The hold above" shall be a hold immediately above another hold having its deck, either partially or in its entirety, common to the overhead of the hold below.

(56) *The hold below*. "The hold below" shall be a hold immediately below another hold having its overhead, either partially or in its entirety, common to the deck of the hold above.

(57) *Tomming*. Tomming is a method of securing cargo against displacement of movement upwardly.

(58) *Tray*. A tray is any flat group of boards securely fastened to bearers in order to provide a level surface for the loading of cargo. Trays are given various names, those applied in some ports differing from those in other ports, according to (i) shape, (ii) method of securing to cargo handling gear, or (iii) use or lack of sideboards in conjunction with the tray.

(59) *Tracer fuzes and tracers*. Tracer fuzes and tracers are devices which are attached to projectiles and contain a slow-burning composition to show the flight of projectiles at night.

(60) *Tween deck height*. (i) For the purpose of load calculations the height of a tween deck is ascertained by measuring the distance from the heel of the overhead deck beam to the heel of the underdeck beam. (The thickness of the plating forming the deck is not deducted from the height.)

(ii) For height of a tween deck affected by the sheer of a deck measure as above at both the forward and after ends of the hold and divide the sum of these heights by two.

(61) *Tween deck hold*. A tween deck hold is a space located between the weather deck and the lower hold.

(62) *Type "A" dunnage floor*. A type "A" dunnage floor shall be constructed of two layers of commercial 1-inch dunnage of widths not less than 4 inches fitted as close as possible, edge to edge, and butt to butt, the top course being laid crosswise to the lower course, or of a single layer of 2-inch lumber of widths not less than 6 inches fitted as close as possible edge to edge, and butt to butt. When using 2-inch lumber over hatch boards the lumber shall be laid fore and aft.

(63) *Type "B" dunnage floor*. A type "B" dunnage floor shall be constructed of one layer of commercial 1-inch thick dunnage of widths not less than 4 inches fitted as close as possible, edge to edge, and butt to butt.

(64) *Van*. A van is a cargo-carrying body other than a tank container which may be designed and constructed to be removed from a chassis or wheels for water transportation. Military explosives, permitted to be transported in vans, are

limited to permitted explosives of Coast Guard Classes I and II, with the exception of Class II-J.

29. Section 146.29-13 is revised to read as follows:

§ 146.29-13 Permit for handling military explosives.

(a) Shipments of military explosives and military lethal chemicals except material covered in § 146.29-100 as Coast Guard Class I shall not be laden on, handled nor discharged from any vessel at any port or place in the United States, its territories or possessions (not including the Panama Canal Zone) until authorization has been obtained by the owner, agent, charterer, master, or person in charge of the vessel from the District Commander of the U.S. Coast Guard, Captain of the Port, or other officer designated by the District Commander.

(b) Before a permit is issued authorizing the loading, handling or discharging of military explosives or military lethal chemicals in accordance with paragraph (a) of this section, the permittee shall file a written application for a permit authorizing the loading or handling or discharging. When filed, the application for loading or handling shall be accompanied by a preliminary manifest of all explosives or other dangerous articles comprising the cargo of the vessel together with a preliminary cargo stowage plan showing the proposed stowage of all such cargo. Changes in final stowage from that shown in the preliminary cargo stowage plan may be made upon approval of the issuing officer.

30. A new § 146.29-14 is added, to read as follows:

§ 146.29-14 Dangerous cargo manifest, list or stowage plan.

(a) Any vessel transporting or storing military explosives or hazardous munitions shall, when in navigable waters of the United States, have on board a dangerous cargo manifest, list, or stowage plan.

(b) The information required to appear on the dangerous cargo manifest, list, or stowage plan by the provisions of paragraph (c) of this section shall be the information actually furnished to the vessel by the shipper of the military explosives or hazardous munitions upon his bill of lading or other shipping paper. This shipping order shall comply with the provisions of § 146.05-12.

(c) This manifest, list, or stowage plan shall show thereon the following information:

- (1) Name of vessel and official number.
- (2) Nationality of vessel.
- (3) True shipping name of the substance as given in the commodity list of the regulations in this part (see § 146.04-5). Noun descriptions must be used.
- (4) Tonnage in bulk shipment or the number and description of the outside containers and their gross weight.

(5) Classifications of the substances in accordance with §§ 146.04-5 and 146.29-100.

(6) ICC label applied to the package if any required.

(7) The stowage provided for the substances on board the vessel.

(8) Signature of the Master or other officer of the vessel authorized by the Master to sign for him.

(d) Vessels carrying other dangerous cargoes may incorporate this manifest, list, or stowage plan with the dangerous cargo manifest, list, or stowage plan required by the provisions of § 146.06-12.

(e) The manifest, list, or stowage plan aboard the vessel shall be produced upon demand of the Commandant of the Coast Guard or his authorized representative.

(f) Owners, charterers, or agents of vessels transporting or storing military explosives or hazardous munitions shall retain ashore for 1 year a copy of the manifest, list, or stowage plan and shall produce said manifest or list in accordance with the provisions of § 146.02-22.

(g) Manifests for storage vessels shall be prepared according to the provisions of § 146.06-20.

31. In § 146.29-29, paragraph (c) is revised to read as follows:

§ 146.29-29 Smoking.

(c) The Captain of the Port may approve a room aboard ship to be a designated "Smoking room for the ship's personnel only," while at a pier or anchorage; provided the necessary approved firefighting equipment is at hand and portholes, vents, and doors are effectively screened with approved screening and electric cigarette lighting devices without open flame are provided.

32. In § 146.29-35, paragraph (b) is revised to read as follows:

§ 146.29-35 Lights, tools, and portable equipment.

(b) Portable lights shall be so installed as to prevent any part of the light or its cable from coming in contact with the deck or the cargo. A hanging portable light shall not be suspended from its cord but shall be fitted with a gantline so installed that no strain is carried by the light cable. No portable light shall be taken into a hold or compartment in which the stowage of ammunition or explosives has been completed without prior approval by the Captain of the Port or his representative. A portable light and light cord that is permitted in a hold shall: be installed in a manner which will prevent the light cord from coming into contact with the ship's metal surfaces; be guarded and protected from damage that may be caused by the ship's working gear or stevedore handling equipment; and shall not be permitted to be in bearing with any of the ammunition, explosives or hazardous munitions or containers thereof.

33. In § 146.29-39, paragraphs (c) and (m) are revised to read as follows:

§ 146.29-39 Handling and slinging of explosives.

(c) Classes III, VI, VIII, and IX shall be lowered carefully onto a mattress or other shock absorbing material.

(m) Bombs shall not be handled by the lifting lug or suspension lugs.

34. In § 146.29-51, paragraph (b) is revised to read as follows:

§ 146.29-51 Stowage on board vessels.

(b) Mixed stowage of ammunition or explosives in bulk with other ammunition or explosives, or other dangerous articles or substances, or combustible liquids or hazardous articles shall be in conformity with the provisions of the explosives and hazardous munitions admixture charts, § 146.29-99, the classification, handling, and stowage chart § 146.29-100 and other applicable specific provisions of this subpart. A military explosive or hazardous munition shall not be stowed in the same van or cargo transporter with any other explosive or dangerous article with which it is incompatible according to the regulations in this part. Stowage of vans containing military explosives and hazardous munitions shall follow the compatibility requirements of §§ 146.29-99 and 146.29-100.

35. In § 146.29-57, paragraph (e) is revised to read as follows:

§ 146.29-57 "On deck" stowage.

(e) Deck boxes, portable magazines, cargo transporters, or vans containing military explosives shall meet the requirements of this section when stowed "On deck." Compatibility of the explosives within the deck box, portable magazine, cargo transporters or van shall be in accordance with §§ 146.29-99 and 146.29-100. A deck box, portable magazine, cargo transporters, or van containing permitted military explosives shall be separated from other deck boxes, portable magazines, cargo transporters or vans containing permitted explosives of incompatible classes by the superstructure or if the height of the container does not exceed that of the hatch coaming, by the weather deck hatch. Fire plugs and sounding pipes and access ways shall be maintained free and clear.

36. In § 146.29-59, the introductory sentence in paragraph (d) and subparagraph (5) are revised to read as follows:

§ 146.29-59 Stowage adjacent to other dangerous articles.

(d) *Military vehicles and privately owned vehicles shipped by, for, or to the U.S. Department of Defense with elec-*

trolyte. Notwithstanding the provisions of §§ 146.23-1 to 146.23-100, electrolyte of not over 47 percent strength (39° Baume) may be accepted for transportation and be stowed on board vessels carrying military explosives under the following conditions of packing:

(5) Military vehicles and privately owned vehicles shipped by, for, or to the U.S. Department of Defense (crated or uncrated) containing an electrolyte storage battery shall not be stowed in the same hold over military explosives stowed therein. Such vehicles may be stowed in the same hold under or alongside of military explosives stowed therein: *Provided*, That all the applicable provisions of this section and § 146.29-61 are observed: *And provided further*, That the vehicles are processed, the fuel tank drained dry, the battery terminal leads disconnected, taped, and protected against short circuit.

37. In § 146.29-61, paragraph (a) is revised to read as follows:

§ 146.29-61 Stowage with nondangerous cargo in the same hold.

(a) Military explosives that are stowed in the same hold with nondangerous cargo shall be protected from damage likely to be caused by heavy nondangerous cargo. Shafting, steel bar, steel shapes, pipe, heavy machinery, vehicles (uncrated), and similar types of cargo shall, when stowed in the same hold with military explosives be so isolated or dunnaged or secured as to prevent damage to military explosives or magazines containing said substances, or temporary bulkheads protecting explosive stowages, under any conditions likely to be encountered during the voyage.

38. In § 146.29-73, paragraph (c) is revised to read as follows:

§ 146.29-73 Preparation of magazines, decks, hatches and holds for handling military explosives.

(c) The hatches or cargo ports opening into a compartment in which military explosives are stowed shall be kept closed at all times except during the operation of loading or unloading of the compartments or during periods of short duration (of 2 hours or less) for such as lunchbreaks and railcar and truck switching or between shifts on a two- or three-shift daily operation. During the period of such stoppages the hold shall be protected as prescribed by the Captain of the Port. Hatches covered with wooden covers shall be securely closed with tarpaulins.

39. In § 146.29-75, the introductory sentence in paragraph (b) is revised to read as follows:

§ 146.29-75 Location of magazines and ammunition stowage.

(b) When it is necessary to construct a magazine or to stow ammunition adjacent to the engine room, boiler room or coal bunker bulkheads, or the engine or boiler room uptakes or casings, the following provisions shall be complied with except in the stowage of small arms ammunition without explosive bullets:

40. In § 146.29-81, paragraphs (b) and (e) are revised to read as follows:

§ 146.29-81 Magazine Stowage A.

(b) Magazines constructed of steel shall have the whole of the interior thoroughly protected by wood dunnage of a minimum thickness of $\frac{3}{4}$ inch. This lining may be installed during the progress of the stowage. Metal stanchions within the magazines shall be boxed with wood of a thickness of not less than $\frac{3}{4}$ inch. Boxing of portable nonferrous dunnage system stanchions is not required. Bulkhead stiffeners or other structural members extending into the stowage spaces shall not be protected by dunnage but shall be completely boarded over. When bare steel decks or tank tops are utilized to form the floor of a magazine, a wooden floor consisting of at least two layers of commercial 1-inch thick dunnage shall be laid, the top course being laid crosswise to the lower course. When steel decks or tank tops are originally fitted with a wood flooring or are celled, it shall be necessary to fit one course of dunnage. All flooring formed by these methods shall be laid with commercial 1-inch lumber of widths not less than 4 inches, fitted as close as possible, edge to edge and butt to butt.

(e) When a Class A magazine measures more than 40 feet in any direction, a partition bulkhead shall be fitted within the magazine as near half length as practicable, extending from the deck to at least the top of the stowage. Such partition bulkhead shall be constructed to the same scantlings as the sides of the magazine, except the boardings may be spaced not more than 6 inches apart alternately on both sides of the uprights. This bulkhead shall be constructed before loading commences and care shall be exercised that nail points do not protrude beyond the surface of the boarding. Such partition bulkheads are not required in magazines using the U.S. Navy nonferrous metal dunnage system.

41. In § 146.29-85, paragraph (h) is revised to read as follows:

§ 146.29-85 Chemical ammunition stowage.

(h) Before entering a deep tank, lower hold or other compartment containing chemical ammunition the air inside the compartment must be tested by competent personnel to ascertain if leakage has taken place. If leakage has occurred, the operation of removing the ammunition or chemical agent shall be conducted by skilled personnel, preferably representatives of the appropriate Department of Defense technical service.

42. A new § 146.29-90 is added, to read as follows:

§ 146.29-90 Use of cargo transporters (Conex Box) specification MIL-B-21560.

Cargo transporters, complying with the specification MIL-B-21560, may be used for the transportation of military explosives and hazardous munitions subject to the following conditions:

(a) Only Type I transporters (capacity 135 cu. ft.) shall be used. Type II may only be used under special authority of the Commandant of the Coast Guard.

(b) The load content shall not exceed 7,800 pounds, equally distributed.

(c) Prior to filling, each transporter is required to be thoroughly inspected by an authorized representative of the shipping activity. Special attention shall be given to the inspection of the corner posts, floor system, the lower 8 inches of the side and end panels, doors, and door latches. A record of this inspection shall be maintained by the shipping installation for a period of 1 year after the shipment leaves the installation or activity.

(d) Lifting shall be accomplished in a manner which will support the floor system. When slings or wire ropes are used, they shall be placed under the container to support the floor system.

(e) The cargo handling gear must be of a design capable of handling a working load at least 50 percent greater than the actual weight of the unit comprising the draft.

(f) The master, owner, charterer, agent, or other person in charge of the vessel shall require the shipper or his agent, or the delivering carrier to furnish a copy of the shipper's shipping order, shipping paper, bill of lading, manifest, or other memorandum, or a waybill prepared from information furnished in the shipper's shipping order bearing the required certification before accepting cargo transporters containing military explosives or hazardous munitions. This shipping paper shall have entered upon it the proper and definite name and class of the commodity or commodities contained therein according to §§ 146.04-5 and 146.29-100, the total quantity by weight; the label applied, if required; and the identification number of the transporter.

(g) Cargo transporters shall carry the legend "Explosives—Keep Lights and Fire Away", or if hazardous munitions are being shipped "Hazardous Munitions—Keep Lights and Fire Away" as well as the Coast Guard class or classes of military explosives or hazardous munitions stowed therein, e.g., "Coast Guard Class II-H." Letters shall be at least 3 inches high in contrasting color with the background.

(h) The master or other person in charge of the vessel shall assign an officer of the vessel to supervise the acceptance and stowage of the transporters containing military explosives or hazardous munitions. This officer shall examine the transporters for signs of leaking, damage to the container, or sifting of contents. Any transporter found to be damaged, leaking, or sifting shall not be accepted for transportation.

(i) Cargo transporters containing any military explosives or hazardous munitions may be opened by a duly authorized representative of the Coast Guard for inspection to determine compliance with the regulations applicable to such shipments.

43. In § 146.29-93, paragraph (a) (1) is revised. As amended, § 146.29-93(a) reads as follows:

§ 146.29-93 Stowage of blasting caps, detonators, primer detonators, etc.

Stowage of Classes III, VI, and VIII type ammunition shall conform to the provisions of §§ 146.29-99 and 146.29-100, and to the following requirements:

(a) Class VIII ammunition, when stowed on board the same vessel with Classes II, IV, V, or VII military explosives, shall be separated as follows:

(1) With a permanent steel deck or bulkhead intervening, the separation shall not be less than 10 feet in any direction except where there exist additional intervening permanent steel decks or bulkheads in which case the distance requirement may be reduced by 50 percent.

(2) Without a permanent steel deck or bulkhead intervening, the separation shall not be less than 25 feet in any direction.

§ 146.29-99 [Amended]

44. Section 146.29-99 is amended as follows:

A. A new Note H is added to paragraph (c) to read as follows:

NOTE H: May be stowed together if the two classes are separated by a partition bulkhead or a type "A" dunnage floor.

B. Chart A—Compatibility Chart for Various Classes of Military Explosives and Hazardous Munitions is revised to read as follows:

(6) In column 6, insert:

"On deck protected."

Ammunition stowage in a lower hold or deep tank if the space is equipped with a sprinkler system.

Shipments stowed on deck shall be last-on/first-off shipments on board the vessel.

Adequate fire hose, adjacent to the stowage area, shall be readily accessible to ship's personnel.

The on deck stowage shall be isolated from other deck cargo. It shall be separated from other military explosives, hazardous munitions or dangerous cargoes on deck by the bridge structure. Stowage on deck shall not be over the square of the hatch.

(7) In column 7, insert:

1. Observe containers for evidence of leakage and reject any showing such signs.

2. Handle by hand or mechanical means using extreme care against damage to the container.

3. Do not drop, drag, tumble, walk, or otherwise subject packages to shock.

4. Packages shall be stowed in the position indicated by their markings.

5. Do not use chute in loading or unloading.

6. In the event of damage to a container resulting in leakage or spillage, stop operations, clear area of all personnel, render first aid to personnel affected and spray copious amount of water on area affected. Decontamination must be handled by personnel trained in this procedure and equipped with protective clothing and self-contained breathing apparatus.

7. Four complete sets of acid-resistant protective clothing, including a self-contained breathing apparatus of an approved type, must always be immediately available for emergency use. In this operation, as well as all other operations involving fuming nitric acid, treadle type of deluge showers and a container of approximately 5 percent solution of acetic acid or strong vinegar must be available.

8. Weight per draft shall not exceed 2,400 pounds plus 10 percent using a 5-ton boom.

9. Must be loaded first on the side away from the pier so that motors being loaded do not pass over those already loaded.

L. Amend "XI-A Chemical ammunition, lethal" as follows:

(1) In column 2, third paragraph and "Note," and in column 6 paragraphs 1 and 3, delete "Chemical Corps" or "U.S. Army Chemical Corps" and insert in lieu thereof:

Army Materiel Command.

(2) In column 7 delete "appropriate Army technical service (Chemical or Ordnance Corps) or Navy Department" and insert in lieu thereof:

Appropriate Department of Defense technical service.

M. Amend "XI-B Chemical ammunition, nonlethal" as follows:

(1) In column 2 third paragraph and "Note," and in column 6 delete "Chemical Corps" and insert in lieu thereof:

Army Materiel Command.

(2) In column 7 delete "appropriate Army technical service (Chemical or Ordnance Corps) or Navy Department" and insert in lieu thereof:

Appropriate Department of Defense technical service.

N. Amend "XI-C Fuels in containers for guided missiles and rockets" as follows:

(1) In column 7 delete "appropriate Army technical service (Chemical or Ordnance Corps) or Navy Department" and insert in lieu thereof:

Appropriate Department of Defense technical service.

O. Amend "XI-D Oxidizers in containers for guided missiles and rockets" as follows:

(1) In column 7 delete "appropriate Army technical service (Chemical Corps or Ordnance Corps) or Navy Department" and insert in lieu thereof:

Appropriate Department of Defense technical service.

The following amendments are made to Part 147 of Title 46:

1. The authority note for Part 147 is amended to read as follows:

AUTHORITY: The provisions of this Part 147 issued under R.S. 4405, as amended, 4462, as amended, 4472, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 375, 416, 170, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 F.R. 9671; Department of Transportation Order 1100.1, Mar. 31, 1967, 46 CFR 1.4(a)(2), 32 F.R. 5606.

Subpart 147.03—Detailed Regulations Governing Certification of Ships' Stores and Supplies

2. Section 147.03-8 is amended by adding a new paragraph (b). As amended § 147.03-8 reads as follows:

§ 147.03-8 Refusal to certify.

The Commandant of the Coast Guard may, for cause, withhold the certification of a product or an article; and reserves the right to require, before a certification is issued, that the trade name under which the article will be marked, be altered to avoid error, duplication or to provide clarity.

(b) The Commandant of the Coast Guard may withhold the original certification of a product or an article

or the renewal of the certification while requiring changes on the label, including trade name, or additional information which he deems pertinent for certification.

3. Section 147.03-10 is amended by revising paragraph (b) and adding a new paragraph (c). As amended, § 147.03-10 reads as follows:

§ 147.03-10 False statement.

(a) The manufacturer or duly authorized agent submitting an application for certification of any product or article, who sets forth or causes to be set forth therein any false statement for the purpose of securing certification, shall be deemed to be in violation of the regulations in this part.

(b) Any manufacturer or agent, or any sales agent, of any product or article, who sets forth or causes to be set forth, a false statement regarding certification, shall be deemed to be in violation of the regulations in this part and shall be refused certification.

(c) Any manufacturer or agent, or any sales agent, of any product or article, who sets forth or causes to be set forth a false statement in his original application which is discovered after the certificate has been granted shall be subject to having the certification canceled. Any false statement given in the annual renewal statement shall also be cause for cancellation of certification.

§ 147.05-100 [Amended]

4. Section 147.05-100 *Table S—Classification: Ships' stores and supplies of a dangerous nature* is amended by adding after "Motion picture film" a new entry "Nitrogen" as follows:

(1) In column 1 insert:

Nitrogen.

(2) In column 2, insert:

Cylinders shall conform to the Interstate Commerce Commission specifications and bear the specification marking, and date of test, and shall be fitted with a valve protection cap.

(3) In column 3, insert:

Green gas.

(4) In column 4, 5, 6, and 7 insert:

Stowage: On or under deck in a cool, ventilated location.

Dated: May 29, 1967.

W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 67-6255; Filed, June 6, 1967; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 11]

[Bureau of Mines Schedule 13E]

SELF-CONTAINED BREATHING APPARATUS

Procedures for Investigation, Tests, Certification, Approval, and Fees

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given that under authority contained in the Act of May 16, 1910 (36 Stat. 370; 30 U.S.C. 3, 5, and 7), as amended, it is proposed to revise the regulations issued as Part 11 of Chapter I, Title 30, Code of Federal Regulations. The current regulations were adopted September 22, 1956 (21 F.R. 7234) and the fees were revised on March 23, 1965 (30 F.R. 3752).

The purposes of the proposed revision are to bring up to date the regulations to incorporate technologic advances in the design and construction of self-contained breathing apparatus, to provide for wider variety of equipment to better fit new environmental conditions, to improve the method of categorizing and identifying the equipment, and to restate the fees to reflect increases in actual costs of investigations, tests, certification, and approval.

In accordance with the policy of the Department of the Interior, interested persons may submit written comments, suggestions, or objections with respect to the proposed revision of the regulations to the Director, Bureau of Mines, Interior Building, Washington, D.C. 20240, within 30 days after the date of publication in the FEDERAL REGISTER.

WALTER R. HIBBARD, Jr.,
Director, Bureau of Mines.

Part 11 of Chapter I of Title 30 would read as follows:

PART 11—SELF-CONTAINED BREATHING APPARATUS

Subpart A—General Provisions

- Sec.
- 11.1 Purpose.
- 11.2 Definitions.
- 11.3 Types of apparatus.
- 11.4 Consultation.
- 11.5 Applications.
- 11.6 Fees.
- 11.7 Date for testing.
- 11.8 Conduct of investigations, tests, and demonstrations.
- 11.9 Certificate of approval.
- 11.10 Approval labels and markings.
- 11.11 Material required for record.
- 11.12 Changes after certification.
- 11.13 Withdrawal of certification.

Subpart B—Design, Construction, Requirements, and Bench Tests

- Sec.
- 11.20 Design and construction.
- 11.21 Requirements and tests.
- 11.22 Requirements for combination self-contained breathing apparatus and another type of respiratory protective device.

Subpart C—Man Tests

- 11.30 General description of tests.
- 11.31 Test procedures and requirements.
- 11.32 Gas tightness tests.

AUTHORITY: The provisions of this Part 11 issued under sec. 5, 36 Stat. 370, as amended, 30 U.S.C. 7. Interpret or apply sec. 2, 3, 36 Stat. 370, as amended, 30 U.S.C. 3, 5.

Subpart A—General Provisions

§ 11.1 Purpose.

The regulations in this part set forth the requirements for certification or approval of self-contained breathing apparatus.

§ 11.2 Definitions.

As used in this part:

- (a) A "self-contained breathing apparatus" or "apparatus" is a completely assembled, portable, self-contained device designed to provide respiratory protection against irrespirable gases, vapors, aerosols, or combinations thereof, and against oxygen-deficient atmospheres.
- (b) "Bureau" means the Bureau of Mines of the U.S. Department of the Interior.

(c) An "approved" apparatus is one conforming to the requirements of this part and having a certificate of approval to that effect.

(d) A "certificate of approval" is a formal document issued by the Bureau stating that the apparatus has met the requirements of this part. It authorizes the use and attachment of an official approval label or marking to indicate this.

(e) A "closed-circuit" apparatus is one in which the exhaled air is re-breathed by the wearer after the carbon dioxide has been effectively removed and the oxygen concentration restored.

(f) An "open-circuit" apparatus is one from which exhaled air is vented to the atmosphere and not re-breathed.

(g) A "demand-type" apparatus is an open-circuit apparatus in which the pressure inside the facepiece in relation to the immediate environment is positive during exhalation and negative during inhalation.

(h) A "pressure-demand type" apparatus is an open-circuit apparatus having positive pressure inside the facepiece in relation to the immediate environment during both exhalation and inhalation.

(i) A "self-rescue apparatus" is an open- or closed-circuit apparatus for use only during emergency escape from irrespirable atmospheres.

(j) "Auxiliary equipment" is a self-contained breathing apparatus that is limited when used underground in mines, tunnels, and similar operations to situations in which the wearer has ready access to fresh air and at least one crew of five or six men equipped with approved self-contained breathing apparatus, preferably of 2 hours or longer rating, is in reserve at a fresh air base.

(k) A "combination apparatus" is a self-contained breathing apparatus which combines the functions and purpose of a self-contained breathing apparatus with those of another type of respiratory protective device described in another part.

(l) "Compressed breathing gas" is oxygen or air stored in the apparatus under pressure and supplied to the wearer in a gaseous form.

(m) "Liquefied breathing gas" is oxygen or air stored in the apparatus in liquid form and supplied to the wearer in a gaseous form.

(n) "Applicant" means an individual, partnership, company, corporation, association, or other organization that designs, manufactures, assembles, or controls the assembly of an apparatus and that seeks a certificate of approval thereof.

§ 11.3 Types of apparatus.

(a) Types of apparatus covered by the requirements of this part are classified according to their use as follows:

(1) An apparatus for entry into or escape from oxygen-deficient atmospheres or irrespirable vapors, gases, or aerosols.

(2) Apparatus for escape only from oxygen-deficient atmospheres or from irrespirable vapors, gases, or aerosols.

(b) Apparatus covered by the requirements of this part are further classified according to their design as:

- (1) Closed-circuit apparatus—
 - (i) Compressed-oxygen;
 - (ii) Oxygen-generating;
 - (iii) Liquid-oxygen.
- (2) Open-circuit apparatus (using compressed or liquefied breathing gas):
 - (i) Demand-type,
 - (ii) Pressure-demand type.

(3) Combinations of closed-circuit and open-circuit apparatus. An apparatus of this type shall meet the applicable requirements of both closed-circuit and open-circuit classifications.

(c) Apparatus covered by the requirements of this part are also classified according to the length of time they will provide respiratory protection (as determined by the Bureau's tests) as follows:

- (1) Four hours;
- (2) Three hours;
- (3) Two hours;
- (4) One hour;
- (5) Thirty minutes;

- (6) Fifteen minutes;
- (7) Ten minutes;
- (8) Three minutes.

Only apparatus classified for 15 minutes service time, or longer, will be approved for purposes of entry into and escape from an irrespirable atmosphere. Apparatus classified for less than 1 hour service time will not be approved for use in underground mining, tunneling, and similar operations except as auxiliary equipment. Auxiliary equipment will not be approved for a rated service time less than 1/2 hour. Apparatus with a rated service time of 3 minutes will be approved only for self-rescue (escape from an irrespirable atmosphere). The maximum rated service time for any self-contained breathing apparatus for self-rescue is 30 minutes.

§ 11.4 Consultation.

By appointment, applicants or their representatives may visit the Bureau's Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213 to discuss with qualified Bureau personnel proposed self-contained breathing apparatus to be submitted in accordance with the regulations of this part. No charge is made for such consultation and no written report thereof will be made to the applicant.

§ 11.5 Applications.

(a) No investigation or testing (including retesting of apparatus that has been previously tested and disapproved) will be undertaken hereunder by the Bureau except pursuant to a written application, in duplicate, accompanied by all drawings, specifications, descriptions, and related matters and also a check, bank draft, or money order, payable to the Bureau of Mines to cover the fees. The application and all related matters and correspondence concerning it shall be addressed to the Bureau of Mines, Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Approval and Testing.

(b) Drawings, specifications, and descriptions shall be adequate in detail to identify fully all components and subassemblies and the assembled apparatus. All drawings shall include title, number, and date; any revision dates and the purpose of each revision shall also be shown on the drawings.

(c) Duplicate sets of detailed drawings and specifications shall be a part of the application. These shall fully describe the construction, dimensions, composition, materials, finishes, and assembly of all parts of the apparatus.

(d) The application shall state that, when tested by the applicant or his testing agency, the apparatus has met the pertinent requirements of Subparts B and C of this part. Two copies of the results of the applicant's inspections and tests shall accompany the application.

(e) The application shall state that the apparatus is completely developed and is a finished marketable product.

(f) The application shall describe the function of the apparatus and the operation of its parts.

(g) The application shall state how production items will be tested to maintain quality control of the apparatus and its component parts. The Bureau may have its qualified representative(s) inspect the applicant's control-test methods, equipment, and records, and may interview the personnel who conduct the control tests, at all reasonable times.

(h) When the Bureau notifies the applicant that the application has been accepted, it will also inform him of the number of complete apparatus and extra parts that will be required for testing. All test materials shall be delivered (charges prepaid) to the Bureau of Mines, Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Approval and Testing.

§ 11.6 Fees.

The following fees are charged for inspecting and testing self-contained breathing apparatus.

(a) Apparatus for entry into or escape from oxygen-deficient atmospheres or irrespirable vapors, gases, or aerosols.

(1) Complete 4-hour self-contained breathing apparatus inspections and tests \$3,150

(2) Complete 3-hour self-contained breathing apparatus inspection and tests \$2,975

(3) Complete 2-hour self-contained breathing apparatus inspection and tests \$2,800

(4) Complete 1-hour self-contained breathing apparatus inspection and tests \$2,625

(5) Complete 1/2-hour self-contained breathing apparatus inspection and tests \$2,370

(6) Complete 1/4-hour self-contained breathing apparatus inspection and tests \$1,900

(b) Apparatus for escape only from oxygen-deficient atmospheres or from irrespirable vapors, gases, or aerosols \$1,575

(c) Facepiece alone \$320

(d) Fees for tests of unusually complicated apparatus, for unusual tests, or tests not included in this list, or for tests required for extensions of approval, will be based on the actual costs of testing, which will be estimated in advance by the Bureau. The applicant will be notified accordingly, and the fee shall be paid before tests are begun. Any surplus will be refunded to the applicant.

(e) Where an apparatus requires less than a complete investigation, the fee will be in proportion to the work involved. If the applicant cannot determine the fee, the Bureau will notify him of the proper fee required. Any surplus will be refunded to the applicant.

NOTE: If a self-contained breathing apparatus fails to pass any of the required tests and the applicant notifies the Bureau to terminate further investigation or testing, the Bureau will return to the applicant any part of the fee not applied to its compensation for services. If the self-contained breath-

ing apparatus is resubmitted for testing and approval after correcting the deficiencies, the additional fee will be estimated in advance by the Bureau and the applicant will be notified accordingly. Such fee shall be paid before tests are begun.

§ 11.7 Date for testing.

The date of acceptance of an application will determine its order of precedence for investigation and testing. The applicant, if he so specifies, will be notified of the date when tests on his apparatus will begin. If an apparatus fails to meet any of the requirements, it shall lose its order of precedence. If the application is resubmitted, after the cause of failure has been corrected, it will be treated as a new application.

§ 11.8 Conduct of investigations, tests, and demonstrations.

(a) Prior to the issuance of a certificate of approval, only Bureau personnel, representatives of the applicant, and such other persons as may be mutually agreed upon, may observe the investigations or tests. The Bureau shall hold as confidential, and shall not disclose, principles or patentable features prior to certification. It shall not disclose any analyses, nor any details of the applicant's drawings, specifications, and related material. The conduct of all investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau. Any other persons shall be present only as observers or as required under paragraph (c) of this section.

(b) After the issuance of a certificate of approval, the Bureau may conduct such public demonstrations and tests of the approved apparatus as it deems appropriate.

(c) When requested by the Bureau, the applicant shall provide assistance in assembling or disassembling the apparatus and its components, subassemblies, or assemblies for testing, in preparing the apparatus and its components, subassemblies, or assemblies for testing, and in operating the apparatus during the tests.

(d) Applicants shall be responsible for their representatives present during tests and for observers admitted at their request and shall save the Government harmless in the event of damage to applicant's property or injury to applicant's representatives or to observers admitted at their request.

§ 11.9 Certificate of approval.

(a) Certificates of approval will be issued hereunder only for completely assembled apparatus, and not for component parts or subassemblies.

(b) Upon completion of the investigation and testing of an apparatus, the Bureau will issue to the applicant either a certificate of approval or a written notice of disapproval. Informal notifications of approval will not be issued. If a certificate of approval is issued, no test data or detailed results will accompany it. If a notice of disapproval is issued, it will be accompanied by any available information about the defects, with a view to possible correction. The Bureau will not disclose, except to the applicant, any in-

formation on an apparatus upon which a notice of disapproval has been issued.

(c) A certificate of approval will be accompanied by a list of drawings and specifications covering the details of design and construction of the apparatus. The applicant shall keep exact duplicates of the drawings and specifications submitted to the Bureau. The approved drawings and specifications shall be adhered to exactly in commercial production of the certified apparatus.

§ 11.10 Approval labels and markings.

(a) A certificate of approval will be accompanied by photograph(s) of design(s) of approval label(s). Legible reproductions of the entire label(s) shall be attached permanently to each apparatus. When, in the Bureau's opinion, there is insufficient space, or some other valid reason, the label(s) may be reproduced on the apparatus instructions. The label(s) will bear the seal of the Bureau of Mines, the approval number, the manufacturer's name and address, the duration of use for which the apparatus is approved, and the limitations or conditions for safe and efficient use of the apparatus.

(b) The Bureau will notify the applicant if any additional labels or markings will be required on subassemblies and parts.

(c) Full-scale reproductions of approval labels and markings and a sketch or description of their method of application and position on the apparatus shall be submitted to the Bureau for approval before final adoption.

(d) Use of the Bureau's approval label obligates the applicant to maintain the quality of the apparatus and to guarantee that it is manufactured according to the drawings and specifications upon which the certificate of approval is based. The approval label shall be used only by the applicant.

§ 11.11 Material required for record.

(a) The Bureau will retain, as part of the permanent record of each investigation, a complete apparatus and any component thereof that has been tested and certified. Material not required for record will be returned to the applicant at his request and expense.

(b) As soon as a certified apparatus is commercially available, the applicant shall deliver one complete unit free of charge to the Bureau of Mines, Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Approval and Testing.

§ 11.12 Changes after certification.

If an applicant desires to change any feature of a certified apparatus, he shall first obtain the Bureau's approval of the change, pursuant to the following procedure:

(a) Application shall be made as for an original certificate of approval, requesting that the existing certification be extended to cover the proposed change(s). The application shall be accompanied by drawings, specifications, and related material in full detail.

(b) The application and accompanying material will be examined by the Bureau to determine whether testing will be required. The Bureau will inform the applicant of the fee required for any testing involved.

(c) If the proposed modification meets the requirements of this part, a formal extension of certification will be issued, accompanied by a list of new and revised drawings and specifications covering the change(s).

§ 11.13 Withdrawal of certification.

The Bureau reserves the right to rescind, for cause, any certificate of approval issued under this part.

Subpart B—Design, Construction, Requirements, and Bench Tests

§ 11.20 Design and construction.

(a) The Bureau will only investigate and test apparatus that, in its opinion, is constructed of suitable materials, evidences good workmanship, and is designed on sound engineering and scientific principles. The following factors of design and construction will be evaluated: Safety; distribution of weight; durability of construction; practicability of wearer use including comfort, field of vision, fit of mouthpiece, noseclip, facepiece, and harness; and performance during investigation and testing, including any adverse effects on the wearer of the apparatus.

(b) All possible designs, assemblies, or combination of materials and components cannot be foreseen. The Bureau, therefore, reserves the right to modify or omit any test(s) or part(s) of any test(s) described in Subparts B and C of this part, or to perform other test(s) not specifically stated, in order to obtain the necessary information and to provide the same degree of safety as required by the test requirements described in this part. The Bureau will notify the applicant of any changes in the tests or requirements.

§ 11.21 Requirements and tests.

(a) *General requirements.* All parts of the apparatus shall be designed and constructed for maximum safety of the wearer. Parts requiring frequent replacement shall be easily replaceable and after such replacement the effectiveness of the apparatus shall be restored. The construction of the apparatus shall readily permit inspection, testing, and repair of functional parts by persons skilled in such work. All parts requiring cleaning and disinfection shall be readily accessible for this purpose. All parts of the apparatus that are in direct contact with portions of the wearer's body shall be of nonirritating composition.

(b) *Breathing gas requirements.* Self-contained breathing apparatus shall be approved for use only when it supplies respirable breathing gas to the wearer. Oxygen shall meet the requirements of the United States Pharmacopoeia for medical or breathing oxygen. Compressed-breathing air shall meet the most recent requirements of the Compressed Gas Association Specification G-7.1 for Type II, Type D, gaseous air.

Liquefied-breathing air shall meet the most recent requirements of the Compressed Gas Association Specification G-7.1 for Type II, Class B, liquid air.

(c) *Requirements and tests for component parts.* The following requirements shall apply to all self-contained breathing apparatus, except where specifically indicated below.

(1) *Facepiece.* If a facepiece is used, it shall assure a gas-tight fit on persons of widely varying facial shapes and sizes. The applicant shall certify that the eye-piece(s) meets the pertinent requirements for impact and penetration specified in the most recent United States of America Standards Institute Safety Code for Eye Protection. The wearer's field of vision shall be adequate and not distorted by the eye-piece(s). The design of facepiece shall minimize eye-piece fogging. Facepiece exhalation valves or pressure relief valves and inhalation valves shall be protected against distortion. An adjustable head harness capable of maintaining tension under all circumstances shall be furnished. The facepiece shall have, or be capable of having added to it, a provision for the optional use of corrective spectacles. The use of spectacles shall not reduce the respiratory protective qualities of the apparatus.

(2) *Mouthpiece and noseclip.* If a mouthpiece and noseclip are used, both shall be provided. An adjustable head harness capable of maintaining tension under all circumstances shall be furnished. They shall provide an air-tight seal and shall be securely attached to the apparatus to prevent accidental loss.

(3) *Gas and liquid container(s).* Compressed-breathing gas container(s) shall comply with pertinent requirements in Interstate Commerce Commission Specification 3AA or other applicable ICC regulations. Compressed-breathing gas containers and container valves shall be equipped with threads specified for the service by the United States of America Standards Institute Standard for Compressed Gas Cylinder Valve Outlet and Inlet Connections, B57.1—1965. Containers that are normally removed from the apparatus for refilling shall be permanently and legibly marked with the name of their contents, such as compressed-breathing air, compressed-breathing oxygen, liquefied-breathing air, or liquefied-breathing oxygen. Compressed-breathing-gas containers, when they are normally removed from the apparatus for refilling, shall be equipped with a dial-indicating gage to show container pressure. The gage shall meet the requirements of subparagraph (4) of this paragraph.

(4) *Gages.* (i) Compressed-breathing-gas container gages shall be calibrated in pounds per square inch and may also be calibrated in fractions of total container capacity.

(ii) Gas pressure gages (except compressed-breathing-gas container gages) shall be calibrated either in pounds per square inch or in fractions of the total container capacity, or both.

(iii) Liquid-level gages shall be calibrated in fractions of the total con-

tainer capacity and may also be calibrated in units of liquid volume.

(iv) Dial-indicating gages shall be reliable to within 5 percent when tested both up and down the scale at each of 10 equal intervals.

(v) Stem-type gages shall be readable by sight and by touch and shall have a stem travel distance not less than $\frac{1}{4}$ -inch between each graduation. At least 5 graduations shall be engraved on the stem, including empty, $\frac{1}{4}$, $\frac{1}{2}$, $\frac{3}{4}$, and full. Stem gage readings shall not vary from true readings by more than $\frac{1}{16}$ -inch per inch of stem travel.

(vi) Gages shall be constructed so that none of their parts will be thrown or projected if the gage should burst. The loss of gas through a broken gage or severed gage connection shall not exceed 70 liters per minute when the cylinder pressure is 1,000 pounds per square inch gage or the liquid level is at $\frac{1}{2}$.

(vii) When a gage is connected to the remainder of the apparatus through a gage line, a means shall be provided to isolate the gage and line from the apparatus, unless failure of the gage or line does not impair performance or service life of the apparatus.

(viii) Oxygen gages shall have the words, "Oxygen Only, Use No Oil," marked prominently on the gage.

(ix) Apparatus using compressed or liquefied breathing gas, except apparatus for self-rescue, shall have, visible to the wearer, a gage that indicates remaining gas or liquid content.

(5) *Timers.* A timer shall be included on oxygen-generating apparatus. It shall be accurately calibrated in minutes of remaining service life. It shall be discernable by the wearer's sight and touch while the apparatus is in use. The timer shall warn the wearer for not less than 15 seconds after the preset time has elapsed.

(6) *Remaining service-life indicator or warning.* Apparatus (except for self-rescue) using compressed breathing gas shall have a remaining service-life indicator or warning device other than a pressure gage. The device shall operate automatically, without preadjustment by the wearer, when the remaining service life is reduced to between 20 and 25 percent of the rated service time of the apparatus. If the device depends on gas flow, the maximum flow-rate of gas used to operate such a device shall not exceed 4 liters per minute. If used on closed-circuit apparatus, the actuating gas shall be vented into the breathing circuit.

(7) *Hand operated valves.* (i) Valves shall be designed so that the stem cannot be completely removed from the valve body during normal usage and so that the full pressure of the container cannot be released suddenly when the valve is opened. Valves that must be manipulated during the use of the apparatus shall be positioned where they can be readily operated by the wearer. Valves shall be protected from damage by external forces. Valves shall be easily distinguishable from each other and shall be designed or positioned to prevent accidental closing.

(ii) Main-line valves will be required, in addition to gas-container valves, if

they are needed to conserve gas in the event of regulator failure, except as provided in subdivision (iv) of this subparagraph.

(iii) A hand-operated bypass system with valve shall be provided to permit the wearer to breathe and to conserve his gas supply if the reducing valve or regulator fails. The bypass handle shall be colored red.

(iv) A main-line valve and bypass system will not be required on apparatus for escape only.

(8) *Breathing bag.* When a breathing bag(s) is used, it shall be designed or protected to prevent damage or collapse from external force. The bag(s) shall be of sufficient volume to prevent gas waste during exhalation and to provide an adequate reserve for inhalation, as determined by man tests described in Subpart C of this part. The bag(s) shall be flexible and resistant to solvent vapors. The bag(s) will be tested in an air atmosphere saturated with gasoline vapor at room temperature (75–85° F.) for a continuous period of twice the rated time of the apparatus. The bag(s) shall be operated during this test by a breathing machine with 24 respirations per minute and a minute volume of 40 liters. A breathing machine cam with a work rate of 622 kg-m/min.¹ shall be used. The air within the bag(s) shall not contain more than 100 parts per million of gasoline vapor at the end of the test.

(9) *Carrying or storage container.* Where a carrying or storage container is supplied by the applicant for use with a self-contained breathing apparatus, the container shall be examined and approved by the Bureau as an optional part of the complete apparatus.

(10) *Safety relief valves.* Closed-circuit apparatus shall be provided with a safety pressure-relief valve that will release excess pressure in the breathing circuit. Excess pressure in the breathing circuit is defined as $\frac{1}{2}$ -inch water column height of pressure, or more, above the minimum pressure required to fill the breathing bag within the resistance requirements in paragraph (d)(2) of this section. The safety relief valve shall be operated automatically by the pressure in the breathing bag or by pressure on the inhalation side of the bag. It shall also permit manual overriding to keep it closed for test purposes and in the event of failure of the safety relief valve. The safety relief valve shall be designed to prevent external atmospheres from entering the breathing circuit.

(d) *Requirements and tests for complete apparatus.*—(1) *Weight.* The completely assembled and fully charged apparatus shall not weigh more than 35 pounds; except that when the weight of an apparatus decreases by more than 25 percent of its initial charged weight during its service life, the completely assembled and fully charged apparatus shall not weigh more than 40 pounds.

¹ Silverman, L., G. Lee, T. Plotkin, L. Amory, and A. R. Yancey, Fundamental Factors in the Design of Protective Equipment, O.S.R.D. Report No. 5732, issued Apr. 1, 1945.

(2) *Breathing resistance.*—(i) *Inhalation.* Resistance to airflow will be measured at the facepiece while the apparatus is operated by a breathing machine as described in paragraph (c)(8) of this section. The inhalation resistance of open-circuit apparatus shall not exceed 1.25-inch water-column height. The inhalation resistance of closed-circuit apparatus shall not exceed the difference between exhalation resistance and 4 inches of water-column height.

(ii) *Exhalation.* Resistance to airflow at the facepiece of open-circuit apparatus will be measured with air flowing at a continuous rate of 85 liters per minute. The exhalation resistance of demand apparatus shall not exceed 1 inch of water-column height. The exhalation resistance of pressure-demand apparatus shall not exceed the static pressure in the facepiece by more than 2 inches of water-column height. The static pressure in the facepiece shall not exceed 1.5 inches of water-column height.

Resistance to airflow at the facepiece of closed-circuit apparatus will be measured as described in subdivision (i) of this subparagraph. The exhalation resistance shall not exceed 2 inches of water-column height.

(3) *Gas Flow.*—(i) *Open-circuit apparatus.* A static-flow test will be performed on all open-circuit apparatus. The flow from the apparatus shall be greater than 200 liters per minute when the facepiece pressure is lowered by 2 inches water-column height below the static pressure when full container pressure is applied. Where compressed-breathing-gas containers are used, the flow test shall also be made with 500 p.s.i.g. container pressure applied.

(ii) *Closed-circuit apparatus.* If oxygen is supplied by a constant-flow device only, the rate of flow shall be at least 3 liters per minute for the entire rated service time of the apparatus. When constant flow is used in conjunction with demand flow, the constant flow shall be greater than 1.5 liters per minute for the entire service time. The demand-flow device shall provide at least 20 liters of oxygen per minute when it is held in the fully open position.

(4) *Rated service time.*—(i) *Open-circuit apparatus.* The apparatus will be rated according to the length of time it supplies air or oxygen to a mechanical breathing machine. The breathing machine shall operate as described in paragraph (c)(8) of this section. The service time obtained on this test will be used to classify the apparatus in § 11.3(c).

(ii) *Closed-circuit apparatus.* The apparatus will be rated according to the length of time it supplies adequate breathing gas to the wearer as required in subparagraphs (2) (inhalation resistance) and (5) (carbon dioxide concentration) of this paragraph, and during man test No. 4 described in Table 4, § 11.31. The service time obtained on man test No. 4 will be used to classify the apparatus in § 11.3(c).

(5) *Carbon dioxide in inspired gas.*—(i) *Open-circuit apparatus.* The concentration of carbon dioxide in inspired gas

will be measured in the facepiece while the apparatus is operated by a breathing machine. The breathing rate shall be 14.5 respirations per minute with a minute volume of 10.5 liters. A sedentary breathing machine cam² shall be used. The apparatus shall be tested at a temperature of 80±5° F. A concentration of 5 percent carbon dioxide in air shall be exhaled into the facepiece mounted on a dummy head. The concentration of carbon dioxide at the mouth shall be continuously recorded. The maximum average concentration during the inhalation portion of the breathing cycle shall be less than the following:

Where the rated service time is:	Maximum allowable average concentration of carbon dioxide in inspired air, percent by volume
Not more than 30 minutes.....	2.5
1 hour.....	2.0
2 hours.....	1.5
3 hours.....	1.0
4 hours.....	1.0

(ii) *Closed-circuit apparatus.* Only the portion of the apparatus consisting of dead-air space in the breathing zone of the wearer will be tested and shall meet the requirements of subdivision (i) of this subparagraph. During the man tests described in Tables 1 through 4 in § 11.31, samples of gas taken from the apparatus immediately downstream of the carbon dioxide sorbent shall not contain more than 0.5 percent carbon dioxide at any time.

(6) *Low-temperature operation.*—(i) *Open-circuit apparatus.* The apparatus will be precooled at -25° F. for 4 hours. It will then be worn in a low-temperature chamber at -25° F. for 30 minutes or for the rated service time of the apparatus, whichever is less. During this test there shall be alternate periods of exercise and rest for one minute each for the required time. The exercises to consist of stepping onto and off a box 8½ inches high at a rate of 30 cycles per minute. The apparatus shall function satisfactorily on duplicate tests. The wearer shall have sufficient unobscured vision to perform the work. The wearer shall not experience undue discomfort because of airflow restriction or other physical or chemical changes in the operation of the apparatus.

If necessary, auxiliary low-temperature parts may be used on the apparatus to meet the requirements of this test. These parts shall be commercially available to the user of the apparatus.

(ii) *Closed-circuit apparatus.* The applicant shall specify the minimum temperature for safe operation. Three persons will perform the tests described in subdivision (i) of this subparagraph, wearing the apparatus according to the applicant's directions at the minimum temperature specified by the applicant. At the specified temperature, the apparatus shall meet all the requirements de-

scribed in subdivision (i) of this subparagraph.

§ 11.22 Requirements for combination self-contained breathing apparatus and another type of respiratory protective device.

(a) Respiratory protective devices combining the characteristics of a self-contained breathing apparatus and another type of respiratory protective device shall meet the requirements of this part as well as the requirements of any other part which is applicable to the total purpose of the device for which approval is sought. The approval, if granted, will be issued under this part. The Bureau will specify, in the certificate of approval and on the approval label, the limitations which shall apply to the use of the combination respiratory protective device.

(b) When the device is a combination self-contained breathing apparatus and air-line respirator (supplied-air respirator) either a manual or automatic valve(s) shall be provided to change to the self-contained air supply if the air-line supply fails, and to prevent the wearer breathing contaminated air from the outside atmosphere. If a manual valve is provided, it shall be easily operable and located in a position which is convenient to the wearer. If an automatic valve is provided, a warning shall also be provided to alert the wearer that he is breathing from the self-contained air supply, (1) when his normal air-line supply fails, or (2) when the self-contained air supply falls below 95 percent of its full container pressure. A quick disconnect and check valve shall be provided between the apparatus and the air-line supply hose to permit ready escape from the area, and to prevent loss of breathing air from the device or inhaling the surrounding atmosphere, respectively.

Subpart C—Man Tests

§ 11.30 General description of tests.

(a) The following tests represent the workload a man would perform while wearing an apparatus in the mining, mineral, and allied industries.

(b) The apparatus will be worn by Bureau of Mines personnel who are trained in the use of self-contained breathing apparatus. Before participation in any of these tests, the wearer shall pass a physical examination by a qualified physician. If a test is not completed through no fault of the apparatus, the test shall be repeated.

(c) Breathing resistance will be measured within the facepiece or mouthpiece. The wearer's pulse and respiration rates will be recorded during the 2-minute sample periods indicated in Tests 1 through 4, below. These will evaluate the wearer's physiological reactions to wearing the apparatus.

(d) All tests will be conducted by the Bureau of Mines in an appropriate gallery.

(e) The apparatus will be examined before each test to make certain it is in proper working order.

§ 11.31 Test procedures and requirements.

Tests 1 through 6, inclusive shall be performed in duplicate.

(a) *Tests 1, 2, 3, and 4.* The duration of specific activities and their sequence for Tests 1 through 4 are given in Tables 1 through 4. These tests are designed to familiarize the wearer with the apparatus, provide a gradual increase in activity, evaluate the apparatus under different types of work and physical orientation of the wearer, and to provide information on the operating and breathing characteristics of the apparatus under anticipated conditions of use.

(b) *Test 5.* This test will determine the maximum length of time the apparatus will supply the respiratory needs of the wearer while he is sitting at rest. The wearer will manipulate the devices controlling the supply of breathing gas to the advantage of the apparatus. Samples of the atmosphere within the apparatus shall be taken once every 15 minutes for apparatus with rated service times of 1 hour or less and once every 30 minutes for apparatus rated over 1 hour. One sample will be taken in the case of 3- and 10-minute apparatus.

(c) *Test 6.* This test is applicable to liquefied-breathing gas apparatus only. It is designed to evaluate operation of the apparatus in other than vertical positions. The wearer shall lie face downward for one-fourth the service life of the apparatus with both full and one-quarter full charges of liquefied gas. The test will be repeated with the wearer lying on each side and on his back. The oxygen content of the gas supplied to the wearer by the apparatus will be continuously measured.

(d) *General requirements.* (1) the apparatus shall satisfy the respiratory requirements of the wearer for the rated service time.

(2) Fogging of the eyepiece(s) shall not obscure the wearer's vision and the wearer shall not experience undue discomfort because of fit or other characteristics of the apparatus.

(3) The temperature of inhaled air shall not rise more than 20° F., nor decrease more than 20° F., when the ambient temperature is between 65° F. and 85° F. Man tests will be conducted only when the ambient temperature is between 65° F. and 85° F., except as provided in § 11.21(d).

(4) The concentration of oxygen in the inhaled air shall not be less than 20.5 volume-percent.

§ 11.32 Gas tightness tests.

Each apparatus will be tested for tightness by persons wearing it first in an atmosphere of 1,000 p.p.m. iso-amyl acetate and then in a 2 volume-percent test concentration of phosgene. To meet the requirements of this test, six persons shall each wear the apparatus in the test concentrations for 2 minutes and none shall detect the odor or taste of the test gases.

² Work cited in footnote 1.

PROPOSED RULE MAKING

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TABLE 1.—DURATION AND SEQUENCE OF SPECIFIC ACTIVITIES FOR TEST 1, IN MINUTES

Activity	Rated service time—					
	3 minutes	10 minutes	15 minutes	30 minutes	1 hour	2, 3, and 4 hours
Sampling and readings.			2	2	2	Perform 1 hour test 2, 3, or 4 times, respectively.
Walks at 3 miles per hour.	3	3	4	8	18	
Sampling and readings.		2	2	2	2	
Walks at 3 miles per hour.		3	5	8	18	
Sampling and readings.		2	2	2	2	
Walks at 3 miles per hour.				6	16	
Sampling and readings.				2	2	

TABLE 2.—DURATION AND SEQUENCE OF SPECIFIC ACTIVITIES FOR TEST 2, IN MINUTES

Activity	Rated service time—					
	3 minutes	10 minutes	15 minutes	30 minutes	1 hour	2, 3, and 4 hours ¹
Sampling and readings.			2	2	2	2.
Walks at 3 miles per hour.		1	1	3	6	10.
Carries 50 pound weight over over-cast.		1 time in 2 minutes.	1 time in 2 minutes.	2 times in 4 minutes.	4 times in 5 minutes.	5 times in 10 minutes.
Walks at 3 miles per hour.			1	3	3	5.
Climbs vertical treadmill ² (or equivalent).	1	1	1	1	1	1.
Walks at 3 miles per hour.		1			3	5.
Climbs vertical treadmill (or equivalent).					1	1.
Sampling and readings.				2	2	2.
Walks at 3 miles per hour.			2	2	5	11.
Climbs vertical treadmill (or equivalent).			1	1	1	1.
Carries 50 pound weight over over-cast.			1 time in 2 minutes.	3 times in 6 minutes.	5 times in 10 minutes.	5 times in 10 minutes.
Sampling and readings.		2		2	2	2.
Walks at 3 miles per hour.			1	3	3	
Climbs vertical treadmill.		1		1	1	Then repeat above activities once.
Walks at 3 miles per hour.		2			3	
Climbs vertical treadmill (or equivalent).					1	
Carries 45 pound weight and walks at 3 miles per hour.	1				2	
Walks at 3 miles per hour.	1				4	
Sampling and readings.			2	2	2	

¹ Total test time for 2-hour, 3-hour, and 4-hour apparatus is 2 hours.

² Treadmill shall be inclined 15 degrees from vertical and operated at a speed of 1 foot per second.

TABLE 3.—DURATION AND SEQUENCE OF SPECIFIC ACTIVITIES FOR TEST 3, IN MINUTES

Activity	Rated service time—					
	3 minutes	10 minutes	15 minutes	30 minutes	1 hour	2, 3, and 4 hours ¹
Sampling and readings.			2	2	2	Perform Test No. 3 for 1 hour apparatus, then perform Test No. 1 for 1 hour apparatus.
Walks at 3 miles per hour.		1	1	2	3	
Runs at 6 miles per hour.	1	1	1	1	1	
Pulls 45 pound weight to 5 feet.			30 times in 2 minutes.	30 times in 2 minutes.	60 times in 6 minutes.	
Lies on side.	15	1	2	3	5	
Lies on back.	15	1	2	3	5	
Crawls on hands and knees.	1	1	2	2	2	
Sampling and readings.		2		2	2	
Runs at 6 miles per hour.			1	1	1	
Walks at 3 miles per hour.				2	10	
Pulls 45 pound weight to 5 feet.		30 times in 2 minutes.		60 times in 6 minutes.	60 times in 6 minutes.	
Sampling and readings.			2		2	
Walks at 3 miles per hour.		1		3	10	
Lies on side.					4	
Lies on back.					1	
Sampling and readings.				2	2	

¹ Total test time for 2-hour, 3-hour, and 4-hour apparatus is 2 hours.

TABLE 4.—DURATION AND SEQUENCE OF SPECIFIC ACTIVITIES FOR TEST 4, IN MINUTES

Activity	Rated service time—							
	3 minutes	10 minutes	15 minutes	30 minutes	1 hour	2 hours	3 hours	4 hours
Sampling and readings			2	2	2	Perform test No. 1 for 30-minute apparatus, then	Perform test No. 1 for 1-hour apparatus, then	Perform test No. 1 for 1-hour apparatus, then
Walks at 3 miles per hour			1	2	2	perform test No. 4 for 1-hour apparatus, then	perform test No. 4 for 1-hour apparatus, then	perform test No. 4 for 1-hour apparatus, then
Climbs vertical treadmill ¹ (or equivalent)	1	1	1	1	1	perform test No. 1 for 30-minute apparatus	perform test No. 1 for 1-hour apparatus	perform test No. 1 for 1-hour apparatus
Walks at 3 miles per hour		30 times in 2 minutes	30 times in 2 minutes	60 times in 6 minutes	60 times in 6 minutes			
Pulls 45 pound weight to 5 feet		1	1	1	1			
Walks at 3 miles per hour		1	1	1	1			
Carries 50 pound weight over over-cast		1 time in 1 minute	1 time in 1 minute	1 time in 1 minute	1 time in 1 minute			
Sampling and readings		2	2	2	2			
Walks at 3 miles per hour		1	1	1	1			
Runs at 6 miles per hour		1	1	1	1			
Carries 50 pound weight over over-cast		1 time in 1 minute	1 time in 1 minute	2 times in 3 minutes	6 times in 9 minutes			
Pulls 45 pound weight to 5 feet	15 times in 1 minute		15 times in 1 minute	60 times in 6 minutes	30 times in 3 minutes			
Sampling and readings			2	2	2			
Walks at 3 miles per hour	1	1						
Pulls 45 pound weight to 5 feet					60 times in 7 minutes			
Carries 45 pound weight and walks at 3 miles per hour					3			
Sampling and readings					2			

¹ Treadmill shall be inclined 15 degrees from vertical and operated at a speed of 1 foot per second.

[F.R. Doc. 67-6217; Filed, June 6, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 958]

[Docket No. AO-283-A1]

ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO, AND MALHEUR COUNTY, OREG.

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment of Marketing Agreement and Order

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to the proposed amendment of Marketing Agreement No. 130 and Order No. 958 (7 CFR Part 958), hereinafter referred to collectively as the "order," regulating the handling of onions grown in the Idaho and Malheur County, Oreg., production area. This regulatory program is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "act."

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the close of business on the 15th day after its publication in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing, on the record of which the pro-

posed amendments to the order were formulated, was held at Parma, Idaho, April 19, 1967, pursuant to notice thereof published in the April 6, 1967, issue of the FEDERAL REGISTER (32 F.R. 5629). The notice set forth the proposed amendments to the order which were submitted with a request for a hearing thereon by the Idaho-Eastern Oregon Onion Committee, the administrative agency established pursuant to the order.

Material issues. The material issues presented on the record of hearing are as follows:

(1) The amendment of § 958.47, *Marketing research and development*, to authorize paid advertising and promotion of onions;

(2) The deletion of § 958.44, *Refunds*, and the addition of two new sections in lieu thereof, i.e., § 958.44, *Excess funds*, and § 958.45, *Accounting of funds upon termination of the order*, to permit the committee to establish a reserve fund to cover up to 1 year's operating expenses;

(3) The amendment of subparagraph (3), paragraph (a), of § 958.52, *Issuance of regulations*, to include authority to regulate "markings," i.e., labeling for product identification; and

(4) The amendment of such other sections as are necessary to conform the present order to the proposed amendments.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence presented at the hearing and the record thereof, are as follows:

(1) When this order was promulgated in 1956, the provision of the act authorizing marketing research and development did not include authority for paid advertising and promotion.

The act was amended, however, on November 8, 1965, to permit any form of marketing promotion including paid advertising for onions, along with a number of other specified fruits and vegetables. Subsequently, both grower and shipper organizations in this production

area voted to recommend that their marketing order be amended to provide authority for any form of marketing promotion including paid advertising.

In February of 1966 the Idaho-Eastern Oregon Onion Committee held a marketing clinic to discuss their onion marketing problems and how best to solve them. They noted that there had been a gradual increase in onion acreage in this production area during the last several years, and that there is still suitable land, soil, and water available for further expansion. They indicated the onion industry in this area could be in trouble in the near future from overproduction unless arrangements are made promptly to deal with this problem. Two subcommittees were appointed, one on promotion and advertising and the other on orderly marketing.

During the past winter the Idaho-Eastern Oregon Onion Association sent two men on a trade mission to eastern markets to interview produce buyers of the large chain store markets to determine what could be done to expand the sale of sweet Spanish onions at the retail level. One of these men testified as a witness at the amendment hearing.

The sweet Spanish onion is the predominant variety grown in this area and it is noted for its mildness and sweetness. Yellow sweet Spanish onions normally run 80 percent to "jumbos" (3 inches and larger) and 20 percent to mediums (2 inches to 3 inches in diameter). The jumbos are distributed primarily to the institutional trade, to hotels, hamburger stands and restaurants. The medium size onions are sold largely through retail stores. Jumbos are handled at retail in very limited quantities.

The trade mission found sweet Spanish onions in some of the retail chain stores but a great many of them did not have these onions nor were they making any effort to move this variety at the retail level. They found that retail sales of jumbo sweet Spanish onions were limited. Even the largest chains with many stores

in heavily populated areas were unable to use straight carloads of jumbo onions.

They also observed that onions as a whole are poorly identified as to variety in the stores, that onions are poorly advertised and that the public knows very little about the characteristics of the different varieties of onions or of the specific uses for which each variety is most suitable.

Upon their return from the trade mission, the men reported that promotion at the point of sale and consumer education should go a long way toward increasing the demand for their onions. It was testified that there is an opportunity and a need to develop a greater demand at the retail level for the sweet Spanish variety, especially for the large "jumbo" size which is best suited for many uses, such as slices for hamburgers, onion rings and as wedges for broiling with chunks of meat on skewers.

Since 1937 Idaho has been carrying on some limited advertising of its onions through a program of the Idaho Potato and Onion Commission supported by a levy assessed against all Idaho grown onions. Malheur County, Oreg., during the past few years has been doing some even more limited advertising and promotion work on its onions with a portion of the dues which are collected on a voluntary basis from members of the Malheur County Onion Growers Association. Growers and shippers in the Idaho and Oregon portions of the production area now would like to participate more fully in an advertising and promotion program to be carried out by their Marketing Order Committee for the whole production area.

Proponents do not intend that this program would preempt or replace the current State program or any future State programs of Idaho or Oregon, but rather, that each program will supplement the other, as the production area needs to take advantage of each and every possibility to promote its onions. In fact, it is expected that the Onion Committee will cooperate to the fullest extent with the Idaho Potato and Onion Commission and may find it advisable to contract with the Commission to have it carry out all or a substantial part of the expanded promotion. However, if the committee should prefer to do the work directly or through some other agency, it should be free to do so.

Farm promotion groups, unlike an individual firm, are restricted to a rather narrow range of activity, in terms of decision making, in controlling the production and marketing functions involved in moving the product to the consumer. More specifically, the activities of such groups are confined to advertising and dealer service work, distribution of point of sale materials, and consumer education.

These are precisely the type of activities which were supported by proponents of this proposal in a general way, without intending to limit or restrict the authority requested, as necessary to promote the area's onions. The need for consumer education programs; the need to work through home economists and

food editors in preparing and publicizing recipes; and the need for product identification at the point of sale, were all supported as necessary activities in any expanded promotional program to be undertaken.

If the advertising and promotion are successful the industry would expect to (1) move a greater volume of onions at the same price as was received prior to the promotion, or, (2) move the same volume as before but at a higher price. In other words, the advertising and promotion program would be expected to cause a shift in the demand curve to the right resulting in an increase in the total revenue.

The success of the advertising and promotion activity would, however, depend upon the relative elasticity of demand, and on whether or not the product has promotable qualities. One objective of promotion and advertising is to develop product loyalty to such an extent that customers will buy the advertised product almost without regard to price level or price differences between it and competing products.

There are several qualities with respect to the production area's onions to indicate there may be good opportunities for a successful promotion program. They include the following: (1) The unique characteristics of the sweet Spanish onions such as their sweetness and mildness; (2) the "jumbo" size in itself, which is the predominant size produced in this area, has an advantage over small and medium sized onions for many specialized uses; (3) the contemplated use of a common "brand name" or "trade mark" to identify these particular onions with the area of production, which is certainly an advantage from the point of view of promotion and advertising. (In this respect it was noted that the recent trend toward prepackaging in consumer size containers will afford a better opportunity than formerly to carry the identification to the consumer); (4) a high degree of quality control to accompany the promotion; and (5) the sale of only the better qualities and more attractive packs to retail outlets to help secure the improved demand which the industry is seeking.

It is recognized that considerable study and planning are required to initiate and carry out a successful advertising or promotion program. The record shows that the committee intends to consider many appropriate factors in recommending such projects, including the guidelines hereinafter listed which were also set forth in the notice of hearing.

The committee has already sponsored research work by the University of Idaho to determine the feasibility of advertising and promotion in order to increase the sale of its sweet Spanish onions through retail outlets.

According to the record, while the promotion and advertising activities would be primarily with respect to the sweet Spanish variety, the sale of all varieties of production area onions should benefit from such promotion and advertising. Also, the authority to promote and ad-

vertise onions should not be limited to the sweet Spanish variety but should include all production area varieties of onions.

To successfully carry on a program of advertising and promotion the industry plans to have a special subcommittee of the Marketing Order Committee to work continually on marketing research, using all of the tools and services available. It is intended that the services of such facilities as the University of Idaho and of Oregon State College will continue to be available as well as such other information available from the U.S. Department of Agriculture, and from growers, shippers and other industry organizations which will help the committee to develop and carry out an effective and feasible program. They also hope to work with the Idaho Potato and Onion Commission, the National Onion Association, the frozen food industry and other organizations which may be of assistance in this type of activity.

In recommending a project for the approval of the Department of Agriculture the committee plans to include the following: (1) A justification for the proposed program based on results of research as far as possible; (2) an outline of the proposed program including its objectives and the mechanics by which they are to be attained; and (3) the amount of funds needed and the method proposed for financing the project.

It is intended that the committee's evaluation of the effectiveness of the promotion and advertising program will be of constant concern to determine if the benefits to producers are worth the efforts and expenditure involved.

It is not advisable or practical at this time to specify the exact types of advertising and promotion activities which will be required to meet the needs of the onion industry in this production area. The authority for the committee to undertake, with the approval of the Secretary, such paid advertising and promotion activities as are authorized by the act should be broad and flexible and subject to review by the Secretary.

The funds to cover the costs of any promotion and advertising activities should be obtained from assessments on shipments the same as for other committee expenses. Such promotion and advertising expenses should be included in the budget of expenses or in an amended budget of expenses submitted to the Secretary for approval.

The committee should be authorized to conduct such promotion and advertising directly, if deemed advantageous to it, or to contract with other agencies or firms qualified to do such work, subject to the approval of the Secretary.

It is concluded that \$958.47 of the order should be amended as hereinafter set forth to authorize any form of marketing promotion including paid advertising, subject to the approval of the Secretary.

(2) Section 958.44 of the present order provides that excess funds remaining at the end of each fiscal period shall be credited or paid to the handlers from

whom they were collected or, upon recommendation of the committee and concurrence of the Secretary they may be carried over as a reserve for possible liquidation. Any funds remaining after liquidation shall be returned, to the extent practical, to the persons from whom they were collected.

This section should be amended to authorize the establishment of an operating reserve to be used for current expenses of the committee as well as for possible liquidation expenses in the event of termination of the order. The amendment should also provide that the committee may include an item in its budget for the operating reserve but that such reserve should not exceed approximately 1 year's expenses. In addition, provision should be made to authorize the distribution of any funds remaining after liquidation in such manner as the Secretary may direct, provided, that to the extent practical, they should be returned to the persons from whom they were collected.

Good business management, based on past experience, requires that provision should be made for contingencies. Emergency financial needs can arise for a marketing order committee the same as for any business. According to the record evidence, an operating reserve is needed by the Idaho-Eastern Oregon Onion Committee for several purposes. First, it would provide funds to finance the committee's operations early in each fiscal year before income becomes available from the current year's assessments. Other methods of meeting such early expenses include borrowing money from the bank on a short term basis, or asking handlers for advance payment of assessments to meet the financial needs of the committee. Having an operating reserve would be a more businesslike method of meeting these early obligations each year and could result in a saving to the committee.

Second, in the event of a short crop, a partial crop failure, or deterioration of a portion of the crop after being placed in storage, assessment income could drop below the requirements for expenses of the committee. Without an operating reserve, it would be necessary to increase the rate of assessment to meet the deficit. This would constitute an extra burden on the industry at a time when the industry's income is reduced because of a poor crop. It would be less burdensome to the industry to contribute to the establishment of an operating reserve during years of normal production rather than be required to pay a higher rate of assessment occasioned by a deficit during a year when the crop is materially reduced.

Third and finally, the reserve fund should be available to defray the necessary expenses of liquidation in the event of termination of the order. Any funds remaining after termination of the order should be distributed in such manner as the Secretary may direct upon recommendation of the committee: *Provided*, That to the extent practical, they should be returned to the persons from whom they were collected. After many years of

operation, the precise equities of handlers in the reserve fund may be difficult to ascertain and any requirement that there be a precise accounting of the remaining funds could involve costs greater than the amounts to be distributed. In such a case, it would be more practicable to compute a refund to each handler on the basis of the percentage he paid of the total assessments over at least the most recent 3-year period.

According to the record evidence, the committee should be authorized to include in its budget of expenses an item for the operating reserve, so long as the reserve fund has not reached approximately 1 year's operating expenses. If the authority to engage in marketing promotion of onions, including paid advertising, becomes effective as a result of this amendment proceeding, the committee could be faced with a financial problem due to the costs of promotion and advertising. There would be a need, therefore, for an operating reserve to be built up gradually as soon as practicable regardless of whether or not there might be some excess funds left over at the end of a fiscal period. The practical method of assuring this would be to include an item in the budget for the reserve. Accordingly, the wording of § 958.44, should be appropriately modified, as set forth below, to accomplish this end.

The operating reserve should not exceed approximately 1 fiscal year's operating expenses. This provision is considered necessary not only to set a limit on the size of the reserve by keeping it within reasonable limits, but also to allow a degree of flexibility. A fixed figure limitation which might be adequate for a year or two could possibly be inadequate in five or more years due to a change in the committee's activities.

In view of the foregoing, it is concluded that the authority for the committee to establish an operating reserve, and to budget for such reserve, is necessary to effectuate the other provisions of the order and is not inconsistent with the act or any of the provisions of the order. Therefore, § 958.44, *Refunds*, of the present order, should be deleted and two new sections, § 958.44 and § 958.45 should be inserted in lieu thereof as set forth below.

(3) The amendment of § 958.52, *Issuance of regulations*, should add authority to prescribe markings on the containers in which the onions are packaged for product identification.

Promotion and advertising of the production area's onions would be ineffectual and might be a waste of money and effort expended without some means of product identification.

The sweet Spanish onion, which is by far the dominant variety grown in this production area and which the committee specifically plans to promote has unique identifiable qualities as previously described. In order to obtain the maximum benefits from such promotion and advertising it will be necessary to identify the product by marking or labeling the containers with an identification mark or a trade mark of the product advertised. Other varieties of onions grown in the area also may be promoted

and advertised. To identify these other varieties also will require marking of containers to distinguish them.

It is a common practice in the Idaho-Eastern Oregon production area for handlers to label the onion containers with one or more of the following markings: the name of the commodity, the grade and size, the growing area, the brand name, the name and address of the packer, the net weight, and the words—Produce of U.S.A.

Not all of these markings are included by some packers, and others include more than those enumerated above. Suffice to say that there are no standardized markings required for onions, except that the Federal Food, Drug and Cosmetic Act requires the package to be labeled with the name of the product, the name and address of the packer or distributor, and the net contents stated in common units of weight. It also requires that anything stated must not be misleading. The Perishable Agricultural Commodities Act (PACA) regulations do not require any markings, but they do require that whatever markings are placed on the container must be true and accurate. Oregon State law requires the name and address, or brand name, of the grower or packer, and the net weight of the contents.

It would not require any significant effort or additional expense on the part of handlers to have their onion containers marked, when ordering supplies, with the product identification which the committee may designate for advertising and promotion of the area's onions.

The committee plans to have a trade mark or symbol designed and registered to identify the area's onions with the Idaho-Eastern Oregon production area for advertising and promotional purposes. Such trade mark or symbol should be made available for use by handlers and would enable the trade and consumer to relate the product to this production area. Also, it should be such as to complement, rather than to substitute for, private brands of individual packers. While it is intended that the authority for markings should include the use of the symbol, and the name of the variety as well as the grade and size, the record shows that committee recommendations to the Secretary regarding markings would probably not require any special markings but they may specify that in order to use the registered trade mark or symbol handlers must comply with specified requirements, including but not limited to those relating to grade and size. This would be an assurance of quality to the trade and to consumers when they purchase onions designated by that trade mark or symbol.

The record indicates that authority for container markings is necessary and incidental to the other provisions of this order. It is especially necessary to effectuate the authority for promotion and advertising and there is no conflict with any other provision of the order.

It is concluded, therefore, that § 958.52 should be amended to read as herein-after set forth.

Rulings on proposed findings and conclusions. April 29, 1967, was set by the

presiding officer at the hearing as the latest date by which briefs would have to be filed by interested parties with respect to facts presented in evidence at the hearing and the conclusions which should be drawn therefrom. Within the prescribed time, briefs were filed by the Malheur County Onion Growers Association, Ontario, Oreg., and by Joe Y. Saito, Ontario, Oreg. Each point in these briefs was carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that any suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein they are denied on the basis of the facts found and stated in connection with this decision.

General findings. Upon the basis of evidence introduced at the hearing and the record thereof it is found that:

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

(2) The marketing agreement and order, as hereby proposed to be amended, regulate the handling of onions grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which a hearing has been held;

(3) The marketing agreement and order, as hereby proposed to be amended, are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of onions grown in the production area which make necessary different terms applicable to different parts of such area; and

(5) All handling of onions grown in the production area, as defined in the marketing agreement and order, as hereby proposed to be amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the marketing agreement and order. The following amendment of the marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. Delete § 958.44 "Refunds" and in lieu thereof insert a new § 958.44 and add a new § 958.45, as follows:

§ 958.44 Reserve fund.

At the end of each fiscal period, funds in excess of the committee's expenses may be placed in an operating reserve not to exceed approximately one fiscal year's operational expenses or such lower limits as the committee, with the approval of the Secretary, may establish. Also, the committee, with the approval of

the Secretary, may include in its budget an item for such reserve. Funds in the reserve shall be available for use by the committee for expenses authorized pursuant to § 958.40. Funds in excess of those placed in the operating reserve shall be refunded to handlers. Each handler's share of such excess shall be the amount he paid in excess of his pro rata share of the expenses of the committee.

§ 958.45 Accounting of funds upon termination of the order.

Any funds collected as assessments pursuant to this subpart and remaining unexpended in the possession of the committee after termination of this part shall be distributed in such manner as the Secretary may direct: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

2. Amend § 958.47 to read as follows:

§ 958.47 Marketing research and development.

(a) The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects, including paid advertising, designed to assist, improve, or promote the marketing, distribution, and consumption of onions. Any such project for the promotion and advertising of onions may utilize an identifying mark which shall be made available for use by all handlers in accordance with such terms and conditions as the committee, with the approval of the Secretary, may prescribe. The expenses of such projects shall be paid from funds collected pursuant to § 958.42.

(b) In recommending projects pursuant to this section the committee shall give consideration to the following:

(1) The expected supply of onions in relation to market requirements;

(2) The supply situation among competing areas and commodities;

(3) The anticipated benefits from such projects in relation to their costs;

(4) The need for marketing research with respect to any market development activity; and

(5) The need for a coordinated effort with USDA's Plentiful Foods Program.

(c) If the committee should conclude that a program of marketing research or development should be undertaken, or continued, in any crop year, it shall submit the following for the approval of the Secretary:

(1) Its recommendations as to the funds to be obtained pursuant to § 958.42;

(2) Its recommendation as to any marketing research projects; and

(3) Its recommendation as to promotion activity and paid advertising.

3. Amend subparagraph (3), paragraph (a), of § 958.52 to read as follows:

§ 958.52 Issuance of regulations.

(a) * * *

(3) Provide a method, through rules and regulations issued pursuant to this part, for fixing the size, capacity, weight, dimensions, or pack of the container, or

containers, which may be used in the packaging or handling of onions, including appropriate container markings to identify the contents thereof.

Copies of this notice of recommended decision may be obtained from the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, or may be there inspected.

Dated: June 2, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-6308; Filed, June 6, 1967;
8:47 a.m.]

[7 CFR Part 987]

[Docket No. AO 269-A 4]

DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect To Proposed Amendment of Marketing Agree- ment and Order, as Amended

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, U.S. Department of Agriculture, of this recommended decision with respect to a proposed amendment of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California (hereinafter collectively referred to as the "order"). The order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act," and any amendment which may result from this proceeding also will be effective pursuant to the act.

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the close of business on the 10th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing on the record of which the proposed amendment of the order is formulated was held in Indio, Calif., on April 12, 1967, pursuant to a notice thereof which was published in the FEDERAL REGISTER on March 23, 1967 (32 F.R. 4417). The notice of hearing included proposals

submitted by the Date Administrative Committee (hereinafter referred to as the "Committee"), the administrative agency established pursuant to the order.

Material issues. The material issues presented on the record of the hearing involve amendatory action relating to:

(1) Broadening the definition of "handler" to include repackers, defining the term "repacker", and prescribing the obligations applicable to repackers;

(2) Revising §§ 987.21, 987.22, and 987.24 so as to facilitate maintenance of proportionate representation on the Date Administrative Committee and provide nomination procedure more adaptable to changes in representation;

(3) Inclusion of paid advertising in the marketing research and development provisions of the order;

(4) Authorization for minimum standards of quality to be prescribed by variety of dates.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) The definition of "handler" (§ 987.8) should be revised so as to include as a handler any repacker of packed dates. The term "repacker" should be defined in a new section, § 987.8a, to mean any wholesaler or jobber who receives packed dates certified for handling, pursuant to § 987.41(a), and repackages them in containers other than those in which he received them. Repackers, as so defined, are not now handlers under the order because the present definition of "handler" does not include any person handling dates received as packed dates thus certified. Failure to include repackers as handlers has permitted such persons to sell (i.e., a handling activity) dates without regard to order regulations applicable to handlers. For instance, some repackers have repackaged dates in plastic containers with a net weight lighter than comparable packs permitted under container regulations established pursuant to § 987.48. These lighter packs give the repackers a significant price advantage over regulated handlers and adversely affect market stability and producer returns. The alternative (to making a repacker a handler) established (§ 987.501; 32 F.R. 214) under the present order provisions, of prohibiting handlers from selling packed dates to repackers who fail to comply with container requirements of Part 987, is administratively cumbersome and unduly restricts handlers in their operations. Consequently, it is desirable and necessary, in order to achieve orderly marketing conditions, as provided in the act, that repackers be directly subject to the applicable provisions of the regulatory program.

The term "repacker" should not include retailers who repackage packed dates and retail such dates. Only a firm which repackages packed dates certified for handling, pursuant to § 987.41(a), and acts as a wholesaler or jobber by selling them to others, should qualify as a repacker. Under the present order, a person who receives dates certified, pur-

suant to § 987.41(b), for further processing and who after further processing, repackages and handles them in containers other than in which received, is a handler. No change in this regard would be made.

The definitions of "handler" and "repacker" should not exclude as handlers any "repackers" whose places of business are outside of the production area. Some of the present handlers are located outside of the area. Repackers whether outside, or within, the area compete with such out-of-the-area handlers as well as those within the area, and should, therefore, be subject to regulation. This should not pose a significant compliance problem because the number of repackers is small—the known repackers being either within the area or in adjacent counties or States. Should other firms become repackers, their packs would soon be noticed and the firms identified.

In the notice of hearing, it was proposed that § 987.51 *Interhandler transfers* be revised to include or accommodate transfers of dates to repackers. According to the record, sales of packed dates by handlers to repackers are more like sales to the trade than interhandler transfers. Also, the packed dates are certified for handling prior to sale and the selling handler may not know whether the purchaser will repack the dates. Since the packed dates would have been inspected and certified for handling prior to their receipt by the repacker, it is unnecessary that the repacker be subject to regulation except to the extent that such repacker's pitting or repackaging of the dates may change the condition or pack of the dates. It is concluded, therefore, that § 987.51 should not be revised as proposed. Instead, the requirements applicable to repackers should be set forth in a new section, § 987.53.

The new section, § 987.53, should exempt repackers from the requirements of Part 987, including reporting, applicable to packed dates they receive which have been certified for handling, except that: (a) If a repacker processes such dates by machine pitting them, the repacker should be required to comply with the applicable grade, size, inspection, certification, and identification requirements; and (b) in repackaging the dates in containers other than those in which received, the repacker should be required to comply with all applicable container regulations established pursuant to § 987.48. Any hand pitting a repacker may do of packed dates should not make him subject to the regulations specified because hand pitting is performed in connection with the production of specialty packs, and stuffed dates or other date confections. These specialty packs and date products are now exempted from regulation. On the other hand, machine pitting, or the physical handling in connection therewith, tends to injure the dates, making it necessary that such pitted dates be inspected to determine whether they then meet the applicable grade and size requirements. Since such dates would be repackaged and inspected, it would be practical to re-

quire compliance by the repacker with the identification markings to be applied under supervision of the inspection service. This should be done so that these packs, when found in trade channels, can be readily identified and their association with the program made clear to buyers.

(2) At the present time, in § 987.21, a Date Administrative Committee composed of seven members is established, with provision that the number of members may be changed consistent with findings made pursuant to § 987.22(b) as to changes in tonnages of dates handled by the industry groups described in paragraph (a) of § 987.22. Three industry groups are described, and the representation on the Committee (i.e., number of members) for each group is specified, with a total of seven members for the three groups. However, changes authorized in paragraph (b) of § 987.22 permit, and have resulted in, different representations for two of the three groups. At one time the changes in representation resulted in a total of eight members. Thus the size of the Committee or industry representation effected through rule making procedure, are not always as specifically stated in § 987.22(a). Hence, the specific provisions in § 987.22(a) in that regard may, at times, become inapplicable and not reflective of the then current situation. Also, the changes made some of the nomination procedure in § 987.24 unworkable requiring suspension thereof.

In view of the revisions of § 987.22 discussed hereinafter, § 987.21 should be revised to conform cross references; also, to eliminate repeated use of the term "alternate member" in certain sections, the revision of § 987.21 should provide that the provisions of the program applicable to the number, nomination, and selection of members shall also apply to the number, nomination, and selection of alternate members.

Paragraph (a) of § 987.22 should be revised so as to delete specification of the number (now incorrect for two of the three groups) of members for each of the three groups described in subparagraphs (1), (2), and (3), respectively. Paragraph (a) then would only describe the groups to be represented, which would remain unchanged, with representation for the respective groups to be established as prescribed in paragraph (b).

Paragraph (b) of § 987.22 now provides for changing the number of members to represent each of the three industry groups on the basis that a member represent one-seventh (14.28 percent) of the total date tonnage handled. This paragraph should be revised to deal with determination of the representation for each of the three groups described in paragraph (a) in lieu of changes in representation. As at present, it should provide that each such group shall have, for each term of office, one member for each quantity of dates handled within the group that represents 14.28 percent of the tonnage handled by all groups, and each group should have at least one member. For each term of office, the ton-

nages handled should be those handled through February of the crop year in which the selection occurs. In computing the number of members for a group, the group should be permitted to have, in addition to one member for each full 14.28 percent, one member for any remaining fractional part more than one-half of the basic 14.28 percent. To provide for a member for any such fractional part and at least one member for each group, the Secretary should be permitted to increase the total number of members of the Committee beyond seven.

The present provisions of § 987.22 are designed to keep producer members and handler members in balance insofar as possible. Cooperative marketing associations—the group specified in § 987.22 (a) (2)—are now entitled to five members on the Committee; and at one time they were entitled to six. As a consequence, the group has been represented, at times, by two or three employees serving as handler members, and the remainder of the representatives being producer members. It is not always practicable or desirable for the group to be represented by the full number of handler members (i.e., employees). For this reason, it should be provided in § 987.22(b) that at least one of the members for the group specified in § 987.22 (a) (2) shall be an employee of a cooperative marketing association in such group and serve as a handler member, and the remainder of the members for the group shall be producer members of such associations. When either of the other two groups is entitled to an odd number of members other than one, there should be one more handler member than producer member for the group. This tends to maintain the producer-handler balance.

A new paragraph, paragraph (c), should be added to § 987.22 to provide necessary procedure for transition to the new provisions, and for the Secretary to determine the representation consistent with the provisions of paragraph (b) as hereinafter set forth. In this connection, it would not be practicable to change representation during a term of office. Therefore, provision should be made for incumbent members of the Committee to continue, subject to the limitations in § 987.25, to serve during the remainder of the term of office ending May 14, 1968, and as provided in § 987.23. To avoid unnecessary rule making action, the number of members now provided (and serving) for each of the various groups (31 F.R. 6257) should continue applicable so long as such number of members meets the requirements prescribed in said paragraph (b) of § 987.22. The new paragraph, paragraph (c) of § 987.22, should, to provide administrative procedure, authorize the Secretary to revise, when necessary, the representation consistent with the provisions of paragraph (b) of § 987.22.

Since the representation for any of the three groups specified in § 987.22(a) is subject to change, the nomination and selection procedure in § 987.24 should be revised to make it more flexible and permit its use under such changing condi-

tions. For example, the second sentence (now suspended) of § 987.24(a) provides that, for the group specified in § 987.22 (a) (3), separate meetings of handlers and of producers shall be held to nominate the handler representation and producer representation, respectively. Since this group is now entitled to only one member on the Committee, separate meetings to elect one nominee are not feasible. To overcome this problem, for either of the groups specified in § 987.22 (a) (1) and (3) when entitled to only one member, a joint meeting of producers and handlers should be held; if entitled to more than one member, then separate meetings of producers and of handlers should be required.

Presently, § 987.24(b) provides that at the respective meetings of the cooperative marketing associations in the group specified in § 987.22(a) (2), and of the handlers in the group specified in § 987.22(a) (3), the voting shall be weighted by the tonnage of dates acquired from the producers and certified for handling or for further processing. No change should be made with respect to the handlers when they and producers meet separately. However, with respect to cooperative marketing associations, whenever there is more than one they should be permitted to jointly select their nominees and thereby choose among all eligible persons. In case of lack of agreement, the vote for each position should be weighted as the order now provides. In the past when there was more than one such association, selection of the nominees without formal voting worked out very well. In other nomination meetings each producer and each handler should be entitled to one vote for each position, as now provided.

(3) Section 987.33 should be revised so as to authorize date marketing promotion, including paid advertising, along with the authority presently provided for marketing research and development projects. Authority for such marketing promotion, including paid advertising, in a marketing order was granted by Congress in 1965.

The Date Administrative Committee recognizes that the financial resources of the date industry preclude establishment of marketing promotion or advertising programs of substantial magnitude. Providing authority for paid advertising, however, is desirable to provide within the order the full authority of the legislation and so authorize certain marketing promotions involving advertising. For example, the Committee should be permitted to participate in such advertising and promotion as is associated with the Riverside County Date Festival. Any such program should, however, be with the approval of the Secretary, the same as is currently required for marketing research and development projects.

In the notice of hearing six factors to be considered and three subjects for recommendation were specified to govern the Committee in recommending any marketing research and development program, including paid advertising. According to the record evidence, such ex-

tensive consideration and specific guidelines for recommendation are not needed in view of the Committee's interest only in low-cost marketing promotion and not in large-scale advertising. Such factors, or standards, therefore, need not be specified in the order. However, the Committee should, as a matter of course, consider factors pertinent to whether or not any recommended marketing promotion, including paid advertising, would tend to carry out the objectives of the act. The funds for any such program should, as for other authorized activities of the Committee, be included in the budget which the Committee submits to the Secretary pursuant to § 987.71.

As a safeguard against ineffective programs being recommended, it should be required that no project which includes paid advertising nor major program of marketing promotion shall be adopted by the Committee for recommendation to the Secretary unless favored by at least six members when the total membership is seven or seven members when the total is eight. As a matter of industry relations, the voting restriction is such that at least one of the two groups of independent producers and handlers, as well as the cooperative associations group, favor such a program for it to be adopted. Since the definition of a major program was not resolved at the hearing, the Committee should do this by rule making.

To provide proper control, and evaluation, of programs pursuant to § 987.33, upon conclusion of each program, but at least annually, it should be required that the Committee summarize and report on the program status and accomplishments to its members and the Secretary. A similar report to the Committee should be required of each party, such as an advertising agency, with which the Committee may contract for paid advertising or a major program. Also, for each advertising program and for each major program, the contracting party should be required to maintain records of money received and expenditures and make such records available to the Committee and the Secretary.

(4) Section 987.39 of the order establishes the minimum standards of quality which apply uniformly to all whole dates and pitted dates of any variety handled under the order. The Secretary may, upon recommendation of the Committee, prescribe other minimum standards of quality and these also apply uniformly to all such dates. Mechanical harvesting has been adopted by the industry for dates of the Deglet Noor variety, the major variety under the order. This practice has increased the number of dates damaged by broken skin, mashing, and mechanical injury—defects which do not affect the eating quality of the dates. This has made it desirable to increase the allowances for such defects in Deglet Noor dates, but not for other varieties which are not harvested mechanically. To accomplish this under the order, it was necessary to increase the allowances for damage uniformly for all varieties and then, pursuant to § 987.40 (which permits raising the minimum grade by

variety), issue additional grade regulations decreasing the allowances for damage applicable to the other varieties to the level now prescribed in § 987.39. To permit the minimum standards of quality in § 987.39 to be changed for any variety, and thus permit the foregoing to be accomplished directly, § 987.39 should be amended by inserting "for any variety of dates" before the period at the end of the first sentence.

Ruling on proposed findings and conclusions. The period during which interested persons might file briefs with the Hearing Clerk of the Department with respect to testimony presented at the hearing and the findings and conclusions to be drawn therefrom expired on April 24, 1967. No such brief was filed.

General findings. (1) The findings hereinafter set forth are supplementary, and in addition, to the previous findings and determinations which were made in connection with the issuance of the marketing agreement and order and each subsequent amendment thereof; and all of the said previous findings and determinations are hereby ratified and affirmed except insofar as such previous findings and determinations may be in conflict with the findings and determinations set forth herein (for prior findings and determinations see 20 F.R. 5056; 23 F.R. 6904; 27 F.R. 6817; and 29 F.R. 9706);

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

(3) The marketing agreement and order, as amended and as hereby proposed to be further amended, regulate the handling of domestic dates produced or packed in a designated area of California, in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(4) The marketing agreement and order, as amended and as hereby proposed to be further amended, are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the area of production would not effectively carry out the declared policy of the act;

(5) There are no differences in the production and marketing of domestic dates in the area of production covered by the marketing agreement and order, as amended and as hereby proposed to be further amended, which require different terms applicable to different parts of such area; and

(6) All handling of dates produced or packed in the designated area of production is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the order. The following amendment of the amended marketing agreement and order

is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

DEFINITIONS

1. Revise § 987.8 to read:

§ 987.8 Handler.

"Handler" means any person handling dates which have not been inspected and certified for handling in the hands of a previous holder and any repacker: *Provided*, That for the purposes of §§ 987.22 and 987.24 a person shall qualify as a handler only if he has acquired the dates directly from producers.

2. Add a new section, § 987.8a, as follows:

§ 987.8a Repacker.

"Repacker" means any wholesaler or jobber who receives packed dates certified for handling pursuant to § 987.41(a), repackages them in containers other than those in which received, and handles such repackaged dates.

DATE ADMINISTRATIVE COMMITTEE

3. Revise §§ 987.21 and 987.22 to read:

§ 987.21 Establishment of Date Administrative Committee.

A Date Administrative Committee composed of seven members is hereby established to administer the terms and conditions of this part: *Provided*, That the number of members may be changed pursuant to § 987.22 (b) and (c). For each member there shall be an alternate member, and the provisions of this part applicable to the number, nomination, and selection of members shall also apply to the number, nomination, and selection of alternate members.

§ 987.22 Membership representation.

(a) Members shall be selected by the Secretary from the following groups:

(1) The group comprised of (i) handlers each of whom produced during the then current crop year through February at least 51 percent of all the dates handled by him during such period, and (ii) producers each of whom delivered to such handlers during such period at least 50 percent of his deliveries to all handlers during the period.

(2) The group comprised of cooperative marketing associations.

(3) The group comprised of all other handlers and producers.

(b) Each such group shall have, for each term of office, one member for each quantity of dates handled in the group that represents 14.28 percent of the tonnage handled by all groups: *Provided*, That each group shall have at least one member. For each term of office, the tonnages handled shall be those handled through February of the crop year in which the selection occurs. In computing the number of members for a group, the group may have, in addition to one member for each full 14.28 percent, one member for any remaining fractional part more than one-half of the basic 14.28 percent. To provide a member for any such fractional part and at least one member for each group, the Secre-

tary may increase the total number of members of the Committee beyond seven. When a group specified in § 987.22 (a) (1) or (3) is entitled to an even number of members, one-half of the members shall be handler members and one-half shall be producer members; and when such a group is entitled to an odd number of members other than one, there shall be one more handler member than producer members. At least one of the members for the group specified in § 987.22(a) (2) shall be an employee of a cooperative marketing association in such group and serve as a handler member, and the remainder of the members for the group shall be producer members of such associations.

(c) The members of the Committee serving on the effective date of this amended subpart shall, subject to the limitations in § 987.25, continue to serve during the remainder of the term of office ending May 14, 1968, and as provided in § 987.23. The number of members as provided in § 987.122 prior to such effective date for each of the various groups (i.e., one member for the group specified in § 987.22(a) (1), five members for the group specified in § 987.22(a) (2), and one member for the group specified in § 987.22(a) (3)) shall continue applicable so long as the number of members for each group meets the requirements prescribed in paragraph (b) of this section. Whenever it is determined pursuant to paragraph (b) of this section that a change of representation is required for the ensuing term of office, the Secretary shall, on the basis of information submitted by the Committee and other available information, revise the representation consistent with the provisions of paragraph (b) of this section.

4. Revise § 987.24 to read:

§ 987.24 Nomination and selection.

(a) Each group specified in § 987.22 (a) may nominate, at a nomination meeting or meetings held during each crop year on or before April 15, nominees for members to represent the group during the ensuing term of office. For any group specified in § 987.22(a) (1) or (3) entitled to more than one member, separate meetings of producers and of handlers shall be held. For any such group which is not entitled to more than one member, joint meetings of producers and handlers shall be held. Except as otherwise set forth in this section, in any of such meetings each producer and each handler shall be entitled to one vote for each position to be filled, and the individual receiving the highest number of votes for the position shall be the nominee. Whenever there is more than one cooperative marketing association in the group specified in § 987.22(a) (2), the associations shall jointly select their nominees. In case of lack of agreement among the associations, and in the voting by handlers separately from producers of the group specified in § 987.22 (a) (3), the vote for each position shall be weighted by the tonnage of date each association or handler acquired from producers and had certified for handling

or for further processing during the then current crop year through February.

(b) Immediately after the completion of the meetings covered by this section, the Committee shall report to the Secretary the nominees for each position together with a certificate of all necessary tonnage data and other information deemed by the Committee to be pertinent or which is required by the Secretary. The Secretary shall select, in his discretion, members from such nominees or from other qualified persons; but any such selection shall be from the groups, and on the basis, prescribed in § 987.22. However, the Secretary shall allow a reasonable time for nominations to be received before proceeding with any selection without regard to nominations.

MARKET DEVELOPMENT

5. Revise § 987.33 to read:

§ 987.33 Research and promotion.

(a) The Committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects, including marketing promotion and paid advertising, designed to assist, improve, or promote the marketing, distribution, and consumption of dates. The expenses of such projects shall be paid from funds collected pursuant to § 987.72. However, no program of paid advertising nor major program of marketing promotion shall be adopted unless favored by at least six Committee members when the total membership is seven, or seven members when the total is eight. Upon conclusion of each program, but at least annually, the Committee shall summarize and report on the program status and accomplishments, to its members and the Secretary. A similar report to the Committee shall be required of any contracting party on any paid advertising or major program. Also, for each advertising or major program the contracting party shall be required to maintain records of money received and expenditures and such shall be available to the Committee and the Secretary. The Committee shall, with the approval of the Secretary, establish criteria which will determine such major program.

6. At the end of the first sentence of § 987.39 insert before the period "for any variety of dates."

7. Add a new section, § 987.53, as follows:

§ 987.53 Application of regulations to repackers.

Repackers shall be exempt from those requirements of this part, including reporting requirements, with respect to packed dates which had been certified for handling, pursuant to § 987.41(a), prior to receipt, except that: (a) A repacker who processes such dates by machine pitting shall comply with the grade, size, inspection, certification, and identification requirements, and (b) a repacker who repackages such dates in containers other than those in which received, shall comply with the then ef-

fective container regulations established pursuant to § 987.48.

Dated: June 1, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-6309; Filed, June 6, 1967;
8:47 a.m.]

[7 CFR Parts 1001, 1002, 1003, 1004, 1015, 1016]

[Docket Nos. AO 14-A38-RO3 etc.]

MILK IN MASSACHUSETTS-RHODE ISLAND AND CERTAIN OTHER MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Market- ing Agreements and Orders

7 CFR Part	Marketing area	Docket Nos.
1001	Massachusetts-Rhode Island	AO 14-A38-RO3.
1002	New York-New Jersey	AO 71-A53.
1003	Washington, D.C.	AO 253-A17.
1004	Delaware Valley	AO 160-A35.
1015	Connecticut	AO 305-A18.
1016	Upper Chesapeake Bay	AO 312-A13.

Pursuant to the provisions of the Agriculture Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Conference Room of the Market Administrator's Office, 205 East 42d Street, New York, N.Y., beginning at 10 a.m., on June 19, 1967, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in each of the marketing areas specified as follows: Massachusetts-Rhode Island, New York-New Jersey, Washington, D.C., Delaware Valley, Connecticut, and Upper Chesapeake Bay. With respect to the order regulating the handling of milk in the Massachusetts-Rhode Island marketing area, this hearing represents a reopening for the limited purposes stated herein of the public hearing previously held under Docket No. AO 14-A38.

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

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Queens Farms Dairies, Inc.; Elmhurst Cream Co., Inc.; Sunnydale Farms, Inc.; Cooperdale Dairy Co., Inc.; Queensboro Farm Products, Inc.; Hegemond Farms Corp.; Association of Ice Cream Manufacturers of New York State; Association of Ice Cream Manufacturers of Pennsylvania, New Jersey,

and Delaware; Friendship Dairies, Inc.; United Creameries, Inc.; Pollio Dairy Products; Zausner Foods, Inc.:

Proposal No. 1. (A) In § 1002.40(e), add a new subparagraph (3) to read as follows:

§ 1002.40 Class prices.

(e) * * *

(3) Irrespective of the foregoing, in no event shall the Class III price exceed an amount calculated as follows: Chicago 92-score butter minus 3 cents multiplied by 4.2, plus Chicago area spray-powder minus 5.5 cents multiplied by 8.2025.

(B) If a final order cannot be issued in time for relief by July 1, 1967, then (a) all amounts in the table in § 1002.40(e) (2) except "-0.07" (i.e., except minus \$0.07) should be suspended as of said date until a final order is effective; or (b) an emergency temporary order should be issued effective July 1, 1967, and until a final order becomes effective, either granting appropriate relief or deleting such amounts (except as stated).

(C) Make comparable changes with respect to (A) and (B) in all other northeastern orders.

Proposed by Milk Dealers' Association of Metropolitan New York, Inc.; Sealtest Foods Metropolitan Division of National Dairy Products Corp.; Members of the New York State Milk Distributors, Inc., Operating under Order 2 (Except The Dairymen's League); Milk Dealers Association of Northern New Jersey, Inc.:

Proposal No. 2. In § 1002.40(e), add a proviso following the table in subparagraph (2) to read as follows:

§ 1002.40 Class prices.

(e) * * *

(2) * * * *Provided*, That in no event shall the Class III price exceed an amount calculated as follows:

Chicago 92-score butter minus 3 cents multiplied by 4.2, plus Chicago area spray-powder price minus 5.5 cents multiplied by 8.2025 plus 10 cents.

Proposed by Northeast Dairy Cooperative Federation, Inc.; United Milk Producers Cooperative Association of New Jersey, Inc.; Dairymen's League Cooperative Association, Inc.:

Proposal No. 3. In § 1002.40(e), add a proviso following the table in subparagraph (2) to read as follows:

§ 1002.40 Class prices.

(e) * * *

(2) * * * *Provided*, That the result shall not exceed the result of the following computation: subtract from the Chicago 92-score butter price 3 cents per pound, multiply by 4.2; to this result add the Chicago area spray powder price less 5.5 cents per pound multiplied by 8.5 and multiplied again by 0.965; to this result add 10 cents.

Proposed by H. E. Koontz Creamery Co., and Penn Dairies, Inc.:

Proposal No. 4. (A) In § 1003.50(b), add a new subparagraph (3) to read as follows:

§ 1003.50 Class prices.

(b) * * *

(3) Irrespective of the foregoing, in no event, shall the Class II price exceed an amount calculated as follows: Chicago 92-score butter minus 3 cents multiplied by 4.2, plus Chicago area spray-powder minus 5.5 cents multiplied by 8.2025.

(B) In § 1016.50(b), add a new subparagraph (3) to read as follows:

§ 1016.50 Class prices.

(b) * * *

(3) Irrespective of the foregoing, in no event, shall the Class II price exceed an amount calculated as follows: Chicago 92-score butter minus 3 cents multiplied by 4.2, plus Chicago area spray-powder minus 5.5 cents multiplied by 8.2025.

(C) If a final order cannot be issued in time for relief by July 1, 1967 then (a) all amounts in the table of paragraph (b) (2) of above sections except "-0.05" (i.e., except minus \$0.05) should be suspended as of said date until a final order is effective; or (b) an emergency temporary order should be issued effective July 1, 1967, and until a final order becomes effective, either granting appropriate relief or deleting such amounts (except as stated).

(D) Make comparable changes with respect to (A), (B), and (C) in all other northeastern orders.

Proposed by Independent Dairymen of Northern Virginia:

Proposal No. 5. A Class II price floor in the Washington, D.C., Order No. 3 should be established at \$1 less than the Class I price.

Proposed by The Milk Distributors Association of the Philadelphia Area, Inc., and the individual members of the Association:

Proposal No. 6. Reconsider the basis for determining the level of Class II prices in Federal Order No. 4.

Proposed by Eastern Milk Producers Cooperative Association, Inc.:

Proposal No. 7. Any amendments adopted as a result of this hearing should be limited to the period through June 30, 1968.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 8. Make such changes in each of the six marketing agreements and orders as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrators, 230 Congress Street, Room 403, Boston, Mass. 02110; 205 East 42d Street, New York, N.Y. 10017; 710 South Washington Street, Alexandria, Va. 22313; 1528 Walnut Street, Philadelphia, Pa. 19102; 1049 Asylum Avenue, Hartford, Conn. 06105; Post Office Box 6848, Towson Station, Baltimore, Md. 21204, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on June 2, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-6358; Filed, June 6, 1967; 8:51 a.m.]

[7 CFR Part 1004]

[Docket No. AO-160-A34]

MILK IN DELAWARE VALLEY MARKETING AREA**Supplemental Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order**

Notice was issued May 29, 1967 (32 F.R. 7976) of a public hearing to be convened in the Carlton Room, Sylvania Hotel, Locust Street at Juniper, Philadelphia, Pa., beginning at 10 a.m., on June 12, 1967, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Delaware Valley marketing area.

Notice is hereby given pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), that in addition to receiving evidence relative to the proposed amendments set forth in the original notice of hearing, evidence will be received with respect to the economic and marketing conditions which relate to the proposed amendment, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and the order.

The proposed amendment set forth below has not received the approval of the Secretary of Agriculture.

Proposed by Dairymen's League Cooperative Association, Inc.:

Proposal No. 4. Revise § 1004.8(b) to read as follows:

§ 1004.8 Pool plant.

(a) * * *

(b) Subject to the provisions of paragraphs (c) and (d) of this section, a supply plant from which during any of the months of September through February not less than 50 percent, and during any of the months of March through August not less than 40 percent, of the milk received from dairy farmers (including milk diverted as producer milk pursuant to § 1004.15 by either the plant operator or by a cooperative association), or from a cooperative association in its capacity as a handler pursuant to § 1004.10(c) is moved during the month to a distributing plant from which a volume of fluid milk products which is not less than 50 percent during any month of September through February, or 45 per-

cent during any month of March through August, of its receipts of milk from dairy farmers, cooperative associations and from other plants is disposed of as route disposition during the month, and the volume disposed of as route disposition in the marketing area during the month is not less than 10 percent of such receipts.

Copies of this supplemental notice of hearing and the order may be procured from the Market Administrator, 1528 Walnut Street, Philadelphia, Pa. 19102, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on June 2, 1967.

CLARENCE H. GIRARD,
Deputy Administrator
Regulatory Programs.

[F.R. Doc. 67-6363; Filed, June 6, 1967; 8:51 a.m.]

[7 CFR Parts 1032, 1050, 1062, 1067]

[Dockets Nos. AO 313-A14, AO 355-A3, AO 10-A40, AO 222-A24]

MILK IN SOUTHERN ILLINOIS, CENTRAL ILLINOIS, ST. LOUIS, AND OZARKS MARKETING AREAS**Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders**

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Southern Illinois, Central Illinois, St. Louis, and Ozarks marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the tenth day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreements and to the orders as amended, were formulated, was conducted at St. Louis, Mo., on March 2, 1967, pursuant to notice thereof which was issued February 23, 1967 (32 F.R. 3298).

The material issue on the record of the hearing relates to the seasonal production incentive plan in each of the four markets.

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

Seasonal production incentive plan. The "Louisville" plan for seasonal payments to milk producers in these four markets should be modified to set aside 15 cents per hundredweight of producer milk during each of the months of March and July and 25 cents per hundredweight during each of the months of April, May, and June. The payment of this money to producers during the fall months should be modified also by adding the month of September to the months of October, November, and December as the period in which the payments are made. The rate of payment of this money in the September-December period should be 20 percent in each of the months of September and December and 30 percent in each of the months of October and November. These changes should be made effective beginning with March 1968. In addition, the period for set aside this year should be continued through August at the existing rate of 10 cents per hundredweight.

A Louisville plan for seasonal adjustment of payments to producers has been effective in the St. Louis, Mo., Ozarks, and Suburban St. Louis (now Southern Illinois) orders for several years. A similar Louisville plan was made a part of the Central Illinois order issued to be effective January 1, 1967. The purpose of these plans is to provide incentive for producers in each of these markets to achieve a more even production of milk throughout the year.

The present orders provide for retaining in the producer-settlement fund 10 cents per hundredweight of producer milk delivered during the months of April through July. This money is distributed to producers during the following months of October through December, one-third of the total in each month. During each of the months of October, November, and December in each of the three orders where the plan has been operative, the inclusion of this money in the uniform prices to producers during the fall months has contributed approximately 14 cents per hundredweight to the level of price.

This seasonal variation in returns to producers has been in addition to that resulting from seasonal changes in Class I price differentials. Prior to amendment of the orders May 1, 1967, seasonal Class I differentials were provided as follows: At the annual average for each respective order in the months of December, January, February, and July; 20 cents per hundredweight higher in the months of August through November; and 20

cents lower than the annual average in other months.¹

The seven cooperative associations, which represent a majority of the producers in each of the four markets here considered, asked that the Louisville plans of the respective orders be modified as described above if the seasonal Class I differentials were changed to a single annual differential. The proponent cooperative associations were of the opinion that with the seasonal changes in Class I price differentials eliminated it would be necessary to provide other means to encourage producers to avoid undue seasonal changes in production.

For the March-July period, under the proposal, the average of the monthly rates of deduction would be 21 cents per hundredweight. Money set aside at this rate during these 5 months, and subsequent payment in the 4-month fall period, would produce a seasonal variation in the St. Louis market blend price estimated at close to 50 cents per hundredweight. Additional seasonal changes in per hundredweight returns would result from normal changes in class utilization.

The proposed plan would produce similar seasonal changes in returns to producers in each of the four markets. The total effect would be not greatly different from the changes previously resulting from the combination of the existing Louisville plans at a lesser rate of deduction and the additional effect of the seasonal changes in Class I differentials.

The problem that the seasonal production incentive plan is intended to correct is the tendency towards large seasonal changes in production which aggravate the problems of handling reserve milk in some months and the converse problem of providing an adequate supply during other times of the year. Production per farm tends to be higher in spring months than in the fall.

In the St. Louis market during 1966, production per farm during the proposed set-aside months (March through July) was 109 percent of the production per farm during the subsequent fall months of September through December. In the Ozarks market the corresponding percentage was approximately 111 percent.

The problem of seasonal changes in production, however, is greater than would be represented by these average production per farm data for these groups of months. This is because the average obscures the extremes of variation from spring to fall seasons. In the St. Louis market, for instance, the production per farm at the highest level was in May, which was 122 percent of the production per farm in October. Similarly, in the Ozarks market, production per farm in May was 129 percent of production per farm in October.

¹ Official notice is taken of amendments to these orders effective May 1, 1967 (32 F.R. 6606), providing for a single Class I differential in each order equal to the annual average of the prior seasonal differentials.

In the Southern Illinois market, based on data prior to expansion of the marketing area January 1, 1967, production per farm in June 1966 was 117 percent of the production per farm in September.² While similar data are not available for the Central Illinois market, inasmuch as it became effective January 1, 1967, it would be expected because of the similarity of production conditions that the problem of seasonal variation in production per farm would be about the same as in the other three markets.

The position of the proponent cooperative associations was that seasonal changes in production would continue to be a problem which could become more severe unless the orders were amended to provide seasonal changes in producer returns comparable to those under prior pricing plans. With the removal of seasonal changes in Class I differentials, the cooperatives felt that a larger seasonal change in producer returns should be provided under the Louisville plan.

The proposed modification would begin Louisville plan deductions in March, which was the month of the hearing. The proposed higher rates of deduction were contingent, however, on adoption of proposed amendments to eliminate seasonal Class I price differentials, which were effectuated May 1, 1967. The proponent witness indicated that under this condition the higher rates of set aside should be made effective beginning in March 1968, and that the present deduction of 10 cents per hundredweight should be continued through August this year.

The rates of deduction and payment proposed by the cooperative associations for these four markets will result in an effective and proper method of encouraging a more even seasonal rate of production. The varying rates of deduction during the March-July period are designed to apply the highest rates in the months of greatest seasonal surplus, namely April through June. The lesser rates of deduction would apply in March and July when production is normally higher than the annual average, although not as high as in April, May, and June. Similarly, the fall payments would be highest in October and November when production normally is seasonally lowest. The lesser rate of payment would apply in September and December when production normally is higher than in October and November but less than the annual average.

The purpose of discouraging extreme seasonal changes in production is in the interest of orderly marketing of milk in these markets. The proposed modifications of the seasonal production incentive plans in these four orders are adopted.

Three handlers who operate plants in one or the other of the Southern Illinois or Central Illinois order areas stated that they approved the principle of the Louisville plan as a method of encouraging a more level production throughout the year. The same handlers objected, how-

² Official notice is taken of data published by the market administrator for Order No. 32.

ever, to the proposed increase in the rate of set aside at this time under the Central Illinois and Southern Illinois orders. They feared that the increased rates of set aside during the spring and summer months and payment during fall months would result in seasonal misalignment of prices to producers compared with markets to the north in Illinois, Wisconsin, and Iowa. It was also argued that handlers would need to pay premiums in whichever market the uniform prices were lower due to the proposed seasonal changes. Otherwise, it was argued, dairy farmers would tend to shift between markets to get a higher price.

If the arguments of these handlers have validity, the same arguments would apply to the producer price relationships between St. Louis and Southern Illinois, and between Southern Illinois and Central Illinois if the proposed higher rates were made effective only in Southern Illinois. In effect, therefore, the arguments seem to preclude modification of the Louisville plans of these orders unless similar seasonal pricing to dairy farmers were simultaneously made effective in all markets which are in close geographic relationship.

It is concluded that the reasons given by the handlers in objection to the proposed changes should not prevent the adoption of changes to be effective beginning March 1968. During the intervening period there will be opportunity for parties in adjoining markets to propose appropriate changes in seasonal variation of returns to their producers. The issuance of a recommended decision at this time on this record will serve to inform interested parties in other markets as to the changes to be made in the four markets considered here. Furthermore, whether or not comparable changes are made in adjoining markets, it would not be expected that the difference in payment plans would result in serious disruption of milk supplies. Some seasonal variation in returns to producers normally occurs in any market due to changes in class utilization. Thus all markets in the area will to a degree have similar periods of seasonally higher and seasonally lower prices.

The Louisville plan of distributing returns to producers does not affect handlers' costs under the order or change the total amount of money received by all producers for a year's milk production. For the individual producer, however, the plan may change the amount of money he receives for his year's production of milk. The plan would tend to increase, or on the other hand, decrease, the returns to an individual dairy farmer depending on whether the seasonal variation in his production was less or more, respectively, than the market average. It is only by providing that the individual dairy farmer's returns will be so affected that the plan can achieve its purpose of rectifying extreme seasonal changes in milk production. In these markets producers as represented by their cooperative associations desire that their money be paid to them in the manner proposed.

A cooperative association whose members supply certain Ozarks order handlers requested that if such handlers are exempted from the Ozarks order regulation due to a change in the marketing area between the periods of set aside and payment under the Louisville plan, then the proportionate amount of money deducted for member milk should be in some manner returned to such members.

The question of marketing area change is a consideration in records of other hearings on the Ozarks and St. Louis orders pursuant to notice issued January 24, 1967 (32 F.R. 1042) and the Ozarks and Fort Smith orders pursuant to notice issued October 11, 1966 (31 F.R. 13395). Decisions on those records are pending. It would not be possible to anticipate on this record what modifications of the marketing area might be made or what importance these or other changes based on the other records would have in relation to the Louisville plan. The problem raised by the cooperative therefore cannot be resolved on this record.

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

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

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

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

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner

as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreements and order amending the orders. The following order amending the orders as amended regulating the handling of milk in the Southern Illinois, Central Illinois, St. Louis, and Ozarks marketing areas is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended:

Southern Illinois marketing area. 1. Paragraphs (h) and (i) of § 1032.71 are revised to read as follows:

§ 1032.71 Computation of the uniform price.

(h) Subtract in the case of milk delivered during each of the months of March and July an amount equal to 15 cents per hundredweight and during each of the months of April, May, and June an amount equal to 25 cents per hundredweight of producer milk specified in paragraph (e) (1) of this section, except that the rate of deduction for each of the months of April through August 1967 shall be 10 cents;

(i) Add in the case of milk delivered during each of the months of September and December 20 percent and during each of the months of October and November 30 percent of the total amount subtracted pursuant to paragraph (h) of this section, except that in the case of money deducted pursuant to paragraph (h) of this section during 1967 one third of the sum shall be added in each of the months of October, November, and December 1967;

Central Illinois marketing area. 1. Paragraphs (h) and (i) of § 1050.71 are revised to read as follows:

§ 1050.71 Computation of the uniform price.

(h) Subtract in the case of milk delivered during each of the months of March and July an amount equal to 15 cents per hundredweight and during each of the months of April, May, and June an amount equal to 25 cents per hundredweight of producer milk specified in paragraph (e) (1) of this section, except that the rate of deduction for each of the months of April through August 1967 shall be 10 cents;

(i) Add in the case of milk delivered during each of the months of September and December 20 percent and during each of the months of October and November 30 percent of the total amount subtracted pursuant to paragraph (h) of this section, except that in the case of money deducted pursuant to para-

graph (h) of this section during 1967 one third of the sum shall be added in each of the months of October, November, and December 1967:

St. Louis, Mo., marketing area. 1. Paragraphs (h) and (i) of § 1062.71 are revised to read as follows:

§ 1062.71 Computation of uniform prices.

(h) Subtract in the case of milk delivered during each of the months of March and July an amount equal to 15 cents per hundredweight and during each of the months of April, May, and June an amount equal to 25 cents per hundredweight of producer milk specified in paragraph (e) (1) of this section, except that the rate of deduction for each of the months of April through August 1967 shall be 10 cents;

(i) Add in the case of milk delivered during each of the months of September and December 20 percent and during each of the months of October and November 30 percent of the total amount subtracted pursuant to paragraph (h) of this section, except that in the case of money deducted pursuant to paragraph (h) of this section during 1967 one third of the sum shall be added in each of the months of October, November, and December 1967;

Ozarks marketing area. 1. Paragraphs (h) and (i) of § 1067.71 are revised to read as follows:

§ 1067.71 Computation of uniform prices.

(h) Subtract in the case of milk delivered during each of the months of March and July an amount equal to 15 cents per hundredweight and during each of the months of April, May, and June an amount equal to 25 cents per hundredweight of producer milk specified in paragraph (e) (1) of this section, except that the rate of deduction for each of the months of April through August 1967 shall be 10 cents;

(i) Add in the case of milk delivered during each of the months of September and December 20 percent and during each of the months of October and November 30 percent of the total amount subtracted pursuant to paragraph (h) of this section, except that in the case of money deducted pursuant to paragraph (h) of this section during 1967 one-third of the sum shall be added in each of the months of October, November, and December 1967;

Signed at Washington, D.C., on June 2, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-6357; Filed, June 6, 1967; 8:51 a.m.]

[7 CFR Part 1063]

[Docket No. AO 105-A28]

MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Quad Cities-Dubuque marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the third day after publication of this decision in the *FEDERAL REGISTER*. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Rockton, Ill., on May 25, 1967, pursuant to notice thereof which was issued May 18, 1967 (32 F.R. 7499).

The material issue on the record of the hearing related to the pooling requirements for distributing plants.

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

Pool distributing plants. The pooling requirements for distributing plants should be revised by changing the percentage and the basis for calculating such percentage of Grade A milk receipts which must be disposed of as Class I packaged fluid milk products to qualify a distributing plant for pool status.

The percentage of such receipts that must be disposed of in the marketing area on routes as Class I packaged fluid milk products should remain at 15 percent.

The Grade A milk receipts for such computation should be all Grade A plant receipts (including producer milk diverted from such plant) except receipts of packaged fluid milk products from other pool distributing plants and receipts from other order plants for which a Class II utilization is requested.

Disposition of Class I packaged fluid milk products should include such prod-

ucts disposed of on routes and those moved to other plants in excess of packaged fluid milk products received from other pool distributing plants.

The percentage of such receipts which must be disposed of as Class I packaged fluid milk products to qualify for pool status should be 45 percent except from the effective date of this amendment through August 1967 the percentage should be 40 percent.

The distributing plant pooling requirements presently in the order specify that any such plant is a pool plant if it disposes of at least 35 percent of its total Grade A milk receipts, including all receipts from other plants during the month, as Class I milk on routes and not less than 15 percent of such receipts are so disposed in the marketing area. By suspension action effective May through August 1967, Class I packaged fluid milk products moved to other plants are included with the Class I milk disposed of on routes in computing the pooling qualifications.

Producers and a handler who operates a distributing plant at Rock Island, Ill., proposed that receipts of milk from other order markets with an agreed Class II classification should not be included in computing a distributing plant's pooling requirements. Further, they proposed that packaged fluid milk products moved to another plant should be included in determining a distributing plant's performance as a plant primarily engaged in the distribution of Class I milk in this marketing area. There was no opposition to these proposals. There was disagreement, however, regarding the percentage of such Grade A receipts that should be utilized each month as Class I packaged fluid milk products. Producers asked that 45 percent of such receipts each month be so disposed, while the handler proposed that 40 percent of such receipts each month during the months of March through August and 45 percent during all other months be so disposed.

A combination of factors, as described below, has significantly affected the Rock Island, Ill., distributing plant's ability to maintain its pool plant status. This plant, in addition to its route sales in the marketing area, packages fluid milk products for distribution from other plants. Except for the suspension described above, the packaged fluid milk products sold to these other plants do not enter into this plant's pool qualifications insofar as the disposition of Class I products is concerned. Since this plant is engaged in packaging significant quantities of fluid milk products, the fact that it chooses to distribute some of these packaged products through distribution routes from other plants should not cause it to lose its pool plant status. Therefore, it is appropriate to include Class I distribution of packaged fluid milk products moved through other plants in measuring a plant's distribution for determining pool status. To avoid duplication of route sales in such computations it is appropriate that receipts of Class I packaged fluid milk

products from other pool distributing plants should be excluded.

This distributing plant also manufactures cottage cheese for distribution from plants regulated under other Federal orders. Milk in sufficient volumes to offset the cottage cheese sales to the other order plants is received from producer cooperative associations in other order markets. This milk is received on an agreed Class II classification. Presently, even though this milk is received from other order markets expressly for manufacturing uses it, nevertheless, is included in this plant's receipts for the purpose of computing its pooling requirements. Since the milk needed for such out-of-market cottage cheese sales is received from other order markets on an agreed Class II classification, it is appropriate that such milk should not be included in its receipts for determining eligibility for pooling.

Receipts of producer milk under the Quad Cities-Dubuque order have increased significantly this year compared to 1 year ago while Class I utilization has not increased a corresponding amount. Some of this increase is due to the shifting of a plant formerly regulated under the Cedar Rapids-Iowa City order on April 1, 1967, to regulation under the Quad Cities-Dubuque order. Producer receipts in April 1967 were about 13 million pounds greater than during the corresponding month a year ago (32,800 thousand pounds in April 1967, as compared to 19,772 thousand pounds in April 1966). During this same period producer milk utilized as Class I milk increased only about 6.6 million pounds (20,643 thousand pounds in April 1967, compared to 13,999 thousand pounds in April 1966). This abrupt increase of producer receipts under the order and corresponding increase in reserve milk supplies has caused heavy use of the manufacturing facilities in the market. To permit the efficient handling of reserve milk supplies in the market during this spring and summer flush production months, it is concluded that from the effective date of this amendment through August 1967, the 40 percent factor is appropriate and thereafter a distributing plant's overall utilization should be 45 percent to meet the pooling requirements.

Another hearing involving the Quad Cities-Dubuque order was being held at the same time as this hearing. As a result of that hearing, which involved six other marketing areas now or previously regulated under Federal orders, significant changes in the provisions of the Quad Cities-Dubuque order could be made. The pooling requirements set forth herein should permit stable marketing conditions until such time as the order may be amended upon the basis of the other hearing. Further, even though the proposed overall percentage utilization factors exceed the 35 percent now contained in the order, the other changes in the pooling provisions made herein will more than offset the higher percentage requirements of 40 and 45 percent.

Proponents also urged that in-area sales required for pooling be reduced

from 15 percent of Grade A receipts to 10 percent. However, the record does not show that the proposed reduction of the in-area sales requirement is necessary. In fact, neither proponent offered any testimony in support of this proposal, and, accordingly, it is denied.

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

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

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

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

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

Recommended marketing agreement and order. The following order amending the order as amended regulating the handling of milk in the Quad Cities-Dubuque marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. Section 1063.10(a) is revised to read as follows:

§ 1063.10 Pool plant.

- (a) A distributing plant from which;
- (1) The volume of Class I packaged fluid milk products disposed of during the month either on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets or moved to other plants, less receipts of packaged fluid milk products from other pool distributing plants, is not less than 45 percent (40 percent from the effective date hereof through August 1967) of the total Grade A fluid milk products received at such plant, exclusive of receipts of packaged fluid milk products from other pool distributing plants and receipts from other order plants which are assigned pursuant to § 1063.46(a)(4)(ii) and the corresponding step of § 1063.46(b); and
 - (2) Not less than 15 percent of such receipts during the month are so disposed of in the marketing area on routes.

2. Section 1063.15 is revised to read as follows:

§ 1063.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream or any mixture in fluid form of skim milk and butterfat (except aerated cream products, products containing cheese and labeled as such, yogurt, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers). Fluid milk products in consumer-type packages or dispenser units are referred to in this part as packaged fluid milk products.

Signed at Washington, D.C., on June 2, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-6359; Filed, June 6, 1967;
8:51 a.m.]

[7 CFR Part 1136]

MILK IN GREAT BASIN MARKETING AREA

Notice of Proposed Suspension of Certain Provision of the 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 a certain provision of the order regulating the handling of milk in the Great Basin marketing area is being considered for the months of June, July, and August 1967.

The provision proposed to be suspended is: "equal to not less than 50 percent of the receipts during the month at such plant of producer milk, producer milk diverted therefrom by the plant operator and receipts at the plant of fluid milk products from plants described pursuant to paragraph (b) of this section" as it appears in the first

sentence of § 1136.11(a), relating to standards required to qualify a distributing plant for pool status.

This suspension has been requested by the Federated Dairy Farms, Inc., and Hi-Land Dairyman's Association, milk cooperatives representing the majority of producers on the market. Petitioners request that this provision be suspended for the months of June, July, and August 1967, to reflect the changed milk marketing conditions in this market and to permit them to continue marketing and pooling milk regularly associated with the market.

The proposed suspension would eliminate the specified proportion (50 percent) of certain receipts of milk from the computation used in determining a distributing plant's status as a pool plant for each of the months of June, July, and August 1967. The present 15 percent in-area route disposition requirement would remain unchanged.

There has been a significant increase in the supply of Grade A milk relative to fluid needs in the market in recent months over that for similar months during 1966. This will increase substantially the quantities of milk that the principal cooperative associations supplying the market will have to handle and market for their members, particularly during the proposed suspension period. The cooperatives contend that without the suspension, continued pool plant status for their plants cannot be assured.

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 June 2, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-6356; Filed, June 6, 1967;
8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR, Part 73]

BIOLOGICAL PRODUCTS

Dating Periods

Notice is hereby given that the Surgeon General proposes to amend § 73.86 of Part 73 of the Public Health Service

regulations to make current the list of dating periods for licensed biological products.

Inquiries may be addressed, and data, views, and arguments may be presented by interested parties, in writing, in triplicate, to the Surgeon General, Public Health Service, 9000 Rockville Pike, Bethesda, Md. 20014. All relevant material received not later than 30 days after

Fibrinolysin and Desoxyribonuclease Combined (Bovine).
Fibrinolysin and Desoxyribonuclease Combined (Bovine) with Chloramphenicol.
Plasma Protein Fraction (Human)-----

Streptokinase-Streptodornase-----

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 351, 58 Stat. 702; 42 U.S.C. 262).

Approved: May 29, 1967.

WILEUR J. COHEN,
Acting Secretary.

[F.R. Doc. 67-6353; Filed, June 6, 1967; 8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-SW-23]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Las Vegas, N. Mex., control zone.

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

publication of this notice in the FEDERAL REGISTER will be considered.

Notice is also given that it is proposed to make any amendments that are adopted effective on the date of publication in the FEDERAL REGISTER.

Amend § 73.86 as follows:

1. Delete "Antipertussis Serum ----- 2 years."
2. Revise the following to read:

Three years, provided labeling recommends storage at not above 22° C.
Three years, provided labeling recommends storage at not above 22° C.
(a) Five years (5° C., 1 year).
(b) Three years, provided labeling recommends storage at not above 30° C. (5° C., 1 year).
Dried: Two years (5° C., 1 year).
Tablets: Eighteen months provided labeling recommends storage at not above 30° C. (5° C., 6 months).

LEO J. GEHRIG, M.D.,
Acting Surgeon General.

docket will also be available for examination at the Office of the Chief, Air Traffic Division.

The Las Vegas, N. Mex., control zone described in § 71.171 (32 F.R. 2109) would be altered by adding " * * * and within 2 miles each side of the Las Vegas VORTAC 025° (012° magnetic) radial, extending from the 5-mile radius zone to 8 miles north of the VORTAC."

Alteration of the Las Vegas, N. Mex., control zone, as proposed, will provide airspace protection for aircraft executing an instrument approach procedure proposed for the Las Vegas Municipal Airport.

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 May 25, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-6333; Filed, June 6, 1967;
8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SW-25]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Borger, Tex., control zone and 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, Fed-

eral 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.

The reasons for alteration of the controlled airspace at Borger are the decommissioning of a radio beacon, operated by Central Airlines, and the cancellation of an ADF instrument approach procedure based thereon.

The Borger, Tex., control zone described in § 71.171 (32 F.R. 2078) would be altered by deleting " * * * 2 miles each side of the 141° bearing from latitude 35°41'30" N., longitude 101°23'45" W., extending from the 5-mile radius zone to 7.5 miles southeast of latitude 35°41'30" N., longitude 101°23'45" W. and * * * "

The Borger, Tex., transition area described in § 71.181 (32 F.R. 2160) would be altered by deleting " * * * and within 8 miles northeast and 5 miles southwest of the 141° and 321° bearings from latitude 35°41'30" N., longitude 101°23'45" W., extending from 5 miles northwest to 12 miles southeast of latitude 35°41'30" N., longitude 101°23'45" W. "

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 May 25, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-6334; Filed, June 6, 1967;
8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-SW-22]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Pampa, Tex.

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.

It is proposed to designate the Pampa, Tex., transition area as that airspace extending upward from 700 feet above the surface within a 7-mile radius of Perry Le Fors Airport (latitude 35°36'25" N., longitude 100°59'55" W.), and within 2 miles each side of the 001° bearing (350° magnetic) from the Pampa RBN (latitude 35°36'40" N., longitude 100°59'45" W.), extending from the 7-mile radius area to 8 miles north of the RBN.

The proposed transition area will provide airspace protection for aircraft executing approach/departure procedures at Perry Le Fors Airport, Pampa, Tex.

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 May 25, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-6335; Filed, June 6, 1967;
8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 270]

[No. MC-C-258]

KANSAS CITY, MO.-KANSAS CITY, KANS.

Redefinition of Limits of Commercial Zone

JUNE 2, 1967.

Redefinition of the limits of the Kansas City, Mo.-Kansas City, Kans., com-

mercial zone, heretofore defined in No. MC-C-258, Kansas City, Mo.-Kansas City, Kans., Commercial Zone, 103 M.C.C. 19.

The Commission has been informed that by Ordinance No. 46040 enacted by the governing body of the city of Kansas City, Kans., effective December 19, 1967, the corporate limits of Kansas City, Kans., were expanded to include areas not presently included in limits of the Kansas City, Mo.-Kansas City, Kans., commercial zones, which were most recently defined on October 11, 1966, in Kansas City, Mo.-Kansas City, Kans., commercial zone, 103 M.C.C. 19 at pages 21 and 22. The western limits of such zone are defined, in part, by a line beginning at the junction of Kansas Highway 32 and 65th Street and extending north along 65th Street to its junction with U.S. Highway 24, thence east along U.S. Highway 24 to its junction with 64th Street Terrace, thence north along 64th Street Terrace to Parallel Road, thence west along Parallel Road to 81st Street, thence north along 81st Street to its junction with Kansas Highway 5, thence east along Kansas Highway 5 to 77th Street, thence north along 77th Street and its continuation, Pomeroy Drive, northwesterly to its junction with 79th Street.

In view of the recent extension of the corporate limits of Kansas City, Kans., it is proposed to redefine the zone by including therein that area bounded, in part, by a line commencing at the intersection of Kansas Highway 32 and the corporate boundary of Kansas City, Kans., thence north, west, and east, along the boundaries of Kansas City, Kans., to junction Cernech Road and Pomeroy Drive, thence northwesterly along Pomeroy Drive to its junction with 79th Street. This redefinition is proposed in lieu of the description set forth in the preceding paragraph insofar as the eastern boundaries of the present zone are concerned.

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the limits of the Kansas City, Mo.-Kansas City, Kans., commercial zone, may do so by the submission of written data, views, or arguments. An original and five copies of such data, views, or arguments shall be filed with the Commission on or before July 5, 1967. Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-6326; Filed, June 6, 1967;
8:48 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Office of the Secretary

KANSAS

Designation of Counties Within the Great Plains Area of the 10 Great Plains States Where the Great Plains Conservation Program is Specifically Applicable

For the purpose of making contracts based upon an approved plan of farming operations pursuant to the Act of August 7, 1956 (70 Stat. 1115, 16 U.S.C. 590p(b)), as amended, the following counties in the following State are designated as susceptible to serious wind erosion by reason of their soil types, terrain, and climatic and other factors.

KANSAS

Barton. Smith.
McPherson. Stafford.

Done at Washington, D.C., this 2d day of June 1967.

JOHN A. BAKER,
Assistant Secretary.

[F.R. Doc. 67-6310; Filed, June 6, 1967;
8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

WHITE LIVESTOCK COMMISSION COMPANY, INC., ET AL.

Depositing of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard, and date of posting

White Livestock Commission Company, Birmingham, Alabama, May 14, 1959.

Hillcrest Auction Co., Knoxville, Iowa, May 23, 1957.

Kirksville Community Sale-North Barn, Kirksville, Missouri, May 28, 1959.

Ericson Livestock Commission Company, Ericson, Nebraska, June 9, 1959.

Hartville Live Stock Auction, Hartville, Ohio, June 11, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the

Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not depositing promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exception or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 1st day of June 1967.

CHARLES G. CLEVELAND,
Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration.

[F.R. Doc. 67-6362; Filed, June 6, 1967;
8:51 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

YOUNGSTOWN UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

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

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

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

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose appli-

cation the comment pertains; and the comment filed with the Director must certify that such copy has been mailed or delivered to the applicant.

Docket No. 67-00088-00-46040. Applicant: Youngstown University, College of Engineering, Youngstown, Ohio 44503. Article: Electron Microscope Accessories. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: These accessories will be used for model JEM-7 electron microscope which is used for metallurgical research. Application received by Commissioner of Customs: May 22, 1967.

Docket No. 67-00084-33-46040. Applicant: King's College, Department of Biology, Wilkes-Barre, Pa. 18702. Article: Electron Microscope model JEM-30B with Vacuum Evaporator JEE-SS. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: The article is intended for use by undergraduate students in a course in the elements of micro-technique, and for demonstration in a number of elementary biological laboratories which will require that the instrument be for demonstrations in a number of elementary biological laboratories which will require that the instrument be removed from room to room. It is also intended as an instrument that will be employed by undergraduates in conjunction with research projects suitable to their stage of development. Application received by Commissioner of Customs: May 10, 1967.

Docket No. 67-00087-33-46040. Applicant: Northern Illinois University, DeKalb, Ill. 60115. Article: Electron Microscope Model JEM-T7, with cooling trap model ACS-2 and film accessory A-35-2. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan. Intended use of article: Teaching and elementary research. Application received by Commissioner of Customs: May 22, 1967.

Docket No. 67-00086-00-46040. Applicant: Syracuse University, 150 Marshall Street, Syracuse, N.Y. 13210. Article: Electron Microscope Accessories. Manufacturer: Japan Electron Optics Laboratory, Japan. Intended use of article: These accessories will be used for model JEM-7A electron microscope which is used for metallurgical research. Application received by Commissioner of Customs: May 22, 1967.

Docket No. 67-00084-33-46040. Applicant: University of California Department of Anatomy, School of Medicine, University of California, Los Angeles, Calif. 90024. Article: Electron Microscope, Model Elmiskop IA with spare parts kit No. 171005A, 70 mm camera, No. 171023B, electric shutter No. 171048. Manufacturer: Siemens and Halske Aktiengesellschaft, Germany. Intended use of article: Applicant states: "The electron microscope will be used as a tool for the anatomical investigation of cells

and tissues." Application received by Commissioner of Customs: May 19, 1967.

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

[P.R. Doc. 67-6278; Filed, June 6, 1967;
8:45 a.m.]

SOUTH SHORE VOCATIONAL TECHNICAL HIGH SCHOOL

Notice of Application for Duty-Free Entry of Scientific Article and De- cision Thereon

The following is a notice of the receipt of an application for duty-free entry of a scientific article and the decision thereon pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897).

A copy of the record pertaining to the application and decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 67-00014-00-00000. Applicant: South Shore Vocational Technical High School, Webster Street, Rural Free Delivery, Hanover, Mass. 02339. Article: Copy-and-coordinate-nibbling machine model CN 900 with additional components. Manufacturer: Trumpf, West Germany. Intended use of article: Applicant states: "Vocational training of youth and adults in copy and coordinate nibbling for precision sheetmetal industry." Application received by Commissioner of Customs: March 24, 1967. Denied without prejudice to resubmission, April 3, 1967. Resubmitted April 21, 1967. Decision: The determination required of the Secretary of Commerce by the Act cannot be made with respect to this application.

Reasons: Public Law 89-651 provides, inter alia, for duty-free treatment with respect to:

Articles entered for the use of any non-profit institution, whether public or private, established for educational or scientific purposes . . . if no instrument or apparatus of equivalent scientific value for the purposes for which the instrument or apparatus is intended to be used is being manufactured in the United States. (Section 6(c)(1))

Under the Act, the only function of the Secretary of Commerce is to determine "whether an instrument or apparatus of equivalent scientific value to [the foreign] article, for the purposes for which the instrument or apparatus is intended to be used, is being manufactured in the United States." (Section 6(c)(3), headnote 6(c))

The article which is the subject of this application is a commercial production machine designed for performing operations on sheet metal such as cutting, folding, beading, flanging, slotting, etc. It does not possess any scientific value

for the purposes for which it is intended to be used. Therefore, it is not possible to make the determination of equivalency of scientific value required by the above-quoted headnote 6(c) of Section 6(c)(3) of the Act.

CHARLEY M. DENTON,
Director, Office of Scientific and
Technical Equipment, Busi-
ness and Defense Services
Administration.

[P.R. Doc. 67-6279; Filed, June 6, 1967;
8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration FAA OFFICE AT SAIGON, VIETNAM Notice of Establishment

Notice is hereby given that on or about June 1, 1967, an FAA Office will be established at Saigon, Vietnam. This office will be staffed with an FAA Representative who will serve the aviation public by providing surveillance of and coordination with U.S. air carriers and commercial operators in civil airlift operations under contract to the Department of Defense. This information will be reflected in the FAA Organization Statement the next time it is reissued.

PHILLIP M. SWATEK,
Director, Pacific Region.

[P.R. Doc. 67-6336; Filed, June 6, 1967;
8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18610; Order No. E-25230]

SOUTHERN AIRWAYS, INC., ROUTE REALIGNMENT INVESTIGATION

Order Instituting Investigation

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

We have decided to institute an investigation designed to review the existing route structure of Southern Airways, Inc. (Southern), with a view toward possible realignment to enable the carrier to provide improved and more economical service, while at the same time increasing service convenience to the public. At issue in this proceeding will be the possible route realignment of Southern's system, and the possible deletion of two points which have failed to meet the Board's "use it or lose it" standard. We will also include the question of possible extension of Southern's route system from Atlanta to Miami via Orlando and Tallahassee.

Southern's Route 98 consists of 15 segments. Our review of this route shows that there is some segment duplication (Attachment A^{1a}) and that the existence

of numerous segment junction points restricts the carrier's flexibility to provide its passengers with a convenient efficient service. Therefore, we feel that institution of a route realignment proceeding for Southern is warranted in order to give the Board the opportunity to make appropriate changes in the carrier's route structure in the interest of eliminating segment duplication and realigning the segments so that they coincide with actual flight routings and the flow of traffic.

Attachment B^{1a} shows the realigned route system which we intend to hear in this case. It proposes consolidation of Southern's existing 15 segments to six. If this realignment is adopted, the carrier will have greater scheduling flexibility and the ability to schedule nonstop or limited stop flights in many markets where it does not have such authority now. However, we do not intend to consider in this case liberalized authority in those markets where Southern now has specific operating restrictions.¹ Issues relating to elimination of these restrictions would intensify the complexity of the case and unduly delay final decision by the Board.

In instituting route realignment cases it has been customary for the Board to review the latest traffic data available to determine whether there are points on the carrier's system which are not meeting the Board's five passengers per day "use it or lose it" standard and to include an issue in such proceedings as to whether service should be deleted or suspended at any such points. On Southern's system Myrtle Beach and Charleston, S.C., fall into this category.² For the 12 months ended September 30, 1966, Myrtle Beach originated 2.55 average daily passengers and Charleston 2.69. Both points are stub end operations for Southern on segment 12 and this affects the carrier's ability to offer suitable schedules. Removal of Southern from these cities would not deprive the cities of airline service. Piedmont Aviation, Inc., serves Myrtle Beach on a routing to Atlanta and points north, and Charleston is linked to Atlanta, its primary community of interest, by nonstop trunkline service. We will,

^{1a} Filed as part of original document.

¹ Thus, liberalization of conditions 4 through 8 of Southern's certificate will not be at issue.

² Shelbyville/Tallahassee, Tenn., and Pascagoula, Miss., also appear to be below the standard. However, the question of deleting these points was litigated in the Southern Airways, Inc., "Use It or Lose It" Investigation and Route Realignment (Docket 13564, et al., Order E-20753, Apr. 28, 1964). The Board concluded that the poor traffic response to these points was due to unsatisfactory scheduling and lack of promotion by Southern. Since the conclusion of that case service has improved and traffic has shown an upward trend at both points. In 1966, Shelbyville traffic increased 26.3 percent over the 1965 level, and in the same period, Pascagoula traffic showed a 12.9 percent gain. In view of these favorable trends in traffic growth, we will not put in issue Southern's authority at these two points.

therefore, put in issue in this proceeding continuation of Southern's authority at Myrtle Beach and Charleston.

In the course of our review of the carrier's route system, we have also examined the carrier's outstanding route applications to determine whether any of these applications are so closely related to our objectives of improving and strengthening local service responsiveness to the needs of the public that they should be included in this investigation. Southern has pending two applications which seek to extend its route into Florida.² Currently, Southern serves only three points in northern Florida³ and there is no other local carrier operating within the state. The last opportunity the Board had to consider extending Southern's system into Florida was the Southern-Eastern Route Transfer Agreement (Docket 15150, et al.). However, prior to hearing, the agreement was terminated by the parties and the application was dismissed.⁴ Our review of Southern's system in relation to its applications for additional Florida authority indicates that, with the exception of Atlanta, there is little direct service between the major Florida cities Miami, Tallahassee, and Orlando, and other points on Southern's system. For example, there is no single-plane service between Birmingham or Huntsville and Miami, between Memphis and Orlando, and between Huntsville or Memphis and Tallahassee. Therefore, extending Southern into these Florida cities should improve service convenience to the public, and, at the same time, on the basis of our preliminary analysis, it appears that such operations would be profitable to the carrier. Since our objective is to strengthen the carrier and afford it an opportunity to reduce its subsidy requirements, we have confined our analysis to the relatively longer-haul markets and higher density points. Thus, in our view, a route between Atlanta and Miami via Tallahassee and Orlando shows the greatest potential for profitability. Accordingly, rather than consolidate into this proceeding Southern's applications which involve service to many smaller points, we will place in issue Atlanta-Miami authority via Tallahassee and Orlando. We believe this proceeding is the appropriate vehicle to explore this question since it is closely related to the prime concern of this case, namely, the realignment of Southern's route structure to enable it to provide improved and more economical service. In view of the anticipated profitability of the route extension to Miami, we will not consider granting subsidy eligibility for any new Florida authority awarded in this case.

² Dockets 14743 and 14744, both filed Sept. 6, 1963. These applications request authority to operate along both coasts of Florida with terminals at Key West and Miami and include numerous intermediate points such as Fort Lauderdale, West Palm Beach, Fort Myers, Ocala, Orlando, and Tallahassee.

³ Jacksonville, Panama City, and Eglin Air Force Base.

⁴ Order E-22459, July 21, 1965.

Finally, we have determined that two of Southern's pending certificate applications should be considered in this investigation. In Docket 17356, Southern seeks the amendment of its certificate so as to add the Mississippi Test Facility, Miss., as an intermediate point on segment 15⁵ and in Docket 18077, the carrier requests renewal of its segment 13 authority which is due to expire June 28, 1967. Both applications involve matters which are closely related to the question of realigning Southern's route, and, therefore, they are properly within the scope of this proceeding. In addition, we will consider permanent flagstop authority for Southern as a replacement for the temporary flagstop authority awarded the carrier in Order E-9781, November 25, 1955.

Accordingly, it is ordered, That:

1. Pursuant to section 401(g) of the Federal Aviation Act of 1958, as amended, an investigation to be known as the Southern Airways, Inc., Route Realignment Investigation be and it hereby is instituted in Docket 18610, to determine whether the public convenience and necessity require the alteration, amendment or modification of Southern's certificate so as to:

(a) Realign its present 15 segments into six segments as proposed on Attachment B to this order;

(b) Terminate Southern's authority to serve Myrtle Beach, S.C., and Charleston, S.C.;

(c) Authorize service between Atlanta, Ga., and Miami, Fla., via Orlando and Tallahassee, Fla.; *Provided, however,* That the award of such authority be on a subsidy-ineligible basis;

(d) Include permanent flagstop authority of the same type now temporarily authorized for Southern in Order E-9781, November 25, 1955;

2. Southern's applications in Dockets 17356 and 18077 be and they hereby are consolidated into the investigation instituted pursuant to this order; and

3. A copy of this order be served upon Southern Airways, Inc., which is made a party to this proceeding, and upon Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., United Air Lines, Inc., and all the cities authorized to receive service from Southern, and the Aeronautics Commissions or Departments of the States served by Southern.

This order will be published in the **FEDERAL REGISTER**.

By the Civil Aeronautics Board:

[SEAL] HAROLD R. SANDERSON,
Secretary.

[P.R. Doc. 67-6339; Filed, June 6, 1967;
8:49 a.m.]

⁵ Pursuant to Order E-24102, Aug. 18, 1966, Southern has exemption authority to serve the Mississippi Test Facility on a nonsubsidy basis. This authority expires 60 days after final decision in Docket 17356.

COMMISSION ON POLITICAL ACTIVITY OF GOVERNMENT PERSONNEL

GOVERNMENT EMPLOYEES

Notice of Public Hearings Regarding Effects of Hatch Political Activities Act

The Commission on Political Activity of Government Personnel (Public Law 89-617) will conduct public hearings on June 12-13, beginning at 10 a.m., in Room 2519-2525, 219 South Dearborn Street, Chicago, Ill.

The Commission is studying the effects of the Hatch Political Activities Act (P.L. 76-252, as amended) upon public life and upon individuals employed by Government agencies, Federal, State, and local, who are affected by its provisions.

Individuals and representatives of organizations desiring to appear before the Commission should notify in writing: Jon Linfield, Executive Secretary, Commission on Political Activity of Government Personnel, Suite 306, 1111 20th Street NW., Washington, D.C. 20036.

Written statements will be accepted for the record and should be submitted to the Executive Secretary not later than the date of the hearing.

Confidential statements will be accepted and must be so marked on every page. These statements will be received only at the Commission's offices in Washington, D.C.

For the Commission.

JON LINFIELD,
Executive Secretary.

[P.R. Doc. 67-6274; Filed, June 6, 1967;
8:45 a.m.]

GOVERNMENT EMPLOYEES

Notice of Public Hearings Regarding Effects of Hatch Political Activities Act

The Commission on Political Activity of Government Personnel (Public Law 89-617) will conduct public hearings on June 19, beginning at 10 a.m., in Room E226, John F. Kennedy Federal Building, Government Center, Boston, Mass.

The Commission is studying the effects of the Hatch Political Activities Act (P.L. 76-252, as amended) upon public life and upon individuals employed by Government agencies, Federal, State, and local, who are affected by its provisions.

Individuals and representatives of organizations desiring to appear before the Commission should notify in writing: Jon Linfield, Executive Secretary, Commission on Political Activity of Government Personnel, Suite 306, 1111 20th Street NW., Washington, D.C. 20036.

Written statements will be accepted for the record and should be sub-

mitted to the Executive Secretary not later than the date of the hearings.

Confidential statements will be accepted and must be so marked on every page. These statements will be received only at the Commission's offices in Washington, D.C.

For the Commission.

JON LINFIELD,
Executive Secretary.

[P.R. Doc. 67-6275; Filed, June 6, 1967;
8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16722; FCC 67M-911]

BLACK HAWK BROADCASTING CO. (KWVL-TV)

Order Continuing Hearing

In re application of Black Hawk Broadcasting Co. (KWVL-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 on May 29, 1967, by Black Hawk Broadcasting Co.;

It appearing, that the continuance is requested to afford additional time for determination by the Federal Aviation Administration of a "Petition for Review" of a site meeting Commission requirements;

It further appearing, that all parties have consented to immediate consideration and grant of the said request;

It is ordered, That the request is granted and the hearing presently scheduled for June 1, 1967, is continued to August 2, 1967, commencing at 10 a.m. in the offices of the Commission at Washington, D.C.

Issued: May 29, 1967.

Released: June 1, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 67-6341; Filed, June 6, 1967;
8:50 a.m.]

FEDERAL MARITIME COMMISSION

NORDDEUTSCHER LLOYD ET AL.

Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Notice of Application for Certificate (Casualty)

Notice is hereby given that pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, Amendment 2 (46 CFR Part 540) the following persons have applied to the Federal Maritime Commission for a Cer-

tificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages:

Norddeutscher Lloyd (NGL) (NDL) (North German Lloyd).
Evangeline Steamship Co., S.A.
United States Lines, Inc.

Dated: June 2, 1967.

THOMAS LISI,
Secretary.

[P.R. Doc. 67-6342; Filed, June 6, 1967;
8:50 a.m.]

CANADIAN PACIFIC RAILWAY CO.

Indemnification of Passengers for Nonperformance of Transportation; Notice of Application for Certificate

Notice is hereby given that pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20 (46 CFR Part 540) the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation:

Canadian Pacific Railway Co. (Canadian Pacific).

Dated: June 2, 1967.

THOMAS LISI,
Secretary.

[P.R. Doc. 67-6343; Filed, June 6, 1967;
8:50 a.m.]

AMERICAN PRESIDENT LINES, LTD. AND CHINA NAVIGATION CO., LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. D. J. Morris, Manager, American President Lines, 601 California Street, San Francisco, Calif. 94108.

Agreement 9324-1, between American President Lines, Ltd. (APL), and China Navigation Co., Ltd. (CNC), modifies the basic agreement by expanding its coverage, which presently applies to coffee beans only, to include all cargo originating in specified ports in New Guinea served by CNC and transported to Pacific coast ports served by APL with transshipment in Hong Kong, B.C.C.

Dated: June 1, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[P.R. Doc. 67-6344; Filed, June 6, 1967;
8:50 a.m.]

COLUMBUS LINE AND BRODIN LINE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Edwin Longcope, Hill, Betts, Yamaoka, Freehill & Longcope, 26 Broadway, New York, N.Y. 10004.

Agreement 9633, between Hamburg Sudamerikanische Dampfschiffahrts-Gesellschaft (Columbus Line), and Rederiaktiebolaget Disa, Rederiaktiebolaget Poseidon and Jade Co., Inc. (Brodin Line), provides for the spacing of sailings and the establishment of rates by the parties in the trade between U.S. Great Lakes, Atlantic, and Gulf ports and ports in Argentina, Brazil, Paraguay, and Uruguay, in accordance with the terms and conditions set forth in the agreement.

Dated: June 2, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[P.R. Doc. 67-6345; Filed, June 6, 1967;
8:50 a.m.]

NOUVELLE COMPAGNIE HAVRAISE PENINSULAIRE DE NAVIGATION ET AL.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 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.

Nouvelle Compagnie Havraise Peninsulaire de Navigation, Compagnie Malgache de Navigation, and N. V. Nedlloyd Lijnen.

Notice of agreement filed for approval by:

Mr. Edward P. Cotter, Charrier & McAteer, Inc., 1750 Pennsylvania Avenue NW., Washington, D.C. 20006.

Agreement 9632, between Nouvelle Compagnie Havraise Peninsulaire de Navigation, Compagnie Malgache de Navigation, and N. V. Nedlloyd Lijnen establishes a through billing arrangement for movement of cargo between Malagasy Republic, Mauritius, Reunion, The Comoro Islands, and U.S. Atlantic, Pacific, and Gulf of Mexico ports with transshipment at Capetown, Durban, Djibouti, Assab, or Tamatave in accordance with terms and conditions set forth in the agreement.

Dated: June 2, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-6346; Filed, June 6, 1967;
8:50 a.m.]

PORT OF SEATTLE AND AMERICAN MAIL LINE, LTD.

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 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.

time 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 15 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. T. P. McCutchan, Manager, Port of Seattle, Post Office Box 1209, Seattle, Wash. 98111.

Agreement No. T-2050 between the Port of Seattle (Port) and American Mail Line, Ltd. (AML) provides for a 5-year lease to AML of portions of the Pier 28 and Pier 29 together with certain adjoining lands and buildings. For premises designated "nonoperational" (office and noncargo storage), AML will pay a fixed monthly sum. For areas described "operational and other", AML will pay 100 percent of all revenues derived from dockage, wharfage, wharf demurrage and storage with a minimum annual rental of \$130,000. All revenues accruing to the Port from secondary berthing will be deducted from the \$130,000 guaranteed minimum. AML will have the right to perform all terminal services arising from secondary berthing except those services included in stevedoring agreements entered into by a vessel or its agent. Port will pay AML applicable tariff charges for the performance of such services, except for dockage, wharfage or wharf demurrage. AML agrees to either become a participant in the Seattle terminal tariffs, or with the exception of any tariff rates and charges upon which rental payments are to be computed, publish a tariff naming such rates and charges as it considers necessary and proper to meet its own requirements. Such rates and charges must be approved in advance by the Port.

Dated: June 2, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-6347; Filed, June 6, 1967;
8:50 a.m.]

[Agreement 150]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) 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. D. P. Gillette, Chairman, Trans-Pacific Freight Conference of Japan, Kindai Building, 11, 3-Chome, Kyobashi, Tokyo, Japan.

Agreement 150-36, between the member lines of the Trans-Pacific Freight Conference of Japan (Agreement 150, as amended), modifies the basic agreement by deleting Canadian Pacific Coast ports from the scope of the Conference agreement.

Dated: June 2, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-6348; Filed, June 6, 1967;
8:50 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-3141, etc.]

CLAUDE GOBLE ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates¹

MAY 25, 1967.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 15, 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

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

after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

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

GODDARD M. GRANT,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
G-2140 E 5-10-67	Camde Goble (successor to Mary D. Abbott), Post Office Box 14, Dumas, Okla. 74021.	Kentucky-West Virginia Gas Co., Cow Creek Field, Floyd County, Ky.	12.0	15.235
G-11172 E 5-9-67	V. F. Neuhaus (successor to Shell Oil Co.), c/o Robert L. Bradley, attorney, Andrews, Keith, Campbell & Jones, 500 Humble Bldg., Houston, Tex. 77002.	Florida Gas Transmission Co., Oblate Field, Hulsdale County, Tex.	17.0	14.65
G-17444 C 5-10-67	Joint Venture (Phillips Petroleum Co. & Southern Natural Gas Co.), c/o Southern Natural Gas Co., Manager, Post Office Box 2504, Birmingham, Ala. 35202.	Transcontinental Gas Pipe Line Corp., Ship Shoal Area Block 28 Field, Offshore Louisiana.	20.625	15.025
C161-783 E 5-8-67 C161-1680 C 5-15-67	V. F. Neuhaus (successor to Shell Oil Co.), Mobil Oil Corp., Post Office Box 2444, Houston, Tex. 77001.	Florida Gas Transmission Co., Yacquire Field, Starr County, Tex. Transcontinental Gas Pipe Line Corp., South Marsh Island Block 23 Field, Offshore Louisiana.	17.0 19.0	14.65 15.025
C161-321 E 5-9-67	Investors Royalty Co., Inc. (Operator) et al. (successor to J. G. Calllett Co. (Operator) et al.), 1309 Thompson Bldg., Tulsa, Okla. 74103.	Cities Service Gas Co., Gaymon-Hugoton Field, Finney County, Kans.	12.0	14.65
C161-324 (C161-46) F 4-26-67 C161-441 C 5-9-67	Mobil Oil Corp. (Operator) et al. (successor to Amstar Petroleum Corp.), St. Clair Oil Co., 319 East Main St., St. Clairville, Ohio 43080.	Arkansas Louisiana Gas Co., Red Oak Field, Pittsburg County, Okla.	15.0	14.65
C161-335 D 5-11-67	Standard Oil & Gas Co., Post Office Box 321, Tulsa, Okla. 74102.	Equitable Gas Co., Collins Settlement District, Lewis County, W. Va.	20.0	15.335
C161-343 C 5-12-67	P. H. American Petroleum Corp., Post Office Box 561, Tulsa, Okla. 74102.	Consolidated Gas Supply Corp., Chautauque Field, Cameron Parish, La.	(?)	14.65

Filing codes: A—Initial services.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
C161-992 O 5-11-67	Graham-Michels Drilling Co., 302 Graham Bldg., 211 North Broadway, Wichita, Kans. 67202.	Cities Service Gas Co., Actus Field, Barber County, Kans.	14.0	14.65
C161-1372 A 5-4-67	Mobil Oil Corp.*	Natural Gas Pipeline Co. of America, Censatary Field, Eddy County, N. Mex.	15.0	14.65
C161-1413 A 5-9-67	A. W. Lemon Hrs. Oil & Gas Partnership, c/o Francis E. Cain, agent, Big Bend, W. Va. 26136.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	25.0	15.335
C161-1614 (O-14570) F 5-10-67	Larco Drilling Co. (successor to Union Producing Co.), Post Office Box 2269, Jackson, Miss. 39207.	United Gas Pipe Line Co., Marble Fork Field, Fernal River County, Miss.	20.0	15.025
C161-1615 A 5-11-67	Cleary Petroleum, Inc., 210 Karmic Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipe Line Co., Northwest Fargo Field, Ellis County, Okla.	17.0	14.65
C161-1616 A 5-11-67	D. A. Dierwardt et al., 41 North Chestnutfield Road, Columbus, Ohio 43206.	Equitable Gas Co., Court House District, Lewis County, W. Va.	25.0	15.335
C161-1617 A 5-11-67	W. B. O'Brien, Jr. (Operator) et al., Post Office Box 6787, San Antonio, Tex. 78209.	Panhandle Eastern Pipe Line Co., storage in Woods County, Okla.	17.0	14.65
C161-1618 A 5-11-67	Bowser Gas & Oil Co., 1201 28th St., Parkersburg, W. Va. 26101.	Consolidated Gas Supply Corp., Cooper District, Calhoun County, W. Va.	25.0	15.335
C161-1619 A 5-11-67	Burnhouse Oil & Gas Co., Burnhouse, W. Va. 26208.	Consolidated Gas Supply Corp., Murphy District, Ritchie County, W. Va.	25.0	15.335
C161-1620 A 5-11-67	Reserve Oil & Gas Co., 1700 Fidelity Union Tower, Dallas, Tex. 75201.	El Paso Natural Gas Co., Basin Del Norte Field, San Juan County, N. Mex.	13.0	15.025
C161-1621 B 5-10-67	Texas Oil Co., Post Office Box 211, Houston, Tex. 77001.	Kansas-Northwestern Gas Co., Logan Lac. Armstrong Field, Logan County, Colo.	(?)	14.65
C161-1622 A 5-10-67	W. C. McElrath, Inc., 25 North Brentwood Blvd., Clayton, Mo. 63105.	Arkansas Louisiana Gas Co., Cameron Field Area, Le Flore County, Okla.	15.0	14.65
C161-1623 A 5-10-67	Continental Oil Co., Post Office Box 2497, Houston, Tex. 77001.	Cascade Natural Gas Corp., Dragon Trail Area, Rio Blanco County, Colo.	13.5	15.025
C161-1624 A 5-11-67	Mobil Oil Corp.	United Fuel Gas Co., East Cameron Meadows Field, Cameron Parish, La.	15.5	15.025
C161-1625 A 5-12-67	J. & J. Enterprises, Inc., 515 Allegheny Ave., Avonmore, Pa. 15615.	Consolidated Gas Supply Corp., Warren and Union Districts, Upshur County, W. Va.	25.0	15.335
C161-1626 A 5-12-67	Neuman Brothers Drilling Co. (Operator) et al., 1413 Milan Bldg., San Antonio, Tex. 78205.	Montana-Dakota Utilities Co., Madison West Field, Big Horn County, Wyo.	13.6154	15.025
C161-1627 B 5-12-67	Continental Oil Co., Post Office Box 2197, Houston, Tex. 77001.	United Gas Pipe Line Co., Carthage Field, Paudyal County, Tex.	(?)	15.025
C161-1628 (C161-453) F 5-12-67	P. H. American Petroleum Corp. (successor to M. H. Mar et al.), Post Office Box 899, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., Cheniere Field, Ouachita Parish, La.	15.33	15.025
C161-1629 A 5-12-67	Texas, Inc., Post Office Box 2332, Houston, Tex. 77002.	Transwestern Pipeline Co., Goodwin South Field, Ellis County and Ross Southwest Field, Texas County, Okla.	17.0	14.65
C161-1630 A 5-12-67	C. L. Kingsbury et al., 2 Kingsbury Dr., Huntington, W. Va.	Consolidated Gas Supply Corp., Lee District, Calhoun County, W. Va.	25.0	15.335
C161-1631 A 5-12-67	Adams Oil & Refining Co., Post Office Box 1866, Oklahoma City, Okla. 73101.	Natural Gas Pipeline Co. of America, Erick Field, Beckham County, Okla.	15.0	14.65
C161-1632 A 5-12-67	Rockwell Petroleum Co., Post Office Box 2499, Tulsa, Tex. 73001.	Lone Star Gas Co., North Henderson Area, Bosk County, Tex.	16.66	14.65
C161-1633 A 5-12-67	Robert W. Adams, Suite 1900, 1700 Broadway, Denver, Colo. 80202.	Consolidated Gas Supply Corp., Huff Creek District, Wyoming County, and Sandy River District, McDowell County, W. Va.	25.0	15.335

Docket No. and date filed	Applicant	Purchaser, field, and location	Price per Mcf	Pressure base
CI67-1634. A 5-15-67.	Samedan Oil Corp. et al., Lincoln Center, Ardmore, Okla. 73401.	Panhandle Eastern Pipe Line Co., Northeast Wynoka Field, Woods County, Okla.	* 17.0	14.65
CI67-1636. A 5-15-67.	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Vigor (Wilcox) Area Field, Duval County, Tex.	16.0	14.65
CI67-1637. A 5-15-67.	T. K. Hendrick, 2005 Liberty Bank Bldg., Oklahoma City, Okla. 73102.	Natural Gas Pipeline Co. of America, acreage in Beckham County, Okla.	** 15.0	14.65
CI67-1638. (G-14874) A 5-15-67.	Texaco, Inc., Post Office Box 82332, Houston, Tex. 77062.	United Gas Pipe Line Co., Cypress Island Field, Lafayette and St. Martin Parishes, La.	** 21.25 ** 20.0	15.025
CI67-1639. A 5-15-67.	Mack Oil Co., et al., Post Office Box 400, Duncan, Okla. 73533.	Panhandle Eastern Pipe Line Co., South Bishop (Peek) Field, Ellis County, Okla.	17.0	14.65
CI67-1640. (G-15122) A 5-15-67.	Texaco, Inc.	United Gas Pipe Line Co., Belle Isle Field, St. Mary Parish, La.	** 20.625	15.025
CI67-1641. A 5-16-67.	Shenandoah Oil Corp., 406 Mutual Savings Bldg., Fort Worth, Tex. 76102.	Northern Natural Gas Co., Northeast Mokane Field, Beaver County, Okla.	* 17.0	14.65
CI67-1642. A 5-15-67.	Sinclair Oil & Gas Co.	Natural Gas Pipeline Co. of America, Putman Field, Dewey County, Okla.	17.0	14.65
CI67-1643. A 5-12-67.	Ackley Oil Gas Co., R.F.D. No. 2, West Finley, Pa. 15377.	The Manufacturers Light & Heat Co., Richhill Township, Greene County, Pa.	21.5	15.325
CI67-1644. A 5-16-67.	Phillips Petroleum Co., Bartlesville, Okla. 74603.	Transcontinental Gas Pipe Line Corp., Ship Shoal Area Block 28 Field, Offshore Terrebonne Parish, La.	* 20.625	15.025
CI67-1645. A 5-16-67.	do	Transcontinental Gas Pipe Line Corp., Ship Shoal Area Block 32 Field, Offshore Terrebonne Parish, La.	** 20.625	15.025
CI67-1646. A 5-17-67.	Cleary Petroleum, Inc.	Arkansas Louisiana Gas Co., O'Keene Field, Blaine County, Okla.	15.0	14.65
CI67-1647. A 5-17-67.	do	Panhandle Eastern Pipe Line Co., North Hopeton Field, Woods County, Okla.	* 15.0	14.65
CI67-1648. A 5-15-67.	Parker Petroleum Co., et al., c/o William B. Rezek, Post Office Box 1741, Parkersburg, W. Va. 26102.	Consolidated Gas Supply Corp., Williams District, Wood County, W. Va.	25.0	15.325
CI67-1649. A 5-15-67.	Amerada Petroleum Corp., Post Office Box 2040, Tulsa, Okla. 74102.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Southwest Belle Isle Field, St. Mary and/or Iberia Parishes, La.	20.625	15.025
CI67-1650. A 5-17-67.	Continental Oil Co.	Panhandle Eastern Pipe Line Co., South Peak Field, Ellis County, Okla.	** 17.85	14.65

- * Rate in effect subject to refund in Docket No. RI65-475.
 * Adds deep gas reserves.
 * 1.625 cents of such price shall be paid to an escrow agent in accordance with settlement agreement approved in Docket No. G-17444.
 * Rate in effect subject to refund in Docket No. RI63-411.
 * Amendment to the certificate filed to reflect acquisition of 0.9219 percent of Mobil's interest which was included in the filing of Mar. 14, 1967 (Supp. No. 11). Said acreage was acquired from Amex Petroleum Corp. in Docket No. CI67-90.
 * Acreage released to land owner due to nondevelopment.
 * Includes 2.55 cents upward B.T.U. adjustment. Subject to upward and downward B.T.U. adjustment.
 * Applicant states its willingness to accept permanent certificate containing conditions similar to those imposed by Opinion No. 468, as modified by Opinion No. 465-A.
 * Subject to upward and downward B.T.U. adjustment.
 * The gas wells completed on the acreage covered by subject contract have ceased producing in commercial quantities and no further development is contemplated.
 * 15.0 cents base price less 1.0 cent for compression and 0.5 cent amortization of separator-dehydrator facilities.
 * No deliveries have been made under subject contract since August 1967 and no future deliveries are contemplated.
 * Includes 1.33 cents per Mcf tax reimbursement.
 * Subject to upward B.T.U. adjustment.
 * In addition to initial sale, Applicant request authorization to continue the sale of gas from its interest which is presently covered by Monsanto Co.'s FPC GRS No. 28, Docket No. G-14874.
 * Price for initial sale.
 * Price for gas presently sold under Monsanto Co.'s FPC GRS No. 28.
 * In addition to initial sale, Applicant request authorization to continue the sale of gas from its interest which is presently covered by Sun Oil Co.'s FPC GRS No. 114, Docket No. G-15122.
 * This price applies to the initial service requested under this application and also is the rate which is in effect for Applicant's gas currently being delivered by Sun Oil Co., pursuant to its FPC GRS No. 114.
 * 1.625 cents of such price shall be paid to an escrow agent in accordance with settlement agreement approved in Docket No. G-17447.
 * Applicant states its willingness to accept certificate on the same terms specified by the Commission's order issued Mar. 30, 1964, in Docket Nos. G-19417 et al.
 * Includes upward B.T.U. adjustment. Subject to upward and downward B.T.U. adjustment.

[F.R. Doc. 67-6167; Filed, June 6, 1967; 8:45 a.m.]

[Docket No. G-4713 etc.]

ROBERTS AND MURPHY, INC., ET AL. Findings and Orders After Statutory Hearing

MAY 24, 1967.

Findings and orders after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving

abandonment of service, terminating certificates, terminating rate proceeding, making successors to co-respondents, redesignating proceedings, requiring filing of agreements and undertakings, accepting agreements and undertakings for filing, and accepting related rate schedules and supplements, for filing.

Each of the applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a cer-

tificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC gas rate schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are at rates either equal to or below the ceiling prices established by the Commission's statement of general policy No. 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that the sales from the Permian Basin area of New Mexico and Texas are authorized to be made at or below the applicable area base rates and under the conditions prescribed in Opinion Nos. 468 and 468-A.

Pan American Petroleum Corp., Applicant in Docket No. G-7500, proposes to continue in part the sale of natural gas heretofore made pursuant to a certificate issued in Docket No. CS66-48 under Rodman & Late FPC Gas Rate Schedule No. 1. The contract comprising said rate schedule is the same as the contract comprising Applicant's FPC Gas Rate Schedule No. 129 and the instrument of assignment will be accepted for filing as a supplement to the latter rate schedule. The presently effective rate for sales made pursuant to Rodman & Late's rate schedule is in effect subject to refund in Docket No. G-19952.¹ Therefore, Applicant will be made co-respondent in said proceeding, the proceeding will be redesignated accordingly, and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

South-Tex Corp., Applicant in Docket No. CI63-33, proposes to continue the sale of natural gas heretofore authorized in Docket No. G-4733 to be made pursuant to Associated Oil & Gas Co. FPC Gas Rate Schedule No. 3. Said rate schedule will be redesignated as that of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI60-449.² Associated collected a prior increased rate under said rate schedule for a locked-in period subject to refund in Docket No. G-19652.³ Applicant has filed motions to be made a party respondent in both of these proceedings and has submitted agreements and undertakings to assure the refunds of any amounts collected by it in excess of the amounts determined to be just and reasonable in said proceedings. Therefore, Applicant will be made a co-respondent in each proceeding, the proceedings will be redesignated

¹ Consolidated with the initial proceeding in Docket No. AR61-1 et al.

² Consolidated with Docket No. AR64-2 et al.

accordingly and the agreements and undertakings will be accepted for filing.

Gulf Oil Corp. (Operator) et al., Applicant in Docket No. CI67-803, proposes to continue in part the sale of natural gas authorized in Docket No. G-3113 to be made pursuant to Humble Oil & Refining Co. (Operator) et al., FPC Gas Rate Schedule No. 31. Applicant has submitted an instrument of ratification of the contract comprising said rate schedule, which instrument will be accepted for filing as the rate schedule of Applicant. The presently effective rate under Humble's rate schedule is in effect subject to refund in Docket No. RI65-25.^{*} Therefore, Applicant will be made co-respondent in said proceeding, the proceeding will be redesignated accordingly, and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding.

Humble Oil & Refining Co., Applicant in Docket No. CI67-1325, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. G-20055 to be made pursuant to J. H. Vandenberg (Operator) et al., FPC Gas Rate Schedule No. 1. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI61-467.^{*} Applicant has filed a motion to be made a party respondent in said proceeding and has submitted an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding. Therefore, Applicant will be made a co-respondent in said proceeding, the proceeding will be redesignated accordingly and the agreement and undertaking will be accepted for filing.

Payne, Inc., Applicant in Docket No. CI67-1392, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI67-184 to be made pursuant to Big Chief Drilling Co. FPC Gas Rate Schedule No. 14. The contract comprising said rate schedule will also be accepted for filing as the rate schedule of Applicant. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI67-135, and Applicant has filed a motion to be made party respondent in said proceeding. Therefore, Applicant will be made a co-respondent in the proceeding pending in Docket No. RI 67-135, the proceeding will be redesignated accordingly, and Applicant will be required to file an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amounts determined to be just and reasonable in said proceeding.

Meigs Developing Co., Applicant in Docket No. CI67-1310, proposes to continue sales being made on June 7, 1954, pursuant to contracts heretofore ac-

cepted for filing as Applicant's FPC Gas Rate Schedule Nos. 1 through 14.^{*} Applicant has submitted two additional contracts which will be accepted for filing herein and designated as its FPC Gas Rate Schedule Nos. 15 and 16. On May 4, 1962, Applicant submitted a notice of change in rate from 20.007 cents per Mcf at 15.325 p.s.i.a. to 22.008 cents per Mcf at 15.325 p.s.i.a. which notice was accepted for filing effective as of June 4, 1962, and designated as Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 1. A review of the notice of change in rate reveals that it was intended to apply to all jurisdictional sales being made at the time of filing, i.e., those sales made pursuant to Applicant's filed FPC Gas Rate Schedule Nos. 2, 4, 5, 6, and 8 and pursuant to the contracts accepted herein as Applicant's FPC Gas Rate Schedule Nos. 15 and 16. Sales made pursuant to Applicant's FPC Gas Rate Schedule Nos. 1, 3, 7, 9, 10, 11, 12, 13, and 14 have been discontinued but Applicant has advised the Commission that it plans to reactivate these wells. Therefore, the notice of change in rate will be designated as a supplement to Applicant's FPC Gas Rate Schedule Nos. 2, 4, 5, 6, 8, 15, and 16. If Applicant desires to make sales pursuant to its FPC Gas Rate Schedule Nos. 1, 3, 7, 9, 10, 11, 12, 13, and 14 at the increased rate, it should file a notice of change in rate applicable to these rate schedules. If Applicant does not propose to make any further sales pursuant to latter rate schedules, it should file an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon said sales.

After due notice, a notice of intervention by The Public Service Commission of the State of New York and a petition to intervene by Long Island Lighting Co. were filed in Docket No. CI63-33, in the matter of the application filed on July 6, 1962, in said docket. The notice of intervention in the petition to intervene have been withdrawn, and no other petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on May 18, 1967, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments, and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the

respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments, and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefore should be issued as hereinafter ordered and conditioned.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that a certificate of public convenience and necessity should be issued in Docket No. CI63-33, authorizing South-Tex Corp. to continue the sale of natural gas heretofore authorized in Docket No. G-4733 to be made by Associated Oil & Gas Co., and the certificate issued to Associated in Docket No. G-4733 should be terminated.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-4713, G-4714, G-7241, G-7500, G-11389, G-12848, G-13633, G-20055, CI60-175, CI61-273, CI61-475, CI63-459, CI64-1405, CI65-116, CI65-276, CI65-333, CI65-750, CI65-1217, CI65-1326, CI66-481, CI67-184, and CI67-554 should be amended as hereinafter ordered and conditioned.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued in Docket Nos. CI63-1211^{**}, CI64-820^{**}, CI65-753, CI65-941, and CI65-948 should be amended to reflect Joseph S. Gruss as operator and certificate holder in lieu of Chase Petroleum Co.

(8) The sales of natural gas proposed to be abandoned by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonments should be permitted and approved as hereinafter ordered.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of

^{*} Consolidated in the proceeding on the order to show cause issued Aug. 5, 1965, in Docket No. AR61-1 et al., 34 FPC 424.

^{*} Heretofore designated as FPC gas rate schedules of Meigs Development Co. and herein redesignated as FPC gas rate schedules of Meigs Developing Co.

^{**} Temporary certificate.

public convenience and necessity heretofore issued to the respective Applicants relating to the abandonments herein-after permitted and approved should be terminated.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the rate suspension proceeding pending in Docket No. RI66-142 should be terminated.

(11) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Pan American Petroleum Corp. should be a co-respondent in the proceeding pending in Docket No. G-19952, that said proceeding should be redesignated accordingly, and that Pan American should be required to file an agreement and undertaking.

(12) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that South-Tex Corp. should be a co-respondent in the proceedings pending in Docket Nos. G-19652 and RI60-449, that said proceedings should be redesignated accordingly, and that the agreements and undertakings submitted by South-Tex in said proceedings should be accepted for filing.

(13) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Gulf Oil Corp. (Operator) et al., should be a co-respondent in the proceeding pending in Docket No. RI65-25, that said proceeding should be redesignated accordingly, and that Gulf should be required to file an agreement and undertaking.

(14) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Humble Oil & Refining Co. should be a co-respondent in the proceeding pending in Docket No. RI61-467, that said proceeding should be redesignated accordingly, and that the agreement and undertaking submitted by Humble in said proceeding should be accepted for filing.

(15) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Payne, Inc., should be a co-respondent in the proceeding pending in Docket No. RI67-135, that said proceeding should be redesignated accordingly, and that Payne, Inc., should be required to file an agreement and undertaking.

(16) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated in the tabulation herein should be accepted for filing as herein-after ordered.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's Regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's statement of general policy No. 61-1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 17 and 26 in the attached tabulation.

(E) The initial rate for the sale authorized in Docket No. CI67-1160 shall be the applicable base area rate prescribed in Opinion No. 468, as modified by Opinion No. 468-A, as adjusted for quality, or the contract rate, whichever is lower; and no increase in rate in excess of said initial rate shall be filed before January 1, 1968.

(F) If the quality of the gas delivered by Applicant in Docket No. CI67-1160 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468-A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act; *Provided, however*, That adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of a notice of change in rate.

(G) Within 45 days from the date of this order Applicants in Docket Nos. CI 67-803 and CI67-1160 shall file rate schedule quality statements in the form prescribed in Opinion No. 468-A.

(H) Certificates are issued herein in Docket Nos. CI67-964 and CI67-1310 authorizing the respective Applicants to continue the sales of natural gas being rendered on June 7, 1954.

(I) A certificate is issued herein in Docket No. CI63-33, authorizing South-Tex Corp. to continue the sale of natural gas heretofore authorized in Docket No. G-4733 to be made by Associated Oil & Gas Co., and the certificate issued to Associated in Docket No. G-4733 is terminated.

(J) The certificates heretofore issued in Docket Nos. G-7241, G-7500, G-13633, CI60-175, CI65-116, CI65-333, CI65-750, CI65-1217, CI65-1326, and CI66-481 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations pursuant to the rate schedule supplements as indicated in the tabulation herein.

(K) The authorization granted in paragraph (J) above in Docket No. G-13633, involving the sale of gas by Union Producing Co. to its affiliate, United Gas Pipe Line Co., determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in rate proceeding involving either company.

(L) The certificate heretofore issued in Docket No. CI63-459 is amended to include the sale of natural gas from the additional acreage at 15.0 cents per Mcf at 14.65 p.s.f.a., including tax reimbursement, plus B.t.u. adjustment; however, in the event that the Commission amends its Policy Statement No. 61-1, by adjusting the boundary between the Panhandle area and the "Other" Oklahoma area so as to increase the initial wellhead price for new gas in the area involved herein, Applicant thereupon may substitute the new rate reflecting the amount of such increase, and thereafter collect such new rate prospectively in lieu of the initial rate herein required.

(M) The certificates heretofore issued in Docket Nos. G-13633, G-20055, CI61-475, CI64-1405, CI65-276, and CI67-184 are amended by deleting therefrom authorization to sell natural gas from acreage assigned to Applicants in Docket Nos. CI67-1259, CI67-1325, CI67-1371, CI67-1370, CI67-1368, and CI67-1392, respectively.

(N) The certificates heretofore issued in Docket Nos. G-4713, G-4714, G-12848, and CI67-554 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(O) The certificates heretofore issued in Docket Nos. G-11389 and CI61-273 are amended by permitting Applicant, as operator, to continue the sales of natural gas from interests acquired from the co-owners previously covered under said certificates, pursuant to the rate schedules and supplements as indicated in the tabulation herein.

(P) The certificates heretofore issued in Docket Nos. CI63-1211,* CI64-820,*

* Temporary certificate.

CI65-753, CI65-941, and CI65-948 are amended to reflect Joseph S. Gruss as operator and certificate holder in lieu of Chase Petroleum Co.

(Q) Permission for and approval of the abandonment of service by the respective Applicants, as hereinbefore described, all as more fully described in the respective applications and in the tabulation herein are granted.

(R) The certificates heretofore issued in Docket Nos. G-15816, CI60-219, and CI61-849 are terminated.

(S) The rate suspension proceeding pending in Docket No. RI66-142 is terminated.

(T) Pan American Petroleum Corp. shall be a co-respondent in the proceeding pending in Docket No. G-19952 and the proceeding is redesignated accordingly.⁶

(U) Gulf Oil Corp. (Operator) et al., shall be a co-respondent in the proceeding pending in Docket No. RI65-25, said proceeding is redesignated accordingly,⁷ and the order to show cause issued August 5, 1965, in Docket No. AR61-1, et al., is amended by making Gulf a co-respondent in said proceeding.

(V) Payne, Inc., shall be a co-respondent in the proceeding pending in Docket No. RI67-135 and the proceeding is redesignated accordingly.⁸

(W) Within 30 days from the issuance of this order Pan American Petroleum Corp., Gulf Oil Corp. (Operator) et al., and Payne, Inc., shall execute, in the form set out below, and shall file with the Secretary of the Commission acceptable agreements and undertakings in Docket Nos. G-19952, RI65-25, and RI67-135, respectively, to assure the refunds of any amounts collected by them, together with interest at the rate of 7 percent per annum, in excess of the amounts determined to be just and reasonable in said proceedings. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreements and undertakings shall be deemed to have been accepted for filing.

(X) Pan American Petroleum Corp., Gulf Oil Corp. (Operator) et al., and Payne, Inc., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed by Pan American Petroleum Corp., Gulf Oil Corp. (Operator) et al., and Payne, Inc., in Docket Nos. G-19952, RI65-25, and RI67-135 shall remain in full force and effect until discharged by the Commission.

(Y) South-Tex Corp. shall be a co-respondent in the proceedings pending in Docket Nos. G-19652 and RI60-449, said proceedings are redesignated accordingly,⁹ and the agreements and un-

dertakings submitted by South-Tex in said proceedings are accepted for filing.

(Z) South-Tex Corp. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed by it in Docket Nos. G-19652 and RI60-449 shall remain in full force and effect until discharged by the Commission.

(AA) Humble Oil & Refining Co. shall be a co-respondent in the proceeding pending in Docket No. RI61-467, said proceeding is redesignated accordingly,¹⁰ the agreement and undertaking submitted by Humble in said proceeding is accepted for filing, and the order to show cause issued August 5, 1965, in Docket No. AR61-1 et al., is amended by making

Humble a co-respondent in said proceeding.

(BB) Humble Oil & Refining Co. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Humble in Docket No. RI61-467 shall remain in full force and effect until discharged by the Commission.

(CC) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are accepted and redesignated, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

[SEAL]

GORDON M. GRANT,
Acting Secretary.

¹⁰ J. H. Vandenberg (Operator), et al., and Humble Oil & Refining Company.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G-4713 E 3-29-67	Roberts and Murphy, Inc. (successor to J. L. Roberts and C. H. Murphy, Jr., d.b.a. Roberts and Murphy).	Arkansas Louisiana Gas Co., Waskom Field, Harrison County, Tex.	J. L. Roberts and C. H. Murphy, Jr., d.b.a. Roberts and Murphy, FPC GRS No. 2.	2	---
			Supplement Nos. 1-12.	2	1-12
			Notice of succession 3-23-67.	---	---
			Assignment 1-31-67 ¹ .	2	13
			Effective date: 3-1-67.	---	---
G-4714 E 3-29-67	do.	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	J. I. Roberts and C. H. Murphy, Jr., d.b.a. Roberts and Murphy, FPC GRS No. 1.	1	---
			Supplement Nos. 1-10.	1	1-10
			Notice of succession 3-23-67.	---	---
			Assignment 1-31-67 ¹ .	1	11
			Effective date: 3-1-67.	---	---
			Contract 11-1-66 ² .	23	---
G-7241 D 1-9-67	Artec Oil & Gas Co.	Northern Natural Gas Co., Eumont Gas Pool, Lea County, N. Mex.	Assignment 9-1-66 ⁴ .	129	36
			Effective date: 5-1-66.	---	---
G-7800 C 3-6-67 ⁵	Pan American Petroleum Corp.	El Paso Natural Gas Co., Spraberry Field, Reagan County, Tex.	Assignment 5-2-66 ⁷ .	5	5
			Assignment 7-21-66 ⁸ .	5	6
			Assignment 4-25-66 ⁹ .	5	7
			Assignment 4-25-66 ¹⁰ .	5	8
			Assignment 9-27-66 ¹¹ .	5	9
			Assignment 5-10-66 ¹² .	5	10
			Assignment 6-21-66 ¹³ .	5	11
			Assignment 9-30-66 ¹⁴ .	5	12
			Assignment 9-30-66 ¹⁵ .	5	13
			Assignment 9-29-66 ¹⁶ .	5	14
G-12848 E 3-29-67	Roberts and Murphy, Inc. (successor to J. L. Roberts and C. H. Murphy, Jr., d.b.a. Roberts and Murphy).	Northern Natural Gas Co., Fincham Gas Field, Meade County, Kans.	J. I. Roberts and C. H. Murphy, Jr., d.b.a. Roberts and Murphy, FPC GRS No. 5.	3	1
			Supplement No. 1.	---	---
			Notice of succession 3-23-67.	---	---
			Assignment 1-31-67 ¹ .	3	2
			Effective date: 3-1-67.	---	---
G-13633 C 3-31-67 ¹⁷	Union Producing Co. (Operator) et al.	United Gas Pipe Line Co., Silgo Field, Bossier Parish, La.	Letter agreement 3-14-67 ¹⁸ .	308	18
CI60-175 C 4-5-67 ¹⁹	Pubeo Petroleum Corp. (Operator), et al.	El Paso Natural Gas Co., Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.	Supplemental agreement 3-6-67 ¹⁹ .	13	19
CI61-273 E 2-27-67 ²⁰	Western Oil Fields, Inc. (Operator) et al.	Transwestern Pipeline Co., Parsell Field, Roberts County, Tex.	Assignment 8-29-66 ²⁰ .	11	4
			Assignment 8-29-66 ²¹ .	11	5
			Assignment 8-29-66 ²² .	11	6
			Assignment 8-25-66 ²³ .	11	7
			Assignment 8-29-66 ²⁴ .	11	8

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

⁶ Rodman, Late & Noel, Rodman Petroleum Corp., and Pan American Petroleum Corp.

⁷ Humble Oil & Refining Co. (Operator) et al., and Gulf Oil Corp. (Operator) et al.

⁸ Big Chief Drilling Co., Post Oak Oil Co., and Payne, Inc.

⁹ Associated Oil & Gas Co. and South-Tex Corp.

FPC rate schedule to be accepted						FPC rate schedule to be accepted					
Docket No. and date filed	Applicant	Purchaser, field, and location	Description and date of document	No.	Supp.	Docket No. and date filed	Applicant	Purchaser, field, and location	Description and date of document	No.	Supp.
C163-33 D 1-6-47 E 1-6-47	South-Tex Corp. (operator) et al. (successor to Associated Oil & Gas Co.)	Tennessee Gas Pipeline Co., a division of Tennessee Inc., Niles and Jim Wells Counties, Tex.	Associated Oil & Gas Co., FPC GRS No. 2, Supplement Nos. 1-4, Certification of adoption 1-3-47.	3	1-6	C167-44 E 2-27-47	Amos Newsum d.b.a. Amos Newsum Coal Co., Inc. (successor to United Mineral Development Co.)	United Fuel Gas Co., Appalachian Gas Fields, Pike County, Ky.	United Mineral Development Co., FPC GRS No. 1, Supplement Nos. 1-5, Notice of succession 2-27-47.	1	1-5
C163-43 C 2-22-47 A 1-14-47	Gulf Oil Corp. (operator) et al.	Midland Western Pipe Line Co., Northwest Oklahoma Field, Woods County, Oklahoma, and Clinton Service Gas Co., across in Woods County, Okla.	Assignment 1-1-47, Railroad 1-13-47, Railroad 1-13-47, 1-3-47, 1-3-47, 1-3-47, 1-3-47.	243	11	C167-44 A 12-23-46	Gulf Oil Corp. (operator) et al.	El Paso Natural Gas Co., J. L. Greenwood Well No. 3, South Fanning, Mainly Field, Leas County, N. Mex.	Assignment 2-1-47, Railroad 1-13-47, Railroad 1-13-47, 1-3-47, 1-3-47, 1-3-47, 1-3-47.	1	6
C163-57 A 1-14-47	Arco-Son Corp. et al.	El Paso Natural Gas Co., Spraberry Trend Area Field, Upton County, Tex.	Contract 7-20-47.	2		C167-44 A 2-27-47	Victor E. Dorman, agent et al.	The Manufacturers Light & Heat Co., acreage in Greene County, Pa.	Contract 11-29-46, Letter agreement 11-29-46.	1	1
C-40-111 E 1-14-47	Joseph S. Gruns (operator) et al. (successor to Chase Petroleum Co. et al.)	Chase Petroleum Co., effective date: 1-1-47	Supplement No. 1, Notice of succession 1-13-47.	14		C167-44 A 2-27-47	Messano Co. et al.	Transwestern Pipeline Co., Westham Field, Reeves County, Tex.	Contract 2-4-47.	89	
C164-239 E 1-16-47	Joseph S. Gruns (operator) et al. (successor to Chase Petroleum Co. (operator) et al.)	Chase Petroleum Co., effective date: 1-1-47	Supplement No. 1, Notice of succession 1-13-47.	15		C167-44 A 2-27-47	Estate of L. C. Hoffman	Southern Natural Gas Co., Logansport Field, De Soto Parish, La.	Contract 2-13-41, Letter agreement 7-1-40, Letter agreement 7-1-40, Assignment 12-1-46, Assignment 1-24-47, Assignment 1-24-47, Assignment 2-15-47, Contract 2-15-47, Letter 8-1-47, Notice of change 5-1-42.	1	4
C-40-116 D 2-27-47	Sun Oil Co. (Southwest Division)	El Paso Natural Gas Co., East Panhandle Field, Wheeler County, Tex.	Amendatory agreement 2-20-47.	175	2	C167-44 A 2-27-47	Mega Developing Co. et al.	The Ohio Fuel Gas Co., acreage in Meigs County, Ohio.	Contract 2-13-41, Letter agreement 7-1-40, Letter agreement 7-1-40, Assignment 12-1-46, Assignment 1-24-47, Assignment 1-24-47, Assignment 2-15-47, Contract 2-15-47, Letter 8-1-47, Notice of change 5-1-42.	1	4
C165-333 C 4-6-47	Leibel Oil Co.	Arkansas Louisiana Gas Co., Appleton Area, Pittsburg County, Okla.	Amendatory agreement 2-14-47.	1	3						
C165-750 C 3-10-47	Midwest Oil Corp.	Arkansas Louisiana Gas Co., Red Oak Field, Le Flore County, Okla.	Amendatory agreement 2-14-47.	33	3						
C165-753 E 1-16-47	Joseph S. Gruns (operator) et al. (successor to Chase Petroleum Co. et al.)	El Paso Natural Gas Co., Spraberry Trend Area Field, Upton County, Tex.	Chase Petroleum Co., effective date: 1-1-47	15							
C165-941 E 1-16-47	Joseph S. Gruns (operator) et al. (successor to Chase Petroleum Co. (operator) et al.)	Chase Petroleum Co., effective date: 1-1-47	Supplement No. 1, Notice of succession 1-13-47.	17	1-7						
C165-945 E 1-16-47	do	Chase Petroleum Co., effective date: 1-1-47	Supplement No. 1, Notice of succession 1-13-47.	18							
C165-1217 C 2-27-47	Kirby Royalties, Inc. (operator) et al.	Mountain Fuel Supply Co., West Side Canal Field, Carbon County, Wyo.	Amendatory agreement 1-31-47.	2	1						
C165-1226 C 4-6-47	Joe F. Smith	Chase Petroleum Co., effective date: 1-1-47	Supplement agreement 2-13-47.	15	4						
C166-481 C 4-6-47	The Superior Oil Co.	Arkansas Louisiana Gas Co., across in Arkansas Area, Seagraves, and Le Flore Counties, Okla.	Amendatory agreement 2-1-47.	117	1						

See footnotes at end of table.

- * Effective date: Date Gulf acquired interest in production.
- * Sale being rendered on June 7, 1964.
- * Jan. 1, 1968, moratorium provided by Opinion No. 468.
- * By letter filed Mar. 9, 1967, Applicant agreed to accept a permanent certificate conditioned as Opinion No. 468.
- * Source of gas depleted.
- * Also on file as Union Producing Co. (Operator) et al., FPC GRS No. 76.
- * From Union Producing Co. to R. L. Rogers, Jr., et al.
- * From R. L. Rogers, Jr., et al. to Crystal.
- * From Crystal to W. L. Rudd, Jr., et al. (partial).
- * All rate schedules previously designated under the name of Meigs Development Co. except for FPC GRS Nos. 15 and 16 have heretofore been accepted for filing.
- * Effective date: June 4, 1962.
- * Between J. H. Vandenberg et al. and El Paso; on file as J. H. Vandenberg (Operator) et al., FPC GRS No. 1.
- * Conveys a 50 percent interest in acreage from Vandenberg to Humble Oil & Refining Co.
- * Ratified contract dated Feb. 13, 1951.
- * Proposed increased rate of 19.5 cents was suspended by order of Nov. 3, 1965, in Docket No. RI66-142 and never made effective subject to refund; therefore, the rate suspension proceeding in said docket will be terminated.
- * Assigns to Shenandoah a portion of the acreage under contract dedicated to Skelly Oil Co. FPC GRS No. 201. (Assignment of nonproductive acreage.)
- * Bids contract on file as Steve Gose (Operator) et al., FPC GRS No. 1.
- * Assignment from Steve Gose (Operator) et al., to Applicant (Brashears, Fredrick, McCurtain, and Rabon Units).
- * Myton Unit.
- * Pettigrew Unit.
- * Eking Unit.
- * Ratified contract dated July 22, 1960, between Fitzpatrick Drilling Co. et al., as seller and United Gas Pipe Line Co., as buyer and designated as Fitzpatrick Drilling Co. (Operator) et al., FPC GRS No. 2. (Eliminates impermissible pricing provisions and provides for a rate of 13.0 cents per Mcf with a 1.0 cent per Mcf increase on June 19, 1969, and a 2.0 cents Mcf increase 5 years thereafter).
- * Transfers acreage from Fitzpatrick Drilling Co. to Humble Oil & Refining Co. to a depth of 5,600 feet.
- * Acreage committed as to depths shallower than the base of the Mississippian System.
- * National Fuels Corp. purchases liquids extracted from Applicant's gas at the Ringwood Gasoline Plant.
- * Between Big Chief Drilling Co. and buyer; on file as Big Chief Drilling Co. FPC GRS No. 14.
- * Conveys two-thirds interest to Applicant.

Suggested agreement and undertaking:

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent -----)

Docket No. -----

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT.

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ----- (and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto¹) this ----- day of -----, 196-----.

By -----
(Name of Respondent)

Attest:

[F.R. Doc. 67-6170; Filed, June 6, 1967;
8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-345]

ARKANSAS-MISSOURI POWER CO.

Notice of Application

MAY 29, 1967.

Take notice that on May 19, 1967, Arkansas-Missouri Power Co. (Applicant), 405 West Park Street, Blytheville, Ark. 72315, filed in Docket No. CP67-345 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale and delivery of volumes of natural gas in interstate commerce for resale and distribution in four communities in the State of Kansas creating initial service, all as more fully set forth in the appli-

¹ If a corporation.

cation which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate the following natural gas facilities:

(1) Approximately 21 miles of 6-inch O.D. transmission pipeline and related facilities, extending in a generally westerly direction from a point of connection with Applicant's existing pipeline near Bakersville, Mo.,

(2) Approximately 4 miles of 3-inch O.D. transmission pipeline and related facilities extending generally westward from the pipeline proposed in (1) above to Hornersville, Mo., and

(3) Approximately 7 miles of pipeline consisting of approximately 5 miles of 3-inch O.D. and 2 miles of 2-inch O.D. pipe extending generally westward from a point of connection on Applicant's existing Hayti-Portageville lateral to Wardell, Mo.

Applicant also seeks authorization to provide initial natural gas service to the communities of Senath, Arbyrd, Hornersville, and Wardell, all in the State of Missouri, for which purpose the above-mentioned natural gas facilities are intended. Applicant estimates the third year peak daily and peak annual natural gas requirements for the proposed service at 807 Mcf and 64,955 Mcf, respectively.

Applicant estimates the total cost of the proposed facilities at approximately \$518,459, said cost to be financed from cash on hand and temporary bank loans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before June 26, 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 re-

quired 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.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-6281; Filed, June 6, 1967;
8:45 a.m.]

[Docket No. CP67-342]

MICHIGAN GAS AND ELECTRIC CO.
AND MICHIGAN WISCONSIN PIPE
LINE CO.

Notice of Application

MAY 29, 1967.

Take notice that on May 18, 1967, Michigan Gas and Electric Co. (Applicant), 100 South Main Street, Three Rivers, Mich. 49093, filed in Docket No. CP67-342 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan Wisconsin Pipe Line Co. (Respondent) to establish physical connection of its transmission facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the Sister Lakes, Indian Lake, and Twin Lakes service areas, all in the State of Michigan, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct the necessary natural gas distribution systems and appurtenant facilities and Applicant also states that Respondent has agreed to construct, pursuant to its "10-cent Formula", approximately 14 miles of transmission lateral from a point of interconnection with its main transmission pipeline to a proposed delivery point in the Sister Lakes service area. Applicant estimates the third year peak day and peak annual natural gas requirements at 3,157 Mcf and 592,703 Mcf, respectively. Applicant states that the proposed natural gas service also includes a sale of interruptible natural gas to Consolidated Die Cast Corp.

Applicant estimates the total cost of the proposed facilities at approximately \$1,153,765, said cost to be financed with funds of its own which are available for construction.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 26, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-6282; Filed, June 6, 1967;
8:45 a.m.]

[Docket No. CP67-346]

MICHIGAN WISCONSIN PIPE LINE CO.**Notice of Application**

MAY 31, 1967.

Take notice that on May 22, 1967, Michigan Wisconsin Pipe Line Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP67-346 a "budget-type" application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operation of natural gas purchase facilities, during the 12-month period commencing July 13, 1967, to enable Applicant to take into its certificated main pipeline system natural gas which may be purchased from independent producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of the instant application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system new supplies of natural gas in various producing areas generally coextensive with said system. Applicant further states that the authority requested will be used only to construct facilities necessary to receive natural gas into its system, including main line taps, and that the instant application will not form the basis for service to any new markets or new customers.

The total cost of the proposed facilities will not exceed \$3 million and no single project will exceed a cost of \$500,000. Applicant will finance the proposed facilities with cash generated from operations and no new financing will be necessary.

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 June 26, 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.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-6283; Filed, June 6, 1967;
8:45 a.m.]

[Docket No. E-7353]

NIAGARA MOHAWK POWER CORP.**Notice of Application**

MAY 29, 1967.

Take notice that on May 15, 1967, Niagara Mohawk Power Corp. (Applicant) filed an application seeking an order pursuant to section 203 of the Federal Power Act authorizing the acquisition of all the outstanding shares of common stock of the Adams Electric Light Co. (Adams).

Applicant is incorporated under the laws of the State of New York with its principal business office at Syracuse, N.Y., and is engaged in the electric utility business in 40 counties in upstate New York.

Adams is incorporated under the laws of New York and owns and operates an electric distribution system in the towns of Adams, Ellisburg, Henderson, Lorraine, and Rodman and in the villages of Adams, Ellisburg, and Mannsville, all in the county of Jefferson, N.Y. Adams purchases all of its electric energy requirements from the Applicant and serves approximately 3,671 customers.

Applicant proposes to acquire all of the outstanding common stock of Adams in exchange for 39,372 shares of Applicant's \$8 par value common stock (to be issued from its authorized but unissued common stock). After the exchange of stock the electric facilities of Adams will be merged into those of Applicant and Applicant will commence serving the present customers of Adams through the existing distribution facilities. Applicant proposes no new facilities other than normal extensions except that additional feeder ties will be constructed in order to firm up the system. Upon completion of the merger, the Applicant's rates in that general territory will then become effective insofar as Adams' residential, commercial, and industrial customers are concerned. Applicant represents that its scheduled rates and charges for the subject area are substantially less than the present rates charged by Adams.

Any person desiring to be heard or to make any protest with reference to the application should on or before June 15, 1967, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-6284; Filed, June 6, 1967;
8:45 a.m.]

[Project No. 2641]

NIAGARA MOHAWK POWER CORP.**Notice of Application for License for Constructed Transmission Line Project**

MAY 26, 1967.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a-

825r) by Niagara Mohawk Power Corp. (correspondence to: Lauman Martin, Vice President and General Counsel, Niagara Mohawk Power Corp., 300 Erie Boulevard West, Syracuse, N.Y. 13202) for constructed transmission line Project No. 2641, located in Saratoga County, N.Y.

The existing transmission line project consists of: an 85-foot long 34.5 kv transmission line extending from Applicant's Queensburg-Henry Street No. 14, 34.5 kv line, to its 13.2/34.5 kv substation at Feeder Dam; the latter substation; and appurtenant facilities. These transmission facilities transmit power from the Moreau Manufacturing Corp.'s Feeder Dam Project No. 2554, application for license for which is pending.

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 of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is July 11, 1967. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-6285; Filed, June 6, 1967;
8:46 a.m.]

[Docket No. CP67-344]

NORTHERN NATURAL GAS CO.**Notice of Application**

MAY 29, 1967.

Take notice that on May 19, 1967, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP67-344 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of quantities of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to sell, between April 1 and October 1 of each year, up to 100,000 Mcf of natural gas per day to Pioneer Natural Gas Co. (Pioneer) through El Paso Natural Gas Co.'s (El Paso) facilities at two points located in Randall and Lamb Counties, Tex., on El Paso's Dumas Line. Applicant states that no additional facilities will be needed to render the above-proposed service to Pioneer.

Applicant states that the firm natural gas is to be used by Pioneer for irrigation purposes.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 26, 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.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-6286; Filed, June 6, 1967;
8:46 a.m.]

[Docket No. RP67-20]

NORTHERN NATURAL GAS CO.

Notice of Proposed Rate Settlement

MAY 29, 1967.

Notice is hereby given that on May 25, 1967, Northern Natural Gas Co. filed a statement of proposed settlement under which it proposes to settle and dispose of certain issues which were reserved in the Commission's order issued October 15, 1965, in Docket No. RP66-3, concerning the application to it of the principles enunciated by the Commission in its Opinion Nos. 417 and 417-A in Alabama-Tennessee Natural Gas Co., 31 FPC 208, 928.

The proposed agreement provides that Northern Natural Gas Co. shall refund to its jurisdictional customers \$7 million for the year 1966 and \$4,200,000 for the year 1967. The currently effective rates would be continued. The company also proposes to make additional refunds which are contingent upon the imposition of a surcharge on the Federal income tax for corporations in 1967.

The statement of proposed settlement also provides for future rate reductions to reflect supplier reductions and for flow-through of any refunds received from suppliers.

Copies of the statement have been served by the company upon its customers and State commissions.

This notice is issued pursuant to § 2.59 of the Commission's rules of practice and procedure (18 CFR 2.59).

Comments may be filed with the Federal Power Commission, Washington, D.C. 20426, pursuant to the Commission's rules of practice and procedure on or before June 16, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-6287; Filed, June 6, 1967;
8:46 a.m.]

[Docket No. RI67-412]

W. B. OSBORN, JR., ET AL.

Order Accepting Contract Amendment, Providing for Hearing on and Suspension of Proposed Change in Rate

MAY 31, 1967.

W. B. Osborn, Jr. (Operator), et al. (Osborn)¹ tendered for filing a proposed

change in his presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: (1) Amendment, dated August 20, 1963. (2) Notice of change, dated April 25, 1967.

Purchaser and producing area: Colorado Interstate Gas Co. (Hugoton Field, Kearny County, Kans.).

Effective date: (1) June 1, 1967.² (2) June 1, 1967.³

Rate schedule designation: (1) Supplement No. 11 to Osborn's FPC Gas Rate Schedule No. 11. (2) Supplement No. 12 to Osborn's FPC Gas Rate Schedule No. 11.

Amount of annual increase: (2) \$4,420.

Effective rate: 11.0 cents per Mcf.⁴

Proposed rate: 13.5 cents per Mcf.⁵

Pressure base: 14.65 p.s.i.a.

Osborn requests that his proposed rate increase be permitted to become effective as of May 1, 1967. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Osborn's rate filing and such request is denied.

Concurrently with the filing of his rate increase, Osborn submitted a contract amendment dated August 20, 1963, which provides the basis for his proposed increased rate. The contract amendment has been designated as Supplement No. 11 to Osborn's FPC Gas Rate Schedule No. 11. We believe that it would be in the public interest to accept for filing Osborn's aforementioned contract amendment to become effective on June 1, 1967, the date of expiration of the statutory notice, but not the proposed rate contained therein which will be suspended as indicated below.

Osborn's proposed increased rate and charge exceeds the area price level for increased rates for Kansas as announced in the Commission's statement of general policy No. 61-1, as amended (18 CFR Ch. I, Pt. 2, sec. 2.56).

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Osborn's proposed contract amendment dated August 20, 1963, designated as Supplement No. 11 to Osborn's FPC Gas Rate Schedule No. 11, and for permitting such supplement to become effective on June 1, 1967, the date of expiration of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforce-

¹ Address is: Post Office Box 6767, San Antonio, Tex. 78209.

² The stated effective date is the first day after expiration of the statutory notice.

³ Subject to a downward B.t.u. adjustment.

⁴ Rate increase from 11.0 cents to 12.5 cents per Mcf previously filed as Supplement No. 7 and was suspended in Docket No. RI64-153 until Apr. 1, 1964, or until made effective. The proposed rate has not been made effective subject to refund pursuant to section 4(e) of the Natural Gas Act. Osborn proposes to withdraw Supplement No. 7. Action will be taken on the proposed withdrawal by separate order.

⁵ Periodic rate increase.

ment of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change, and that Supplement No. 12 to Osborn's FPC Gas Rate Schedule No. 11 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Osborn's contract amendment dated August 20, 1963, designated as Supplement No. 11 to Osborn's FPC Gas Rate Schedule No. 11, is accepted for filing and permitted to become effective on June 1, 1967.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 12 to Osborn's FPC Gas Rate Schedule No. 11.

(C) Pending such hearing and decision thereon, Supplement No. 12 to Osborn's FPC Gas Rate Schedule No. 11 is hereby suspended and the use thereof deferred until November 1, 1967, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before July 14, 1967.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-6288; Filed, June 6, 1967;
8:46 a.m.]

[Docket No. CP67-211]

TENNESSEE GAS PIPELINE CO.

Order Severing Issue, Permitting Interventions, Granting Requests, and Setting Dates for the Service of Evidence and for Prehearing Conference

MAY 26, 1967.

Notice of application in the above-entitled case was issued February 2, 1967 (32 F.R. 2796). The final date for filing protests and petitions to intervene was March 2, 1967.

Timely petitions to intervene were filed by the following customers of Applicant:

The Brooklyn Union Gas Co.
Consolidated Edison Company of New York, Inc.
Orange and Rockland Utilities, Inc.

None of the above companies requested that a formal hearing be held but, rather, they requested permission to intervene only if hearings were held.

The following groups filed motions to intervene late together with untimely petitions to intervene.

Carlisle-Concord Neighborhood Association (Motion and petition filed Mar. 24, 1967).
Town of Sudbury, Mass. (motion and petition filed Mar. 27, 1967).
Town of Carlisle, Mass. (motion and petition filed Mar. 24, 1967).

On April 6, 1967, Applicant filed an answer and objection to the above-noted petitions to intervene setting forth the following grounds of objection:

- (1) The petitions were not timely filed;
- (2) Petitioners have failed to show extraordinary circumstances justifying delayed intervention;
- (3) The allegation of petitioners that no party would be disadvantaged by granting their intervention is contrary to fact, and
- (4) If the late petitions to intervene are granted, it will inevitably follow that service required for the 1967-68 winter will not be available.

Several customers of Applicant filed answers either opposing the late-filed petitions to intervene or requesting that any hearings be limited to issues raised in those petitions to intervene. Replies to the answer and objection of Applicant were filed on April 14, 1967, by town of Sudbury, Mass. (Sudbury), on April 21, 1967, by town of Carlisle, Mass. (Carlisle), and on April 21, 1967, by Carlisle-Concord Neighborhood Association (Neighborhood Association). Those replies indicated that there was no objection to any Commission action with respect to those portions of the application not related to the matters raised in their petitions to intervene.

The opposition to the application that has been raised concerns only that portion of the application whereby Applicant proposes to construct and operate 35 miles of 24-inch pipeline loop from Hopkinton to Dracut, Mass. Carlisle and Sudbury are communities through which the proposed pipeline will be constructed; Neighborhood Association is an organization of citizens and landowners from the towns of Carlisle and Concord, Mass. Petitioners allege inter alia that no showing has been made by Applicant that its present facilities are inadequate to meet its loads, that there is no showing that additional storage capacity would not obviate the need for the proposed facilities, that Applicant's cost estimates are substantially understated, and that a different pipeline route from that proposed should be considered. Petitioners state that no actual notice of the application was given to

them by this Commission, the Applicant, or by the Massachusetts Department of Public Utilities for the filing of petitions to intervene until after the period for interventions had expired.

Applicant contends that under Massachusetts law, a pipeline company may petition the Department of Public Utilities for authorization to exercise the power of eminent domain. Before such authorization is granted the Department of Public Utilities must give notice of the application and hold hearings upon it in one or more of the towns through which the pipeline will pass. Applicant contends that the intervenors can adequately protect their interests in the hearing before the Massachusetts Public Utilities Department.

The issues raised by the petitions to intervene filed by Sudbury, Carlisle, and Neighborhood Association are relevant to the issue of whether the facilities in question are required to meet increased demands. Further, the Commission is interested in the question as whether or not applicant would be required to obtain eminent domain authority from the Massachusetts Department of Public Utilities as Applicant has implied in the event a certificate is issued. It appears, therefore, that those petitions to intervene state matters showing that petitioners may have direct and substantial interests which may be adversely affected by the Commission's action in this proceeding and that under the circumstances, the tardy filing should not prevent their being heard. The interests of the petitioners would not be adequately represented by any other party. Because their interests are limited to only that portion of the application involving the proposed pipeline loop from Hopkinton to Dracut, that portion of the application will be severed from the rest of the application for purposes of the hearings being scheduled by this order.

The Commission is aware that the manner in which pipelines are laid and the routing of such facilities are of considerable interest to State and local governments. The petitions to intervene in this proceeding present problems which are of vital concern to the Commonwealth of Massachusetts and its Department of Public Utilities. It would be of great value to this Commission to receive the views of the Department of Public Utilities on the matters at issue in the hearings to be held, particularly with respect to the question of routing of pipeline facilities. We would welcome the participation of the Department of Public Utilities in these proceedings and stand ready to entertain intervention by the Department to permit it to present its views and appropriate evidence dealing with those matters in which it has a particular interest.

Sudbury and Carlisle both request that hearings be scheduled to be held in Bos-

ton, Mass., for the convenience of parties and witnesses. Because of such convenience, the prehearing conference and hearings will be held in Boston as requested.

The Commission further finds:

(1) Although the petitions to intervene filed by Neighborhood Association, Sudbury, and Carlisle were not filed within the time required by § 1.8(d) of the Commission's rules of practice and procedure (18 CFR 1.8(d)), good cause exists to permit the late filing.

(2) It is desirable and in the public interest to allow all the petitioners named in this order (The Brooklyn Union Gas Co., Consolidated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc., Carlisle-Concord Neighborhood Association, town of Sudbury, Mass., and town of Carlisle, Mass.) to intervene in these proceedings in order that petitioners may establish the facts and the law from which the nature and validity of alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) The above-named petitioners (The Brooklyn Union Gas Co., Consolidated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc., Carlisle-Concord Neighborhood Association, town of Sudbury, Mass., and town of Carlisle, Mass.), are hereby permitted to become intervenors in these proceedings subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene: *And provided, further*, That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The portion of the application of Tennessee Gas Pipeline Co., a division of Tenneco, Inc., for which hearings are scheduled in paragraph (E) below is that related only to matters involving the proposed construction and operation of 35 miles of 24-inch pipeline loop from Hopkinton to Dracut, Mass., which is hereby denominated Phase II the application.

(C) On or before June 7, 1967, Applicant and all intervenors in support of the application shall file with the Commission and serve on all parties and the Commission's staff their direct evidence to be relied upon at the hearing.

(D) On or before June 23, 1967, all intervenors in opposition to the application shall file with the Commission and serve on all parties and the Commission's staff their direct evidence to be relied upon at the hearing.

(E) A prehearing conference shall be held on June 29, 1967, at 10 a.m., e.d.s.t., before a presiding examiner of the Commission in Boston, Mass., at a location to be designated later for the purpose of discussion and limitation of issues, stipulation as to facts, the possible resolution of issues by stipulation, and such other means as may be available to expedite the proceeding. At the conclusion of such conference, the Presiding Examiner will set the date for cross-examination of direct evidence.

(F) The Presiding Examiner, at a time deemed appropriate and in consideration of the magnitude of the respective presentations and the record that will have been made thereon, will, at his discretion, set a date for the filing of any additional evidence. In all other matters the examiner's right to prescribe the manner in which the hearing is to be conducted is preserved.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[P.R. Doc. 67-6289; Filed, June 6, 1967;
8:46 a.m.]

[Docket No. CP67-341]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

MAY 29, 1967.

Take notice that on May 18, 1967, Texas Gas Transmission Corp. (Applicant), Post Office Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP67-341 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval of the Commission to abandon certain natural gas facilities and for authorization to construct and operate certain natural gas facilities and to sell and deliver additional quantities of natural gas to existing customers, 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 and deliver an additional 43,408 Mcf of natural gas per day to 26 existing customers who have requested the increases in their respective contract demand quantities of natural gas.

Applicant also seeks authorization to construct and operate the following natural gas facilities so as to enable its transmission system to supply the additional natural gas required to meet the increased demands abovementioned:

- (1) Approximately 29.23 miles of 36-inch loop pipeline in Louisiana, Mississippi, Tennessee, and Kentucky,
- (2) Approximately 4.34 miles of 30-inch loop pipeline in Kentucky,
- (3) Approximately 5.37 miles of 16-inch loop pipeline in Louisiana,
- (4) Approximately 13.40 miles of 8-inch pipeline near Terre Haute, Ind.,
- (5) Approximately 13.71 miles of 8-inch pipeline near Hawesville, Ky., and

(6) Approximately 1.75 miles of 6-inch pipeline near Brazil, Ind.

Applicant also seeks permission and approval of the Commission to abandon and relocate the following facilities:

(1) Abandon approximately 13.56 miles of 6-inch pipeline installed in 1931, now considered obsolete, which Applicant proposes to replace with a new 8-inch pipeline to continue the service in the area affected, and

(2) Relocate approximately 29 miles of 36-inch pipeline from the downstream side of its Eunice pipeline junction to the suction side of the Pineville, La., compressor station.

Applicant estimates the total cost of the proposed facilities at approximately \$7,222,868, said cost to be financed initially by short-term bank loans and ultimately by long-term debt securities.

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 June 26, 1967.

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

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

GORDON M. GRANT,
Secretary.

[P.R. Doc. 67-6290; Filed, June 6, 1967;
8:46 a.m.]

[Docket No. CP66-198]

UNITED FUEL GAS CO.

Notice of Postponement of Prehearing Conference

MAY 31, 1967.

Upon consideration of the telegraphic request filed on May 29, 1967, by counsel for United Fuel Gas Co., for postponement of the prehearing conference presently scheduled to commence on June 1, 1967;

Notice is hereby given that the prehearing conference in the above-designated matter is postponed until a date to be set in the future by further notice.

GORDON M. GRANT,
Secretary.

[P.R. Doc. 67-6291; Filed, June 6, 1967;
8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 614]

MAINE, MASSACHUSETTS, AND RHODE ISLAND

Declaration of Disaster Loan Area

Whereas, it has been reported that during the months of April and May 1967, because of the effects of certain disasters, damage resulted to residences and business property located in the entire coastal areas of the States of Maine and Massachusetts and in Providence County, R.I.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the Offices below indicated from persons or firms whose property, situated in the aforesaid States and county, suffered damage or destruction resulting from northeast storms and accompanying conditions occurring in Massachusetts on April 27, 28, and 29, 1967, and in Maine, Massachusetts, and Providence County, R.I., on May 25 and 26, 1967.

OFFICES

Small Business Administration Regional Office, John Fitzgerald Kennedy Federal Building, Government Center, Boston, Mass. 02203.

Small Business Administration Regional Office, 40 Western Avenue, Augusta, Maine 04330.

Small Business Administration Regional Office, 57 Eddy Street, Providence, R.I. 02903.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1967.

Dated: May 31, 1967.

BERNARD L. BOUTIN,
Administrator.

[P.R. Doc. 67-6303; Filed, June 6, 1967;
8:47 a.m.]

DEPARTMENT OF THE TREASURY

Office of the Secretary

(Dept. Circ. 570; 1967 Revision)

COMPANIES HOLDING CERTIFICATES OF AUTHORITY AS ACCEPTABLE SURETIES ON FEDERAL BONDS AND AS ACCEPTABLE REINSURING COMPANIES

JUNE 1, 1967.

This circular is published annually as of June 1, solely for the information of Federal bond-approving officers and persons required to give bonds to the United States. Interim changes in this circular are published in the FEDERAL REGISTER as they occur.

The following companies, except where otherwise noted, have complied with the law and the regulations of the Treasury Department and are acceptable as sureties on Federal bonds, to the extent and with respect to the localities indicated opposite their respective names.

GEORGE F. STICKNEY,

Deputy Fiscal Assistant Secretary of the Treasury.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER ACT OF CONGRESS, APPROVED JULY 30, 1947 (6 U.S.C. 6-1b) AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)

Names of companies and locations of principal executive offices.	Underwriting limitations (net limit on any one risk) See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
The Aetna Casualty and Surety Company, Hartford, Conn. ¹	37,217	All.....	CONN.—All except Guam.
Aetna Insurance Company, Hartford, Conn.	12,286	All except C.Z.....	CONN.—All except C.Z., Guam, Hawaii, Virgin Islands.
Agricultural Insurance Company, Watertown, N.Y.	1,067	All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Ill., Ind., Ky., Md., Miss., N.C., Okla., Puerto Rico, Tenn., Virgin Islands, W. Va.
Allegheny Mutual Casualty Company, Meadville, Pa.	97	Alaska, Fla., Ind., Md., Mich., N.J., Ohio, Pa., Wis.....	PA.—D.C., sFla., nIll., sInd., Md., eMich., N.J., Ohio, eVa., eWis.
Allied Mutual Insurance Company, Des Moines, Iowa	1,547	Ariz., Colo., Idaho, Ill., Iowa, Kans., Minn., Mo., Nebr., N. Dak., Okla., S. Dak., Wis., Wyo.	IOWA—Ariz., Colo., D.C., Kans., Minn., Nebr., N. Dak., S. Dak.
Allstate Insurance Company, Skokie, Ill.	38,435	All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	ILL.—
American Automobile Insurance Company, San Francisco, Cal.	3,782	All except C.Z., Guam, Puerto Rico, Virgin Islands.	MO.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
American Bonding Company, Los Angeles, Cal.	49	Cal., Iowa, Nebr.....	NEBR.—Cal., D.C., Iowa, Nev., wWash.
American Casualty Company of Reading, Pennsylvania, Chicago, Ill.	3,037	All except C.Z., Guam, Virgin Islands.	PA.—All except Guam, Virgin Islands.
American Credit Indemnity Company of New York, Baltimore, Md.	2,043	Cal., Colo., Conn., Del., Ill., Ind., Iowa, Ky., Me., Md., Mass., Minn., Mo., N.H., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Pa., R.I., Va., Wash., W. Va.	N.Y.—D.C.
American Employers' Insurance Company, Boston, Mass.	3,385	All except Guam.	MASS.—All except Guam.
American Fidelity Company, Manchester, N.H.	400	Conn., Iowa, Me., Mass., Miss., N.H., R.I., Vt.....	VT.—All except C.Z., Guam, Kans., Puerto Rico, Virgin Islands.
American Fire and Casualty Company, Orlando, Fla.	328	Ala., Ark., Colo., D.C., Fla., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., S.C., Tenn., Tex., Va.	FLA.—Ala., Ark., Colo., D.C., Ga., Kans., Ky., La., Md., Miss., Mo., N.C., Okla., S.C., Tenn., Tex., Va.
American and Foreign Insurance Company, New York, N.Y.	1,310	All except C.Z., Del., Guam, La., Oreg., Puerto Rico, Va., Virgin Islands.	N.Y.—D.C., Tex.
American General Insurance Company, Houston, Tex.	17,626	Ala., Ark., Ark., Colo., D.C., Fla., La., Miss., N. Mex., Okla., Pa., Tex.	TEX.—All except Conn., Del., Guam, Hawaii, Me., Mass., Mich., N.H., N.J., N.Y., Puerto Rico, R.I., Virgin Islands.
American Guarantee and Liability Insurance Company, Chicago, Ill.	1,103	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—Alaska, Cal., Conn., D.C., nFla., nGa., nIll., nInd., Me., Md., Mass., eMich., Minn., Mo., N.H., N.J., N. Mex., Ohio, Pa., nswTex., Vt.
American Home Assurance Company, New York, N.Y.	1,579	Ala. (except official), Alaska, Ariz., Cal., Colo., Conn., Del., D.C., Fla., Ga., Hawaii, Ill., Ind., Iowa, Kans., Ky., La., Md., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Pa., R.I., S.C. (fidelity only), S. Dak., Tenn., Tex., Utah, Vt., Va., Wash., W. Va., Wis., Wyo.	N.Y.—D.C.
American Indemnity Company, Galveston, Tex.	465	Ala., Ark., Cal., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Md., Mich., Minn., Miss., Mo., Mont., Nebr., N. Mex., N.C., Ohio, Okla., S.C., Tenn., Tex., Va., Wis., Wyo.	TEX.—All except Alaska, wArk., C.Z., Guam, Hawaii, wMich., nOkla., Puerto Rico, Virgin Islands, wVa.
The American Insurance Company, Principal Office: Newark, N.J., Home Office: San Francisco, Cal.	8,456	All except C.Z., Guam.	N.J.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
American Manufacturers Mutual Insurance Company, Chicago, Ill.	647	All except C.Z., Del., Guam, Hawaii, La., Oreg., Puerto Rico, S.C., Tenn., Virgin Islands.	N.Y.—All except nAla., Ark., C.Z., Conn., Del., Ga., Guam, Hawaii, Idaho, sIowa, Kans., La., Me., Md., Mo., Nebr., Nev., Oreg., nPa., Puerto Rico, S.C., S. Dak., Tenn., Tex., Utah, Va., Virgin Islands, wWis.
American Motorists Insurance Company, Chicago, Ill.	1,290	All except Del., Guam, Hawaii, Idaho, Oreg.....	ILL.—All except Alaska, Ark., C.Z., Del., Guam, Hawaii, Idaho, Nev., N. Mex., Oreg., Tenn., Virgin Islands, Wyo.
American Mutual Liability Insurance Company, Wakefield, Mass.	3,892	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	MASS.—D.C.
American National Fire Insurance Company, New York, N.Y.	984	All except C.Z., Conn., Del., Guam, La., Me., Mich., N.J., Puerto Rico, S.C., Virgin Islands, Wis.	N.Y.—All.
American Re-Insurance Company, New York, N.Y.	5,779	All except C.Z., Guam, Puerto Rico, Virgin Islands.	N.Y.—All except Guam.
American States Insurance Company, Indianapolis, Ind.	2,157	Alaska, Ariz., Ark., Cal., Colo., D.C., Fla., Ill., Ind., Iowa, Kans., Ky., Md., Mich., Minn., Mo., Mont., Nebr., Nev., N.J., N. Mex., N. Dak., Ohio, Okla., Pa., Tenn., Tex., Utah, Wash., W. Va., Wis.	IND.—Ariz., Cal., Colo., D.C., Ill., Iowa, Kans., Ky., Mich., Mo., Ohio, Pa., W. Va., Wis.
Aronson Insurance Company, Menlo Park, Cal.	997	All except C.Z., Del., Guam, Ind., Kans., Ky., Me., N.H., N.Y., Puerto Rico, S. Dak., Va., Virgin Islands.	CAL.—D.C., nGa., Idaho, eLa.
Associated Indemnity Corporation, San Francisco, Cal.	1,112	All except C.Z., Guam.	CAL.—nAla., Ariz., Conn., Del., D.C., nFla., nGa., Ill., Ind., Kans., wKy., Me., Md., Mass., eMich., eMo., Mont., Nebr., Nev., N.H., N.J., nN.Y., N.C., Ohio, wOkla., Oreg., Pa., R.I., S.C., wTenn., Tex., Utah, eVa., Wash., eWis.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER ACT OF CONGRESS, APPROVED JULY 30, 1947
(5 U.S.C. 6-13) AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices.	Underwriting limitations (net limit on any one risk) See footnote (b) (in thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Athletic Insurance Company, Dallas, Tex.	477	Ala., Ariz., Ark., Cal., Ga., Ill., Ind., Kans., La., Md., Mo., Nev., N.J., N. Mex., N.C., Ohio, Okla., S.C., Tenn., Tex., Utah.	TEX.—Ala., Ariz., Ark., Cal., Colo., Del., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., La., Mich., Mo., Nev., N.J., N. Mex., N.C., Ohio, Okla., Pa., S.C., Tenn., Utah.
Athletic Mutual Insurance Company, New York, N.Y.	3,656	All except Ala., C.Z., Guam, Hawaii, La., Puerto Rico, Virgin Islands.	N.Y.—D.C.
Auto-Owners Insurance Company, Lansing, Mich.	1,137	Ala., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., Mich., Minn., Mo., Nebr., N.C., N. Dak., Ohio, Pa., S.C., S. Dak., Tenn., Wis.	MICH.—D.C., nFla., Ill., Ind., Iowa, Minn., Mo., N. Dak., Ohio, S. Dak.
Balboa Insurance Company, Los Angeles, Cal.	605	All except Ala., Ark., C.Z., Guam, Kans., La., Me., Mass., Miss., Nebr., N.H., N.J., N.C., N. Dak., Oreg., Puerto Rico, R.I., S.C., S. Dak., Tenn., Va., Virgin Islands, W. Va., Wis.	CAL.—D.C.
Bankers Multiple Line Insurance Company, Chicago, Ill.	600	All except Alaska, C.Z., Del., Ga., Guam, Hawaii, Idaho, La., Me., Mich., N.H., N.C., Oreg., Puerto Rico, S.C., Tenn., Va., Virgin Islands.	IOWA—D.C.
Bankers and Shippers Insurance Company of New York, New York, N.Y.	1,193	All except C.Z., Guam, Hawaii, Me., Puerto Rico, Virgin Islands.	N.Y.—Ala., Ariz., Ark., Del., D.C., nFla., nGa., sInd., sIowa, sKy., Me., Mass., Mich., Minn., sMiss., wMo., N.H., N.J., sOhio, wOkla., R.I., S. Dak., nwTex., Wyo. PA.—D.C.
Birmingham Fire Insurance Company of Pennsylvania, Pittsburgh, Pa.	373	All except Ark., C.Z., Del., Ga., Guam, Hawaii, Idaho, Mass., N.H., N.J., Puerto Rico, S.C., Tex., Virgin Islands.	MASS.—Ala., nCal., Del., Ga., Hawaii, Idaho, La., Miss., sMo., N.C., S.C.
Boston Old Colony Insurance Company, New York, N.Y.	2,668	All except Guam.	OHIO—D.C., Ill., Ind., Ky., Mich., Minn., Pa., eTenn., Va., W. Va.
The Buckeye Union Insurance Company, Columbus, Ohio.	3,615	Ind., Ky., Mich., Ohio, Pa., Va., W. Va.	N.J.—D.C.
The Camden Fire Insurance Association, Camden, N.J.	3,040	Ala. (fidelity only), Alaska, Ariz., Ark., Cal., C.Z., Colo., Conn., D.C., Ill., Ind., Iowa, Kans., Ky., Md., Mass., Mich., Minn., Mo., Nev., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Pa., R.I., S.C. (fidelity only), Utah, Va., W. Va., Wyo.	
Capitol Indemnity Corporation, Madison, Wis.	123	Ill., Iowa, Mich., Minn., Wis.	WIS.—D.C., nGa., Ill., sInd., Iowa, Mich., Minn., wMo.
Cascade Insurance Company, Tacoma, Wash.	438	Cal., Hawaii, Idaho, Mont., Nev., Oreg., Utah, Wash.	WASH.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
The Celina Mutual Insurance Company, Celina, Ohio.	240	Colo., D.C., Ill., Ind., Kans., Ky., Md., Mich., Mo., Ohio, Pa., Va., W. Va., Wis.	OHIO—D.C.
Centennial Insurance Company, New York, N.Y.	1,072	All except Ala., C.Z., Guam, La., Puerto Rico, Virgin Islands.	N.Y.—D.C.
Central Mutual Insurance Company, Van Wert, Ohio.	1,072	All except Ala., Ark., C.Z., Guam, Hawaii, La., Nebr., N. Dak., Oreg., Puerto Rico, S. Dak., Tex., Virgin Islands, Wis.	OHIO—D.C.
The Charter Oak Fire Insurance Company, Hartford, Conn.	1,315	All except C.Z., Guam, Hawaii, Puerto Rico, Tex., Virgin Islands.	CONN.—D.C.
The Cincinnati Insurance Company, Cincinnati, Ohio.	383	Ala., Fla., Ga., Ind., Ky., Mich., Ohio, Tenn.	OHIO—Ala., D.C., sFla., nGa., sInd., Ky.
Citizens Insurance Company of New Jersey, Hartford, Conn.	834	All except C.Z., Guam, Puerto Rico, Virgin Islands.	N.J.—All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Commercial Insurance Company of Newark, N.J., New York, N.Y.	2,078	All except Puerto Rico.	N.J.—All except Guam.
Commercial Standard Insurance Company, Fort Worth, Tex.	590	Ala., Ariz., Ark., Cal., Colo., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Md., Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., N.C., N. Dak., Okla., Oreg., S. Dak., Tenn., Tex., Utah, Va., Wash., Wis., Wyo.	TEX.—All except Alaska, C.Z., Guam, Hawaii, Minn., Miss., Puerto Rico, S. Dak., Virgin Islands.
Commercial Union Insurance Company of New York, New York, N.Y.	11,262	All except C.Z., Guam.	N.Y.—All except C.Z., Guam.
The Connecticut Indemnity Company, Hartford, Conn.	857	All except Alaska, C.Z., Del., Guam, Hawaii, Oreg., Puerto Rico, S.C., Va., Virgin Islands.	CONN.—All except Alaska, Ariz., Cal., C.Z., Guam, Hawaii, Idaho, Mont., Nev., Oreg., Puerto Rico, Utah, Virgin Islands, Wash.
Consolidated Insurance Company, Indianapolis, Ind.	172	Ill., Ind., Ky., Mich., Ohio.	IND.—D.C., Ill., Ky., Mich., Ohio.
Consolidated Mutual Insurance Company, Brooklyn, N.Y.	797	All except Ala., Alaska, C.Z., Del., Guam, La.	N.Y.—D.C.
Continental Casualty Company, Chicago, Ill.	32,913	All except Guam.	ILL.—All except C.Z., Guam, Virgin Islands.
The Continental Insurance Company, New York, N.Y.	99,178	All except Guam.	N.Y.—All except Guam.
Cosmopolitan Mutual Insurance Company, New York, N.Y.	923	Ala., Ark., Cal., Conn., D.C., Fla., Ga., Ill., Ind., La., Me., Md., Mass., Mich., Mo., N.H., N.J., N.Y., N.C., Okla., Pa., Puerto Rico, R.I., S.C., Tenn., Tex., Va., W. Va., Wis.	N.Y.—D.C.
Cumulis Insurance Society, Inc., Madison, Wis.	384	Ala., Ariz., Cal., Colo., D.C., Fla., Idaho, Ill., Ind., Iowa, Ky., La., Md., Mich., Minn., Mo., Mont., Nev., N. Mex., Ohio, Okla., Tenn., Utah, Va., Wash., Wis., Wyo.	WIS.—Ala., Colo., D.C., Fla., Ill., Md., Mich., Nev., Utah.
Emeco Insurance Company, South Bend, Ind.	1,791	All except Ala., Ark., C.Z., Conn., Del., Guam, Mass., Nev., N. Mex., Oreg., Puerto Rico, Virgin Islands.	IND.—D.C.
Empire Fire and Marine Insurance Company, Omaha, Nebr.	79	Alaska, Ariz., Colo., Ga., Ill., Iowa, Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Okla., S. Dak., Utah, Wash., Wyo.	NEBR.—D.C.
Employers Casualty Company, Dallas, Tex.	1,135	Ala., Ariz., Ark., Cal., Colo., Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., Ky., La., Minn., Miss., Mo., Mont., Nebr., Nev., N. Mex., N.C., Ohio, Okla., Oreg., Pa., Tenn., Tex., Utah, Va., Wash., Wyo.	TEX.—D.C.
The Employers' Fire Insurance Company, Boston, Mass.	1,690	All except C.Z., Guam.	MASS.—All except C.Z., Guam.
Employers Mutual Casualty Company, Des Moines, Iowa.	1,704	All except Ala., C.Z., Conn., Del., D.C., Fla., Ga., Guam, Hawaii, Ky., La., Mass., Mont., Nev., Puerto Rico, R.I., Tenn., Utah, Virgin Islands, W. Va.	IOWA—Alaska, Colo., D.C., Ill., Ind., Kans., Md., Minn., Miss., Mo., Nebr., N.C., N. Dak., Ohio, Okla., Oreg., Pa., S.C., S. Dak., Wis.
Employers Mutual Liability Insurance Company of Wisconsin, Wausau, Wis.	13,267	All except C.Z., Virgin Islands.	WIS.—D.C.
Employers Reinsurance Corporation, Kansas City, Mo.	4,536	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	MO.—All except Guam.
Equitable Fire and Marine Insurance Company, Hartford, Conn.	2,547	All except Ala., Alaska, C.Z., Del., Ga., Guam, N.C., Oreg., Puerto Rico, S.C., S. Dak., Virgin Islands, W. Va.	R.I.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER ACT OF CONGRESS, APPROVED JULY 30, 1947
(6 U.S.C. 6-13) AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices.	Underwriting limitations (net limit on any one risk) See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Farmers Elevator Mutual Insurance Company, Des Moines, Iowa.	131	Colo., Ill., Iowa, Kans., Minn., Mo., Nebr., N. Dak., Okla., S. Dak., Tex., Wyo.	IOWA—Colo., D.C., Ill., Kans., Nebr., Okla., S. Dak.
Farmers Mutual Hall Insurance Company of Iowa, Des Moines, Iowa.	993	Iowa	IOWA—D.C.
Federal Insurance Company, New York, N.Y.	16,416	All except C.Z.	N.J.—All.
Federated Mutual Implement and Hardware Insurance Company, Owatonna, Minn.	1,183	All except Alaska, Cal., C.Z., Del., Guam, Hawaii, Idaho, La., Me., Mass., Nev., Oreg., Pa., Puerto Rico, Tex., Virgin Islands, Wis.	MINN.—Ala., Ark., D.C., Fla., Ga., Ky., Miss., N.C., Okla., S.C., Tenn., Va., W. Va.
The Fidelity and Casualty Company of New York, New York, N.Y.	5,297	All except Guam, Virgin Islands.	N.Y.—All except Guam, Hawaii, Virgin Islands.
Fidelity and Deposit Company of Maryland, Baltimore, Md.	7,553	All	MD.—All except Guam.
Fidelity-Phenix Insurance Company, New York, N.Y.	649	All except C.Z., Guam, Virgin Islands.	N.Y.—All except Guam, Virgin Islands.
Fireman's Fund Insurance Company, San Francisco, Cal.	15,324	All except C.Z., Guam.	CAL.—All except Guam.
Firemen's Insurance Company of Newark, N.J., New York, N.Y.	13,096	All except Puerto Rico.	N.J.—All except C.Z., Guam.
First Insurance Company of Hawaii, Ltd., Honolulu, Hawaii.	878	Guam, Hawaii, Oreg.	HAWAII—D.C.
The Fulton Insurance Company, New York, N.Y.	284	All except Ala., C.Z., Del., Guam, Idaho, Puerto Rico, Virgin Islands.	N.Y.—All except Ala., C.Z., Del., Ga., Guam, Idaho, Puerto Rico, Virgin Islands, Wash.
General Fire and Casualty Company, New York, N.Y.	814	All except C.Z., Guam, Puerto Rico.	N.Y.—D.C.
General Insurance Company of America, Seattle, Wash.	15,855	All except Virgin Islands.	WASH.—All except Puerto Rico, Virgin Islands.
General Reinsurance Corporation, New York, N.Y.	9,406	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—All except C.Z., Guam, Virgin Islands.
Glen Falls Insurance Company, Glen Falls, N.Y.	7,041	All except C.Z., Guam, Puerto Rico, Virgin Islands.	N.Y.—All except Guam, Puerto Rico, Virgin Islands.
Globe Indemnity Company, New York, N.Y.	5,844	All except C.Z., Guam, Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, Guam, Virgin Islands.
Grain Dealers Mutual Insurance Company, Indianapolis, Ind.	837	All except Ala., Alaska, C.Z., Del., Guam, Hawaii, Idaho, Me., Nev., Puerto Rico, S.C., Tenn., Virgin Islands.	IND.—eArk., Colo., D.C., Ill., Iowa, Kans., Nebr., Ohio, wOkla.
Granite State Insurance Company, Manchester, N.H.	509	All except C.Z., Del., Guam, Hawaii, Idaho, Oreg., Puerto Rico, Virgin Islands.	N.H.—All except Guam, Puerto Rico.
Great American Insurance Company, New York, N.Y.	25,555	All except C.Z., Guam.	N.Y.—All.
Great Northern Insurance Company, Minneapolis, Minn.	653	Ariz., Colo., Ill., Minn., Mo., Mont., Nebr., Nev., N.Y., N. Dak., S. Dak., Wis., Wyo.	MINN.—D.C., nIll., Iowa, Mo., Mont., N. Dak., S. Dak., Wis.
Greater New York Mutual Insurance Company, New York, N.Y.	2,250	All except Alaska, Ark., C.Z., Del., Guam, Hawaii, Kans., La., S.C., Tenn., Virgin Islands.	N.Y.—D.C.
Guarantee Insurance Company, Los Angeles, Cal.	419	Alaska, Ariz., Ark., Cal., Colo., Fla., Hawaii, Idaho, Ill., Ind., Iowa, Mich., Mont., Nev., N.J., N. Mex., N.Y., N.C., Okla., Tex., Utah, Va., Wash., Wyo.	CAL.—D.C.
Gulf American Fire and Casualty Company, Montgomery, Ala.	121	Ala., Fla., Ga., La., Miss., S.C., Tenn.	ALA.—Alaska, D.C., nGa., sMiss.
Gulf Insurance Company, Dallas, Tex.	5,941	Ala., Ariz., Ark., Cal., Colo., Fla., Ga., Ill., Ind., Iowa, Kans., La., Md., Mich., Miss., Mo., Nebr., Nev., N. Mex., N.Y., N.C., Ohio, Okla., Pa., S.C., Tenn., Tex., Utah, Wash., Wyo.	TEX.—Ala., Ariz., Ark., Cal., Colo., Del., D.C., Fla., Ga., Idaho, Ill., Ind., Iowa, Kans., La., Mich., Mo., N.J., N. Mex., N.C., Ohio, Okla., Pa., S.C., Tenn., Utah.
The Hanover Insurance Company, New York, N.Y.	4,340	All except C.Z., Guam, Puerto Rico.	N.Y.—All except Guam.
Hardware Mutual Casualty Company, Stevens Point, Wis.	2,289	All except C.Z., Guam, Puerto Rico, Virgin Islands.	WIS.—D.C.
Hartford Accident and Indemnity Company, Hartford, Conn.	25,060	All	CONN.—All except Guam, Virgin Islands.
Hartford Fire Insurance Company, Hartford, Conn.	60,940	All except Canal Zone.	CONN.—Ariz., Cal., D.C., Hawaii, La., N.Y., Va.
Hawkeye-Security Insurance Company, Des Moines, Iowa.	698	Ariz., Colo., Conn., D.C., Fla., Idaho, Ill., Ind., Iowa, Kans., Md., Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Ohio, Okla., Pa., S. Dak., Tex., Utah, Va., Wis., Wyo.	IOWA—Colo., D.C., Fla., Ill., Ind., Kans., wMich., Mo., Nebr., N. Mex., S. Dak., Wyo.
Highlands Insurance Company, Houston, Tex.	534	All except C.Z., Conn., Del., Guam, Hawaii, Idaho, Me., Mass., N.H., N.J., Ohio, Pa., Puerto Rico, R.I., Vt., Virgin Islands, Wis.	TEX.—D.C., La.
The Home Indemnity Company, New York, N.Y.	2,650	All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, Guam, Hawaii, Puerto Rico, Virgin Islands.
The Home Insurance Company, New York, N.Y.	30,467	All except C.Z., Guam.	N.Y.—Alaska, D.C., Guam, Puerto Rico.
Home Owners Insurance Company, Chicago, Ill.	156	Ala., Ariz., Fla., Ga., Idaho, Ill., Ind., Minn., Miss., Mo., Mont., Nev., Okla., Tenn., Wash.	ILL.—Ariz., D.C., sFla., eLa., Minn., Mont., eVa., wWash.
Hudson Insurance Company, New York, N.Y.	394	N.Y.	N.Y.—D.C.
Illinois National Insurance Co., Springfield, Ill.	783	Ill., Ind., Iowa, Ky., Mo., Nebr., N. Mex., Ohio.	ILL.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Indiana Bonding and Surety Company, Indianapolis, Ind.	53	Ind.	IND.—D.C.
Indiana Insurance Company, Indianapolis, Ind.	707	Ill., Ind., Ky., Mich., Ohio.	IND.—D.C., Ill., Ky., Mich., Ohio.
Industrial Indemnity Company, San Francisco, Cal.	1,810	Ala., Alaska, Ariz., Ark., Cal., Colo., Del., D.C., Fla., Ga., Guam, Hawaii, Idaho, Ill., Ind., Iowa, La., Md., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.J., N. Mex., N.C., Okla., Oreg., S. Dak., Tenn., Tex., Utah, Wash., Wyo.	CAL.—Alaska, Ariz., eArk., Colo., D.C., sFla., nGa., Hawaii, Idaho, Ill., Ind., eLa., Md., eMich., eMo., Mont., Nebr., Nev., N.J., N. Mex., wOkla., Oreg., S. Dak., eTenn., Tex., Utah, Wash., Wyo.
Inland Insurance Company, Lincoln, Nebr.	344	Iowa, Minn., Nebr., S. Dak., Wyo.	NEBR.—Ariz., Ark., Colo., D.C., Ill., Iowa, Kans., Ky., Minn., eMo., Mont., Nev., N. Mex., N. Dak., Ohio, Okla., Oreg., S. Dak., Tex., Utah, Wash., Wyo.
Insurance Company of North America, Philadelphia, Pa.	75,384	All	PA.—All except Guam.
The Insurance Company of the State of Pennsylvania, New York, N.Y.	830	Ala. (except official), Alaska, Ariz., Cal., Colo., Conn., Del., D.C., Fla., Ga., Hawaii, Ill., Ind., Iowa, Kans., Ky., La., Md., Mass., Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H., N.J., N. Mex., N.Y., N.C., N. Dak., Ohio, Okla., Pa., R.I., S.C. (fidelity only), S. Dak., Tenn., Tex., Utah, Vt., Va., Wash., W. Va., Wis., Wyo.	PA.—D.C.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER ACT OF CONGRESS, APPROVED JULY 30, 1947
(6 U.S.C. 6-13) AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices.	Underwriting limitations (net limit on any one risk) See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
International Fidelity Insurance Company, Newark, N.J.	43	Mass., Mich., N.J., N.Y., Pa.	N.J.—All except Alaska, Guam, Virgin Islands.
International Service Insurance Company, Fort Worth, Tex.	417	Alaska, C.Z., N. Mex., Tex.	TEX.—D.C.
Iowa Mutual Insurance Company, Des Moines, Iowa.	436	Colo., Fla., Ill., Iowa, Kans., Minn., Mo., Mont., Nebr., N. Mex., N.C., N. Dak., Okla., S.C., S. Dak., Wis., Wyo.	IOWA—nAla., Colo., D.C., sIll., Kans., Minn., Mont., Nebr., wN.C., wOkla., Oreg., S. Dak.
Jersey Insurance Company of New York, New York, N.Y.	796	All except Alaska, Ariz., C.Z., Del., Guam, Hawaii, Me., Nev., N.H., N. Mex., N. Dak., Puerto Rico, Vt., Virgin Islands, W. Va., Wyo.	N.Y.—nAla., Ariz., Ark., D.C., nFla., nGa., sInd., sIowa, sKy., Mass., Mich., Minn., sMiss., wMo., N.J., Ohio, wOkla., R.I., S. Dak., nwTex.
Kansas City Fire and Marine Insurance Company, Glens Falls, N.Y.	384	All except Canal Zone, Del., Guam, Hawaii, Puerto Rico, Virgin Islands.	MO.—Ala., Alaska, Ark., Colo., D.C., Fla., Ga., Ill., Iowa, Kans., Minn., Nebr., Okla., S.C., Tex., Va., Wis., Wyo.
Lawyers Surety Corporation, Dallas, Tex.	73	Tex.	TEX.—D.C.
Liberty Mutual Insurance Company, Boston, Mass.	30, 257	All except Guam.	MASS.—All except C.Z., Guam.
Lumbermens Mutual Casualty Company, Chicago, Ill.	8, 350	All except C.Z., Guam, Puerto Rico, Virgin Islands.	ILL.—All except C.Z., Guam, Hawaii, wLa., Puerto Rico, Virgin Islands.
Maine Bonding and Casualty Company, Portland, Me.	388	Conn., Fla., Me., Md., Mass., N.H., N.Y., R.I., Tenn., Tex., Vt.	ME.—Conn., D.C., Mass., N.H., R.I., Vt.
The Manhattan Fire and Marine Insurance Company, New York, N.Y.	1, 023	All except C.Z., Conn., Del., Guam, La., Me., N. Dak., Oreg., Puerto Rico, S.C., Tenn., Virgin Islands.	N.Y.—D.C.
American General Insurance Company, Houston, Tex.	984	N. Mex., Okla., Tex.	TEX.—D.C., N. Mex.
Maryland Casualty Company, Baltimore, Md.	13, 723	All except Guam.	MD.—All except Guam.
Massachusetts Bay Insurance Company, Boston, Mass.	357	Colo., D.C., Fla., Ga., Ind., Iowa, Kans., Me., Md., Mass., Mo., N.H., N.Y., R.I., Tex., Vt., Wis., Wyo.	MASS.—Colo., D.C., Ga., Ind., Iowa, Kans., Me., Md., N.H., R.I., Tex., Vt., Wis., Wyo.
Merchants Mutual Bonding Company, Des Moines, Iowa.	30	Iowa, Kans., Mont., Nebr., Okla., S. Dak., Tex.	IOWA—D.C., sIll., Nebr.
Michigan Millers Mutual Insurance Company, Lansing, Mich.	1, 042	All except Ala., Alaska, Ariz., C.Z., Ga., Guam, Hawaii, Idaho, La., Nev., N. Mex., Oreg., Puerto Rico, S.C., Virgin Islands, Wyo.	MICH.—eArk., Cal., Colo., D.C., Ill., Ind., Iowa, Kans., eKy., Minn., Miss., Mo., Mont., Nebr., nwN.Y., N. Dak., Ohio, wOkla., S. Dak., wTenn., Utah, wWash.
Michigan Mutual Liability Company, Detroit, Mich.	1, 255	All except C.Z., Del., Guam, Hawaii, Me., Minn., Oreg., Puerto Rico, Virgin Islands, W. Va., Wyo.	MICH.—D.C.
Mid-Century Insurance Company, Los Angeles, Cal.	1, 083	All except Ala., Alaska, C.Z., Conn., D.C., Guam, Hawaii, Ky., La., Me., Md., Mass., Miss., N.H., N.J., N.Y., N.C., Pa., Puerto Rico, R.I., S.C., Tenn., Va., Virgin Islands, W. Va.	CAL.—Ariz., Ark., Colo., D.C., Idaho, Ill., Ind., Iowa, Kans., Mich., Minn., Mo., Mont., Nebr., Nev., N. Mex., N. Dak., Okla., Oreg., S. Dak., Tex., Utah, Wash., Wis., Wyo.
The Millers Mutual Fire Insurance Company, Harrisburg, Pa.	300	Ga., Ind., Mo., N.Y., N.C., Pa., R.I., S.C., Tex., Vt., W. Va.	PA.—D.C.
The Millers Mutual Fire Insurance Company of Texas, Fort Worth, Tex.	548	All except Ala., Alaska, C.Z., Conn., Del., Guam, Hawaii, Idaho, Me., Md., Nev., N.J., N.C., Puerto Rico, R.I., S.C., Vt., Virgin Islands, Wash., W. Va., Wyo.	TEX.—All except Ala., Alaska, C.Z., Conn., Del., Guam, Hawaii, Idaho, Me., Md., Nev., N.H., N.J., N.C., nPa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, Wash., W. Va., eWis., Wyo.
Millers' Mutual Insurance Association of Illinois, Alton, Ill.	1, 385	Ark., Colo., Fla., Ga., Ill., Ind., Iowa, Kans., Md., Mich., Minn., Mo., Mont., N.Y., N.C., N. Dak., Ohio, Okla., Pa., S.C., S. Dak., Tex., Vt., Va., Wash., W. Va., Wis., Wyo.	ILL.—nAla., Ark., Colo., D.C., Ind., Iowa, Kans., Minn., Mo., Mont., N. Dak., S. Dak.
Millers National Insurance Company, Chicago, Ill.	368	All except Alaska, Ark., C.Z., Del., Guam, Hawaii, La., Me., Miss., N. Mex., Puerto Rico, Vt., Virgin Islands.	ILL.—Ariz., sCal., Colo., D.C., Ind., Iowa, Kans., Ky., Mass., Mich., Minn., Mo., Mont., Nev., N. Mex., N. Dak., R.I., S. Dak., nwTex., Utah, wWis., Wyo.
Mutual Boiler and Machinery Insurance Company, Waltham, Mass.	1, 336	Alaska, Ariz., Cal., Colo., Conn., D.C., Ind., Iowa, Ky., Mass., Mich., Minn., Mont., Nev., N.H., N.J., N. Mex., N.Y., N.C., R.I., Tex., Utah, Vt., W. Va., Wis., Wyo.	MASS.—D.C.
National Automobile and Casualty Insurance Company, Los Angeles, Cal.	373	Alaska, Ariz., Cal., Colo., Idaho, Ill., Ind., Kans., Ky., La., Mich., Mo., Mont., Nev., N. Mex., Okla., Oreg., Tenn., Tex., Utah, Wash., Wyo.	CAL.—All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
National Ben Franklin Insurance Company of Pittsburgh, Pa., New York, N.Y.	1, 272	All except C.Z., Guam, Hawaii, Oreg., Puerto Rico, Virgin Islands.	PA.—D.C., Md.
National Casualty Company, Detroit, Mich.	1, 000	All except Ala., Ariz., Ark., C.Z., Conn., D.C., Fla., Guam, Hawaii, Iowa, Kans., Me., Miss., Nev., N. Mex., N.C., Ohio, Okla., Oreg., Puerto Rico, S.C., S. Dak., Tex., Va., Virgin Islands.	MICH.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
National Fire Insurance Company of Hartford, Chicago, Ill.	10, 997	All except C.Z., Guam, Virgin Islands.	CONN.—All except Ariz., C.Z., Guam, Nev., Virgin Islands.
National Grange Mutual Insurance Company, Keene, N.H.	2, 044	Conn., D.C., Ill., Ind., Me., Md., Mass., Mich., N.H., N.J., N.Y., N.C., Ohio, Pa., R.I., S.C., Tenn., Vt., W. Va., Wis.	N.H.—All except Alaska, C.Z., Guam, Hawaii, Virgin Islands.
National Indemnity Company, Omaha, Nebr.	529	All except C.Z., Conn., Guam, Hawaii, Me., Mass., N.H., N.J., N.Y., Ohio, Oreg., Puerto Rico, R.I., S.C., Vt., Virgin Islands.	NEBR.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
The National Reinsurance Corporation, New York, N.Y.	2, 631	All except Ala., C.Z., Fla., Ga., Guam, La., Me., Miss., Mo., N.C., Oreg., Puerto Rico, S.C., S. Dak., Tenn., Va., Virgin Islands.	N.Y.—D.C., sOhio.
National Standard Insurance Company, Houston, Tex.	276	La., N. Mex., Tex.	TEX.—D.C.
National Surety Corporation, Principal Office: New York, N.Y. Home Office: San Francisco, Cal.	5, 528	All except Guam.	N.Y.—All except Guam.
National Union Fire Insurance Company of Pittsburgh, Pa., Pittsburgh, Pa.	1, 731	All except C.Z., Guam, Puerto Rico, Virgin Islands.	PA.—All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.
Nationwide Mutual Insurance Company, Columbus, Ohio.	337	All except Ark., C.Z., Guam, Hawaii, Idaho, Me., Oreg., Puerto Rico, Virgin Islands.	PA.—All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.
New Hampshire Insurance Company, Manchester, N.H.	2, 759	All except Cal., C.Z., Guam, Hawaii.	OHIO—D.C.
New York Underwriters Insurance Company, New York, N.Y.	3, 605	All except C.Z., Guam, Puerto Rico, Virgin Islands.	N.H.—All except Guam.
Newark Insurance Company, New York, N.Y.	2, 003	All except C.Z., Guam, Puerto Rico, Virgin Islands.	N.Y.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Niagara Fire Insurance Company, New York, N.Y.	1, 713	All except C.Z., Guam, Oreg., Puerto Rico, Virgin Islands.	N.J.—All except Alaska, nCal., C.Z., Guam, Hawaii, Idaho, Virgin Islands, Wyo.
North American Reinsurance Corporation, New York, N.Y.	2, 754	All except C.Z., Guam.	N.Y.—All except C.Z., Guam.
	3, 508	All except C.Z., Guam, Puerto Rico, Virgin Islands.	N.Y.—All except C.Z., Guam, Puerto Rico, Virgin Islands.

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COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER ACT OF CONGRESS, APPROVED JULY 30, 1947
(6 U.S.C. 6-12) AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices.	Underwriting limitations (net limit on any one risk) See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
The North River Insurance Company, New York, N.Y.	5,533	All except C.Z., Guam, Puerto Rico, Virgin Islands.....	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
North Star Reinsurance Corporation, New York, N.Y.	348	Ark., Cal., D.C., Fla., Ill., Iowa, Kans., La., Mich., Mo., Nev., N.H., N.J., N.Y., Ohio, Tex., Utah, W. Va.	N.Y.—D.C.
Northeastern Insurance Company of Hartford, Des Moines, Iowa.	631	Cal., Colo., Conn., Ill., Iowa, Kans., Mich., N.H., N.J., N.Y., Ohio, Okla., Tex.	CONN.—D.C.
The Northern Assurance Company of America, Boston, Mass.	1,295	All except C.Z., Guam.....	MASS.—All except C.Z., Guam, Virgin Islands, sW. Va.
Northern Insurance Company of New York, Baltimore, Md.	5,425	All except C.Z., Fla., Guam, Hawaii, La., Oreg., Puerto Rico, Tenn., Virgin Islands.	N.Y.—D.C., Me.
Northwestern National Casualty Company, Milwaukee, Wis.	905	Ala., Ariz., Cal., Fla., Ill., Ind., Iowa, Kans., Ky., Md., Mich., Minn., Mo., Mont., Nebr., N. Mex., Okla., Pa., R.I., S. Dak., Tex., Wash., W. Va., Wis.	WIS.—Ariz., Cal., D.C., Fla., Ill., Ind., Iowa, Kans., Ky., Md., Minn., Mo., Nebr., N. Mex., Okla., Pa., R.I., S. Dak., W. Va.
Northwestern National Insurance Company, Milwaukee, Wis.	3,913	All except C.Z., Guam, Virgin Islands.....	WIS.—All except C.Z., Guam, Virgin Islands.
The Ohio Casualty Insurance Company, Hamilton, Ohio	4,000	All except Alaska, C.Z., Guam, Hawaii, Idaho, Me., N.Y., Puerto Rico, Virgin Islands.	OHIO—All except C.Z., Guam, Hawaii, Virgin Islands.
Ohio Farmers Insurance Company, LeRoy, Ohio	1,509	Ariz., Cal., Colo., Conn., Del., D.C., Ill., Ind., Iowa, Md., Mass., Mich., Minn., Mo., Nev., N.J., N.Y., N.C., N. Dak., Ohio, Pa., R.I., S. Dak., Va., W. Va., Wis.	OHIO—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Olympic Insurance Company, Los Angeles, Cal.	899	All except Ala., C.Z., Del., Fla., Guam, Ky., Md., Mass., N.J., N.Y., Ohio, Puerto Rico, R.I., S. Dak., Va., Virgin Islands, W. Va.	CAL.—D.C.
Oregon Automobile Insurance Company, Portland, Oreg.	369	Cal., Hawaii, Idaho, Nev., Oreg., Utah, Wash.	OREG.—Cal., D.C., Hawaii, Idaho, Nev., Utah, Wash.
Pacific Employers Insurance Company, Los Angeles, Cal.	1,531	All except Ala., Ark., C.Z., Conn., D.C., Fla., Ga., Guam, Hawaii, Ky., La., Me., Md., Mass., Mich., Nebr., N.H., Puerto Rico, S.C., Virgin Islands.	CAL.—Ariz., Conn., Del., D.C., sFla., wKy., Md., Mass., N. Mex., N.Y., Ohio, R.I., wTex., W. Va., Wis.
Pacific Indemnity Company, Los Angeles, Cal.	2,876	All except C.Z., Guam, Virgin Islands.....	CAL.—All except Conn., Guam, Me., N.H., Vt., Virgin Islands.
Pacific Insurance Company, Limited, Honolulu, Hawaii	758	D.C., Hawaii.....	HAWAII—D.C.
Pacific Insurance Company of New York, New York, N.Y.	1,810	All except Alaska, C.Z., Guam, Hawaii, Me., Nev., N.H., N. Dak., Puerto Rico, S. Dak., Vt., Virgin Islands, W. Va., Wyo.	N.Y.—Ala., Ariz., Ark., Del., D.C., nFla., nGa., sInd., sIowa, sKy., Me., Mass., Mich., Minn., sMiss., wMo., N.J., sOhio, wOkla., R.I., S. Dak., nwTex., Wyo.
Peerless Insurance Company, Keene, N.H.	793	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.H.—All except Guam, Hawaii, Virgin Islands.
The Pennsylvania Insurance Company, New York, N.Y.	2,125	All except C.Z., Guam, Puerto Rico.....	PA.—All except C.Z., Guam, Puerto Rico.
Pennsylvania Manufacturers' Association Insurance Company, Philadelphia, Pa.	1,905	Del., D.C., N.J., N.Y., Ohio, Pa., W. Va.....	PA.—D.C.
Pennsylvania Mutual Insurance Company, Wilkes-Barre, Pa.	1,012	D.C., Pa.....	PA.—D.C.
Pennsylvania National Mutual Casualty Insurance Company, Harrisburg, Pa.	667	Ala., Del., D.C., Ga., Ill., Ind., Iowa, Kans., Ky., Md., Mich., Minn., Miss., Mo., Nebr., N.J., N.C., Ohio, Okla., Pa., R.I., S.C., Tenn., Tex., Utah, Vt., Va., W. Va., Wis.	PA.—D.C., Kans., Md., Mo., N.J., N.C., Okla., Tenn., Va.
Phoenix Assurance Company of New York, New York, N.Y.	1,724	All except C.Z., Guam, Virgin Islands.....	N.Y.—All except Alaska, C.Z., Guam, Puerto Rico, Virgin Islands.
The Phoenix Insurance Company, Hartford, Conn.	14,170	All except C.Z., Guam, Puerto Rico, Virgin Islands.....	CONN.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
Planet Insurance Company, Philadelphia, Pa.	1,762	All except C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	WIS.—All except C.Z., Guam, Virgin Islands.
Potomac Insurance Company, Philadelphia, Pa.	5,108	Ala. (fidelity only), Ariz., Cal., Colo., Conn., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Md., Mass., Mich., Minn., Miss., Mo., Nebr., N.J., N. Mex., N.Y., N.C., Ohio, Okla., Oreg., Pa., R.I., S.C. (fidelity only), Tenn., Tex., Utah, Va., Wash., W. Va., Wis., Wyo.	PA.—All except Ala., Alaska, Ark., C.Z., Del., Guam, Hawaii, Idaho, Me., Mont., Nev., N.H., N. Dak., Oreg., Puerto Rico, S. Dak., Vt., Virgin Islands.
Providence Washington Insurance Company, Providence, R.I.	1,748	All except C.Z., Del., Guam, Idaho, La., Oreg., Puerto Rico, Virgin Islands.	R.I.—Conn., D.C., Mass., N.H., N.J., N.Y., Pa., Vt.
The Prudential Insurance Company of Great Britain Located in New York, New York, N.Y.	925	N.Y.....	N.Y.—D.C.
Public Service Mutual Insurance Company, New York, N.Y.	1,745	Conn., Del., D.C., Fla., Ga., Idaho, Ill., Iowa, Me., Md., Mass., Mich., N.H., N.J., N.Y., N.C., Pa., R.I., Vt., Va., W. Va., Wis.	N.Y.—D.C., sFla., sPa., wTex.
Queen Insurance Company of America, New York, N.Y.	4,314	All except C.Z., Guam, Oreg., Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Idaho, Virgin Islands, Wyo.
Ranger Insurance Company, Houston, Tex.	823	All except C.Z., Conn., D.C., Fla., Guam, Hawaii, Ind., Kans., Ky., Me., Md., Mich., Nebr., N.J., Ohio, Oreg., Pa., Puerto Rico, S. Dak., Utah, Va., Virgin Islands, Wash., Wis.	N.Y.—D.C.
The Reinsurance Corporation of New York, New York, N.Y.	3,131	Alaska, Ark., Cal., Colo., Del., D.C., Ga., Idaho, Ill., Ind., Iowa, Kans. (reinsurance only), Ky., La. (reinsurance only), Me., Md., Mass. (reinsurance only), Mich., Minn., Miss., Mo., Mont., Nebr., Nev., N.H. (reinsurance only), N.J., N.Y., N.C., N. Dak., Ohio, Okla., R.I., S.C., Tex. (reinsurance only), Utah (reinsurance only), Vt., Va. (reinsurance only), Wash., W. Va., Wis., Wyo.	N.Y.—D.C.
Reliance Insurance Company, Philadelphia, Pa.	19,199	All except Guam.....	PA.—All except C.Z., Guam.
Republic Insurance Company, Dallas, Tex.	2,486	All except Ala., Alaska, C.Z., Del., Fla., Guam, Hawaii, Ky., Me., Mass., Mont., Nev., N.H., N. Dak., Puerto Rico, R.I., S.C., S. Dak., Vt., Virgin Islands, Wyo.	TEX.—D.C.
Resolute Insurance Company Hartford, Conn.	359	All except C.Z., Guam, La., N.Y., Virgin Islands.....	R.I.—All except wArk., C.Z., mGa., Guam, Hawaii, La., Me., wMich., nMiss., nwN.Y., N.C., Oreg., Puerto Rico, S.C., S. Dak., wTenn., Utah, Vt., wVa., Virgin Islands, wW. Va., wWis.
Royal Indemnity Company, New York, N.Y.	4,576	All.....	N.Y.—All except Guam, Virgin Islands.
Safeo Insurance Company of America, Seattle, Wash.	3,626	Ala. (fidelity only), Ariz., Ark., Cal., Colo., Conn., D.C. (fidelity only), Idaho, Ill., Ind., Iowa, Kans., Md. (fidelity only), Mich., Minn., Miss. (fidelity only), Mo., Mont., Nebr., Nev., N.H., N. Mex., N.C., N. Dak., Okla., Oreg., Pa., R.I., S. Dak., Tex., Utah, Wash., W. Va., Wis., Wyo.	WASH.—D.C.

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COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER ACT OF CONGRESS, APPROVED JULY 30, 1947
(6 U.S.C. 6-13) AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices.	Underwriting limitations (net limit on any one risk) See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Safeguard Insurance Company, New York, N.Y.	1,523	All except C.Z., Del., Guam, Puerto Rico, Virgin Islands.	CONN.—All except Ark., C.Z., Ga., Guam, Ky., La., Miss., N.C., Okla., Puerto Rico, S.C., Tenn., nweTex., Vt., Virgin Islands, wVa., W. Va.
St. Paul Fire and Marine Insurance Company, St. Paul, Minn.	26,691	All except C.Z., Guam.	MINN.—All except Guam.
St. Paul Mercury Insurance Company, St. Paul, Minn.	3,024	All except C.Z., Guam, Puerto Rico, Virgin Islands.	MINN.—All except Guam.
Seaboard Surety Company, New York, N.Y.	2,731	All except Guam.	N.Y.—All except Guam.
Security Insurance Company of Hartford, Hartford, Conn.	3,409	All except C.Z., Guam, Virgin Islands.	CONN.—All except Alaska, Cal., C.Z., nFla., nGa., Guam, Hawaii, Ill., Iowa, Kans., wLa., wMich., nMiss., Nev., neN.Y., N. Dak., Oreg., Puerto Rico, S. Dak., meTenn., Vt., Virgin Islands, eWash., wVa., wWis.
Security Mutual Casualty Company, Chicago, Ill.	836	All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	ILL.—D.C.
Security National Insurance Company, Dallas, Tex.	360	Ark., Cal., Colo., Ind., Mich., Okla., Tex.	TEX.—All except C.Z., Guam, Mont.
Select Insurance Company, Dallas, Tex.	507	Colo., Fla., Okla., Tex., Wyo.	TEX.—All except C.Z., Guam, Mont.
Southern General Insurance Company, Allentown, Pa.	148	Ark., Cal., Colo., Del., D.C., Fla., Ga., Ill., Ind., Md., Miss., Mo., N.J., N.C., Pa., R.I., S.C., Tex., Utah, Wash., Wis.	GA.—Ariz., Cal., D.C., nFla., nInd., nMich., nMiss., N.J., nN.C., nPa., nTex.
The Standard Fire Insurance Company, Hartford, Conn.	2,551	All except Ala., C.Z., Del., Guam, La., N.J., Puerto Rico, Tenn., Virgin Islands, W. Va.	CONN.—All except Alaska, C.Z., Puerto Rico, Virgin Islands.
State Automobile Mutual Insurance Company, Columbus, Ohio	1,947	Ala., Fla., Ga., Ind., Kans., Ky., Md., Mich., Miss., Mo., N.C., Ohio, Pa., S.C., Tenn., W. Va.	OHIO—D.C., Ky., Md., Mich., Tenn., W. Va.
State Fire and Casualty Company, Miami, Fla.	171	Alaska (surety only), Del., D.C., Fla., Ga. (surety only), Ill., Ind., Md. (surety only), Mont. (surety only), Nev., Okla. (surety only), Tenn. (surety only).	FLA.—D.C.
State Surety Company, Des Moines, Iowa	57	Iowa, Kans., Minn., Mo., Nebr., S. Dak.	IOWA—eArk., D.C., sFla., Ill., Kans., eLa., wMich., Minn., Mo., Nebr., nN.Y., N. Dak., nOhio, nOkla., S. Dak.
Statesman Insurance Company, Indianapolis, Ind.	168	Ala., Ill., Ind., Iowa, La., Md., Pa., Tenn.	IND.—Colo., D.C., Ill., nIowa, Kans., eLa., Minn., wMo., Nebr., wPa., S. Dak.
The Stuyvesant Insurance Company, Allentown, Pa.	571	All except C.Z., Guam, Hawaii, Virgin Islands.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Virgin Islands.
The Summit Fidelity and Surety Company, Chicago, Ill.	77	All except Ark., Cal., C.Z., Conn., D.C., Ga., Guam, Hawaii, Idaho, Me., Md., Mass., Mont., N.H., N.Y., N.C., Oreg., Puerto Rico, R.I., S.C., S. Dak., Tex., Virgin Islands, W. Va.	OHIO—Ariz., D.C., nFla., Ill., Ind., sIowa, Kans., Ky., La., eMich., sMiss., Mo., Nebr., N.J., N. Mex., Okla., ePa., wTenn., wWash., eWis.
Sun Insurance Company of New York, New York, N.Y.	702	All except C.Z., Guam, Hawaii, Idaho, La., Miss., Puerto Rico, S.C., Virgin Islands.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Superior Insurance Company, Indianapolis, Ind.	526	Ala., Ariz., Cal., Colo., Ga., Ind., Mich., N. Mex., Okla., Tex., Utah, Wyo.	TEX.—Cal., Colo., D.C., Okla.
Superior Risk Insurance Company, LeRoy, Ohio.	810	Ariz., Cal., Colo., Conn., Del., D.C., Ill., Ind., Iowa, Ky., Md., Mass., Mich., Minn., Nev., N.J., N.Y., Ohio, Pa., R.I., Tenn., Va., W. Va., Wis.	OHIO—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Traders & General Insurance Company, Dallas, Tex.	124	Colo., Kans., La., Miss., Mo., N. Mex., Okla., Tex.	TEX.—D.C.
Transamerica Insurance Company, Los Angeles, Cal.	5,335	All except Guam.	CAL.—All except C.Z., Guam, Virgin Islands.
Transcontinental Insurance Company, Chicago, Ill.	3,455	All except C.Z., Del., Guam, Hawaii, La., Oreg., Virgin Islands.	N.Y.—All except Alaska, C.Z., Del., nGa., Guam, Hawaii, La., Miss., Oreg., Puerto Rico, S.C., Vt., Virgin Islands.
Transit Casualty Company, St. Louis, Mo.	823	Ala., Alaska, Ariz., Cal., Colo., D.C., Hawaii, Idaho, Ill., Ind., Iowa, Kans., Ky., Md., Mich., Miss., Mo., Mont., Nebr., Nev., N.J., N. Mex., N.C., N. Dak., Ohio, Okla., R.I., S.C. (fidelity only), Tex., Utah, Vt., Wash., W. Va., Wis., Wyo.	MO.—D.C.
Transport Indemnity Company, Los Angeles, Cal.	791	All except C.Z., Guam, Puerto Rico, Virgin Islands.	CAL.—All except Alaska, C.Z., Guam, eKy., eLa., Nev., nN.Y., eOkla., Puerto Rico, nTenn., wVa., Virgin Islands, nW. Va.
Transportation Insurance Company, Chicago, Ill.	871	All except C.Z., Guam, Hawaii, Puerto Rico, S.C., Virgin Islands.	ILL.—All except Alaska, nCal., C.Z., Conn., sFla., Guam, Hawaii, eKy., Minn., wMo., Nev., N.H., nN.Y., Ohio, ePa., Puerto Rico, S. Dak., Virgin Islands, wWash., nW. Va., Wis.
The Travelers Indemnity Company, Hartford, Conn.	25,000	All except Guam.	CONN.—All except Guam.
Trinity Universal Insurance Company, Dallas, Tex.	1,710	All except Alaska, C.Z., Conn., Del., Guam, Hawaii, Idaho, Me., Md., Mass., Mont., Nev., N.H., N.J., N.Y., Puerto Rico, R.I., S.C., Tenn., Utah, Vt., Va., Virgin Islands, W. Va., Wyo.	TEX.—All except Guam.
Tri-State Insurance Company, Tulsa, Okla.	348	All except Cal., C.Z., Conn., Del., D.C., Guam, Hawaii, Me., Md., Mass., Mich., N.H., N.J., N.Y., N.C., Ohio, Oreg., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W. Va., Wis.	OKLA.—All except Cal., C.Z., Conn., Del., Guam, Hawaii, Me., Md., Mass., Mich., N.H., N.J., N.Y., N.C., Ohio, Oreg., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W. Va., Wis.
Twin City Fire Insurance Company, Hartford, Conn.	786	All except C.Z., Guam, Puerto Rico, Virgin Islands.	MINN.—Cal., Conn., D.C., La., Va.
United Bonding Insurance Company, Indianapolis, Indiana.	61	All except C.Z., Conn., Guam, Puerto Rico, Virgin Islands, W. Va.	IND.—All except Ala., C.Z., Del., Guam, Hawaii, Me., Mass., Mont., nN.Y., N. Dak., Puerto Rico, Virgin Islands.
United Fire and Casualty Company, Cedar Rapids, Iowa.	159	Ariz., Colo., Ill., Iowa, Minn., Mo., Mont., Nebr., N. Dak., S. Dak., Wis., Wyo.	IOWA—D.C., Ill., Minn., Mo., Nebr., S. Dak., Wis.
United Pacific Insurance Company, Tacoma, Wash.	2,002	All except Ala., C.Z., Conn., Del., Ga., Guam, La., Me., Md., Mass., N.J., N.C., Pa., Puerto Rico, R.I., S.C., Vt., Va., Virgin Islands, W. Va.	WASH.—All except C.Z., Guam, Puerto Rico, Virgin Islands.
United States Fidelity and Guaranty Company, Baltimore, Md.	38,787	All except Guam.	MD.—All except Guam.
United States Fire Insurance Company, New York, N.Y.	9,380	All except C.Z., Guam, Virgin Islands.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Virgin Islands.
Universal Surety Company, Lincoln, Nebr.	225	Ariz., Colo., Iowa, Kans., Minn., Mo., Mont., Nebr., N. Mex., N. Dak., Ohio, Okla., S. Dak., Utah, Wash., Wyo.	NEBR.—Ariz., Colo., D.C., Iowa, Kans., Minn., Mo., Mont., N. Mex., N. Dak., wOkla., S. Dak., nTex., Utah, Wyo.
Utica Mutual Insurance Company, Utica, N.Y.	1,978	All except Alaska, C.Z., Guam, Hawaii, Kans., La., Oreg., Virgin Islands.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Me., Puerto Rico, Virgin Islands.

See footnotes at end of table.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM SECRETARY OF THE TREASURY UNDER ACT OF CONGRESS, APPROVED JULY 30, 1947
(6 U.S.C. 6-13) AS ACCEPTABLE SURETIES ON FEDERAL BONDS (a)—Continued

Names of companies and locations of principal executive offices.	Underwriting limitations (net limit on any one risk) See footnote (b) (In thousands of dollars)	States and other areas in which licensed to transact a fidelity and surety business. See footnote (c)	State in which incorporated and judicial districts in which process agents have been appointed. (State of incorporation in capitals. Letters preceding names of States indicate judicial districts.) See footnote (d)
Valley Forge Insurance Company, Chicago, Ill.	1,061	All except Alaska, Ariz., Cal., C.Z., Conn., Fla., Guam, Hawaii, Idaho, Kans., Ky., La., Me., Nebr., N.H., N. Mex., N.C., Oreg., Puerto Rico, R.I., S.C., S. Dak., Tenn., Virgin Islands, Wyo.	PA.—All except Guam, Virgin Islands, Wis.
Vigilant Insurance Company, New York, N.Y.	1,662	All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, Guam, Hawaii, Puerto Rico, Virgin Islands.
West American Insurance Company, Hamilton, Ohio	750	Ariz., Ark., Cal., Colo., D.C., Ill., Ind., Iowa, Kans., Ky., La., Md., Mich., Minn., Mo., Nebr., Nev., N. Mex., N. Dak., Ohio, Okla., Oreg., Pa., Utah, Va., Wash., Wis., Wyo.	CAL.—Ala., Colo., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Md., Mich., Minn., Mo., Nev., N. Mex., N. Dak., Ohio, Okla., Oreg., Pa., Tenn., Tex., Utah, Va., Wash., Wis., Wyo.
Westchester Fire Insurance Company, New York, N.Y.	5,544	All except C.Z., Guam, Puerto Rico, Virgin Islands.	N.Y.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
The Western Casualty and Surety Company, Fort Scott, Kans.	3,347	All except Alaska, C.Z., Conn., Del., Guam, Hawaii, Me., Mass., N.H., N.Y., N.C., Pa., Puerto Rico, R.I., Va., Virgin Islands, W. Va.	KANS.—All except Guam, Puerto Rico, Virgin Islands.
The Western Fire Insurance Company, Fort Scott, Kans.	1,958	Ariz., Ark., Cal., Colo., Fla., Ill., Ind., Iowa, Kans., Ky., Mich., Minn., Miss., Mo., Nebr., Nev., N. Mex., N.Y., N. Dak., Ohio, Okla., S. Dak., Tenn., Utah, Wash., Wis., Wyo.	KANS.—All except Guam, Puerto Rico, Virgin Islands.
Western Pacific Insurance Company, Seattle, Wash.	251	Alaska, Ariz., Cal., Colo., Idaho, Mont., Nev., Oreg., Utah, Wash., Wyo.	WASH.—Alaska, Ariz., Cal., Colo., D.C., Idaho, Mich., Mont., Nev., N. Mex., N.Y., Oreg., Utah, Wyo.
Western Surety Company, Sioux Falls, S. Dak.	881	All except Alaska, C.Z., Guam, Hawaii, N.H., N.Y., Puerto Rico, S.C., Virgin Islands.	S. DAK.—All except Alaska, C.Z., Guam, Hawaii, Puerto Rico, Virgin Islands.
Wisconsin Surety Corporation, Madison, Wisconsin	37	Wis.	WIS.—D.C.
Wolverine Insurance Company, Battle Creek, Mich.	712	Alaska, Ark., Cal., Fla., Ga. (surety only), Ill., Ind., Iowa, Md. (surety only), Mich., Minn., Nebr., Nev., N. Mex., N. Dak., Ohio, Pa., S. Dak., Va., W. Va., Wyo.	MICH.—D.C., Ga., Ill., Ind., Iowa, Minn., Ohio, S. Dak.

COMPANIES HOLDING CERTIFICATES OF AUTHORITY FROM THE SECRETARY OF THE TREASURY AS ACCEPTABLE REINSURING COMPANIES UNDER TREASURY CIRCULAR NO. 297, DATED JULY 5, 1922, AS AMENDED

Names of companies	Underwriting limitations (net limit on any one risk). (In thousands of dollars)	Judicial Districts in which process agents have been appointed
Accident and Casualty Insurance Company of Winterthur, Switzerland (U.S. Office, New York, N.Y.)	1,308	D.C.
Alliance Assurance Company, Ltd., London, England (U.S. Office, New York, N.Y.)	588	D.C.
Atlas Assurance Company, Limited, London, England (U.S. Office, New York, N.Y.)	574	D.C.
Constellation Insurance Company, New York, N.Y.	957	D.C.
The Employers' Liability Assurance Corporation, Limited, London, England (U.S. Office, Boston, Mass.)	7,026	D.C.
General Accident Fire and Life Assurance Corporation, Limited, Perth, Scotland (U.S. Office, Philadelphia, Pa.)	10,371	D.C.
General Security Assurance Corporation of New York, New York, N.Y.	476	D.C.
The Guarantee Company of North America, Montreal, Canada (U.S. Office, New York, N.Y.)	106	D.C.
The London Assurance, London, England (U.S. Office, New York, N.Y.)	790	D.C.
The London Guarantee and Accident Company, Ltd., London, England (U.S. Office, New York, N.Y.)	1,157	D.C.
The London & Lancashire Insurance Company, Ltd., London, England (U.S. Office, New York, N.Y.)	649	D.C.
The Marine Insurance Company, Ltd., London, England (U.S. Office, New York, N.Y.)	474	D.C.
Metropolitan Fire Assurance Company, Hartford, Conn.	229	D.C.
Munich Reinsurance Company, Munich, Germany (U.S. Office, New York, N.Y.)	911	D.C.
The Netherlands Insurance Company, Est. 1845, The Hague, Holland (U.S. Office, Keene, N.H.)	513	D.C.
Rochdale Insurance Company, New York, N.Y.	207	D.C.
Royal Insurance Company, Limited, Liverpool, England (U.S. Office, New York, N.Y.)	3,219	D.C.
The Sea Insurance Company, Limited, of Liverpool, England (U.S. Office, New York, N.Y.)	710	D.C.
The Skandia Insurance Company, Stockholm, Sweden (U.S. Office, New York, N.Y.)	968	D.C.
Sun Insurance Office, Limited, London, England (U.S. Office, New York, N.Y.)	329	D.C.
Swiss Reinsurance Company, Zurich, Switzerland (U.S. Office, New York, N.Y.)	2,552	D.C.
Trans Atlantic Reinsurance Company, New York, N.Y.	164	D.C.
The Unity Fire and General Insurance Company, New York, N.Y.	283	D.C.
Zurich Insurance Company, Zurich, Switzerland (U.S. Office, Chicago, Ill.)	5,854	D.C.

¹ This company assumed the insurance business of Buffalo Insurance Company, effective June 30, 1966.

² Formerly Old Colony Insurance Company. Name changed, effective June 6, 1966.

³ This company assumed the insurance business of Boston Insurance Company, effective January 1, 1966.

⁴ The Yorkshire Insurance Company of New York merged into this company, effective March 31, 1966.

⁵ Formerly The Connecticut Fire Insurance Company. Name changed, effective August 1, 1966.

⁶ Formerly Export Insurance Company. Name changed, effective July 29, 1966.

⁷ New Amsterdam Casualty Company and United States Casualty Company merged into this company, effective June 30, 1966.

NOTES

(a) All certificates of authority expire May 31, and are renewable June 1, annually.
(b) Treasury regulations do not limit the penal sum of bonds which surety companies may execute. The net retention, however, cannot exceed the underwriting limitation and excess risks must be protected by reinsurance, co-insurance, or other methods in accordance with Treasury regulations. When excess risks on bonds in favor of the United States are protected by reinsurance, such reinsurance is to be effected by use of Treasury Form BA 6308 (formerly Form 369) to be filed with the bond or within 45 days thereafter. Risks in excess of limit fixed herein must be reported for quarter in which they are executed. In protecting such excess, the rating in force on the date of the execution of the risk will govern absolutely. This limit applies until a new rating is established by the Treasury Department.

(c) The term "other areas" includes Canal Zone, Guam, Puerto Rico and Virgin Islands.

(d) Abbreviated capital letters preceding judicial districts indicate State in which the company is incorporated. Process agents are required in the following districts: Where principal resides; where obligation is to be performed; and where bond is returnable or filed. No process agent required in State wherein company is incorporated. Letters "n, s, e, m, c, and w" preceding names of States indicate respectively the Northern, Southern, Eastern, Middle, Central and Western judicial districts of States indicated. If letters do not precede names of States, process agents have been appointed in all judicial districts of such States.

[F.R. Doc. 67-6052, Filed, June 6, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2124]

**BACHE & CO., INC., AND EASTMAN
DILLON, UNION SECURITIES & CO.**

Notice of Filing of Application for an Order of Exemption

JUNE 1, 1967.

Notice is hereby given that Bache & Co., Inc., 36 Wall Street, New York, N.Y. 10005, and Eastman Dillon, Union Securities & Co., 1 Chase Manhattan Plaza, New York, N.Y. 10005 ("Applicants"), the prospective managing underwriters of a proposed offering of two classes of shares of Hemisphere Fund, Inc. ("Company"), a closed-end diversified management investment company registered under the Investment Company Act of 1940 ("Act"), have filed an application pursuant to section 6(c) of the Act for an order exempting certain transactions in connection with the proposed offering from the provisions of section 30(f) of the Act insofar as the Applicants and, to the extent necessary, any of Applicants' counterwriters, are involved. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The Company proposes to make a public offering and sale of an equal number of its Income Shares and its Capital Shares through an underwriting group to be managed by Applicants and has filed a registration statement covering both classes of these shares under the Securities Act of 1933. The shares of each class of stock are to be purchased by the underwriters from the Company on a firm commitment basis at a price of \$11.44 per share, and will be reoffered and sold to the public at a maximum public offering price of \$12.50 per share.

Applicants represent that no underwriter has any inside information and that no such inside information exists since the Company will have no assets, except for its initial capital as required by the Act, and will have no business of any sort prior to the initial distribution. No director or officer of any underwriter is a director or officer of the Company.

Applicants each expect to acquire from the Company more than 10 percent of its Income Shares and of its Capital Shares and, taking into account the purchases of both firms, more than 50 percent of its Income Shares and of its Capital Shares for resale in connection with the initial distribution of shares of the Company. Applicants, in their individual capacities, may engage in stabilizing transactions and overallot shares of either class, and may dispose of any shares of such stock acquired as a result of stabilization activities and may purchase shares of either class of such securities to cover any such overallotments.

Section 30(f) of the Act imposes the duties and liabilities of section 16 of the Securities Exchange Act of 1934 ("Ex-

change Act") upon, among others, beneficial owners of more than 10 percent of any class of outstanding securities of, and directors of, a registered closed-end investment company. Section 16 of the Exchange Act contains reporting requirements, provides for recovery of profits from purchases and sales or sales and purchases within 6 months and prohibits short sales by those persons covered thereby. Applicants represent that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, stating that the transactions sought to be exempted cannot lend themselves to the practices which section 16 of the Exchange Act was enacted to proscribe.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of the Act or of any rule or regulation thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 19, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] Nellye A. Thorsen,
Assistant Secretary.

[P.R. Doc. 67-6292; Filed, June 6, 1967;
8:46 a.m.]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JUNE 1, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded 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 June 2, 1967, through June 11, 1967, both dates inclusive.

By the Commission.

[SEAL] Nellye A. Thorsen,
Assistant Secretary.

[P.R. Doc. 67-6293; Filed, June 6, 1967;
8:46 a.m.]

[812-2052]

FRANCIS I. DU PONT & CO.

Notice of Filing of Application for an Order of Exemption

JUNE 1, 1967.

Notice is hereby given that Francis I. Du Pont & Co. ("Applicant"), 1 Wall Street, New York, N.Y. 10005, who is to be the representative of a proposed group of underwriters of an offering of shares of Putnam Duofund, Inc. ("Fund"), a closed-end diversified management investment company registered on April 24, 1967 under the Investment Company Act of 1940, 15 U.S.C. section 80a-1, et seq. ("Act"), has filed an application for an order pursuant to section 6(c) of the Act for an exemption from the provisions of section 30(f) of the Act insofar as the Applicant and, to the extent necessary, any of Applicant's counterwriters, are involved. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The Fund proposes to sell an equal dollar amount of two classes of stock designated income shares and capital shares at a maximum public offering price of \$20 and \$10 per share, respectively, through an underwriting group, and has filed under the Securities Act of 1933 a registration statement covering both classes of stock. The shares of each class of stock are to be purchased by the underwriters from the Fund, on a firm commitment basis, at a price of \$18.24 per share for the income shares and \$9.12 per share for the capital shares. The shares will be reoffered and sold to the public.

Applicant represents that no underwriter has any inside information and that no such inside information exists since Company will have no assets or business of any sort prior to the initial distribution. No director or officer of any underwriter is a director or officer of the Fund.

Applicant expects to acquire from the Fund more than 10 percent of the income shares and the capital shares of the Fund and more than 50 percent of the income shares and capital shares of the Fund which will be outstanding at the time of the closing with the underwriters. Applicant states that it may, in connection with the offering, engage in the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, overallocments, purchases to cover overallocments, and sales of shares purchased in stabilization.

Section 30(f) of the Act imposes the duties and liabilities of section 16 of the Securities Exchange Act of 1934 upon, among others, beneficial owners of more than 10 percent of any class of outstanding securities of, and directors of, a registered closed-end investment company. Section 16 of the Securities Exchange Act of 1934 contains reporting requirements, provides for recovery of profits from purchases and sales or sales and purchases within 6 months and prohibits short sales by those persons covered thereby. Applicant represents that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, stating that the transactions sought to be exempted cannot lend themselves to the practices which section 16 was enacted to proscribe.

Section 6(c) authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 19, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after

said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[P.R. Doc. 87-6294; Filed, June 6, 1967;
8:46 a.m.]

[812-2112]

HEMISPHERE FUND, INC.

Notice of Filing of Application for Order of Exemption

JUNE 1, 1967.

Notice is hereby given that Hemisphere Fund, Inc. ("Company"), 680 Fifth Avenue, New York, N.Y., a Delaware corporation registered under the Investment Company Act of 1940 ("Act") as a diversified, closed-end management investment company, has filed an application for an order pursuant to sections 6(c) and 18(d) of the Act (i) exempting the issuance by the Company of income shares described below from the provisions of section 18(a) (2) (E) of the Act and (ii) permitting the two classes of security holders of the Company to vote as separate classes on certain matters. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The Company proposes to sell equal dollar amounts of two classes of stock designated the income shares and the capital shares at the public offering price of \$12.50 per share (each security). The holders of the income shares will be entitled to all of the Company's investment income less applicable taxes and one-half of the operating expenses. Capital shareholders will also bear one-half of the operating expenses. In any event, income shareholders are entitled to a minimum annual cumulative dividend of \$0.625 per share whether or not earned. Dividends in arrears are payable out of subsequent investment income, less applicable deductions.

All realized capital appreciation, other than short-term gains which might be distributed to the income shareholders for tax purposes, will be reinvested as long as the income shares are outstanding. Short-term gains which are distributed to the income shareholders will be deducted in subsequent years from investment income, less applicable deductions, in excess of that required to meet the annual cumulative dividend.

The income shares are not callable, except that they must be retired out of the assets then available, as a whole on June 30, 1985, at a call price consisting of \$11.44 per share plus accrued and unpaid dividends and all undistributed investment income, less applicable deductions. Holders of income shares may elect to receive the call price in capital shares at the net asset value of the capital shares at June 30, 1985, without the payment of any sales charge, provided that the Company changes its subclassification to an open-end investment company as of June 30, 1985.

The holders of income shares, voting separately as a class, are entitled to elect two members of the board of directors of the fund and the holders of the capital shares voting separately as a class are entitled to elect the balance of the members. If at any time the \$0.625 annual cumulative dividend shall be unpaid in an amount equal to 2 full years' dividends, the holders of the income shares will elect a majority of the board and will continue to elect such majority until such dividend arrearages shall have been paid, or otherwise provided for in full for all past periods. On all other matters voted upon by shareholders, the holders of the income shares and the holders of the capital shares will vote together as one class except that each class of shareholders will be entitled to vote as a class on amendments to the certificate of incorporation that would adversely affect its interests and that the rights of the income shareholders to vote as a class on certain other matters as required by section 18(a) (2) (D) of the Act will also be extended to the capital shareholders.

The Company will pay its investment adviser, on a quarterly basis, an annual fee equal to the lesser of (i) one-sixth of the annual gross investment income, or (ii) one-half of 1 percent (scaled down for net assets in excess of \$250 million) of the Company's net asset value.

Section 18(a) (2) (E) of the Act requires a class of senior security which is a stock to have complete priority over any other class as to payment of dividends, which dividends shall be cumulative. Since the income shareholders of the Company are entitled to an annual dividend having a minimum cumulative rate of \$0.625 and to all of the Company's remaining investment income, less applicable deductions, the total amount of the dividend is not fixed and thus the entire amount of the dividend is not cumulative as is required by section 18(a) (2) (E) of the Act. Therefore, the Company has requested an order of exemption to permit the issuance of its income shares.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction from any provision of the Act, or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the pur-

poses fairly intended by the policy and provisions of the Act.

Section 18(1) of the Act requires shares of stock issued by a registered management investment company to have equal voting rights with every other outstanding voting stock except as provided in section 18(a) of the Act, otherwise required by law, or as permitted by order of the Commission. The Company seeks exemption from section 18(1) of the Act to the extent necessary to issue the income and capital shares with the respective voting rights described above.

Notice is further given that any interested person may, not later than June 19, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Company at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[P.R. Doc. 67-6296; Filed, June 6, 1967;
8:45 a.m.]

[File No. 1-1696]

LINCOLN PRINTING CO.

Order Suspending Trading

JUNE 1, 1967.

The common stock, 50 cents par value, and the \$3.50 cumulative preferred stock, no par value, of Lincoln Printing Co., being listed and registered on the Midwest Stock Exchange pursuant to the provisions of the Securities Exchange Act of 1934 and the 8 percent convertible debenture bonds due March 13, 1968, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary

suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the Midwest Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 2, 1967, through June 11, 1967, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[P.R. Doc. 67-6296; Filed, June 6, 1967;
8:46 a.m.]

[File No. 3-1082; 70-4498]

NEW ENGLAND POWER CO. AND NEW ENGLAND ELECTRIC SYSTEM

Notice of Proposed Increase in Authorized Shares of Common Stock and Issuance and Sale Thereof to Holding Company; Increase in Authorized Shares of Preferred Stock and Issuance and Sale Thereof at Competitive Bidding

JUNE 1, 1967.

Notice is hereby given that New England Electric System ("NEES"), 441 Stuart Street, Boston, Mass. 02116, a registered holding company, and one of its electric utility subsidiary companies, New England Power Co. ("NEPCO"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) (2), 6(b), 7, 9(a), 10, and 12 of the Act and Rules 42(a) and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

NEPCO proposes to increase its authorized and outstanding shares of common stock, par value \$20 per share (all of which are owned by NEES), from 3,307,039 to 3,432,039 shares. NEPCO further proposes to issue and sell, and NEES proposes to acquire, the 125,000 additional shares of common stock of NEPCO at a price of \$40 per share, or for an aggregate price of \$5 million.

NEPCO further proposes to increase its authorized shares of preferred stock and to issue and sell, subject to the competitive bidding requirements of Rule 50, 100,000 shares of cumulative preferred stock, _____ percent series, par value \$100 per share. The dividend rate of the new preferred stock (which shall be a multiple of 0.04 of 1 percent) and the price, exclusive of accrued dividends, to be paid to NEPCO (which shall not be less than \$100 per share nor more than \$102.75) will be determined by the competitive bidding.

NEPCO presently has outstanding \$14 million of short-term notes payable, and it is anticipated that an additional \$9 million of notes will be issued by the time the proposed transactions are consummated. The proceeds from the sale of the additional common stock and preferred stock will be applied to the payment, in part, of the then outstanding short-term notes evidencing borrowings made to pay for capitalizable expenditures or to reimburse NEPCO's treasury therefor.

The fees and expenses to be paid in connection with the proposed issuance and sale of common stock are estimated to aggregate \$200 for NEES and \$2,900 for NEPCO, which amount consists of \$1,000 for services performed, at cost by the system service company. The estimated fees and expenses to be paid by NEPCO in connection with the issuance and sale of the new preferred stock aggregate \$55,000, including \$30,000 for services performed at cost by the system service company, and accountants fees at \$3,000. The fee of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

NEPCO has applied to the Massachusetts Department of Public Utilities, the New Hampshire Public Utilities Commission, and the Vermont Public Service Board for approval of the proposed transactions. If the dividend rate for the preferred stock exceeds 6 percent per annum, further orders of State commissions having jurisdiction will be necessary. It is stated that no other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 28, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[P.R. Doc. 67-6297; Filed, June 6, 1967;
8:47 a.m.]

[File No. 0-592]

PAKCO COMPANIES, INC.

Order Suspending Trading

JUNE 1, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Pakco Companies, Inc., and all other securities of Pakco Companies, Inc., being traded 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 June 2, 1967, through June 11, 1967, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[P.R. Doc. 67-6298; Filed, June 6, 1967;
8:47 a.m.]

[812-2114]

PUTNAM DUOFUND, INC.

Notice of Filing of Application for Orders of Exemption and To Permit Issuance of Stock

JUNE 1, 1967.

Notice is hereby given that Putnam Duofund, Inc. ("Fund"), 265 Franklin Street, Boston, Mass., a Massachusetts corporation registered under the Investment Company Act of 1940 ("Act") as a diversified, closed-end management investment company, has filed an application for an order pursuant to sections 6(c) and 18(1) of the Act (i) exempting from the provisions of section 18 (a) (2) (E) of the Act the issuance by the Fund of income shares, the characteristics of which are summarized below, and (ii) permitting the two classes of shareholders of the Fund to vote as separate classes on certain matters. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The Fund proposes to sell an equal dollar amount of two classes of stock designated income shares and capital shares at a maximum public offering price of \$20 and \$10 per share, respectively. The income shareholders will be entitled to all of the Fund's net investment income per annum and in any event to an annual cumulative dividend of \$0.90 per share through December 31, 1968, and then increasing by approximately one-

half of 1 percent of the maximum public offering price every 2 years to \$1.58 per share (8 percent of the maximum public offering price) beginning on January 1, 1981. Any net investment income in excess of the minimum annual dividend may be credited against any then existing arrearages of the minimum dividend. Payments of the dividends may not be paid out of sources other than net investment income except that realized short-term capital gains may be paid to income shares in limited circumstances. Section 18(a) (2) (E) of the Act requires a class of senior security which is a stock to have complete priority over any other class as to payment of dividends, which dividends shall be cumulative. Since the income shareholders of the Fund are entitled to a minimum cumulative dividend and to all of the Fund's remaining net investment income, the total amount of the dividend is not fixed, and thus the entire amount of the dividend is not cumulative as is required by section 18 (a) (2) (E). Therefore, the Fund has requested an order of exemption to permit the issuance of its income shares.

The income shares may not be called for redemption by the Fund until January 3, 1983. If the Fund does not exercise its right to call the income shares for redemption at said date, the existence of the Fund will terminate at the close of business on February 1, 1983, and the Fund will be liquidated within 60 days thereafter. The liquidation price of the income shares must be paid before any payment may be made on the capital shares. The redemption price will be \$19.75 per share plus accumulated and unpaid dividends and any undistributed net investment income. If the income shares are called for redemption (and if the holders of two-thirds of the capital shares vote that the Fund become an open-end investment company after the redemption date), the income shareholders shall have the option to exchange their income shares for capital shares, without sales charge, on the basis of their respective redemption and net asset values as of the close of business on December 31, 1982.

All realized capital appreciation, other than short-term gains which might be distributed for tax purposes, will be reinvested so long as the income shares are outstanding. All capital appreciation remaining after the Fund's aforementioned obligations to the income shareholders have been satisfied will be credited to the capital shareholders. No dividends or distributions other than that which may be required for tax purposes will be made to the capital shareholders until all the income shares which shall not have been converted into capital shares shall have been redeemed in full or sufficient funds thereof as set forth in the Fund's articles of organization. Thereafter, unless the Fund's corporate existence shall have ceased and terminated, the Board of Directors shall (a) call a special meeting to vote upon a proposal that the Fund become an open-end investment company; (b) advise each shareholder that he may elect to have the Fund purchase

all or part of his capital shares; or (c) call a special meeting to vote upon a proposal for a voluntary dissolution and liquidation of the Fund, provided that if the proposal is not approved, the Board of Directors shall advise capital shareholders of an offer to purchase the capital shares in accordance with (b) above.

Voting shall be noncumulative, with the income shareholders voting separately as a class having the right to elect at least two members of the Board of Directors, and the capital shareholders voting separately as a class electing the balance. Further, if at any time the dividends on the income shares shall remain unpaid in an amount equal to 2 full years of such dividends or more, the income shareholders will be entitled to elect a majority of the Board of Directors and to continue to elect this majority until all dividend arrearages shall have been paid, or otherwise provided for, in full for past years. If arrearages arise in respect of more than 1 year, then 2 full years' minimum dividends shall be computed on the basis of the minimum annual dividend for such 2 years out of the years in which such arrearages arise as have the lowest minimum dividend rate. Income shareholders and capital shareholders are each entitled to vote separately as a class with respect to any charter amendments or plan of reorganization which may adversely affect their class, with respect to any liquidation prior to 1983, and to permit the Fund to change or deviate from its fundamental policies. On all other matters, the income and capital shareholders vote together as one class, each income share being entitled to two votes and each capital share being entitled to one vote (since there will be twice as many capital shares as income shares and each class will have contributed the same amount of capital), except that the capital shareholders have the exclusive right to vote on continuing the Fund as an open-end investment company after the income shares are redeemed.

Section 18(1) of the Act requires shares of stock issued by a registered management investment company to have equal voting rights with every other outstanding voting stock except as provided in section 18(a), otherwise required by law, or as permitted by order of the Commission. The Fund seeks an exemption therefrom to the extent necessary to permit the issuance of income and capital shares with the voting rights as summarized above.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 19, at 5:30 p.m., submit to the Commission in

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

For the Commission (pursuant to delegated authority).

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[P.R. Doc. 67-6299; Filed, June 6, 1967;
8:47 a.m.]

[File No. 1-4407]

SPORTS ARENAS, INC.

Order Suspending Trading

JUNE 1, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 1 cent par value of Sports Arenas, Inc., and the 6-percent convertible debentures being traded 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 June 2, 1967, through June 11, 1967, both dates inclusive.

By the Commission.

NELLYE A. THORSEN,
Assistant Secretary.

[P.R. Doc. 67-6300; Filed, June 6, 1967;
8:47 a.m.]

UNDERWATER STORAGE, INC.

Order Suspending Trading

JUNE 1, 1967.

It appearing to the Securities and Exchange Commission that the summary

suspension of trading in the common stock of Underwater Storage, Inc., 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 June 2, 1967, through June 11, 1967, both dates inclusive.

By the Commission.

NELLYE A. THORSEN,
Assistant Secretary.

[P.R. Doc. 67-6301; Filed, June 6, 1967;
8:47 a.m.]

[File No. 1-4371]

WESTEC CORP.

Order Suspending Trading

JUNE 1, 1967.

The common stock, 10 cents par value, of Westec Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Westec Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 2, 1967, through June 11, 1967, both dates inclusive.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[P.R. Doc. 67-6302; Filed, June 6, 1967;
8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 2, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41040—Salt to Foley, Fla. Filed by O. W. South, Jr., agent (No. A5037), for interested rail carriers. Rates on salt, common (sodium chlo-

ride), in bulk, in covered hopper cars which carriers are not obligated to furnish, in carloads, minimum 200,000 pounds per car, from Chalmette, La., to Foley, Fla.

Grounds for relief—Market competition.

Tariff—Supplement 10 to Southern Freight Association, agent, tariff ICC S-699.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[P.R. Doc. 67-6319; Filed, June 6, 1967;
8:48 a.m.]

[Notice 449]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 2, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 33278 (Deviation No. 5), LEE AMERICAN FREIGHT SYSTEM, INC., 418 Oliver Street, St. Louis, Mo. 63102, filed May 22, 1967. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From St. Louis, Mo., over Interstate Highway 70 (using U.S. Highway 40 where Interstate highway is not completed) to junction Interstate Highway 465, thence over Interstate Highway 465 to junction Indiana Highway 67, thence over Indiana Highway 67 to junction Interstate Highway 69, thence over Interstate Highway 69 to junction U.S. Highway 24, thence over U.S. Highway 24 to junction U.S. Highway 25, thence over U.S. Highway 25 to Detroit, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Louis, Mo., over U.S. Highway 66 to Chicago, Ill., and (2) from Detroit, Mich., over U.S. Highway

12 (formerly U.S. Highway 112) via Ypsilanti, Mich., to Mottville, Mich., thence over Michigan Highway 103 (formerly U.S. Highway 131) to the Michigan-Indiana State line, thence over Indiana Highway 15 to junction Indiana Highway 120, thence over Indiana Highway 120 to Elkhart, Ind., thence over U.S. Highway 20 to Chicago, Ill., and return over the same routes.

No. MC 76032 (Deviation No. 21), NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223, filed May 23, 1967. Carrier's representative: Kenneth A. Willhite, same address as above. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Albuquerque, N. Mex., over Interstate Highway 25 to junction Interstate Highway 10, thence over Interstate Highway 10 to El Paso, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Amarillo, Tex., over U.S. Highway 66 to Albuquerque, N. Mex., (2) from Las Vegas, N. Mex., over U.S. Highway 85 to Romeroville, N. Mex., thence over U.S. Highway 84 to Fort Sumner, N. Mex., thence over New Mexico Highway 20 to junction U.S. Highway 285, thence over U.S. Highway 285 to Roswell, N. Mex., and (3) from El Paso, Tex., over U.S. Highway 54 to Tularosa, N. Mex., thence over U.S. Highway 70 to Roswell, N. Mex., and return over the same routes.

No. MC 87109 (Deviation No. 1), MASTEN TRANSPORTATION, INC., Rehoboth, Milford, Del. 19963, filed May 22, 1967. Applicant's representative: Robert R. Redmon, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over deviation routes as follows: (1) From junction U.S. Highway 130 and Interstate Highway 295 over Interstate Highway 295 to junction New Jersey Highway 73, thence over New Jersey Highway 73 to junction U.S. Highway 130, (2) from junction U.S. Highway 1 and Interstate Highway 495 over Interstate Highway 495 to New York, N.Y., (3) from junction U.S. Highway 1 and Interstate Highway 78 over Interstate Highway 78 to New York, N.Y., (4) from junction Interstate Highway 295 (U.S. Highway 40) and the New Jersey Turnpike, over the New Jersey Turnpike to (a) junction U.S. Highway 1 (b) junction Interstate Highway 78, thence over Interstate Highway 78 to New York, N.Y., and (c) junction Interstate Highway 495, thence over Interstate Highway 495 to New York, N.Y., (5) from junction U.S. Highway 1 and Truck Route U.S. Highway 1 over Truck Route U.S. Highway 1 to New York, N.Y., (6) from junction New Jersey Turnpike and Truck Route U.S. Highway 1 over Truck Route U.S. Highway 1 to New York, N.Y., (7) from Wilmington, Del., over U.S. Highway 13 to junction U.S. Highway 40.

(8) From Wilmington, Del., over U.S. Highway 2 to junction Delaware High-

way 41, (9) from junction U.S. Highway 220 and Pennsylvania Highway 283 over Pennsylvania Highway 283 to junction Interstate Highway 83, thence over Interstate Highway 83 to Harrisburg, Pa., and (10) from junction U.S. Highway 30 and U.S. Highway 230, over U.S. Highway 230 to junction Pennsylvania Highway 72, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Wilmington, Del., over Delaware Highway 9 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 1, near New Brunswick, N.J., thence over U.S. Highway 1 to New York, N.Y., and (2) from Wilmington, Del., over Delaware Highway 48 to junction Delaware Highway 41, thence over Delaware Highway 41 to the Delaware-Pennsylvania State line, thence over Pennsylvania Highway 41 to junction U.S. Highway 30 at or near Gap, Pa., thence over U.S. Highway 30 to Lancaster, Pa., thence over Pennsylvania Highway 72 to junction U.S. Highway 230, thence over U.S. Highway 230 to Harrisburg, Pa., and return over the same routes.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Deviation No. 384) (Cancels Deviation No. 28), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed May 22, 1967. Carrier proposes to operate as a common carrier, by motor vehicle, of passengers and their baggage, and express and newspapers, in the same vehicle with passengers, over a deviation route as follows: From Baltimore, Md., over Interstate Highway 83 to junction Business Route Interstate Highway 83, north of York, Pa., with the following access routes: (1) From York, Pa., over Business Route Interstate Highway 83 to junction Interstate Highway 83, south of York, Pa. and (2) from access and egress to and from Interstate Highway 83 where it junctions with regular route operations as follows: Junction Interstate Highway 695 and Interstate Highway 83 just north of Baltimore, Md., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service route as follows: From Baltimore, Md., over Maryland Highway 45 to the Maryland-Pennsylvania State line, thence over Pennsylvania Legislative Route 127 to junction Legislative Route 892, thence over Legislative Route 892 to junction Interstate Highway Business Route 83, near York, Pa., thence over Interstate Highway Business Route 83 to junction Interstate Highway 83 approximately 2 miles north of York, Pa., thence over Interstate Highway 83 to Harrisburg, Pa. (formerly U.S. Highway 111 between Baltimore and Harrisburg), and (2) from junction Maryland Highway 45 and Interstate Highway 695 located approximately 1 mile west of Lutherville, Md., over Interstate Highway 695 in a southwesterly

direction to junction Maryland Highway 3, located approximately 1 mile northwest of Linthicum Heights, Md., and return over the same routes.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-6320; Filed, June 6, 1967; 8:48 a.m.]

[Notice 1069]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 2, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 117574 (Sub-No. 141) (Republication), filed December 27, 1965, published FEDERAL REGISTER issue of January 20, 1966, and republished this issue. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Mail Route No. 3, Carlisle, Pa. In the above-entitled proceeding, the examiner recommended the issuance to applicant a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) heating and steam generating equipment, and related accessories and equipment used in connection with heating and steam generating equipment, which because of size or weight require the use of special equipment, and (2) heating and steam generating equipment, and related accessories and equipment, which do not require the use of special equipment, when moving in the same vehicle or as part of the same shipment with commodities specified herein which because of size or weight do require the use of special equipment, (a) from Manheim, Pa., and points within 5 miles thereof, to Philadelphia, Pa., and (b) between Manheim, Pa., and points within 5 miles thereof, on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, Washington, Oregon, Nevada, California, Montana, Wyoming, Utah, Idaho, South Dakota, North Dakota, and Pennsylvania). A decision and order of the Commission Operating Rights Review Board Number 1, dated May 23, 1967, and served May 31, 1967, as amended, finds operation by applicant, in interstate or

foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) heating and steam generating equipment, and related accessories and equipment used in connection with heating and steam generating equipment, the transportation of which, because of size or weight, require the use of special equipment.

(2) Heating and steam generating equipment, and related accessories and equipment, the transportation of which does not require the use of special equipment, when moving in the same vehicle or as part of the same shipment with commodities specified in (1), the transportation of which, because of size or weight, does require the use of special equipment, (a) from the plantsite of Cleaver-Brooks Co. located near Mannheim, Pa., to Philadelphia, Pa., and (b) between the plantsite of Cleaver-Brooks Co. located near Mannheim, Pa., on the one hand, and, on the other, points in the United States (except points in Alaska, Hawaii, Washington, Oregon, Nevada, California, Montana, Wyoming, Utah, Idaho, South Dakota, North Dakota, and Pennsylvania), and (3) heating and steam generating equipment, and related accessories and equipment, the transportation of which does not require the use of special equipment, between the plantsite of Cleaver-Brooks Co. located near Mannheim, Pa., and the plantsite of Cleaver-Brooks Co. located at Lebanon, Pa.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 123393 (Sub-No. 132) (Republication), filed May 5, 1966, published FEDERAL REGISTER issue of June 3, 1966, and republished this issue. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 2105 East Dale, Springfield, Mo. In the above-entitled proceeding the examiner recommended the granting to applicant a certificate of public convenience and necessity authorizing operation in interstate or foreign commerce as a common carrier by motor vehicle over irregular routes of (1) glass containers and closures therefor, from Sand Springs and Sapulpa, Okla., (a) to points in Iowa and Minnesota, and (b) to points in North Dakota and South Dakota when shipped from Sand Springs or Sapulpa in the same vehicle with shipments destined to points in Iowa or Minnesota, (2) glassware, except bot-

tles, carboys, demijohns and jars and closures therefor, from Sapulpa, Okla., to points in Wisconsin, and (3) glassware, from Sapulpa, Okla., (a) to points in Iowa and Minnesota, and (b) to points in North Dakota and South Dakota when shipped from Sapulpa in the same vehicle with shipments destined to points in Iowa, Minnesota, or Wisconsin. A decision and order of the Commission, Operating Rights Review Board Number 2, dated May 22, 1967, and served May 29, 1967, as amended, finds operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of (1) glass containers and closures therefor, from Sand Springs and Sapulpa, Okla., to points in Iowa, Minnesota, North Dakota, and South Dakota, (2) glassware from Sapulpa, Okla., to points in Iowa, Minnesota, North Dakota, and South Dakota, and

(3) Glassware (except bottles, carboys, demijohns, and jars and closures therefor), from Sapulpa, Okla., to points in Wisconsin; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F-9765. Authority sought for purchase by WHITNEY TRANSFER COMPANY, INC., 10th and Clay, Bowling Green, Ky., of the operating rights of CANNON BALL TRANSIT CO., INC. (CHARLES B. SULLIVAN, JR., EDWARD SEMONIAN, JR., AND RONALD L. WALUTES, CO-TRUSTEES IN BANKRUPTCY), Alexandria, Va., and for acquisition by W. P. WHITNEY, and J. L. WHITNEY, both also of Bowling Green, Ky., of control of such rights through the purchase. Applicants' attorneys and representative: Robert J. Gallagher, 66 Central Street, Wellesley, Mass. 02181, Marshall Funk, 408½ East 10th Street, Bowling Green, Ky., and

Morris Schwarzman, 718 Jefferson Street, Alexandria, Va. Operating rights sought to be transferred: Household goods, as defined by the Commission, as a common carrier, over irregular routes, between the District of Columbia, on the one hand, and, on the other, points in Maryland and Virginia within 100 miles of the District of Columbia, and points in that part of Pennsylvania on and east of U.S. Highway 111, and on and south of a line extending along U.S. Highway 230 from Harrisburg, Pa., to junction U.S. Highway 30 near Lancaster, Pa., and thence along U.S. Highway 30 to the Pennsylvania-New Jersey State line; household goods, between Washington, D.C., on the one hand, and, on the other, points in Virginia, Maryland, Pennsylvania, New Jersey, and New York; household goods, as defined by the Commission, and emigrant movables, between certain specified points in Virginia, on the one hand, and, on the other, points in Maryland, Pennsylvania, Delaware, New Jersey, New York, North Carolina, South Carolina, West Virginia, and the District of Columbia; and household goods, as defined by the Commission, and carnival and show equipment, between points in Virginia, on the one hand, and, on the other, points in Virginia, North Carolina, South Carolina, Tennessee, Kentucky, West Virginia, Ohio, Indiana, Illinois, Maryland, Delaware, Pennsylvania, New York, New Jersey, and the District of Columbia. Vendee is authorized to operate as a common carrier in Florida, Georgia, North Carolina, South Carolina, Alabama, Louisiana, Mississippi, Virginia, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, New York, Connecticut, Massachusetts, Rhode Island, New Jersey, Delaware, Maryland, Missouri, Texas, Oklahoma, West Virginia, Michigan, Minnesota, Wisconsin, Tennessee, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9766. Authority sought for purchase by PLYMOUTH ROCK TRANSPORTATION CORP., 28 Travis Street, Boston (Allston District), Mass. 02134, of the operating rights of MASS. & R.I. EXPRESS, INC., 30 Borden Street, Westport, Mass., and for acquisition by ESTATE OF EDWARD RICHMOND (HAROLD WIDETT AND ELEANOR RICHMOND, COEXECUTORS), 80 Federal Street, Boston, Mass. 02110, of control of such rights through the purchase. Applicants' attorneys and representative: Frank J. Weiner, Investors Building, 536 Granite Street, Braintree, Mass. 02184, George O'Brien, 33 Broad Street, Boston, Mass., and Harold Widett, 80 Federal Street, Boston, Mass. 02110. Operating rights sought to be transferred: General commodities, except those of unusual value, livestock, automobiles, commodities in bulk, commodities requiring special equipment, high explosives, and commodities injurious or contaminating to other lading, as a common carrier, over irregular routes, between Warren, R.I., on the one hand, and, on the other, points in Rhode Island, and Bristol County, Mass. Vendee is authorized to operate as

a common carrier in Massachusetts, Rhode Island, New York, New Jersey, and Connecticut. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9767. Authority sought for purchase by AMERICAN RED BALL TRANSIT COMPANY, INC., 200 Illinois Building, Indianapolis, Ind. 46209, of the operating rights and property of WILLIAM B. CLARK, 635 Plymouth Avenue, Buffalo, N.Y., and for acquisition by ROBERT L. HINER, also of Indianapolis, Ind., of control of such rights and property through the purchase. Applicants' attorneys: Homer S. Carpenter and John C. Bradley, both of 618 Perpetual Building, Washington, D.C. 20004. Operating rights sought to be transferred: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, as a common carrier, over irregular routes, from Buffalo, N.Y., to points in Ohio and Pennsylvania, between Buffalo, N.Y., on the one hand, and, on the other, points in New Jersey, on and north of U.S. Highway 22, and those in the New York, N.Y., commercial zone, as defined by the Commission, 1 M.C.C. 665, authority is granted to traverse Pennsylvania and New Jersey for operating convenience only, from points in Ohio and Pennsylvania to Buffalo, N.Y. Vendee is authorized to operate as a common carrier in all States in the United States (except Montana, North Dakota, Nevada, Utah, Idaho, Alaska, and Hawaii), and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9768. Authority sought for purchase by CLAWGES TRANSFER CO., Post Office Box 2158, Morgantown, W. Va. 26502, of the operating rights and property of CRAIG HENDERSON, doing business as GLENVILLE TRANSFER, Glenville, W. Va. Applicants' attorney: J. A. Bibby, Jr., 504 Security Building, Charleston, W. Va. 25301. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a common carrier, over regular routes, between Clarksburg, W. Va., and Burnsville, W. Va., between Clarksburg, W. Va., and Gassaway, W. Va., between Weston, W. Va., and Buckhannon, W. Va., between Glenville, W. Va., and Weston and Burnsville, W. Va., between Glenville, W. Va., and Parkersburg, W. Va., serving all intermediate points; from Charleston, W. Va., to Spencer, W. Va., serving Clendenin, W. Va., as an intermediate point, from Clendenin, W. Va., to Gassaway, W. Va., serving no intermediate points, with restriction, serving Apple Farm in Calhoun County, and Arlington in Upshur County, W. Va., as off-route points in connection with carrier's presently authorized regular route operations; *general commodities*, excepting, among others, household goods, but not excepting commodities in bulk, between Glenville, W. Va., and Spencer, W. Va., serving all intermediate points, and the off-route point of Grantsville, W. Va.; *household goods*, as defined by the Commission, over irregular routes,

between points in Gilmer County, W. Va., on the one hand, and, on the other, certain specified points in Ohio; *sewing-machine cabinets*, from Sutton, W. Va., to Chicago, Ill., Detroit, Mich., and Carlstadt, N.J.; and *damaged and rejected cabinets*, from Chicago, Ill., to Detroit, Mich., and Carlstadt, N.J., to Sutton, W. Va. Vendee is authorized to operate as a common carrier in West Virginia, Pennsylvania, Maryland, and Ohio. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9770. Authority sought for merger into KENAN TRANSPORT COMPANY, INCORPORATED, Post Office Box 2933, West Durham Station, Durham, N.C. 27704, of the operating rights and property of A. F. COMER TRANSPORT SERVICE, INCORPORATED, Post Office Box 2933, West Durham Station, Durham, N.C. 27704. Applicants' attorney: Louis Reznick, 5009 Keokuk Street, Washington, D.C. 20016. Operating rights sought to be merged: *Petroleum and petroleum products*, in bulk, in tank vehicles, as a common carrier, over irregular routes, from Norfolk, Va., to points in North Carolina; *petroleum products* (except petro acids and chemicals and asphalt and asphalt products), in bulk, in tank vehicles, from a terminal off the Colonial pipeline near Selma, N.C., to certain specified points in Virginia, with exception; *liquid fertilizer, fertilizer materials, and anhydrous ammonia*, in bulk, in tank vehicles, from points in North Carolina, to points in Virginia, with exception; *dry fertilizer*, in bulk, in tank and hopper-type vehicles, from Greensboro, N.C., to points in Virginia and West Virginia; *dry fertilizer and dry fertilizer materials*, in bulk, in tank or hopper-type vehicles, from the plantsites of Smith-Douglas Co. and F. S. Royster Guano Co. at Chesapeake, Va., to points in North Carolina; and *dry salt*, in bulk, from Norfolk, Va., to points in North Carolina. KENAN TRANSPORT COMPANY, INCORPORATED, is authorized to operate as a common carrier in North Carolina, Virginia, and South Carolina. Application has not been filed for temporary authority under section 210a(b). NOTE: KENAN TRANSPORT COMPANY, INCORPORATED, controls A. F. COMER TRANSPORT SERVICE, INC., through ownership of capital stock pursuant to authority granted in Docket No. MC-F-8793, granted August 21, 1964, effective September 1, 1964, and consummated October 19, 1964.

No. MC-F-9771. Authority sought for control and merger by RENNER MOTOR LINES, INC., 622 West Waterloo Road, Akron, Ohio 44314, of the operating rights and property of ROBERTS MOTOR LINES, INC., 1011 Grant Street, Akron, Ohio 44311, and for acquisition by R. T. C. INC., 902 First National Building, Akron, Ohio 44308, and, in turn by DONALD B. SCHUMAKER, BETTY SCHUMAKER, both of 1387 Elm Grove Avenue, Akron, Ohio 44312, D. A. CARSON, 284 Huddleston Avenue, Cuyahoga Falls, Ohio 44221, HARRY H. PETERSON, 245 Fairview Avenue, Ruth-

erford, N.J. 07070, CLARENCE J. GRAVESMILL, 129 East Emerling Avenue, Akron, Ohio 44101, LLEWELYN REESE, 3636 Stoer Road, Shaker Heights, Ohio 44122, E. J. KUSEL, 2343 Ridgewood Road, Akron, Ohio 44313, GERTRUDE J. REESE, 3636 Stoer Road, Shaker Heights, Ohio 44122, CLAUDETTE G. MOHLER, 147 Lakota Avenue, Akron, Ohio 44319, and FRENCH B. ROWE, JR., 2250 Wynne Circle, Louisville, Ky., of control of such rights and property through the transaction. Applicants' attorney and representative: Homer S. Carpenter, 618 Perpetual Building, Washington, D.C. 20004, and Arnold D. Faulkner, 1011 Grant Street, Akron, Ohio 44311. Operating rights sought to be controlled and merged: Under a certificate of registration, in Docket No. MC-120745 Sub-1, covering the transportation of property, as a common carrier, in intrastate commerce, within the State of Ohio. RENNER MOTOR LINES, INC., is authorized to operate as a common carrier in Ohio, West Virginia, Pennsylvania, Maryland, New York, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: MC-10955 Sub-No. 11 is a matter directly related.

No. MC-F-9773. Authority sought for purchase by OVERLAND TRANSPORTATION, INC., Post Office Box 157, 335 South Virginia Avenue, Liberal, Kans. 67901, of the operating rights and property of HENRY K. FRIESEN (KATHRYN D. FRIESEN, EXECUTRIX), doing business as FRIESEN GRAIN AND TRANSPORT, Meade, Kans., and for acquisition by T. CLARENCE BRIDGE, Post Office Box 929, Lamar, Colo., and HENRY W. BRIDGE, Post Office Box 157, Liberal, Kans., of control of such rights and property through the purchase. Applicants' attorney: C. Zimmerman, 503 Schweiter Building, Wichita, Kans. 67202. Operating rights sought to be transferred: *Feed and feed ingredients* (except liquids in bulk), as a common carrier, over irregular routes, from St. Joseph and Kansas City, Mo., points in Oklahoma and points in that part of Texas on and north of a line beginning at the Texas-New Mexico State line, near Hobbs, N. Mex., and extending along U.S. Highway 180 to Anson, Tex., and thence northeast along U.S. Highway 277 to the Texas-Oklahoma State line, near Burkburnett, Tex., to points in that part of Kansas on and west of U.S. Highway (except cottonseed, cake, meal, or pellets, from points in Texas, to points in Kansas), from Wichita, Kans., to points in that part of Oklahoma on, north and west of a line beginning at the Oklahoma-Kansas State line, near Hardtner, Kans., and extending south along a straight line to Chester, Okla., and thence west along U.S. Highway 60 to the Oklahoma-Texas State line near Higgins, Tex., from Garden City, Kans., to points in Oklahoma and Texas. OVERLAND TRANSPORTATION, INC., holds no authority from this Commission. However, its controlling stockholders, T. CLARENCE BRIDGE AND HENRY W. BRIDGE, doing business as

BRIDGE BROTHERS, Bridge and Anderson Streets, Post Office Box 81025, Lamar, Colo. 81052, is authorized to operate as a common carrier in Kansas, Colorado, Texas, Mississippi, Louisiana, Arkansas, Oklahoma, Nebraska, Illinois, Wyoming, Missouri, Idaho, Montana, South Dakota, Iowa, Minnesota, and North Dakota. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9769. Authority sought for consolidation into CONTINENTAL ATLANTIC LINES, INC., 448 Pine Street, Macon, Ga. 31201, of the operating rights and property of (1) SOUTHERN STAGES, INC., 448 Pine Street, Macon, Ga. 31201, and (2) ATLANTIC STAGES, INC., 448 Pine Street, Macon, Ga. 31201, and for acquisition by TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex. 75207, of control of such rights and property through the transaction. Applicants' attorneys and representative: Carl B. Callaway, Warren A. Goff, D. Paul Stafford, all of 315 Continental Avenue, Dallas, Tex. 75207, and T. Baldwin Martin, 700 Home Federal Building, Macon, Ga. 31201. Operating rights sought to be consolidated: (1) Passengers and their baggage, and express and newspapers, in the same vehicle with passengers, as a common carrier, over regular routes, between Augusta, Ga., and Columbus, Ga., between Augusta, Ga., and Milledgeville, Ga., between Macon, Ga., and Americus, Ga., between Sandersville, Ga., and junction Georgia Highways 68 and 24 at a point approximately 3 miles west of Sandersville, between Geneva, Ga., and Roberta, Ga., between Gray, Ga., and Athens, Ga., between Fort Valley, Ga., and Reynolds, Ga., between Macon, Ga., and Milledgeville, Ga., serving all intermediate points; and (2) passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, as a common carrier, over regular routes, between Columbus, Ga., and Ellaville, Ga., between Buena Vista, Ga., and Americus, Ga., between Savannah, Ga., and Americus, Ga., between Richland, Ga., and Americus, Ga., serving all intermediate points, between Americus, Ga., and Ellaville, Ga., serving no intermediate points, between Macon, Ga., and Higgston, Ga., serving all intermediate points; and passengers and their baggage and express, and newspapers in the same vehicle with passengers, between Thomaston, Ga., and Macon, Ga., serving all intermediate points. CONTINENTAL ATLANTIC LINES, INC., holds no authority from this Commission. However, its controlling stockholder, TRANSCONTINENTAL BUS SYSTEM, INC., is authorized to operate as a common carrier in Oklahoma, Texas, Louisiana, Kansas, California, Arizona, Missouri, New Mexico, Arkansas, Illinois, Iowa, Nebraska, Colorado, and Utah. Application has not been filed for temporary authority under section 210a(b). Note: See also MC-F-9638 (TRANSCONTINENTAL BUS SYSTEM, INC.—Control—SOUTHERN STAGES, INC., AND ATLANTIC STAGES, INC.,) published in the January

25, 1967, issue of the FEDERAL REGISTER on page 899.

No. MC-F-9772. Authority sought for control by LEONARD C. CAPLAN, 25 Webber Street, Boston, Roxbury, Mass. 02119, of (1) THE GRAY LINE, INC., Sheraton Plaza Hotel, Room 17A, Boston, Mass. 02116, and (2) RAWDING LINES, INC., Room 19, Sheraton Plaza Hotel, Boston, Mass. 02116. Applicants' attorney: Charles W. Singer, 33 North Dearborn Street, Chicago, Ill. 60602. Operating rights sought to be controlled: (1) Passengers and their baggage, in special operations on round-trip sightseeing or pleasure tours, with no seasonal restriction, as a common carrier, over irregular routes, from Boston, Mass., to points in Massachusetts, and return; passengers and their baggage, in special operations on round-trip sightseeing or pleasure tours, during the season extending from the 1st day of June to the 15th day of October, inclusive, from Boston, Mass., to points in Maine, New Hampshire, Vermont, Massachusetts, and that part of New York north of a line beginning at Mount Lebanon and extending along U.S. Highway 20 to La Fayette, and east of a line beginning at La Fayette and extending along U.S. Highway 11 to Syracuse, and thence along New York Highway 57 to Oswego, including points on the indicated portions of the highways specified, and return; from Boston, Mass., to the United States-Canada boundary line through ports of entry in Maine, New Hampshire, Vermont, and New York, and return, pickup or discharge of passengers en route is authorized only at Albany, N.Y., and Portland, Maine; passengers and their baggage, in special operations on round-trip sightseeing or pleasure tours, with or without seasonal restriction, between Boston, Mass., and New York, N.Y., for connection with any of the above tours at Boston, with no pickup or discharge of passengers en route; passengers and their baggage, in round-trip or one-way charter operations, with no seasonal restriction, from Boston, Mass., and points within 20 miles of the State House, Boston, Mass., to points in Maine, New Hampshire, Rhode Island, Connecticut, New York, District of Columbia, and to the United States-Canada boundary line through ports of entry in Maine, New Hampshire, Vermont, and New York, and return; and passengers, in special round-trip operations, restricted to the transportation of passengers who at the time are traveling from the designated origin points to the designated destinations and return for the purpose of participating in games commonly referred to as beano and bingo games, beginning and ending at certain specified points in Massachusetts, and extending to Nashua, N.H., and Central Falls, and Providence, R.I., beginning and ending at certain specified points in Massachusetts, and extending to Derry and Pelham, N.H.; passengers and their baggage, as a broker, between points in the United States; and

(2) Passengers and their baggage, in special operations (round-trip or sightseeing service), as a common carrier,

over regular routes and between the fixed termini, (a) during the Easter or Spring season and during the season extending from the 1st day of July to the 30th day of September, inclusive, from Norfolk, Va., to certain specified points in Virginia, and Washington, D.C., (b) during the season extending from the 1st day of July to the 30th day of September, inclusive, from Norfolk, Va., to Salisbury, N.C., and (c) during the Easter or Spring season, from Salisbury, N.C., to Norfolk, Va., serving no intermediate points; passengers and their baggage, restricted to traffic originating at the points indicated, in round-trip or one-way charter operations, over irregular routes, from Boston, Mass., and points within 20 miles of Boston, to points in Connecticut, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont, and return; passengers and their baggage, restricted to traffic originating and terminating at the point indicated, in special operations, on round-trip sightseeing or pleasure tours, during the season extending from the 1st day of April to the 31st day of October, inclusive, from Boston, Mass., to points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, Maine, New Hampshire, Vermont, and the District of Columbia, and return, from Boston, Mass., to points at the international boundary between Canada and Maine, on trips to points in Canada, and return. LEONARD C. CAPLAN, holds no authority from this Commission. However, he is president, director, and shareholder of L. C. CORP., doing business as GREY LINES, 25 Webber Street, Roxbury, Mass. 02119, which is authorized to operate as a common carrier in Massachusetts, Connecticut, Rhode Island, New Hampshire, Maine, Vermont, New York, and New Jersey. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-6321; Filed, June 6, 1967;
8:48 a.m.]

[Notice 1071]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 2, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here

noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of Procedure for hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 128710 (Sub-No. 2), filed June 2, 1967. Applicant: SATELLITE EXPRESS, INC., 57 West Park Avenue, Post Office Box 128, Vineland, N.J. 08360. Applicant's representative: James W. Lawson, 1000 16th Street, NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Prepared foodstuffs (except in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and/or warehouse facilities of the Pillsbury Co., East Greenville, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Delaware, New Jersey, Maryland, West Virginia, Virginia, North Carolina, Pennsylvania, and the District of Columbia. Note: Applicant states it intends to tack this proposed authority with authority it intends to purchase from Service Trucking Co., Inc., which would permit tacking at Baltimore, Md., Bridgeton, N.J., and the Del-Mar-Va Peninsula, with varying degrees of circuitry included.

HEARING: June 20, 1967, at the Office of the Interstate Commerce Commission,

Washington, D.C., before Examiner Rene J. Mittlebronn.

No. MC 112822 (Sub-No. 76), filed May 22, 1967. Applicant: EARL BRAY, INC., 1401 North Little Street, Post Office Box 1191, Cushing, Okla. 74023. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Liquid fertilizer, in bulk, in tank vehicles, from Leavenworth, Kans., to points in Iowa, Kansas, Missouri, and Nebraska.

HEARING: June 29, 1967, in Room 157, Federal Building, 601 East 12th Street, Kansas City, Mo., before Examiner William N. Culbertson.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[P.R. Doc. 67-6322; Filed, June 6, 1967;
8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JUNE 2, 1967.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 8932-CCT, filed May 24, 1967. Applicant: RAPID DELIVERY SERVICE, INC., 3960 Northeast Fifth Terrace, Fort Lauderdale, Fla. Applicant's representative: John W. McWhirter, Jr., Post Office Box 2150, Tampa, Fla. Certificate of public convenience and necessity sought to operate a freight service as follows: Extension of certificate of public convenience and necessity No. 418, presently allowing parcel delivery service in the 39 counties of peninsula Florida, to authorize interstate an intrastate parcel delivery service between all points and places in the State of Florida with restrictions in certain portions of Central Florida and weight limitations of 125 pounds per parcel and 500 pounds per shipment from one consignor to one consignee at one location in one vehicle on the same day. Both interstate and intrastate authority sought.

HEARING: Not yet assigned for hearing. Request for procedural information, including the time for filing protests concerning this application should be addressed to the Florida Public Service Commission, 700 South Adams Street,

Tallahassee, Fla. 32304, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[P.R. Doc. 67-6323; Filed, June 6, 1967;
8:48 a.m.]

[Notice 398]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 2, 1967.

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2136 (Sub-No. 24 TA), filed May 29, 1967. Applicant: CLEMANS TRUCK LINE, INC., 815 West Sample Street, South Bend, Ind. 46621. Applicant's representative: H. C. Sanford (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs, from the plantsite of American Home Foods Corp., located at or near La Porte, Ind., to points in Illinois, Ohio, Michigan, Kentucky, West Virginia, and Indiana; and empty containers or other incidental facilities used in transporting commodities specified in application, on return; for 180 days. Supporting shipper: American Home Foods, Division of American Home Products Corp., 685 Third Avenue, New York, N.Y. 10017. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 19227 (Sub-No. 117 TA), filed May 29, 1967. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over ir-

regular routes, transporting: (1) *Airplane parts, supplies, machinery, and equipment*, and (2) *components, supplies, machinery, and equipment used in the manufacturing of airplanes*, between points in New York, on the one hand, and, on the other, points in Florida; for 180 days. Supporting shipper: Grumman Aircraft Engineering Corp., Bethpage, Long Island, N.Y. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1621, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 28599 (Sub-No. 5 TA), filed May 29, 1967. Applicant: DEVINE & SON TRUCKING CO., Post Office Box 217, West Sacramento, Calif. 95691. Applicant's representative: Berol, Loughran and Geernaert, 100 Bush Street, San Francisco, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, in truckload quantities, from Paskenta, Tehama County, Calif., to the port of Sacramento, Calif.; for 180 days. Supporting shipper: Crane Mills, Corning, Calif. 96201. Send protests to: William E. Murphy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 44053 (Sub-No. 4 TA) (Amendment), filed May 19, 1967, published FEDERAL REGISTER issue of May 26, 1967, amended and republished as amended this issue. Applicant: BONDED WAREHOUSE CO., 1324 East Lancaster, Post Office Box 1657, Fort Worth, Tex. 76101. Applicant's representative: Reagan Sayers, Century Life Building, Post Office Box 17007, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in Texas, and (2) between points in Texas, on the one hand, and, on the other, points in Alabama, Arkansas, Mississippi, Florida, and Georgia, for 180 days. Supporting shippers: Sinclair Oil & Gas Co., Sinclair Oil Building, Tulsa, Okla.; Sherwin-Williams Co., 437 North Central Expressway, Dallas, Tex. 75201; Container Corp. of America, 500 East North Avenue, Carol Stream, Ill.; and 3M Co., 2501 Hudson Road, St. Paul, Minn. 55119. Send protests to: Billy R. Reid, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102. NOTE: The purpose of this republication is to add the State of Alabama as a destination point in (2) above.

No. MC 103993 (Sub-No. 286 TA), filed May 29, 1967. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Robert G. Tassar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Special purpose trailers* designed to be drawn by passenger automobiles, from points in Milwaukee County, Wis., to points in the United States; for 180 days. Supporting shipper: Barkow Co., 153-165 North Milwaukee Street, Milwaukee, Wis. 53202. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind. 46802.

No. MC 113678 (Sub-No. 281 TA), filed May 29, 1967. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Oscar Mandel (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Meat, meat products, and packinghouse products*, from Denver, Colo., to Sioux City, Des Moines, and Waterloo, Iowa; Madison and Beloit, Wis.; and Niles, Pontiac, Westland, and Detroit, Mich.; for 180 days. Supporting shipper: Mapelli-Lindner-Sigman, Ltd., 1624 Market Street, Denver, Colo. Send protests to: Herbert C. Ruoff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 114334 (Sub-No. 9 TA), filed May 29, 1967. Applicant: BUILDERS TRANSPORTATION COMPANY, 3265 Tulane Road, Memphis, Tenn. 38116. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rust preventive pipeline coating* (coal tar base), in drums, in truckload quantities, on flatbed equipment, from Memphis, Tenn., to points in Coahoma County, Miss.; for 120 days. Supporting shipper: Southern Transfer Co., subsidiary of Union Barge Line, Channel Avenue, President's Island, Memphis, Tenn. 38106. Send protests to: W. W. Garland, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 390 Federal Office Building, 167 North Main, Memphis, Tenn. 38103.

No. MC 115826 (Sub-No. 176 TA), filed May 29, 1967. Applicant: W. J. DIGBY, INC., Post Office Box 5088, Terminal Annex, Denver, Colo. 80217. Applicant's representative: R. H. Jinks (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Ogden, Utah, to points in Arizona; for 150 days. Supporting shipper: Swift & Co., Post Office Box 1151, 390 West 24th Street, Ogden, Utah 84402. Send protests to: Herbert C. Ruoff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 116950 (Sub-No. 4 TA), filed May 26, 1967. Applicant: JOSEPH L. DRAKE, 499 North Delaware Street, Chandler, Ariz. 85224. Applicant's representative: A. Michael Bernstein, 1327 Guaranty Bank Building, 3550 North Central, Phoenix, Ariz. 85012. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fire retardant chemical*, for Arizona Agrochemical Corp., from Phoenix, Ariz., to points in California, Colorado, Nevada, New Mexico, South Dakota, Utah, and Wyoming; for 180 days. Supporting shipper: Arizona Agrochemical Corp., Post Office Box 2191, Phoenix, Ariz. 85001. Send protests to: Andrew V. Baylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3427 Federal Building, Phoenix, Ariz. 85025.

No. MC 119195 (Sub-No. 9 TA), filed May 29, 1967. Applicant: CHARLES S. ROGERS, JR., AND EDNA ROGERS, a partnership, doing business as ROGERS TRUCKING, Old Country Road, Monroe, N.Y. 10950. Applicant's representative: Vincent M. Brennan, Central Valley, N.Y. 10917. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is distributed by premium stamp redemption centers*, for the account of Stop & Save Trading Stamp Corp., from South Hackensack, N.J., to points in Orange, Ulster, Greene, and Dutchess Counties, N.Y.; for 150 days. Supporting shipper: Stop & Save Trading Stamp Corp., 125 Phillips Avenue, South Hackensack, N.J. 07606. Send protests to: Charles F. Jacobs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215-217 Post Office Building, Binghamton, N.Y. 13902.

No. MC 124692 (Sub-No. 36 TA), filed May 29, 1967. Applicant: SAMMONS TRUCKING, Post Office Box 933, Missoula, Mont. 59801. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precut buildings* (not prefabricated), *component parts thereof*, and *equipment, materials, and supplies used in the installation, construction, or erection thereof*, from Minneapolis, Minn., to points in North Dakota, South Dakota, Nebraska, Montana, Wyoming, and Colorado; for 180 days. Supporting shippers: Capp Homes, 3355 Hiawatha Avenue, Minneapolis, Minn. 55406; and International Homes, 399 East 46th Street, Minneapolis, Minn. 55406. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 251 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 128946 (Sub-No. 2 TA), filed May 29, 1967. Applicant: GEORGE GRAULICH, doing business as GEORGE GRAULICH AUTO TRANSPORT, 3810 East Meadowbrook Avenue, Phoenix, Ariz. 85018. Applicant's representative:

A. Michael Bernstein, 1327 Guaranty Bank Building, 3550 North Central, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used automobiles*, between points in Maricopa County, Ariz., on the one hand, and, on the other, Los Angeles, Calif., Las Vegas, Nev., Albuquerque, N. Mex., and El Paso, Tex.; for 120 days. Supporting shippers: Martin Auto Sales, 2423 East Apache Boulevard, Tempe, Ariz.; Chrysler Credit Corp., 4647 North 16th Street, Phoenix, Ariz.; Associates Discount Corp., Post Office Box 2158, Las Vegas, Nev.; and Ed Fountain Motors, 300 Las Vegas Boulevard North, Las Vegas, Nev. Send protests to: Andrew V. Baylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 3427 Federal Building, Phoenix, Ariz. 85025.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[P.R. Doc. 67-6324, Filed, June 6, 1967;
8:48 a.m.]

[Notice 1528]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 2, 1967.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 279:

No. MC-FC-69722. By application filed May 22, 1967, FILM TRANSFER COMPANY, INC., 2500 South Harwood Street, Dallas, Tex. 75215, seeks temporary authority to lease the operating rights of WHITE AIR FREIGHT SERVICE, INC., Post Office Box 1722, Houston, Tex. 77001, under section 210a(b). The transfer to FILM TRANSFER COMPANY, INC., of the operating rights of WHITE AIR FREIGHT SERVICE, INC., is presently pending.

[SEAL]

H. NEIL GARSON,
Secretary.

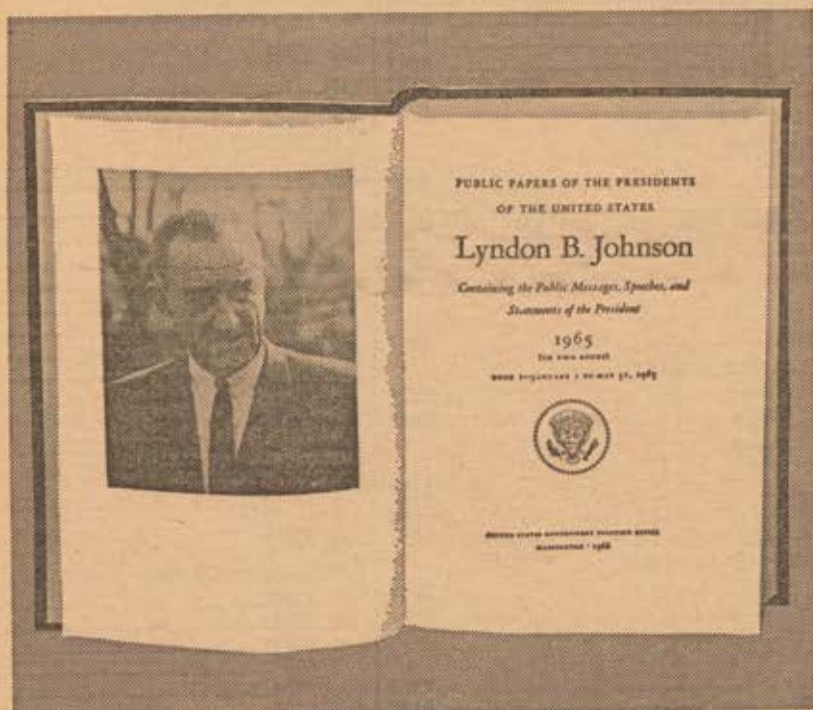
[P.R. Doc. 67-6325, Filed, June 6, 1967;
8:48 a.m.]

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