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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3114 is amended to show that full-time employment of supervisors, assistant supervisors, supervisors' clerks and enumerators under Schedule A may be extended for an additional year with prior Commission approval. Effective on publication in the FEDERAL REGISTER, subparagraph (1) of paragraph (d) of § 213.3114 is amended as set out below.

§ 213.3114 **Department of Commerce.**

* * * * *

(d) *Bureau of the Census.*

(1) Supervisors, assistant supervisors, supervisors' clerks, and enumerators in the field service for temporary, part-time, or intermittent employment, for not to exceed 1 year: *Provided*, That such appointments may be extended for additional periods of not to exceed one year each; but that prior Commission approval is required for extension of full-time employment for longer than 1 year.

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

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

[F.R. Doc. 67-9802; Filed, Aug. 18, 1967; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 31, 1966 (7 CFR 354.1), administrative instructions (7 CFR 354.2), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty are hereby revised to read as follows:

§ 354.2 **Administrative instructions prescribing commuted travel time.**

Certain periods of overtime and holiday duty, as defined in § 354.1 shall, in addition, include a commuted travel time period for the respective areas in which employees are located, if such travel is performed solely on account of overtime or holiday service. The prescribed commuted travel time periods are as follows:

WITHIN METROPOLITAN AREA

ONE HOUR

Aguadilla, P.R.
Alexander Hamilton Airport, St. Croix, A.V.I.
Anchorage, Alaska.
Andrews AFB, Md.
Astoria, Oreg.
Atlanta, Ga.
Baton Rouge, La.
Blaine, Wash.
Brownsville, Tex.
Calexico, Calif.
Cape Canaveral, Fla.
Charlotte Amalie, St. Thomas, A.V.I.
Christiansted, St. Croix, A.V.I.
Corpus Christi, Tex.
Dallas, Tex.
Del Rio, Tex.
Douglas, Ariz.
Dover, Del.
Dulles International Airport, Loudoun County, Va.
Duluth, Minn.
Eagle Pass, Tex.
El Paso, Tex.
Ferry Reach, Bermuda.
Fort Lauderdale, Fla.
Frederiksted, St. Croix, A.V.I.
Galveston, Tex.
Hidalgo, Tex.
Hilo, Hawaii.
Kahalui, Maui, Hawaii.
Key West, Fla.
Laredo, Tex.
McChord, AFB, Wash.
Memphis, Tenn.
Mobile, Ala.
Nassau, The Bahamas.
Nogales, Ariz.
Norton AFB, Calif.
Patrick AFB, Fla.
Pensacola, Fla.
Port Allen, La.
Port Arthur, Tex.
Port Everglades, Fla.
Presidio, Tex.
Progreso, Tex.
Ramey AFB, P.R.
Roma, Tex.
Rouses Point, N.Y. (including Champlain, N.Y., and Alburg, Vt.).
San Antonio, Tex.
San Diego, Calif.
San Juan, P.R.
San Luis, Ariz.
San Pedro, Calif.
San Ysidro, Calif.
Savannah, Ga.
Seattle, Wash. (other than SEA–TAC Airport and Point Wells).
Superior, Wis.
Travis AFB, Calif.
West Palm Beach, Fla.
Wilmington, N.C.

TWO HOURS

Buffalo, N.Y.
Cleveland, Ohio.
Charleston, S.C.
Edmonds, Wash.
Honolulu, Hawaii.
Houston, Tex.
Jacksonville, Fla.
Lihue, Kauai, Hawaii.
McGuire AFB, Wrightstown, N.J.
Miami, Fla.
Milwaukee, Wis.
Minneapolis-St. Paul, Minn.
New Orleans, La.
Norfolk-Newport News, Va.
Point Wells, Wash.
Portland, Oreg.
St. Petersburg, Fla.
San Francisco, Calif. (including Oakland, and Alameda, Calif.).
San Pedro, Calif. (including Los Angeles, Los Angeles Harbor, Los Angeles International Airport, Long Beach Harbor and Long Beach Municipal Airport, Calif.).
SEA–TAC Airport, Wash.
Tampa, Fla.
Tecate, Calif.
Toledo, Ohio.
Vancouver, Wash.

THREE HOURS

Baltimore, Md.
Boston, Mass.
Chicago, Ill.
Detroit, Mich. (including Detroit Metropolitan Airport at Inkster, Mich.).
Jamaica, Long Island, N.Y.
New York, N.Y.
Philadelphia, Pa.

OUTSIDE METROPOLITAN AREA

ONE HOUR

Alamo, Tex. (served from Hidalgo, Tex.).
Brown Field, Calif. (served from San Ysidro, Calif.).
Corpus Christi Naval Air Station (served from Corpus Christi, Tex.).
Falcon Heights, Tex. (served from Roma, Tex.).
Fort Lewis, Wash. (served from McChord AFB, Wash.).
Greater Southwest International Airport (served from Dallas, Tex.).
Gregory, Tex. (served from Corpus Christi, Tex.).
McAllen, Tex. (served from Hidalgo, Tex.).
Mission, Tex. (served from Hidalgo, Tex.).
Olympia, Wash. (served from McChord AFB, Wash.).
Pharr, Tex. (served from Hidalgo, Tex.).
Rio Grande City, Tex. (served from Roma, Tex.).
San Juan, Tex. (served from Hidalgo, Tex.).
Tacoma, Wash. (served from McChord AFB, Wash.).
Texas City, Tex. (served from Galveston, Tex.).

TWO HOURS

Akron, Ohio (served from Cleveland, Ohio).
Andrade, Calif. (served from Calexico, Calif.).
Aransas Pass, Tex. (served from Corpus Christi, Tex.).
Arlington and Alexandria, Va. (served from Andrews AFB, Md., or Dulles International Airport, Va.).
Barbers Point NAS, Hawaii (served from Honolulu, Hawaii).
Beaumont, Tex. (served from Port Arthur, Tex.).
Belle Chasse, La. (including NAS) (served from New Orleans, La.).
Bellingham, Wash. (served from Blaine, Wash.).
Braithwaite, La. (served from New Orleans, La.).

Burnside, La. (served from Baton Rouge, La.).
Camp Pendleton USMC, Oceanside, Calif. (served from San Diego, Calif.).
Chateaugay, N.Y. (including Churubusco and Cannon Corners, N.Y., served from Rouses Point, N.Y.).
Columbia City, Oreg. (served from Portland, Oreg.).
Crockett, Calif. (served from San Francisco, Calif.).
Donna, Tex. (served from Hidalgo, Tex.).
Edinburg, Tex. (served from Hidalgo, Tex.).
Edmonds, Wash. (served from Seattle, Wash.).
El Segundo, Calif. (served from San Pedro, Calif.).
Fairport Harbor, Ohio (served from Cleveland, Ohio).
Ferndale, Wash. (served from Blaine, Wash.).
Geismar, La. (served from Baton Rouge, La.).
George AFB, Calif. (served from Norton AFB, Calif.).
Good Hope, La. (served from New Orleans, La.).
Hamilton AFB, Novato, Calif. (served from San Francisco, Calif.).
Harbor Island, Tex. (served from Corpus Christi, Tex.).
Harlingen, Tex. (served from Brownsville, Tex.).
Kaneohe MCAS, Hawaii (served from Honolulu, Hawaii).
Kelly AFB, San Antonio, Tex.
Kenosha, Wis. (served from Milwaukee, Wis.).
La Feria, Tex. (served from Hidalgo, Tex.).
Lakehurst NAS, N.J. (served from McGuire AFB, Wrightstown, N.J.).
Lewiston, N.Y. (served from Buffalo, N.Y.).
Loraine, Ohio (served from Cleveland, Ohio).
Lynden, Wash. (served from Blaine, Wash.).
Marathon, Fla. (served from Key West, Fla.).
March AFB, Calif. (served from Norton AFB, Calif.).
Marine Corps Air Facility, N.C. (served from Wilmington, N.C.)
Martinez, Calif. (served from San Francisco, Calif.).
Meacham Field, Tex. (served from Dallas, Tex.).
Melbourne, Fla. (served from Port Canaveral, Fla.).
Mercedes, Tex. (served from Hidalgo, Tex.).
Moffett Field NAS, Sunnyside, Calif. (served from San Francisco, Calif.).
Niagara Falls, N.Y. (served from Buffalo, N.Y.).
Orange, Tex. (served from Port Arthur, Tex.).
Paine Field and Snohomish County Airport, Wash. (served from Seattle, Wash.).
Pittsburg, Calif. (served from San Francisco, Calif.).
Plaquemine, La. (served from Baton Rouge, La.).
Plattsburgh, N.Y. (served from Rouses Point, N.Y.).
Port Chicago, Calif. (served from San Francisco, Calif.).
Port Isabel, Tex. (served from Brownsville, Tex.).
Progreso, Tex. (served from Brownsville or Hidalgo, Tex.).
Racine, Wis. (served from Milwaukee, Wis.).
Randolph AFB, San Antonio, Tex. (served from San Antonio, Tex.).
Redwood City, Calif. (served from San Francisco, Calif.).
Richmond, Calif. (served from San Francisco, Calif.).
Rockport, Tex. (served from Corpus Christi, Tex.).
Rodeo, Calif. (served from San Francisco, Calif.).
St. Albans, Vt. (including Highgate Springs and Morses Line, Vt., served from Rouses Point, N.Y.).
St. Helens, Oreg. (served from Portland, Oreg.).
St. Rose, La. (served from New Orleans, La.).
Schofield Barracks, Wahiawa, Oahu, Hawaii (served from Honolulu, Hawaii).
Seal Beach, Calif. (served from San Pedro, Calif.).
SEA-TAC Airport, Wash. (served from McChord AFB, Wash.).
Sumas, Wash. (served from Blaine, Wash.).
Sunny Point Army Terminal, Southport, N.C. (served from Wilmington, N.C.).
Vallejo, Calif. (served from San Francisco, Calif.).
Weslaco, Tex. (served from Hidalgo, Tex.).
Westport, Oreg. (served from Astoria, Oreg.).
Willapa Bay, Wash. (served from Astoria, Oreg.).

THREE HOURS

Andrews AFB, Md. (served from Dulles International Airport, Va.).
Annapolis, Md. (served from Baltimore, Md.).
Antioch, Calif. (served from San Francisco, Calif.).
Atlantic City, N.J. (served from Philadelphia, Pa.).
Baytown, Tex. (served from Houston, Tex.).
Beaufort, S.C. (served from Charleston, S.C.).
Bradenton, Fla. (served from Tampa, Fla.).
Buras, La. (served from New Orleans, La.).
Burbank, Calif. (served from San Pedro, Calif.).
Burlington, N.J. (served from Philadelphia, Pa.).
Camp Lejeune, N.C. (served from Wilmington, N.C.).
Carswell Field, Fort Worth, Tex. (served from Dallas, Tex.).
Cherry Point, N.C. (served from Wilmington, N.C.).
Chester, Pa. (served from Philadelphia, Pa.).
Destrehan, La. (served from New Orleans, La.).
Dulles International Airport, Va. (served from Andrews AFB, Md. or Baltimore, Md.).
Eglin AFB, Fla. (served from Pensacola, Fla.).
Elizabeth City, N.C. (served from Wilmington, N.C.).
El Toro MCAS, Calif. (served from Norton AFB, or San Pedro, Calif.).
England AFB, La. (served from Baton Rouge, La.).
Everett, Wash. (served from Seattle, Wash.).
Fall River, Mass. (served from Boston, Mass.).
Fort Pierce, Fla. (served from West Palm Beach, Fla.).
Freeport, Tex. (served from Houston, Tex.).
Georgetown, S.C. (served from Charleston, S.C.).
Gramercy, La. (served from New Orleans, La).
Homestead AFB, Fla. (served from Miami, Fla.).
Kalama, Wash. (served from Portland, Oreg.).
Lake Charles, La. (served from Port Arthur, Tex.).
Longview, Wash. (served from Astoria or Portland, Oreg.).
March Field, Calif. (served from San Pedro, Calif.).
Marcus Hook, Pa. (served from Philadelphia, Pa.).
Mather Field AFB, Calif. (served from Travis AFB, Calif.).
Mayaguez, P.R. (served from Ramey AFB, P.R.).
McChord AFB, Wash. (served from Seattle, Wash.).
McClellan AFB, Calif. (served from Travis AFB, Calif.).
Monroe, Mich. (served from Detroit, Mich.).
Norco, La. (served from New Orleans, La.).
Olympia, Wash. (served from Seattle, Wash.).
Ontario, Calif. (served from San Pedro, Calif.).
Ostrica, La. (served from New Orleans, La.).
Pascagoula, Miss. (served from Mobile, Ala.).
Paulsboro, N.J. (served from Philadelphia, Pa.).
Pope AFB, N.C. (served from Wilmington, N.C.).
Port Sulphur, La. (served from New Orleans, La.).
Quantico Marine Corps Air Station, Va. (served from Andrews AFB, Md., or Dulles International Airport, Chantilly, Va.).
Rainier, Oreg. (served from Portland, Oreg.).
Raymond, Wash. (served from Astoria, Oreg.).
Roosevelt Roads, P.R. (served from San Juan, P.R.).
St. Marys, Ga. (served from Jacksonville, Fla.).
Seymour-Johnson AFB, N.C. (served from Wilmington, N.C.).
Silver Bay, Minn. (served from Duluth, Minn.).
Stockton, Calif. (served from Travis AFB, Calif.).
Tacoma, Wash. (served from Seattle, Wash.).
Toledo, Ohio (served from Detroit, Mich.).
Trenton, N.J. (served from McGuire AFB, Wrightstown, N.J.).
Tullytown, Pa. (served from Philadelphia, Pa.).
Tucson, Ariz. (served from Nogales, Ariz.).
Wilmington, Del. (served from Philadelphia, Pa.).
Any undesignated Alabama port served from Mobile, Ala.
Any undesignated Arizona port served from Nogales, Ariz.
Any undesignated Arkansas port served from Memphis, Tenn., or Atlanta, Ga.
Any undesignated California port served from San Diego, San Pedro, or San Francisco, Calif.
Any undesignated Delaware or Maryland port served from Dover, Del.
Any undesignated Florida port served from Jacksonville, Fla.
Any undesignated Georgia port served from Atlanta, or Savannah, Ga.
Any undesignated Hawaii port served from Hilo, Hawaii.
Any undesignated Maryland or Virginia port served from Andrews AFB, Md., or Dulles International Airport, Va.
Any undesignated Mississippi port served from Mobile, Ala.
Any undesignated New Hampshire port served from Rouses Point, N.Y.
Any undesignated New Mexico port served from El Paso, Tex.
Any undesignated New York port served from Buffalo or Rouses Point, N.Y.
Any undesignated North Carolina port served from Wilmington, N.C.
Any undesignated Ohio port served from Cleveland, or Toledo, Ohio.
Any undesignated Oregon port served from Astoria or Portland, Oreg.

Any undesignated South Carolina port served from Charleston, S.C.
Any undesignated Tennessee port served from Memphis, Tenn., or Atlanta, Ga.
Any undesignated Vermont port served from Rouses Point, N.Y.
Any undesignated Virginia port served from Norfolk-Newport News, Va.
Any undesignated Washington port served from Astoria or Portland, Oreg., or from Seattle, Wash.
Any undesignated Wisconsin port served from either Duluth, Minn., or Milwaukee, Wis.

FOUR HOURS

Anacortes, Wash. (served from Blaine, or Seattle, Wash.).
Barksdale AFB, La. (served from Baton Rouge, La.).
Bradwood, Oreg. (served from Portland, Oreg.).
Brunswick, Ga. (served from Savannah, Ga.).
Cambridge, Md. (served from Baltimore, Md.).
Davis-Monthan AFB, Tucson, Ariz. (served from Nogales, Ariz.).
Davisville, R.I. (served from Boston, Mass.).
Erie, Pa. (served from Buffalo, N.Y., or Cleveland, Ohio).
Grays Harbor, Wash. (served from Astoria, Oreg.).
Greenville, Miss. (served fom Memphis, Tenn.).
Gulfport, Miss. (served from Mobile, Ala.).
Holloman AFB, Alamogordo, N. Mex. (served from El Paso, Tex.).
Kessler AFB, Miss. (served from Mobile, Ala.).
Knoxville, Tenn. (served from Atlanta, Ga.).
Massena, N.Y. (served from Rouses Point, N.Y.).
Morehead City, N.C. (served from Wilmington, N.C.).
Morgan City, La. (served from New Orleans, La.).
Nashville, Tenn. (served from Memphis, Tenn.).
New Bedford, Mass. (served from Boston, Mass.).
New Haven, Conn. (served from New York, N.Y.).
Norton AFB, Calif. (served from San Pedro, Calif.).
Olmsted AFB, Middletown, Pa. (served from Philadelphia, Pa.).
Point Comfort, Tex. (served from Corpus Christi, Tex.).
Port Huron, Mich. (served from Detroit, Mich.).
Port Lavaca, Tex. (served from Corpus Christi, Tex.).
Port Townsend, Wash. (served from Seattle, Wash.).
Providence, R.I. (served from Boston, Mass.).
Quonset Point, R.I. (served from Boston, Mass.).
Rochester, N.Y. (served from Buffalo, N.Y.).
Roosevelt Town, N.Y. (served from Rouses Point, N.Y.).
Salisbury, Md. (served from Baltimore, Md.).
Venice, La. (served from New Orleans, La.).
Westport, Oreg. (served from Portland, Oreg.).

FIVE HOURS

Astoria, Oreg. (served from Portland, Oreg.).
Ault Field, Wash. (served from Seattle, Wash.).
Bay City, Mich. (served from Detroit, Mich.).
Bellingham, Wash. (served from Seattle, Wash.).
Boca Grande, Fla. (served from Tampa, Fla.).
Ferndale, Wash. (served from Seattle, Wash.).
Fort Myers, Fla. (served from Tampa, Fla.).
Indianapolis, Ind. (served from Chicago, Ill.).
Louisville, Ky. (served from Toledo, or Cleveland, Ohio).
McCoy AFB, Fla. (served from Tampa, Fla.).
Newport, R.I. (served from Boston, Mass.).
Ogdensburg, N.Y. (served from Rouses Point, N.Y.).
Panama City, Fla. (served from Pensacola, Fla.).
Phoenix, Ariz. (served from Nogales, Ariz.).
Pittsburgh, Pa. (served from Cleveland, Ohio).
Saginaw, Mich. (served from Detroit, Mich.).
Sanford NAS, Fla. (served from Tampa, Fla.).

SIX HOURS

Apalachicola, Fla. (served from Pensacola, Fla.).
Cincinnati, Ohio (served from Toledo, Ohio).
Columbus, Ohio (served from Cleveland, Ohio).
Des Moines, Iowa (served from Chicago, Ill.).
Grays Harbor, Wash. (served from Seattle, Wash.).
Green Bay, Wis. (served from Milwaukee, Wis.).
Kansas City, Mo. (served from Chicago, Ill.).
Lockbourne AFB, Ohio (served from Cleveland, Ohio).
Muskegon, Mich. (served from Detroit, Mich.).
Omaha, Nebr. (served from Chicago, Ill.).
Oswego, N.Y. (served from Buffalo, N.Y.).
Port Angeles, Wash. (served from Seattle, Wash.).
Port St. Joe, Fla. (served from Pensacola, Fla.).
St. Louis, Mo. (served from Chicago, Ill.).
South Haven, Mich. (served from Detroit, Mich.).
Syracuse, N.Y. (served from Buffalo, N.Y.).
Walker AFB, Roswell, N. Mex. (served from El Paso, Tex.).
Willapa Bay, Wash. (served from Seattle, Wash.).
Windsor Locks, Conn. (served from Boston, Mass.).
(64 Stat. 561)

These revised administrative instructions shall be effective on and after August 19, 1967, on which date they shall supersede 7 CFR 354.2 effective January 27, 1966, as amended.

The purposes of this revision are to add to the "One Hour, Within Metropolitan Area" list the item "San Diego, Calif." and to delete from said list "Long Beach Harbor, Calif." and "Los Angeles Harbor, San Pedro, Calif."; to add to the "Two Hours, Within Metropolitan Area" list the items "San Francisco, Calif. (including Oakland, and Alameda, Calif.)" and "San Pedro, Calif. (including Los Angeles, Los Angeles Harbor, Los Angeles International Airport, Long Beach Harbor and Long Beach Municipal Airport, Calif.)"; and to delete from the said list "Long Beach Municipal Airport, Calif.", "Los Angeles International Airport, Calif." and "San Francisco, Calif."; to add to the "Two Hours, Outside Metropolitan Area" list the items "Camp Pendleton USMC, Oceanside, Calif. (served from San Diego, Calif.)", "Crockett, Calif. (served from San Francisco, Calif.)", "El Segundo, Calif. (served from San Pedro, Calif.)", "Hamilton AFB, Novato, Calif. (served from San Francisco, Calif.)", "Martinez, Calif. (served from San Francisco, Calif.)", "Moffett Field NAS, Sunnyside, Calif. (served from San Francisco, Calif.)", "Pittsburg, Calif. (served from San Francisco, Calif.)", "Port Chicago, Calif. (served from San Francisco, Calif.)", "Redwood City, Calif. (served from San Francisco, Calif.)", "Richmond, Calif. (served from San Francisco, Calif.)", "Rodeo, Calif. (served from San Francisco, Calif.)", "Seal Beach, Calif. (served from San Pedro, Calif.)", and "Vallejo, Calif. (served from San Francisco, Calif.)"; to add to the "Three Hours, Outside Metropolitan Area" list the items "Antioch, Calif. (served from San Francisco, Calif.)", "Burbank, Calif. (served from San Pedro, Calif.)", "Ontario, Calif. (served from San Pedro, Calif.)", and "Any undesignated California port served from San Diego, San Pedro, or San Francisco, Calif." and to delete from the said list "March Field, Calif. (served from Norton AFB, Calif.)"; to add to the "Five Hours, Outside Metropolitan Area" list the items "Indianapolis, Ind. (served from Chicago, Ill.)" and "Louisville, Ky. (served from Toledo, or Cleveland, Ohio)" and to delete from the said list "George AFB, Victorville, Calif."; to add to the "Six Hours, Outside Metropolitan Area" list the items "Des Moines, Iowa (served from Chicago, Ill.)", "Kansas City, Mo. (served from Chicago, Ill.)", "Omaha, Nebr. (served from Chicago, Ill.)", and "St. Louis, Mo. (served from Chicago, Ill.)"; and to combine into a single list all existing amendments of these administrative instructions.

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 15th day of August 1967.

[SEAL] F. A. JOHNSTON,
Director, Plant Quarantine Division.

[F.R. Doc. 67-9808; Filed, Aug. 18, 1967; 8:48 a.m.]

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

[Valencia Orange Reg. 216]

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

Limitation of Handling

§ 908.516 Valencia Orange Regulation 216.

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

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 17, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period August 20, 1967, through August 26, 1967, are hereby fixed as follows:

(i) District 1: 140,000 cartons;

(ii) District 2: 560,000 cartons;

(iii) District 3: unlimited movement.

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

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

Dated: August 18, 1967.

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

[F.R. Doc. 67-9879; Filed, Aug. 18, 1967; 11:20 a.m.]

[Lemon Reg. 281]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.581 Lemon Regulation 281.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on August 15, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period August 20, 1967, through August 26, 1967, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 232,500 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: August 16, 1967.

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

[F.R. Doc. 67-9829; Filed, Aug. 18, 1967; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 262—RULES OF PROCEDURE

1. Effective immediately, Part 262 is revised to read as follows:

Sec.
262.1 Basis and scope.
262.2 Procedure for regulations.
262.3 Applications.
262.4 Adjudication with formal hearing.
262.5 Appearance and practice.
262.6 Forms.

AUTHORITY: The provisions of this Part 262 issued under sec. 552, Title 5, United States Code.

§ 262.1 Basis and scope.

This part is issued pursuant to section 552 of Title 5 of the United States Code, which requires that every agency shall publish in the FEDERAL REGISTER statements of the general course and method by which its functions are channeled and determined and rules of procedure and descriptions of forms available or the places at which forms may be obtained.

§ 262.2 **Procedure for regulations.**

(a) *Notice.* Notices of proposed regulations of the Board or amendments thereto are published in the FEDERAL REGISTER, except as specified in paragraph (e) of this section or otherwise excepted by law. Such notices include a statement of the terms of the proposed regulations or amendments and a description of the subjects and issues involved; but the giving of such notices does not necessarily indicate the Board's final approval of any feature of any such proposal. The notices also include a reference to the authority for the proposed regulations or amendments and a statement of the time, place, and nature of public participation.

(b) *Public participation.* The usual method of public submission of data, views, or arguments is in writing. It is ordinarily preferable that they be sent to the appropriate Federal Reserve Bank, which forwards them to the Board. The locations of the 12 Federal Reserve Banks and the boundaries of the Federal Reserve districts are shown in Appendix A to the Board's Rules of Organization.[1]

(c) *Preparation of draft and action by Board.* In the light of consideration of all relevant matter presented or ascertained, the Legal Division, in collaboration with other Divisions of the Board's staff, prepares drafts of proposed regulations or amendments, and the staff submits them to the Board. The Board takes such action as it deems appropriate in the public interest. Any other documents that may be necessary to carry out any decision by the Board in the matter are usually prepared by the Legal Division, in collaboration with the other Divisions of the staff.

(d) *Effective dates.* Any substantive regulation or amendment thereto issued by the Board is published not less than 30 days prior to the effective date thereof, except as specified in paragraph (e) of this section or as otherwise excepted by law.

(e) *Exceptions as to notice or effective date.* In certain situations, notice and public participation with respect to proposed regulations may be impracticable, unnecessary, contrary to the public interest, or otherwise not required in the public interest, or there may be reason and good cause in the public interest why the effective date should not be deferred for 30 days. The reason or reasons in such cases usually are that such notice, public participation, or deferment of effective date would prevent the action from becoming effective as promptly as necessary in the public interest, would permit speculators or others to reap unfair profits or to interfere with the Board's actions taken with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country, would provoke other consequences contrary to the public interest, would unreasonably interfere with the Board's necessary functions with respect to management or personnel, would not aid the persons affected, or would otherwise serve no useful purpose. The following may be mentioned as some examples of situations in which advance notice or deferred effective date, or both, will ordinarily be omitted in the public interest: The review and determination of discount rates established by Federal Reserve Banks, and changes in general requirements regarding reserves of member banks, maximum interest rates on time and savings deposits, or credit for purchasing or carrying securities.

§ 262.3 **Applications.**

(a) *Form.* Any application, request, or petition (hereafter referred to as "application") for the approval, authority, determination, or permission of the Board with respect to any action for which such approval, authority, determination, or permission is required by law or regulation of the Board (including actions authorized to be taken by a Federal Reserve Bank or others on behalf of the Board pursuant to authority delegated under Part 265) shall be submitted in accordance with the pertinent form, if any, listed in § 262.6. Copies of any such form and details regarding information to be included therein may be obtained from any Federal Reserve Bank. Any application for which no form is listed in § 262.6 should be signed by the person making the application or by his duly authorized agent, should state the facts involved, the action requested, and the applicant's interest in the matter, and should indicate the reasons why the application should be granted. Applications for access to, or copying of, records of the Board should be submitted as provided in § 261.4(d) of this chapter.

(b) *Procedure.* Any application should be sent to the Federal Reserve Bank of the district in which the person making the application is located, and that Bank will forward it to the Board when appropriate. The Reserve Bank makes such investigation as may be necessary and reports the relevant facts, with its recommendation, to the Board.

(c) *Comments by staff.* In the light of consideration of all relevant matter presented or ascertained, the Board's staff prepares and submits to the Board comments on the subject. The Board in due course takes such action as it deems appropriate in the public interest. Such documents as may be necessary to carry out any decision by the Board are prepared by the Board's staff. With respect to actions taken by a Federal Reserve Bank on behalf of the Board under delegated authority, statements and necessary documents are prepared by the staff of such Federal Reserve Bank.

(d) *Notice of granting or denial.* Prompt notice is given to the applicant of the granting or denial in whole or in part of any application. In the case of a denial, except in affirming a prior denial or where the denial is self-explanatory, such notice is accompanied by a simple statement of the grounds for such action.

(e) *Action at Board's initiative.* When the Board, without receiving an application, takes action with respect to any matter as to which opportunity for hearing is not required by statute or Board regulation, similar procedure is followed, including investigations, reports, and recommendations by the Board's staff and by the Reserve Banks, where appropriate.

(f) *Bank holding company and merger applications.* In addition to procedures applicable under other provisions of this part, the following procedures are applicable in connection with the Board's consideration of applications under section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842), hereafter called "holding company applications," and of applications under section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828), hereafter called "merger applications." Unless otherwise indicated, these procedures apply to both types of applications.

(1) The Board issues each week a list that identifies holding company and merger applications received during the preceding week. Notice of receipt of each holding company application is published in the FEDERAL REGISTER as provided in § 222.4(e)(2) of this chapter (Regulation Y).

(2) If a hearing is required by law or if the Board determines that a hearing for the purpose of taking evidence is desirable, the Board issues an order for such a hearing, and notice thereof is published in the FEDERAL REGISTER. Any such hearing is conducted by a hearing examiner or hearing officer in accordance with the Board's Rules of Practice for Formal Hearings (Part 263 of this chapter) and, unless otherwise ordered by the Board, is public.

(3) In any case in which a formal hearing is not ordered by the Board, the Board may afford the applicant and other properly interested persons (including Governmental agencies) an opportunity to present views orally before the Board or its designated representative. Unless otherwise ordered by the Board, any such oral presentation is public and notice of such public proceeding is published in the FEDERAL REGISTER.

(4) The Board's action on an application is embodied in an Order that indicates the votes of members of the Board and is accompanied by a Statement of the reasons for the Board's action. Both the Order and accompanying Statement are released to the press. Normally, the Statement is issued at the time of issuance of the Order; where this is not practicable, the Statement is issued as promptly as possible. Each such Order is published in the FEDERAL REGISTER; and the Order and Statement are published in the next succeeding issue of the Federal Reserve Bulletin.

(5) (i) Each Order of the Board approving a holding company application includes, pursuant to the Act approved July 1, 1966 (12 U.S.C. 1849(b)), a requirement that the transaction approved shall not be consummated before the thirtieth calendar day following the date of such Order.

[1] See F.R. Doc. 67-9712, Federal Reserve System, in Notices section, *infra*.

(ii) Each Order of the Board approving a merger application includes, pursuant to the Act approved February 21, 1966 (12 U.S.C. 1828(c)(1)(6)), a requirement that the transaction approved shall not be consummated before the thirtieth calendar day following the date of such Order, except as the Board may otherwise determine pursuant to emergency situations as to which the Act permits consummation at earlier dates.

(iii) Each Order approving an application also includes, as a condition of approval, a requirement that the transaction approved shall be consummated within three months and, in the case of acquisition by a holding company of stock of a newly organized bank, a requirement that such bank shall be opened for business within six months, but such periods may be extended for good cause by the Board (or by the appropriate Federal Reserve Bank where authority to grant such extensions is delegated to the Reserve Bank).

(6) After action by the Board on an application, the Board will not grant any request for reconsideration of its action unless the request presents relevant facts that, for good cause shown, were not previously presented to the Board, or unless it otherwise appears to the Board that reconsideration would be appropriate.

(7) Unless the Board shall otherwise direct, each holding company and merger application is made available for inspection by the public except for portions thereof as to which the Board determines that nondisclosure is warranted under section 552(b) of Title 5 of the United States Code.

§ 262.4 Adjudication with formal hearing.

In connection with adjudication with respect to which a hearing is required by law or is ordered by the Board, the procedure is set forth in Part 263 of this chapter, entitled "Rules of Practice for Formal Hearings".

§ 262.5 Appearance and practice.

Appearance and practice before the Board in all matters are governed by § 263.3 of this chapter.

§ 262.6 Forms.

The following forms, which are available at the Federal Reserve Banks, shall be used for the purposes indicated:

Form	
30	Application for Federal Reserve Bank Stock—Organizing National Bank.
30a	Application for Federal Reserve Bank Stock—Nonmember State Bank Converting into National Bank.
56	Application for Adjustment in Holdings of Federal Reserve Bank Stock (Except by Mutual Savings Banks).
56a	Application of Mutual Savings Bank for Adjustment in Holdings of Federal Reserve Bank Stock.
70	Application for Prior Written Consent to Effect a Merger or Other Transaction Pursuant to Section 18(c) of the Federal Deposit Insurance Act (Resulting Bank to be a State Member Bank).
83	Application for Membership in the Federal Reserve System (Cover Sheet).
83A	Application for Membership in the Federal Reserve System (State Banks except Mutual Savings Banks).
83B	Application for Membership in the Federal Reserve System (Mutual Savings Banks Authorized to Purchase Stock in Federal Reserve Bank).
83C	Application for Membership in the Federal Reserve System (Mutual Savings Banks Not Permitted to Subscribe for Stock in Federal Reserve Bank).
83D	Application for Stock in the Federal Reserve Bank (Mutual Savings Bank Admitted to Membership upon Deposit of Appropriate Amount with Federal Reserve Bank and Now Permitted to Subscribe for Federal Reserve Bank Stock under Laws under Which Organized).
83E	Certificate of Directors and Cashier.
86	Application for Cancellation of Federal Reserve Bank Stock—Liquidating Member Bank.
86a	Application for Cancellation of Federal Reserve Bank Stock—Member Bank Merging or Consolidating with Nonmember Bank.
86b	Application for Cancellation of Federal Reserve Bank Stock—Converting National Bank
87	Application for Cancellation of Federal Reserve Bank Stock—Insolvent Member Bank
105	Report of Condition of State Member Bank
105e	(Form 105e)—Report of Condition of State Member Bank (Publisher's Copy)
107	Report of Income and Dividends of State Member Bank (Calendar Year)
107b	Report of Income and Dividends of State Member Bank (6-Month Period)
151	Articles of Association—Corporation To Do Business under Section 25(a) of the Federal Reserve Act
152	Organization Certificate—Corporation To Do Business under Section 25(a) of the Federal Reserve Act
220	Report of an Affiliate of a State Member Bank
220a	Report of an Affiliate of a State Member Bank (Publisher's Copy)
240	Report of Member Firm of a National Securities Exchange
314	Report of Condition by Foreign Banking Corporation (Semiannual)
414	Computation of Reserve To Be Carried With Federal Reserve Bank by Member Bank
F-1	Registration Statement for Securities of a Bank
F-2	Annual Report
F-3	Current Report
F-4	Quarterly Report
F-5	Proxy Statement; Statement Where Management Does Not Solicit Proxies
F-6	Statement in Election Contest
F-7	Initial Statement of Beneficial Ownership of Securities
F-8	Statement of Changes in Beneficial Ownership of Securities
F-9	Financial Statements
F-10	Registration Statement for Additional Classes of Securities of a Bank
F-20	Amendment to Registration Statement or Periodic Report of Bank
T-1	Agreement, Resolution, Certificate—to Qualify under Section 8(a) of the Securities Exchange Act of 1934
T-2	Agreement, Resolution, Certificate—to qualify under Section 8(a) of the Securities Exchange Act of 1934 (Bank with Principal Place of Business outside 50 States of United States)
Y-1	Application for Prior Approval of Action to Become a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956
Y-1A	Certificate of Directors or Other Governing Body Authorizing Application Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956
Y-2	Application for Prior Approval of Acquisition of Bank Shares Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956
Y-2A	Certificate of Directors or Other Governing Body Authorizing Application Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956
Y-5	Registration Statement of Bank Holding Company Pursuant to Section 5(a) of the Bank Holding Company Act of 1956
Y-6	Annual Report of Bank Holding Company Pursuant to the Bank Holding Company Act of 1956

2.a. This action is pursuant to and in accordance with the provisions of section 552 of Title 5 of the United States Code.

b. The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and to deferred effective dates, are not followed in connection with the adoption of this action, because the rules involved are procedural in nature and accordingly do not constitute substantive rules subject to the requirements of such section.

Dated at Washington, D.C., the 9th day of August, 1967.

By order of the Board of Governors.

[SEAL] KENNETH A. KENYON,
Assistant Secretary.

[F.R. Doc. 67-9711; Filed, Aug. 18, 1967; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. No. SPR-19]

PART 378—INCLUSIVE TOURS BY SUPPLEMENTAL AIR CARRIERS, CERTAIN FOREIGN AIR CARRIERS, AND TOUR OPERATORS

Amendment Extending Prior-Approval Requirement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 10th day of August 1967.

In SPDR–8 (Docket 18487), dated May 1, 1967, and published at 32 F.R. 6847, the Board gave notice that it had under consideration an amendment to Part 378 which would extend the requirement of prior approval of all inclusive tour charters through December 31, 1968. The Board tentatively found that experience to date under the prior-approval procedure was so limited that the Board should continue, for at least an additional year, to exercise control over inclusive tours before granting a blanket exemption to tour operators.

Only World Airways, Inc. (World), a supplemental air carrier, and American International Travel Service, Inc. (AITS), a tour operator, responded to the proposal. Neither opposes extension of the prior-approval procedure, but each suggests additional substantive changes in the regulation governing inclusive tours. World proposes that an application for a Statement of Authorization should be automatically approved if the Board does not act within a specified period; *e.g.*, 15 or 30 days of the filing of an application. AITS requests that the Board establish two classes of tour operators based on experience and financial fitness. One class would be required to obtain prior approval of all their inclusive tour charters. The requirements for qualification of this class would include a modest showing of experience and modified bonding requirements. The second class of tour operators would consist of those which establish their financial fitness and successful experience and post a very large bond in the form set forth in the appendix to Part 378. The latter would receive operating authority valid until May 13, 1971, subject to the filing of quarterly financial statements showing continuing financial fitness.

World's proposal presents a number of practical problems at the present time. Unfortunately too many applications for inclusive tour authorization are incomplete in one or more requirements and require considerable analysis before approval can be granted or denied. The Board recognizes the necessity and desirability for ample lead time to merchandise tours after Board approval is granted. This problem can be alleviated by the early submission of inclusive tour requests and by the applicants' careful attention to the specific requirements of Part 378. As the tour operators, the carriers and the Board itself gain experience with processing these applications, greater expedition will result. The Board continually re-evaluates its internal procedures to that end.

AITS' proposals go to the financial fitness of tour operators and the bonding requirements of Part 378, matters beyond the scope of the present rule-making proceeding. As the Board has previously indicated, we are studying the present bonding requirements and we contemplate that possible modifications will be handled in a separate rule-making proceeding at an early date.

We shall therefore amend Part 378 as proposed in SPDR–8.

In consideration of the foregoing, the Board hereby amends Part 378 of the Special Regulations (14 CFR Part 378), effective September 18, 1967, as follows:

1. Amend § 378.10 to read:

§ 378.10 Requirement of a Statement of Authorization.

No inclusive tour or series of tours scheduled to commence on or before December 31, 1968, shall be operated, nor shall any tour operator sell or offer to sell, solicit, or advertise such tour or tours, unless there shall be in effect a Statement of Authorization issued by the Board authorizing the specific tour or series of tours.

2. Amend paragraph (a) of § 378.18 to read:

§ 378.18 Procedure applicable to periods on or after January 1, 1969.

(a) No inclusive tour or series of tours scheduled to commence on or after January 1, 1969, shall be operated, nor shall any tour operator sell or offer to sell, solicit, or advertise such tour or tours, unless there is on file with the Board a Tour Prospectus satisfying the requirements of § 378.13. If a series of tours is to be operated for one tour operator pursuant to one charter contract, the Prospectus may cover the entire series, provided the elapsed time between the commencement of the first tour and the completion of the last tour shall not be over 180 days. The Tour Prospectus shall be filed at least 60 days before commencement of the tour or tours. Late filing of the Prospectus will not be permitted except for good cause shown.

* * * * *

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67–9798; Filed, Aug. 18, 1967; 8:47 a.m.]

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. No. OR–23]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Delegation To Issue Statements of Authorization for Inclusive Tours

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 15th day of August 1967.

This amendment is being issued concurrently with SPR–19, which extends the prior-approval requirement for inclusive tour charters through December 31, 1968. The Board has determined that processing of applications for Statements of Authorization to conduct inclusive tours which meet the requirements of Part 378 and established precedent can be expedited by delegating the Board's function of approving such applications to the Director of the Bureau of Operating Rights.

Since this amendment is a rule of agency organization and procedure, notice and public procedure hereon are not required and the amendment may be made effective immediately.

Accordingly, the Board hereby amends Part 385 (14 CFR Part 385) by adding paragraph (v) to § 385.13, effective August 15, 1967, to read as follows:

§ 385.13 Delegation to the Director, Bureau of Operating Rights.

* * * * *

(v) Approve applications for a Statement of Authorization to conduct inclusive tours filed pursuant to Part 378 of this chapter (Special Regulations), which meet the requirements of Part 378 and established Board precedent.

(Secs. 204(a) and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 788; 49 U.S.C. 1324, 1481, and Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 F.R. 5989.)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67–9799; Filed, Aug. 18, 1967; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67–197]

PART 1—GENERAL PROVISIONS

Ports of Entry

Carriers with truck terminals located outside the port limits of Pittsburgh, Pa., are experiencing delays in the release of bonded merchandise, with resulting delays in delivering shipments to consignees. In order to provide better customs service at these truck terminals and in other areas where there has been an increase in customs activities, it has been decided to extend the port limits of Pittsburgh, Pa.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President in Executive Order No. 10289, September 17, 1951 (3 CFR, Ch. II), and pursuant to authorization given to me by Treasury Department Order No. 190, Rev. 4 (30 F.R. 15769), the geographic limits of the customs port of Pittsburgh, Pa., in the Philadelphia, Pa., district (Region III), comprising all of Allegheny County and a portion of Westmoreland County as described in Treasury Decision 66–220, are extended to include all of Allegheny County and that part of Westmoreland County in the State of Pennsylvania described as follows:

Commencing at the point of intersection of the Pennsylvania Turnpike and the Allegheny-Westmoreland County line; thence southeasterly along the Pennsylvania Turnpike to the northern boundary of North

Huntingdon Township; thence southeasterly along said boundary of North Huntingdon Township to the point of junction of said boundary with Township Route T799; thence southeasterly along Township Route T799 to the point of junction with Route U.S. 30; thence westerly along Route U.S. 30 to the point of junction with legislative Route 64103; thence southwesterly along legislative Route 64103 to the point of intersection with Township Route T647; thence westerly along Township Route T647 to the point of junction with the North Huntingdon Township line; thence along the southern boundary of North Huntingdon Township to the Allegheny-Westmoreland County line; thence north along the Allegheny-Westmoreland County line to the point of beginning.

Section 1.2(c) of the Customs Regulations is amended by substituting "(including the territory described in T.D. 67-197)", for "(including the territory described in T.D. 66-220)" after "Pittsburgh, Pa.," in the column headed "Ports of entry" in the Philadelphia, Pa., district (Region III).

(80 Stat. 379, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 1, 2, 66, 1624)

[SEAL] MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

AUGUST 14, 1967.

[F.R. Doc. 67-9803; Filed, Aug. 18, 1967; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in the Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

BUQUINOLATE

The Commissioner of Food and Drugs, having evaluated the data submitted in a petition filed by The Norwich Pharmacal Co., Post Office Box 191, Norwich, N.Y. 13815, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of buquinolate (ethyl-4-hydroxy - 6,7-diisobutoxy - 3-quinolinecarboxylate) as an aid in the prevention of coccidiosis caused by the organism *E. maxima*. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.291 (a) is amended by changing the text in the fourth column of the table to read as follows:

§ 121.291 Buquinolate (ethyl-4-hydroxy-6,7-diisobutoxy-3-quinoline-carboxylate).

* * * * *

(a) * * *

Principal ingredient	Grams per ton	Limitations	Indications for use
Buquinolate	* * *	* * *	As an aid in the prevention of coccidiosis caused by *E. tenella*, *E. necatrix*, *E. maxima*, and *E. acervulina*.

* * * * *

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

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

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

Dated: August 14, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9805; Filed, Aug. 18, 1967; 8:48 a.m.]

SUBCHAPTER C—DRUGS

PART 148n—OXYTETRACYCLINE

Oxytetracycline Hydrochloride

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357), and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), § 148n.2 *Oxytetracycline hydrochloride* is amended to raise the maximum allowable moisture content for the drug by changing in paragraph (a)(1)(vi) the portion that reads "than 1.5 percent" to read "than 2.0 percent."

Since this order merely changes the maximum moisture content for the subject drug without affecting its safety, efficacy, or stability, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

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

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: August 14, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-9804; Filed, Aug. 18, 1967; 8:48 a.m.]

Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1500—CHILD LABOR REGULATIONS, ORDERS, AND STATEMENTS OF INTERPRETATION

State Certificates of Age

The age, employment, or working certificates or permits of several States are designated in 29 CFR 1500.21 as having the same force and effect as Federal certificates of age issued under section 3(1) of the Fair Labor Standards Act of 1938 (52 Stat. 1061 as amended; 29 U.S.C. 203).

In a document promulgated on June 30, 1966, and published in the FEDERAL REGISTER on July 8, 1966 (31 F.R. 9348), it was provided that these designations would expire on June 30, 1967.

Pursuant to section 3(1) and section 11(b) of the Fair Labor Standards Act of 1938 (52 Stat. 1061 and 1066 as amended; 29 U.S.C. 203 and 211), and Reorganization Plan No. 2 of 1946 (3 CFR 1943-1948 Comp., p. 1064), I hereby extend the designations contained in 29 CFR 1500.21 until June 30, 1968.

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

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67-9776; Filed, Aug. 18, 1967; 8:45 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS RELATING TO PARKS AND MONUMENTS

Fire Island National Seashore; Vehicular Use

On page 10803 of the FEDERAL REGISTER of July 22, 1967, there was published a notice and text of a proposed amendment to Part 7, Chapter I, Title 36, Code of Federal Regulations. As stated in that

notice, the purpose of this amendment is to protect the Federal lands and interests in lands within the Fire Island National Seashore, to protect members of the public using such properties and to provide for such limited use of Seashore lands by motor vehicles for recreational and other purposes as will not conflict with conservation of the natural resources of the area.

Interested persons were given a period of 15 days within which they could submit written comments, suggestions, or objections to the proposed amendment. An overwhelming number of the comments received were from persons who favored strict limitations upon vehicle use within the Seashore. A number of communications were received from persons and organizations who objected to portions of the proposed regulations and suggested amendments thereto. To the extent the comments and suggestions were appropriate and consistent with the objectives stated in the notice and the act authorizing establishment of the Seashore, they are reflected in the regulations which are hereby adopted.

There is a great urgency that these regulations be placed into effect immediately because the season of heaviest visitor use is already underway. During this time, particularly, restrictions on the use of vehicles are needed to provide for the safety of people using the Seashore and to assure preservation of the area's unique natural values. The effectiveness of these regulations during the current season of heavy use will be evaluated and if changes are found necesary, amendments will be proposed before the next season. In view of the pressing need for vehicular controls at the Fire Island National Seashore, the following regulations shall become effective upon the date they are published in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 17, 1967.

Part 7 of Chapter I, Title 36 of the Code of Federal Regulations, is amended by the addition of a new section reading as follows:

§ 7.20 Fire Island National Seashore.

(a) *Operation of motor vehicles*—(1) *Definitions.* The following terms or phrases, when used in this section, have the meanings hereinafter respectively ascribed to them:

(i) *Seashore lands.* Any lands owned or hereafter acquired by the United States or in which the United States possesses or hereafter acquires a proprietary interest.

(ii) *Motor vehicle.* Any self-propelled land vehicle.

(iii) *Official vehicle.* Any motor vehicle while used on official business of the U.S. Government, the State of New York, the County of Suffolk and of towns, villages, and communities situated on Fire Island.

(iv) *Public utility vehicle.* Any vehicle owned or operated by a public utility or a public service company enfranchised or licensed to supply Fire Island residents with electricity, water, or telephone service.

(v) *Service vehicle.* Any vehicle owned or operated by or on behalf of an individual, partnership, or corporation engaged in the business of furnishing construction, maintenance, or repair services, including, but not limited to, building, plumbing, installation or repair of household appliances, carpentry, painting, landscaping, garbage collection and delivery service.

(vi) *Emergency vehicle.* Any hearse, fire engine, and any motor vehicle while engaged in transporting, or bringing medical assistance to sick or injured persons.

(vii) *School bus.* Any motor vehicle owned or operated by or on behalf of a school district or other public or private entity maintaining elementary or secondary schools, while in use for transporting elementary or secondary school children and their teachers to and from school activities.

(viii) *Dune crossing.* An access way over a primary or transverse dune designated and marked as a dune crossing.

(ix) *Superintendent.* The Superintendent of the Fire Island National Seashore or his authorized representative.

(2) *Permits.* No motor vehicles, other than official vehicles, emergency vehicles, and school buses, shall be operated across Seashore lands, except under permit issued by the Superintendent.

(i) No permit shall be issued for any motor vehicle having a manufacturer's rated capacity in excess of 1 ton: *Provided*, That application may be made to the Superintendent for a special trip permit for a vehicle of greater capacity to carry heavier loads for which water transportation is not available or feasible.

(ii) No permit shall be issued for any motor vehicle not equipped, in the judgment of the Superintendent, to travel over sand.

(iii) Permits may be issued for periods of 1 day or longer, depending upon the reasonable requirements of the applicant, but not to extend beyond December 31 of the year of issuance.

(iv) Special permits may be issued to those persons who have satisfied the Superintendent that, by reason of their advanced age or infirmity, they require the use of a motor vehicle.

(v) The Superintendent is authorized to establish a system of permits consistent with the requirements of these regulations. Permits shall be displayed at all times in such manner as to be readily visible on any motor vehicle.

(3) *Authorized and Prohibited Travel.* (i) Travel on Seashore lands by official vehicles, emergency vehicles, and schoolbuses is permitted at all times.

(ii) Travel on Seashore lands by service vehicles between Robert Moses State Park and the westerly boundary of Smith Point County Park is permitted, except that during the period of June 1 through September 15 such travel shall be restricted to the hours between 5 p.m. of 1 day and 10 a.m. of the following day.

(iii) Travel on Seashore lands by public utility and bottled gas delivery vehicles while used for the installation, maintenance and repair of facilities is permitted only upon the issuance by the Superintendent of a special use permit prescribing such terms and conditions respecting the use of Seashore lands as the Superintendent may determine necessary for the protection of the Seashore and members of the public.

(iv) Travel on Seashore lands by all other vehicles between Robert Moses State Park and the easterly boundary of Ocean Ridge is permitted, except that during the period of June 1 through September 15 such travel shall be restricted to the hours between 7 a.m. and 10 a.m. and between 5 p.m. and 7 p.m.

(v) Travel on Seashore lands by all other vehicles between the easterly boundary of Ocean Ridge and the westerly boundary of Smith Point County Park is prohibited, except under prior existing rights of ingress and egress.

(vi) Any motor vehicle having a valid permit may be operated at all times on Seashore lands lying between the easterly boundary of Smith Point County Part and Moriches Inlet.

(4) *Rules of travel.* (i) So far as practicable, vehicles shall be operated in established tracks. When two vehicles approach from opposite directions in the same track, the operator with the water to his left shall yield by turning out of the track to the right.

(ii) No vehicle shall be parked closer than ten (10) feet or farther than twenty (20) feet from the established track or designated route.

(iii) No person shall operate a motor vehicle on Seashore lands at a speed greater than is reasonable and prudent, having regard to the safety and welfare of others, and to the objective of causing minimum damage to beach or other areas in which such vehicle is operated, and not in any event to exceed twenty-five (25) miles per hour.

(iv) No motor vehicle shall be operated on any portion of a dune except at posted dune crossings.

(v) The Superintendent may designate routes of travel across Seashore lands by the posting of appropriate signs. Where routes are so designated, vehicles shall be operated only within the designated routes.

(vi) No motor vehicle shall be operated by other than the holder of a valid operator's license.

(vii) No person who is under the influence of intoxicating liquor shall operate a motor vehicle on Seashore lands.

(viii) In an emergency, the Superintendent may suspend, for such period or periods as he shall deem advisable, any or all of the foregoing restrictions on vehicular travel, and he may announce such suspension by whatever means are available. In the event of high winds and waves, storms, or other adverse weather conditions, the Superintendent may close all or any portion of the Seashore lands to vehicular travel for such period as he shall deem advisable in the interests of public safety.

(5) *Violations.* Violation of any of the foregoing regulations shall be punishable as provided by law. The Superintendent

may, furthermore, suspend or revoke any permit for violation of any of the foregoing regulations. Failure to operate a motor vehicle in conformance with the terms of a permit shall be deemed a violation of the regulations in this part.

[F.R. Doc. 67-9877; Filed, Aug. 18, 1967; 10:35 a.m.]

Title 42—PUBLIC HEALTH

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

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 77—FACILITIES USED FOR AIR POLLUTION CONTROL; CERTIFICATIONS FOR INVESTMENT TAX CREDIT PURPOSES

On February 22, 1967, notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3169) which set forth the text of regulations, proposed to be adopted as Part 77, establishing the procedure and requirements for obtaining the Secretary's certifications pursuant to section 48(h)(12)(C)(ii) of the Internal Revenue Code of 1954, as added by Public Law 89-800.

Pursuant to the above notice, a number of comments have been received from interested persons, and due consideration has been given to all relevant matter presented. In addition, the enactment of Public Law 90-26 which ended the suspension period for the investment tax credit on March 9, 1967, has rendered unnecessary some of the provisions in the proposed rules.

In light of the above, a number of revisions have been made in the rules as proposed, principally with respect to those criteria which the Secretary will consider in determining whether a facility is in compliance with the general policies of the United States as set forth in § 77.7(a) and with respect to advice on the certifications of proposed facilities.

In accordance with the statement in the notice of proposed rule making, Part 77, as set forth below, is hereby adopted effective on publication.

Sec.
77.1 Applicability.
77.2 Definitions.
77.3 Requirements for certification.
77.4 General provisions.
77.5 Applications.
77.6 State certification.
77.7 General policies.

AUTHORITY: The provisions of this Part 77 issued under sec. 301, 80 Stat. 378; 5 U.S.C. 301.

§ 77.1 Applicability.

The regulations of this part apply to certifications by the Secretary pursuant to section 48(h)(12)(C)(ii) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 48(h)(12)(C)(ii)).

§ 77.2 Definitions.

As used in this part, all terms not defined herein shall have the meaning given them in the Act.

(a) "Act" means the Clean Air Act, as amended (42 U.S.C. 1857 et seq.).

(b) "Secretary" means the Secretary of Health, Education, and Welfare.

(c) "Surgeon General" means the Surgeon General of the Public Health Service.

(d) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(e) "State air pollution control agency" means a single State agency designated by the Governor of that State as the official State air pollution control agency for purposes of the Act as provided in section 302(b)(1) of the Act.

(f) "Applicant" means any person who files an application with the Surgeon General for certification that a facility is in compliance with the applicable regulations of Federal agencies and the general policies of the United States for cooperation with the States in the prevention and abatement of air pollution under the Act.

(g) "Facility" means property for which certification is sought under this part.

§ 77.3 Requirements for certification.

The Surgeon General will certify a facility if he determines that such facility is in compliance with the applicable regulations of Federal agencies, if any, the general policies of the United States for cooperation with the States in the prevention and abatement of air pollution under the Act as set forth in § 77.7, and if the applicant complies with all the other requirements of this part.

§ 77.4 General provisions.

(a) An applicant shall file a separate application in accordance with this part for each facility.

(b) Applications shall be submitted to the National Center for Air Pollution Control, Public Health Service, Washington, D.C. 20201, through the State air pollution control agency.

(c) A copy of each application submitted to a State air pollution control agency shall be forwarded by the applicant to the National Center for Air Pollution Control at the time such application is submitted to the State agency.

(d) An amendment to an application shall be submitted in the same manner as the original application and shall be considered a part of the original application.

(e) No certification will be made by the Surgeon General for any facility prior to the time it is placed into operation and the application, or amended application, in connection with such facility so states.

(f) No certification will be made for any facility unless the application or amended application is accompanied by a certification of the State air pollution control agency in accordance with § 77.6.

(g) If the facility is certified by the Surgeon General, notice of certification will be issued and forwarded to the applicant. If the facility is denied certification, the Surgeon General will advise the applicant in writing of the reasons therefor.

(h) Notice of actions taken under paragraph (g) of this section will be given to the appropriate State air pollution control agency.

§ 77.5 Applications.

Applications for certification under this part shall be submitted on such forms as the Surgeon General may prescribe, shall be signed by the applicant or agent thereof, and, in addition to any other information which the Surgeon General may reasonably require, shall include the following:

(a) Name, address, and Internal Revenue identifying number of the applicant;

(b) Type and narrative description of the facility for which certification is sought, including a copy of schematic or engineering drawings;

(c) Address of facility location;

(d) A general description of the operation in connection with which such facility is used and a description of the specific process or processes whose emissions are controlled by the facility;

(e) Description of the effect of such facility in terms of type and quantity of pollutants or contaminants removed, altered, or disposed of by such facility when plant or process is in full operation;

(f) Identification of the applicable State and local air pollution control requirements and standards;

(g) Date when such facility is placed in operation.

§ 77.6 State certification.

The certification of the State air pollution control agency in accordance with 26 U.S.C. 48(h)(12)(C)(ii) that the facility described in such application is in conformity with the State program or requirements for control of air pollution shall be executed by an agent or officer authorized to act on behalf of the State air pollution control agency and accompanied by evidence of such authority.

§ 77.7 General policies.

(a) The general policies of the United States for cooperation with the States in the prevention and abatement of air pollution under the Act are to cooperate

with and to assist the States and local governments in improving and protecting the Nation's air resources by the prevention and abatement of conditions which cause or contribute to or which are likely to cause or to contribute to air pollution which endangers the health or welfare of any persons.

(b) In determining whether a facility complies with these general policies the Surgeon General will take into consideration the following:

(1) Recommendations issued pursuant to sections 103(e) and 105 of the Act which are applicable to facilities of the same type and located in the area to which the recommendations are directed.

(2) Whether the facility in operation meets local government requirements for control of air pollution, including emission standards, applicable to the facility.

Dated: August 14, 1967.

[SEAL] JOHN W. GARDNER, *Secretary.*

[F.R. Doc. 67-9806; Filed, Aug. 18, 1967; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16776; FCC 67-957]

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

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

Frequency Allocations and Assignment

In the matter of amendment of Parts 2 and 74 of the Commission's rules with respect to the 150.8–162 Mc/s band to allocate presently unassignable spectrum to the land mobile services by adjustment of certain of the band edges, Docket No. 16776.

Report and order. 1. Notice of proposed rule making in the above-entitled matter was adopted by the Commission on July 20, 1966, and duly published in the FEDERAL REGISTER on July 27, 1966 (31 F.R. 10133). Interested parties were invited to file comments on or before September 1, 1966, and reply comments on or before September 15, 1966. In response to a petition by National Association of Radiotelephone Systems the Commission extended the time for filing reply comments to September 30, 1966. Comments were received from the following parties:

New York State Telephone Association, Inc.
Radio Specialists Co.
Central Committee on Communication Facilities of the American Petroleum Institute.
American Telephone & Telegraph Co.
GT&E Service Corp.
Professional & Sales Answering Service.
Southern California Radio Taxicab Association.
United States Independent Telephone Association.
National Committee for Utilities Radio.
National Association of Radiotelephone Systems.
Motorola, Inc.
The Western Union Telegraph Co.
Electronic Industries Association.

Reply comments were filed by National Association of Radiotelephone Systems.

2. In its notice, the Commission proposed to allocate to various land mobile radio services 210 kc/s of unused spectrum in the 150.8–162 Mc/s band. This spectrum materialized as a result of previous channel splitting in that band. By adjusting certain band edges, seven (7) clear channels, each 30 kc/s wide, would be made available to the land mobile services. It was proposed to allocate the seven channels as follows:

(1) Three 30 kc/s channels, centered on frequencies 152.480, 157.740 and 158.460 Mc/s, to the Industrial Radio Service;

(2) Four 30 kc/s channels, centered on frequencies 152.240, 152.840, 158.100 and 158.700 Mc/s, to the Domestic Public Land Mobile Radio Service.

In addition, Part 74 and footnote NG4 of the Table of Frequency Allocations in Part 2 would be amended to permit continued operation of remote pickup stations in the 152.84–153.38 Mc/s portion of the spectrum, but on a noninterference basis to domestic public operations in addition to services already protected.

3. A number of comments were prompted by a suggestion in the notice that the four domestic public frequencies might be apportioned equally among wireline and nonwireline common carriers. Since this subject is being examined in detail in Docket 16778, those comments will be considered in that proceeding. Similarly, comments concerning the further apportionment and/or use of frequencies herein allocated to the Industrial Service will be disposed of in Docket 16777.

4. In general, the comments concurred in the proposed frequency allocation with the belief that its adoption would promote better utilization in this region of the spectrum. Representatives of private land mobile interests expressed their encouragement at the prospect of an additional 90 kc/s of spectrum. Comments from the common carriers confirmed their need for the new channels to accommodate increasing demands for public service.

5. While no one objected to the proposals, Southern California, Radio Taxicab Association requested that the Commission consider and weigh the frequency needs of the Taxicab Service in the matter of allocation of the 150 Mc/s "guard band" channels. That the Commission recognizes and is very much concerned over the frequency shortage in all of the land mobile radio services, including the Taxicab Service, is manifest in the numerous studies and other docket proceedings presently under way in an attempt to relieve the situation. Unfortunately, the relatively small, though valuable, frequency segments involved in this proceeding if designated for ordinary land mobile operations could afford only brief and minor transient relief to the over all frequency problem. It is primarily for this reason that the Commission has been intent upon finding an allocation scheme that will permit a more efficient and effective utilization of the frequencies in the public interest. To make this determination, all of the factors and petitions relevant to the use of the channels have been carefully considered by the Commission, first in preparation of the proposal and now in the finalization of the rules. As a result of those considerations and in view of generally favorable public response to the notice, it has been decided herein to make the frequencies available for assignment in the Industrial and Domestic Public Radio Services for types of operations to be determined in related Dockets 16777 and 16778.

6. Therefore, since the factors leading to the proposed frequency allocation have remained essentially unaltered and the Commission believes that such action is consistent with public interest, convenience and necessity, the rule amendments are being adopted as proposed.

7. In view of the foregoing: *It is ordered,* Pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, that effective September 22, 1967, Parts 2 and 74 of the Commission's rules are amended as set forth below.

8. *It is further ordered,* That the proceedings in Docket 16776 are hereby terminated.

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

Adopted: August 9, 1967.

Released: August 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

I. Part 2 of the Commission's rules is amended as follows:

In § 2.106, The Table of Frequency Allocations is amended in respect to the frequency bands 152–153.7325 Mc/s and 157.45–159.48 Mc/s as follows, and footnote NG4 is amended as set forth below:

[1] Commissioners Loevinger, Wadsworth, and Johnson absent.

Band (Mc/s)	Service	Class of station	Frequency (Mc/s)	Nature of services
7	8	9	10	11
• • •	• • •	• • •	• • •	• • •
152–152.255	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
152.255–152.465	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION. (NG38)
152.465–152.495	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
152.495–152.855	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC. (NG4)
152.855–153.7325	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL. (NG4)
• • •	• • •	• • •	• • •	• • •
157.45–157.725	LAND MOBILE.	Base. Land mobile.		LAND TRANSPORTATION. (NG5) (NG38)
157.725–157.755	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
157.755–158.115	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
158.115–158.475	LAND MOBILE.	Base. Land mobile.		INDUSTRIAL.
158.475–158.715	LAND MOBILE.	Base. Land mobile.		DOMESTIC PUBLIC.
158.715–159.48	LAND MOBILE.	Base. Land mobile.		PUBLIC SAFETY.

• • • • • • •

NG4 The use of the frequencies in the band 152.84–153.38 Mc/s may be authorized, in any area, to remote pickup broadcast base and mobile stations on the condition that harmful interference will not be caused to stations operating in accordance with the Table of Frequency Allocations.

II. Part 74 of the Commission's rules is amended as follows:

In § 74.402(a), footnote 3 is amended to read as follows:

[3] Subject to the condition that no harmful interference is caused to stations operating in accordance with the Table of Frequency Allocations.

[F.R. Doc. 67-9751; Filed, Aug. 18, 1967; 8:45 a.m.]

[Docket No. 16777; FCC 67-958]

PART 91—INDUSTRIAL RADIO SERVICES

Frequencies Available

In the matter of amendment of Part 91 of the Commission's rules to allocate certain unassigned band-edge frequencies in the 150.8–162 Mc/s band, Docket No. 16777; petition of the Forest Industries Radio Communications for assignment of additional frequency space to the Forest Products Radio Service in the 150 Mc/s bands, RM-707; petition of Special Industrial Radio Service Association, Inc., for allocation of additional frequencies to the Special Industrial Radio Service in the 150 Mc/s bands, RM-752; petition of National Committee for Utilities Radio for amendment of Parts 21, 89, 91, and 93 of the Commission's rules to allocate certain frequencies in the 150–162 Mc/s bands, RM-884.

Report and order. 1. On July 22, 1966, the Commission issued its notice of proposed rule making in the above-entitled proceeding which was published in the FEDERAL REGISTER on July 27, 1966, 31 F.R. 10136. The time for filing comments and reply comments has expired. All comments filed have been carefully considered.

2. In its Report and Order in Docket 16776, adopted today, the Commission allocated the channels 152.48, 157.74, and 158.46 Mc/s to the private land mobile radio services. The objective of the instant proceeding is to allocate this spectrum to a specific use. In the Notice we propose to divide the 90 kc/s of spectrum space into 9 channels of 10 kc/s each and to make these channels available for one-way paging communications in the Industrial Radio Services. In addition to comments on this proposal, information was specifically requested on the availability of equipment to be used on these frequencies as proposed.

3. Comments were filed by Radio Systems, Inc., Forest Industries Radio Communications Association (FIRCA), NAM Communications Committee (NAM), The Land Mobile Communications Section of the Electronic Industries Association (EIA), Central Committee on Communication Facilities of the American Petroleum Institute (API), Special Industrial Radio Services Association (SIRSA), National Association of Business and Educational Radio, Inc. (NABER), National Committee for Utilities Radio (NCUR), Albertson Communications, Inc., Pattersonville Telephone Co., and by the American Telephone and Telegraph Co. (AT&T). NABER also filed reply comments.

4. The first basic issue raised by the comments was whether the 90 kc/s of space under consideration should be made available for paging communications or whether it should be allocated in one or more of the private land mobile services for two-way use. SIRSA, FIRCA, and NCUR urged that this space should be allocated to the coordinated Industrial Services for two-way base-mobile communications. All others agreed with our proposal to make it available for paging. SIRSA, FIRCA, and NCUR argued primarily that there is no present requirement for paging in the services they represent (the Special Industrial, Forest Products, and Power Radio Services, respectively) although these services need additional frequencies for normal base/mobile communications. Those who supported our proposal stated that there is a growing need for comunications with individuals on the move, especially in certain industries such as manufacturing and in many service organizations, and indicated that the potential exists for expanded use of paging communications. For example, NAM detailed extensive use of paging in the aircraft and automobile manufacturing industries to contact key personnel on the move, and NABER pointed out that IBM now operates nearly 7,000 paging units in 66 major cities and that it plans to expand this operation to a total of 150 cities. Further, all agreed that paging systems, now operated on two-way radio channels, are not compatible with two-way systems on the same frequency in the same area. For this reason, it was suggested that eventually all exclusively paging systems should be confined to specific frequencies and that our proposal would be a good step in that direction.

5. We have considered all of the arguments on this issue and we conclude that the 90 kc/s of space under consideration should be allocated for one-way paging use, both tone alert and tone alert with voice message. SIRSA, FIRCA, and NCUR presented basically the same arguments contained in their respective petitions which were considered when the Notice in this proceeding was adopted. The Commission is aware of the needs of the land mobile services for additional frequencies. However, we believe that the allocation of this spectrum to one-way paging would result in the overall benefit of the land mobile radio services. First, it is undisputed that there is a growing need for one-way paging for which some provisions should be made. Also, as pointed out in the comments, operation of a busy one-way paging system on a two-way frequency makes it practically useless for two-way operations in the same area. Experience gained from one-way paging uses on regular two-way frequencies indicates a growing conflict between these two types of users. Thus, the availability of frequency space for one-way paging systems would permit existing and future licensees to establish paging operations on these frequencies thus providing some measure of relief for two-way frequencies they now occupy. The Commission realizes that the space under consideration would not be adequate to satisfy all paging needs. However, other sources for additional frequency space will be explored

in the near future. At that time, consideration will be given to confining all one-way paging systems to frequencies designated for that purpose, as urged in the comments. In the meantime, this heretofore unused spectrum should accommodate part of existing one-way paging requirements.

6. The comments, especially those of the EIA and others, opposed our proposal to divide the 90 kc/s of spectrum into 9 channels. They argued that operation of paging systems on 10 kc/s channels with equipment currently available would cause destructive interference not only to paging systems in adjacent frequencies but also to existing two-way systems on adjacent two-way channels. The pointed out that the current technical standards for the 150–162 Mc/s band and available equipment are designed for operation on 30 kc/s and recommended that, since the 90 kc/s of spectrum space consists of 3 separate segments interspersed between frequencies now used in other services, it should be divided into 3 separate assignable channels. In view of these comments, each of the 30 kc/s spaces will be made assignable as one channel. However, we will periodically review this matter to determine whether special technical standards for one-way paging should be established.

7. NAM requested that two-thirds of the spectrum space under consideration, or 6 out of the proposed 9 channels, should be allocated to the Manufacturers Radio Service to meet the growing need for paging communications in sprawling manufacturing plants. We recognize the growing need for one-way paging in the manufacturing industry. However, as noted above, the requirements for paging communications are not confined to the manufacturing industry. Indeed, citywide or even areawide paging systems, such as those operated by IBM, for which these frequencies are well suited, are licensees in the Business Radio Service. Accordingly, we have concluded that these frequencies should be allocated to the Business Radio Service in order to make them broadly available. Manufacturers, of course, will have access to these frequencies, although not exclusively as suggested by NAM.

8. SIRSA suggested that if the Commission concludes that the frequencies in question should be allocated for paging, two-way systems in the Special Industrial Radio Service and other coordinated services should be permitted to share this spectrum with paging systems. It argued that paging systems most likely would be operated in urban areas, while some of the categories of industries eligible in the Special Industrial Radio Service operate principally in rural areas and can use these frequencies without conflict with paging systems in urban areas. For the reasons stated above, we think that these frequencies should be allocated primarily for paging communications and indications are that they will be used extensively for that purpose in most areas of the country. However, we do want to encourage their fullest possible use. Accordingly, we will also make them available to the Special Industrial Radio Service and to the Forest Products Radio Service (where operations are also conducted in rural areas) on a secondary basis subject to no protection from interference from paging systems. Our experience has indicated the undesirability of permitting one-way paging and two-way systems to share frequencies. To insure that new one-way paging systems are installed on appropriately designated frequencies and to protect lower power plant area and city one-way paging systems from higher power voice two-way systems, users in the Special Industrial and Forest Products Radio Services will be required to protect one-way paging from any harmful interference.

9. In view of the limited number of frequencies, it is expected that licensees will cooperate in their selection of frequencies, will share one-way paging systems, and will employ and coordinate the use of audio tones used for selective signaling. These methods should result in the more effective use of the limited frequencies. However, pending further study, we will not impose these requirements now. NAM also suggested that provisions should be made for authority to operate paging systems with carrier controlled relays, and to exempt paging operations on these frequencies from the control point and attended operation requirements of § 91.107 of the rules. We recognize that special rules, perhaps including those suggested by NAM, may be required to govern one-way paging operations. However, we believe that such rules should be considered thoroughly in another proceeding so that all interested persons would have an opportunity to comment thereon.

10. In the interim, we think that we should establish power limitations for paging systems to be operated on the frequencies made available herein. Some of those who filed comments addressed themselves to this matter. API, for example, suggested that we limit the maximum permissible power on these frequencies to approximately 30 watts input. NAM suggested a maximum power in the order of 100 watts. We believe that current paging requirements will be met best by imposing different power limitations on each of the frequencies. As noted above, there are in operation now paging systems covering entire metropolitan areas. To accommodate those and others like them, we propose to permit a maximum of 600 watts on one of the frequencies. On the remaining two frequencies we will permit 120 and 30 watts maximum power, respectively, which, we think, is adequate for most one-way paging operations within city and plant areas. In either case, however, existing rules (see § 91.106(a)) require licensees to use no more power than they need for adequate coverage and licensees of paging systems are subject to this requirement.

11. *Accordingly, it is ordered,* Pursuant to authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, that, effective September 22, 1967, Part 91 of the Commission's rules is amended as shown below.

12. *It is further ordered,* That this proceeding is terminated.

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

NOTE: Rules changes herein will be covered by T.S. V(64)–15.

Adopted: August 9, 1967.

Released: August 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

Part 91 of the Commission's rules is amended as follows:

1. In § 91.354 the Frequency Table in paragraph (a) is amended in part by the addition of the following frequencies in appropriate numerical sequence, and paragraph (b) is amended by adding subparagraph (21) as follows:

§ 91.354 Frequencies available.

(a) * * *

FOREST PRODUCTS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
* * *	* * *	* * *
152.48	Base or mobile	21
* * *	* * *	* * *
157.74	Base or mobile	21
* * *	* * *	* * *
158.46	do	21

(b) * * *

(21) This frequency is available in this service on a secondary basis to one-way paging communications authorized in the Business Radio Service and is also available on the same basis in the Special Industrial Radio Service. Operations on this frequency must cause no harmful interference to one-way paging systems licensed in the Business Radio Service.

2. In § 91.504 the Frequency Table in paragraph (a) is amended in part by the addition of the following frequencies in appropriate numerical sequence, and paragraph (b) is amended by adding subparagraph (19) as follows:

§ 91.504 Frequencies available.

(a) * * *

SPECIAL INDUSTRIAL RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	General reference	Limitations
* * *	* * *	* * *	* * *
152.48	do	do	19
* * *	* * *	* * *	* * *
157.74	do	do	19
* * *	* * *	* * *	* * *
158.46	do	Permanent use	19

[1] Commissioner Cox concurring and issuing a statement filed as part of the original document; Commissioners Loevinger, Wadsworth, and Johnson absent.

(b) * * *

(19) This frequency is available in this Service on a secondary basis to one-way paging communications authorized in the Business Radio Service and is also available on the same basis in the Forest Product Radio Service. Operations on this frequency must cause no harmful interference to one-way paging systems licensed in the Business Radio Service.

* * * * *

3. In § 91.554 the Frequency Table in paragraph (a) is amended in part by the addition of 152.480, 157.740 and 158.460 Mc/s in appropriate numerical sequence, and paragraph (b) is amended by adding subparagraphs (25), (26), (27), and (28) as follows:

§ 91.554 Frequencies available.

(a) * * *

BUSINESS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	General reference	Limitations
* * *	* * *	* * *	* * *
152.480	Base	One-way paging	25, 28.
154.540	Base or mobile	Permanent use	10, 11.
* * *	* * *	* * *	* * *
157.740	Base	One-way paging	25, 26, 28.
158.460	do	do	25, 27, 28.

* * * * *

(b) * * *

(25) This frequency will be assigned only for one-way paging communications to mobile receivers. A2, A3, F2, or F3 emissions may be authorized. Transmissions for the purpose of activating or controlling remote objects on this frequency is not authorized.

(26) Operation on this frequency is limited to 120 watts to the final radio frequency stage.

(27) Operation on this frequency is limited to 30 watts to the final radio frequency stage.

(28) This frequency will not be assigned to stations for use at temporary unspecified locations.

[F.R. Doc. 67-9752; Filed, Aug. 18, 1967; 8:45 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission and Department of Transportation

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 243]

PART 191—LOCOMOTIVE INSPECTION OTHER THAN STEAM LOCOMOTIVE RULES

Miscellaneous Amendments

AUGUST 15, 1967.

The Federal Railroad Administrator at his office in Washington, D.C., on the 5th day of August A.D. 1967.

Upon consideration of the record in the above-entitled proceeding, including the Interstate Commerce Commission's Decision and Order of March 6, 1967, which was served on March 17, 1967, and the petitions for reconsideration of said Decision and Order filed by the Association of American Railroads and the railway labor organizations and their respective replies thereto;

It appearing, that said order was stayed by the timely filing of petitions for reconsideration and that notice of such stay was published in the FEDERAL REGISTER on June 6, 1967; and

It appearing, that the petitions for reconsideration filed by railway labor organizations and the Association of American Railroads do not show any material errors of fact or law in the determinations made by the Interstate Commerce Commission in its Decision and Order of March 6, 1967; therefore

I find, that the evidence considered in the light of the petitions for reconsideration and replies thereto does not warrant a result different from that reached by the Interstate Commerce Commission, except for the deletion of the phrase "the function of which is to apply or release the airbrakes" in § 191.208(c), and that the Decision and Order of the Interstate Commerce Commission, of March 6, 1967, being proper and correct in all material respects, should be and they are hereby affirmed and adopted, as corrected; and

It is ordered, That the petitions for reconsideration be and they are hereby denied, and

It is further ordered, That the Administration's Rules and Instructions for Inspection and Testing of Locomotives Other Than Steam be, and they are hereby amended or deleted, as shown below; and

It is further ordered, That the effective date of the amendments to, or deletions of, rules as indicated in the Appendix, shall become effective 60 days from the date of service of this order;

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy in the Office of the Director of the Bureau of Railroad Safety and by filing it with the Director, Office of the Federal Register.

[SEAL] A. SCHEFFER LANG, *Administrator.*

§ 191.201 Locomotive unit.

* * * * *

(b) *Marking front.* The letter "F" shall be legibly shown on each side of every locomotive unit near the end, which, for identification purposes, will be known as the front end. The unit number shall be legibly shown on each side of every locomotive unit and shall be shown on the specification card, Form No. 4-A.

* * * * *

BRAKE EQUIPMENT: AIR BRAKES

§ 191.206 Main reservoir tests.

(c) *Telltale holes.* Each main reservoir of the type described in the note below, hereafter put into service may be drilled over its entire surface with telltale holes, made by a standard three-sixteenths inch drill, which holes shall be spaced not more than twelve inches apart, measured both longitudinally and circumferentially, and drilled from the outer surface to an extreme depth determined by the formula

$$D=\frac{.6PR}{S-0.6P}$$

where D=extreme depth of telltale holes in inches but in no case less than one-sixteenth inch; P=certified working pressure in pounds per square inch; S=one-fifth of the minimum specified tensile strength of the material in pounds per square inch; and R=inside radius of the reservoir in inches. One row of holes shall be drilled lengthwise of the reservoir on a line intersecting the drain opening. No reservoir so drilled needs to be subjected to the requirement of paragraph (a) or (b), except the requirement for a hydrostatic test before being put in service. Whenever any such telltale hole shall have penetrated the interior of any such reservoir, the reservoir shall be permanently withdrawn from service. At the option of the carrier, such drilling may be applied to any reservoir now in service, in lieu of the tests provided for by paragraphs (a) and (b) of this section, but not without the said hydrostatic test after first being drilled.

NOTE: Paragraph (c) applies only to welded reservoirs originally constructed to withstand at least five times the maximum working pressure fixed by the chief mechanical officer of the railroad desiring to come within the terms of such paragraph, as evidenced by a manufacturer's certificate to that effect filed with the Commission.

§ 191.208 Cleaning.

(a) The filtering devices or dirt collectors located in the main reservoir supply line to the air brake system must be cleaned, repaired, or replaced as often as conditions require to maintain them properly in a safe and suitable condition for service, and not less frequently than once each 6-month period.

(b) Brake cylinder relay valve portions, main reservoir safety valves, brake pipe vent valve portions, and feed and reducing valve portions in the air brake system (including related dirt collectors and filters) must be cleaned, repaired, and tested as often as conditions require to maintain them properly in a safe and suitable condition for service, and not less frequently than once each 12-month period.

(c) All other valves and valve portions in the air brake system (including related dirt collectors and filters) must be cleaned, repaired, and tested as often as conditions require to maintain them properly in a safe and suitable condition for service, and not less frequently than once each 24-month period.

(d) The date of testing or cleaning, and the initials of the shop or station at which the work is done, shall be legibly stenciled in a conspicuous place on the parts, or placed on a card displayed under transparent cover in the cab of each locomotive unit.

DRAWGEAR BETWEEN LOCOMOTIVE UNITS, CONNECTIONS BETWEEN TRUCKS AND DRAFTGEAR

§ 191.212 General provisions.

* * * * *

(c) *Removal of drawbars and pins.* Lost motion in drawbars and pins when used between units or trucks shall not exceed one-half inch at each pin, and shall be checked by tramming.

(d) *Removal of drawbars and pins.* Lost motion in articulated connections when used between units or trucks shall not exceed one-half inch at each pin, and shall be checked by tramming.

* * * * *

ELECTRICAL EQUIPMENT

§ 191.247 Jumpers; cable connections.

* * * * *

(b) *Tests; record.* Cable connections between units and jumpers that carry current having a potential of 600 volts or more shall be thoroughly cleaned, inspected, and tested as often as conditions require to maintain them in safe and suitable condition for service, but not less frequently than every 3 months, by immersing the cable portion in water and subjecting each conductor with another, and with the water, to a difference in potential of not less than one and three-fourths times the normal working voltages for not less than one minute. Date and place of inspection and test shall be legibly marked on the jumper or cable or on a tag securely attached thereto.

* * * * *

PERIODICAL REPORTS

§ 191.331 Monthly locomotive unit inspection and report.

(a) *30-day locomotive unit inspection and report.* Not less than once every 30 days a report shall be made on Form 1–A, covering each locomotive unit in use, which shall show the condition of the unit as determined by an inspection made in accordance with the law and these rules and instructions. The railroad may perform the inspection required by this rule within the 5 days next following the expiration of the 30-day period, if conditions beyond the control of the railroad render such additional time necessary; and in that event proper notation shall be made on the reverse of the report on Form 1–A. The report shall be prepared on a good grade of pale blue paper, size 6 x 9 inches, and subscribed and sworn to, before an officer authorized to administer oaths, by the inspectors who made the inspection, and by the officer in charge. A duplicate copy of this report shall be filed in the office of the mechanical officer having charge of the locomotive and within 10 days after each inspection one copy shall be transmitted to the U.S. District Inspector.

(b) *Cab report.* A copy of the last inspection report shall be displayed under transparent cover in a conspicuous place in the cab of each unit. This copy must be a duplicate in all ways of the report filed with the district inspector, except it need not be sworn to, and in the event this copy is destroyed or becomes lost or illegible it may be replaced by a conformed copy.

(c) *Out of service report.* When a locomotive is withheld from service for 30 or more consecutive days or was out of service when it would otherwise be due for inspection, an out-of-service report covering such unit shall be made on the reverse of Form 1–A. The out-of-service time shall be totalled and recorded on the reverse of Form 1–A and the interval prescribed for any particular test or inspection required by these rules may then be extended by the number of such consecutive out-of-service days recorded since the date of the last previous test or inspection, except as provided in paragraph (d) of this section. The report shall be made on each date on which an inspection or test would have been due except for the extension and shall show the name of the railroad, the place where made, the initials and number of the unit, the place where unit is out of service, and the reason for being out of service.

(d) *Out-of-service report when filed.* The out-of-service report shall be transmitted to the United States District Inspector in charge within 10 days after the 30-day inspection period for which it is to cover. One copy of the report will be retained in the office of the mechanical officer having charge of the locomotive. It need not be sworn to but must be signed by the officer in charge of the locomotive unit. When out-of-service report has been filed, an inspection must be made and report made on Form 1–A before the unit is again returned to service.

§ 91.334 Extensions.

(a) *Automatic extensions for time out of service.* The time for making inspections and tests on units and boilers which are out of service for 30 or more consecutive days may be extended without application as hereinafter provided. Time out of service shall be properly accounted for by out-of-service reports and notations made on the back of each subsequent inspection report and cab card for time claimed out of service. Less than 30 days out of service will not be counted toward extensions.

(b) [Deleted]

(c) [Deleted]

(d) [Deleted]

(e) [Deleted]

(f) [Deleted]

[F.R. Doc. 67-9807; Filed, Aug. 18, 1967; 8:48 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Subpart 2244]

OIL SHALE LANDS

Exchanges; Further Extension of Time For Filing Comments

Basis and purpose. Notice is hereby given that the time previously extended by notice published at 32 F.R. 8622 on June 15, 1967, for submitting comments to the Director, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240, on the proposed amendments to the regulations regarding exchanges of privately owned lands under the Taylor Grazing Act, published at 32 F.R. 7086 on May 10, 1967, is hereby further extended until close of business on October 16, 1967.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 14, 1967.

[F.R. Doc. 67-9772; Filed, Aug. 18, 1967; 8:45 a.m.]

[43 CFR Part 3170]

OIL SHALE

Further Extension of Time for Filing Comments

Basis and purpose. Notice is hereby given that the time, previously extended by notice published at 32 F.R. 8622 on June 15, 1967, for submitting comments to the Director, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240, on the proposed amendments to the regulations regarding the leasing of oil shale lands published at 32 F.R. 7085 on May 10, 1967, is hereby further extended until the close of business on October 16, 1967.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 14, 1967.

[F.R. Doc. 67-9773; Filed, Aug. 18, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 817]

REQUIREMENTS RELATING TO BRINGING OR IMPORTING SUGAR, OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of Agriculture pursuant to authority vested in him by the Sugar Act of 1948, as amended (61 Stat. 922, as amended) is considering amendment of Sugar Regulation 817 (29 F.R. 6477, 12452; 30 F.R. 15316; 31 F.R. 8536, 16518, 32 F.R. 10345).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulation shall file the same in duplicate with the Director of the Sugar Policy Staff, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 15 days after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

The proposed amendment, which would revise and consolidate Sugar Regulation 817 and make several changes in the requirements relating to bringing or importing sugar into the continental United States, is set forth essentially in form and language appropriate for issuance if adopted by the Secretary as follows:

Basis and purpose and bases and considerations. The regulations contained in §§ 817.1 through 817.12 are issued pursuant to section 403(a) of the Sugar Act of 1948, as amended (61 Stat. 922, as amended) hereinafter called the Act.

This revision of Sugar Regulation 817 supercedes the revision which became effective May 19, 1964, and amendments thereto. The purpose of this revision is to consolidate and clarify the regulation by deleting parts which are no longer applicable, to make minor clarifying changes in wording and to make additions necessitated by the 1965 amendments to the Sugar Act. Procedural requirements are amended in the following respects and for the reasons given in the paragraphs that follow.

Section 817.2(f) is changed to redefine "Collector" of Customs to mean the "District Collector of Customs", to conform with the recent reorganization of the Bureau of Customs. In paragraph (j) of § 817.2 the term "sugar" has been redefined to also mean "liquid sugar". This will eliminate much repetition by using the word "sugar" in the many places where "sugar and liquid sugar" were formerly used. Paragraph (m), (n), and (o) have been added to § 817.2 to define "port of departure", "producing area" and "release" in order to carry out effectively the quota provisions of the Act.

Paragraph (f) of § 817.3 has been amended to clarify the requirement that sugar which is manipulated or used in the manufacture of a product under customs custody or in a Foreign Trade Zone for subsequent entry into the continental United States must be either charged to a direct-consumption quota or put under bond for quota-exempt use pursuant to provisions of this Part 817.

Paragraph (d) of § 817.4 which permits the acceptance of applications for importation by telegram has been amended by setting forth the condition under which such applications will be approved as preventing delay in unlading a carrier.

Section 817.5 is changed so that raw sugar produced from sugarcane grown in Hawaii, coming into the port of San Francisco for further processing, may be released by the Collector without authorization from the Secretary except when advised to the contrary.

The provision in § 817.6(b) that establishes priority of approval of SU-3 and set-aside applications that become eligible for approval at the same time where the quantity applied for exceeds the quantity available for authorization has been changed as follows: Such remaining quantity available for authorization on SU-3's shall be apportioned equally among applications but no application will be approved for a quantity larger than that applied for. Such remaining quantity available for authorization on set-aside of quota applications shall be allocated if possible on the basis of agreement among applicants, otherwise allocations will be apportioned among the applicants in the same manner as quantities pursuant to SU-3 applications.

Paragraph (a) of § 817.7 has been expanded to permit the commingling of sugar on a carrier from more than one producing area, provided, that arrangements in writing have been made to furnish documents to the Sugar Quota Group that will provide a basis for determining the proper charges to the quotas of the respective producing areas.

Section 817.8 which includes a summary of the authorizations for sugar to be brought into the United States for purposes other than to fill current quotas is amended as follows: (1) Paragraph (b)(3) on the Distillation of Alcohol is expanded to include production of alcohol (other than by distillation) pursuant to 1965 Sugar Act Amendments; (2) paragraph (b)(4) is changed to regulate the importation of livestock feed products that contain large and abnormal amounts of sugar. Sugar is now being entered into a Foreign Trade Zone mixed therein with grain products and Knolin (clay product) and subsequently entered in the form of a mixture for livestock feed. It is our understanding that the sugar in this type of product could be separated quite readily, therefore such products should be subjected to appropriate regulations to reduce the likelihood of the sugar being used for quota purposes; (3) paragraph (c) has been amended to permit the release under bond for refining and storage the re-

maining portion of the last cargo imported under a quarterly quota limitation. This provision was included in Sugar Regulation 811 for 1967.

Section 817.9 on bonds to cover releases has been amended as follows: Paragraphs (a), (b), and (d) have been revised to include sugar used in the production of alcohol (other than by distillation) for purposes other than human food use as contained in the Sugar Act Amendments of 1965, paragraph (e)(2) has been revised to provide for a separate Certificate of Use for sugar used in the distillation and production of alcohol and paragraph (e) has been further amended by adding a new subparagraph (4) which provides that each refiner holding over-quota sugar in inventory under bond for refining and storage pending availability of a quota shall upon request by the Secretary supply information necessary to determine that such refiner has met the inventory requirements pursuant to the bond obligation.

Pursuant to the authority vested in the Secretary of Agriculture by section 403(a) of the Act, Part 817 is revised and amended to read as follows:

Sec.
817.1 Purpose and persons affected.
817.2 Definitions.
817.3 Restrictions on importing sugar and liquid sugar.
817.4 Application by importer.
817.5 Release by a Collector.
817.6 Specific authorization for release.
817.7 Applicable quota and allotment.
817.8 Authorization for purposes other than to fill current quotas.
817.9 Bonds to cover releases.
817.10 Sugar-containing products and mixtures.
817.11 Records and reports.
817.12 Delegation of authority.

AUTHORITY: The provisions of this Part 817 issued under sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interpret or apply secs. 101, 202, 205, 209, 211, 212; 61 Stat. 922, as amended, 924, as amended, 926, as amended, 928; 7 U.S.C. 1101, 1112, 1115, 1121, 1122.

§ 817.1 Purpose and persons affected.

(a) Under authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended) and subject to the provisions contained in Part 811 of this chapter, the regulations in this part establish the procedures applicable to (1) importing or bringing sugar into the continental United States from all domestic offshore areas and foreign countries, (2) importing or bringing sugar in a sugar-containing product or mixture into the United States, Hawaii, or Puerto Rico, and (3) reporting the applicable evaluation provided for in Part 810 of this chapter and the subsequent processing and movement of imported sugar.

(b) Persons affected by the provisions of this part include importers, mainland refiners, allottees of offshore domestic sugar quotas, shipping companies engaged in the transportation of sugar to ports in the continental United States, persons otherwise engaged in the movement of sugar in interstate or foreign commerce and surety companies undertaking obligations with respect to offshore sugar.

§ 817.2 Definitions.

As used in this part:

(a) The term "Act" means the Sugar Act of 1948, as amended (61 Stat. 922).

(b) The term "person" means an individual, partnership, corporation, association, estate, trust, or other business enterprise or legal entity, and, wherever applicable, any unit, instrumentality, or agency of a government, domestic or foreign.

(c) The term "Department" means the U.S. Department of Agriculture.

(d) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has delegated the authority or to whom authority may hereafter be delegated to act in his stead.

(e) The term "Sugar Quota Group" means the Sugar Quota Group of the Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service of the Department, Washington, D.C. 20250, or any other organizational unit within the Department to which administration of the Quota and Allotment provisions of the Sugar Act may hereafter be delegated.

(f) The term "Collector" means the District Director, U. S. Bureau of Customs for the Customs Region in which the port of entry is located, except that for Region II, such term means the Regional Commissioner or the appropriate Assistant Regional Commissioner.

(g) The terms "import," "importation" and "importing" mean the act of bringing sugar into the continental United States (including Alaska) from either an insular domestic area or a foreign country. For purposes of the regulations of this part, the time of importation shall not be earlier than the time and date that a carrier arrives within the port limit of a Customs port or point of entry as shown by the log of the carrier with intent to therein unlade, except when such time and date is in conflict with official records of the Customs port of arrival in which event the time and date shown by Customs records shall govern.

(h) The term "importer" means any person who brings or imports sugar or liquid sugar into the continental United States from either an offshore domestic area or a foreign country including but not limited to the owner, consignor, consignee, transferee, or purchaser of such sugar or the broker acting in behalf of such person.

(i) The term "refiner" means any person who subjects offshore sugar or liquid sugar to processes as provided in Part 810 of this subchapter.

(j) The terms "sugars," "sugar," "raw sugar," "direct-consumption sugar" and "liquid sugar" have the meanings ascribed to each in section 101 (b), (c), (d), (e), and (f), respectively, of the Act subject to the provisions of Part 810 of this subchapter with respect to the distinction between raw and direct-consumption sugar. The term "Sugar" also shall mean "liquid sugar".

(k) The term "quota" means any quota, direct-consumption limitation within a quota, proration or allotment of either a quota or direct-consumption limitation, or any quantity authorized for purchase and importation from foreign countries established by the Secretary in Part 811 of this subchapter pursuant to the Act.

(l) The term "allotment" means any allotment of any quota made by the Secretary pursuant to section 205(a) of the Act.

(m) The term "port of departure" means the port of departure in the producing area, except that where sugar is from a country or area having no seaport of its own and the sugar must be transported to another country or area for marine shipment, the term means the port at which the sugar is placed on a carrier for shipment to the continental United States.

(n) The term "producing area" means the country or area in which the sugarcane or sugar beets from which the sugar was produced were grown.

(o) The term "release" means the act on the part of a Collector permitting a carrier to be unloaded and the sugar to be imported.

§ 817.3 Restrictions on importing sugar and liquid sugar.

(a) Any person is hereby prohibited from importing at any one time more than 100 pounds of sugar except pursuant to the provisions of this part.

(b) Sugar shall be imported only at Customs ports of entry.

(c) Subsequent provisions of this part do not apply to operators of common carriers importing a quantity of sugar no larger than reasonably required for consumption by passengers and crew to the termination of a trip beginning in an insular area or foreign country.

(d) A copy of the carrier's manifest, bills of lading, or other shipping documents covering all sugar in a shipment must be submitted to the Collector before delivery to the consignee of sugar for direct-consumption or within 72 hours after the beginning of unlading of sugar which is to be further refined.

(e) In any case in which the Collector is not authorized pursuant to § 817.5 to permit the release of any sugar at the time of arrival at the port of entry, he shall take custody of such sugar whether of domestic or foreign origin and shall retain custody, at the risk and expense of the consignee or owner, until authorized to permit release thereof in accordance with § 817.5. In taking and retaining custody pursuant to the regulations of this part of sugar of foreign origin, the Collector shall be governed by the provisions of §§ 4.37, 4.38, 19.1 through 19.9 and 19.12 of Chapter I, Title 19, Code of Federal Regulations, which are made applicable to such custody by reference as fully as if set forth in full herein. In taking and retaining custody of sugar of domestic origin, pursuant to the regulations of this part, the Collector shall place and hold such sugar in a public warehouse or in a private warehouse: *Provided*, That if

sugar is retained in custody in a private warehouse, it shall be either (1) segregated from all other sugar or (2) if commingled with other sugar, additions to or withdrawals from the unsegregated mass shall be made only in the presence of a Customs officer.

(f) (1) Sugar may be unladed from a carrier and placed in Customs custody for manipulating therein or brought into a Foreign Trade Zone for manipulating therein or manufacturing therein another product—for subsequent entry into and consumption in the continental United States—only if such sugar is authorized for entry within an applicable quota or pursuant to § 817.8 or § 817.10.

(2) Any quantity of sugar of any origin removed from a carrier and placed in the custody of a Collector or in a Foreign Trade Zone shall be reported within 24 hours from the time such sugar is removed from the carrier. Such report shall be made by the importer who shall furnish all information required pursuant to paragraph (a) of § 817.4. The report shall be made on appropriate copies of the "Sugar Quota Clearance Record" and must be submitted to the Collector for confirmation and transmittal to the Sugar Quota Group.

(g) Sugar released by a Collector pursuant to § 817.5 for further processing shall not be delivered for direct-consumption without prior authorization by the Secretary. The application for such authorization (change of purpose) must be made on appropriate copies of the "Sugar Quota Clearance Record," and must show all of the information specified in paragraph (a) of § 817.4 and shall be submitted to the Sugar Quota Group.

§ 817.4 Applications by importer.

(a) A separate application for specific authorization by the Secretary pursuant to § 817.6 for release of sugar by a Collector must be submitted to the Sugar Quota Group as provided in this section on appropriate copies of Form SU–3 entitled "Sugar Quota Clearance Record" not more than 10 days prior to the departure date stated thereon, showing the following information regarding the sugar to be delivered to a single refinery or importer from each cargo:

(1) Port and date of arrival: If the port is not known when the application is submitted, this information must be supplied before a Collector will be authorized to release the sugar.

(2) Name or other specific identification of the carrier.

(3) Name of the producing area, the port of departure, the date the carrier is expected to depart from such port, and if from Puerto Rico, or any area when the applicable quota or portion thereof is allotted, name of the processor of the sugar from sugarcane, and for direct-consumption sugar, the name of the refiner, if a person other than the processor.

(4) Name and address of the person to whom delivery is to be made from the importing carrier. If not known when an application is submitted, this information must be supplied before a Collector will be authorized to release the sugar.

(5) Separate quantities in pounds if crystalline, or in gallons if liquid, to be imported as shown on the application: (i) For further processing; (ii) for direct-consumption; (iii) subject to a separate quota or allotment; and (iv) for a purpose other than to fill a current quota.

(6) Name, address and authorized signature of the applicant.

(b) Any application made pursuant to paragraph (a) of this section constitutes a representation by the applicant that at the time the application is made:

(1) He has control of the quantity of sugar which is subject to shipment as specified;

(2) Firm commitment has been made by the shipping company for shipment as described on the application; and

(3) The date of departure of the carrier stated on the application is (i) the date specified to the applicant or shipper by the Master, Owner or Agent of such carrier as the expected departure date, or (ii) the date the shipper expects the carrier to depart based on the date the carrier will be available for loading as specified by the Master, Owner, or Agent of such carrier, plus the normally required loading time.

(c) The application specified in paragraph (a) of this section shall be submitted to the Sugar Quota Group for the issuance of an authorization by the Secretary to the appropriate Collector for the release of sugar as provided in § 817.5.

(d) The specific authorization by the Secretary required pursuant to § 817.5 may be issued prior to the receipt of an application and appropriate copies of the "Sugar Quota Clearance Record" provided (1) such authorization is necessary to avoid a delay in unlading a carrier that has arrived in port, or the arrival of which is imminent, and (2) all of the information required pursuant to paragraph (a) of this section is transmitted to the Sugar Quota Group by telegram and the required application is being mailed the same day.

(e) (1) With respect to importations of sugar from foreign countries, application for set-aside of quota or quota proration for the importation of a specified quantity of sugar may be made to the Sugar Quota Group and approved, as provided in this subparagraph (1). Such application for set-aside shall be in the form of a Set-Aside Application and Agreement Form SU–8–A as hereafter set forth. The submission of a Set-Aside Application does not relieve the applicant of the necessity of submitting an application for authorization for release of sugar as required under paragraph (a) of this section. Any application for set-aside of quota or quota proration submitted pursuant to this subparagraph (1) covering a quantity of sugar to be imported within a quota or quota proration established in Part 811 of this chapter for a specified foreign country, or a quantity of sugar to be imported within a quota deficit quantity established for allocation or allocated in Part 811 of this chapter may be approved by the Secretary, except as limited by any time periods specified in Part 811 of this chapter, not more than 75 days prior to the first day of the 3-month importation period stated in the Set-Aside Application and Agreement. During the period from the date of approval of a set-aside application through the 15th day after the end of the importation period stated therein, both dates inclusive, and subject to the terms and conditions of such Application and Agreement, the quota and quota proration designated in the application shall be set aside to the extent of the quantity of sugar approved for set-aside under such Application and Agreement. A sugar quota set-aside agreement would not be effective to reserve a quota in the event that the President acting under section 202(d)(1)(B) of the Act withholds or suspends the quota applicable to the sugar covered by the set-aside agreement, since the agreement is necessarily based on there being a quota in effect at the time of importation.

(2) Set-Aside Applications and Agreements submitted pursuant to subparagraph (1) of this paragraph shall be submitted in duplicate on Form SU–8–A to provide the following information and certification:

SUGAR QUOTA SET-ASIDE APPLICATION AND AGREEMENT

I, _____ of
(Name of applicant)

_____
(Street address) (City) (State)

hereby certify that as owner, or as agent or broker for the owner, I have under my sole control _____ short tons (commercial weight) of sugar in _____
(Name of country)

and I hereby make application under the provisions of § 817.4(e)(1) of Sugar Regulation 817 for the set-aside of that quantity of the quota or quota proration for such country established in Sugar Regulation 811.

I agree that in consideration of the approval of this application I will import the sugar into the continental United States during the 3-month importation period specified in this agreement in accordance with the provisions of this agreement and applicable provisions of Sugar Regulation 817 and 811.

It is hereby agreed by and between the United States of America and the undersigned that the failure to import the quantity of sugar approved for set-aside of quota or quota proration pursuant to this application will substantially damage the program established under the Sugar Act of 1948, as amended, for providing supplies of sugar to be consumed at prices that will not be excessive to consumers in the United States; that the amount of such damages is very difficult to accurately estimate; that the undersigned will pay liquidated damages to the United States of 0.50 cent per pound for each pound of sugar approved for set-aside of quota or quota proration under this application which is not imported into the continental United States on or before the 15th day after the end of the importation period stated in this application, except that no liquidated damages shall be paid (1) for a quantity of sugar not imported which is within an allowance for normal shipping losses and normal loading variations equal to

the smaller of 11 per centum of the quantity imported (commercial weight) or 5,000 tons, and (ii) for sugar not imported with respect to which the applicant, within a period of time prescribed by the Administrator, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, furnishes evidence satisfactory to the Administrator that importation within the period ending 15 days after the end of the importation period stated in this application was prevented by disasters at sea, acts of God, strikes so extensive and of such duration as to prevent such importation, or the occurrence of an insuperable and extraordinary interference which could not have been foreseen or prevented by the applicant's exercise of prudence, diligence, and care.

I further certify that I have arranged for and will deposit an irrevocable letter of credit within 3 business days after the approval date of this application and agreement expiring no earlier than 60 days after the end of the importation period stated in this agreement, issued by _____ (Name and _____ in an amount not less address of bank) than an amount determined by multiplying the total number of tons stated in this application by 2,000 and multiplying the product thereof by 0.5 cent. It is further agreed that such letter of credit shall authorize the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, to draw upon the letter of credit on the basis of a written statement signed by the Administrator, Agricultural Stabilization and Conservation Service, or his authorized representative, which sets forth that a specified amount is due as liquidated damages under the terms and conditions of this Application and Agreement. It is further agreed that if such letter of credit or a wire notice from a U.S. bank of the issuance of such letter of credit, as described above is not received by the Agricultural Stabilization and Conservation Service within 3 business days after the approval date of this Application and Agreement as furnished to the applicant from the Sugar Quota Group, any approval of this Application and Agreement will be canceled and this Application and Agreement shall be null and void.

In the event the full quantity applied for cannot be approved, I will accept a smaller quantity of not less than _____ short tons, commercial weight.

Importation period: The sugar covered by this agreement will be imported during the 3-month period beginning _____, and (Date) ending _____. (Date)

Solely for the general guidance of the U.S. Department of Agriculture, I anticipate that the sugar will arrive as follows:

Month	*Short tons, commercial weight*
_____	_____
_____	_____
_____	_____

Signed _____
Title _____
Date _____

Approved as Set-Aside No. _____, for _____ short tons (commercial weight), on _____. (Date)

By _____ (Head, Sugar Quota Group)

(f) (1) Any application made pursuant to this section for authorization for release, pursuant to § 817.5 of sugar to be imported within a quota for foreign countries shall contain the following certification by the applicant, except that the last sentence may be omitted if not applicable:

The applicant certifies that the sugar identified herein was produced from (sugarcane) (sugar beets) grown in the producing area identified herein, and that this sugar is to be imported within the quota established for such area in Sugar Regulation 811. The sugar covered by this application is being imported under application for set-aside number _____ approved _____, and such quantity (does) (does not) fully discharge the obligation to import under the terms of that set-aside agreement.

(2) Any application made pursuant to this section for a purpose stated in § 817.8 shall contain the applicant's agreement and certification as follows, except that the last sentence may be omitted if the sugar is to be further refined or improved in quality:

This application is made subject to the conditions of bond on Form SU-17 number _____ (Insert bond number, if already approved) on which _____ (Insert name _____ principal, and _____ of bond principal) _____ of _____ (Address of surety) is surety, under which all of the sugar authorized on this application to be brought or imported into the continental United States is to be _____ (Insert one of the purposes stated in paragraph (b) of § 817.8)

The applicant certifies that the sugar covered by this application was produced from (sugarcane) (sugar beets) grown in the producing area as identified on the application. The applicant further certifies that the sugar is not to be further refined and that the identical sugar will be ultimately delivered to the person who will use such sugar or an equivalent quantity, for the stated quota-exempt purpose.

(g) (1) Within 30 days after release by the Collector pursuant to § 817.5, of sugar declared to be for further processing, the results of weights, samples and tests and the name of the person retaining the reserve portion of each sample as provided for in Part 810 of this subchapter shall be reported to the Sugar Quota Group on the applicable copy of the "Sugar Quota Clearance Record," Form SU-3, or a duplicate of such copy, together with information specified in paragraph (a) of this section. The period within which the report required pursuant to this paragraph must be made may be extended for good cause shown with respect to a specified shipment upon request to and approval by the Secretary.

(2) Within 60 days after release by the Collector pursuant to § 817.5 of sugar declared to be for direct-consumption, the weight of such sugar actually imported into the continental United States and the polarization of such sugar shall be reported to the Sugar Quota Group on the applicable copy of the "Sugar Quota Clearance Record," Form SU-3, or a duplicate of such copy together with the information specified in paragraph (a) of this section. For the purpose of such report, the polarization of such sugar shall be reported as 100° polarization unless the sugar is actually subjected in the continental United States to the applicable sampling, testing and evaluation as provided in §§ 810.6, 810.7 and 810.8 of this subchapter. For the purpose of such report, the weight reported on sugar imported from foreign countries shall be the weight of such sugar determined by the Collector at the time of unlading or entry of such sugar and on sugar brought into the continental United States from domestic areas shall be the weight of such sugar determined by the importer and the carrier of such sugar for purposes of settlement with the carrier.

§ 817.5 Release by a Collector.

A Collector may release sugar from any area for any purpose only upon specific authorization by the Secretary pursuant to § 817.6 with respect to each application, required under § 817.4, except that the quantities for which no application is required pursuant to § 817.3 may be released by a Collector at any time, and except that raw sugar produced from sugarcane grown in Hawaii coming to the port of San Francisco for further processing may be released by the Collector without authorization by the Secretary, unless the Collector is notified by the Department not to release such sugar thereafter without authorization by the Secretary. Unless instructed to the contrary on Form SU-3-B, Collectors may release without further authorization, sugar in excess of the quantity authorized on a specific authorization, within a tolerance not to exceed the smaller of 1 percent of the authorized quantity or 4,000 pounds.

§ 817.6 Specific authorization for release.

(a) *Time of issue and duration of validity.* Specific authorizations by the Secretary for release by a Collector will be issued no more than 5 days prior to the stated date of departure of the carrier on which the sugar is to be shipped. The authorization shall be valid for the period specified thereon, subject to extension by the Secretary for good cause. In case the port of arrival or the name of the receiver is not known when the application becomes eligible pursuant to paragraph (b) of this section, the authorization will not be transmitted to the Collector until all the information required by paragraph (a) of § 817.4 is received by the Sugar Quota Group.

(b) *Order of eligibility of applications for authorizations for release of sugar and for the set-aside of quantities for future release.* The order of eligibility for authorization or approval of applications provided for in this paragraph (b) is subject to such modifications as are specified in Part 811 of this chapter. An application on "Sugar Quota Clearance Record," Form SU-3 for authorization to a Collector for the release of sugar which is not being imported under an application for set-aside approved under § 817.4 (e) shall become eligible for authorization at 12:01 a.m. on the fifth calendar

day prior to the date stated on the application as the date of departure of the shipment of sugar from the producing area or at the time of receipt of the application, whichever time occurs later. An application for set-aside submitted pursuant to § 817.4(e) shall become eligible for approval at 12:01 a.m. on the first day that such application for set-aside may be approved as provided in § 817.4(e), or at the time of receipt of the application, whichever time occurs later. The Secretary shall authorize the release by the Collector of sugar not being imported under an application for set-aside and approve applications for set-aside in the same order as such applications for release or set-aside become eligible for authorization or approval. If an application for the release of sugar and an application for set-aside applicable to the same quota become eligible for authorization and approval at the same time, the application for release of sugar shall have priority. If two or more applications for the release of sugar applicable to the same quota become eligible for authorization at the same time, such applications shall be authorized in the order of the date of departure stated thereon, earliest first. If two or more such applications state the same dates of departure and the unfilled balance of the quota or quota proration is less than the total quantity of sugar covered by such applications, the quantity authorized for release under each such application shall be authorized in the order of the date of arrival stated thereon, earliest first, and if any applications then remain having the same date of arrival the authorizations will be made as follows: An equal share of the quota balance shall be calculated by dividing such balance by the total number of such applications. All such applications that cover a quantity in each application less than such equal share shall be approved. The total of such approved quantities shall be deducted from the quota balance. The remaining quota shall be divided equally among the remaining applications but not to exceed the quantity applied for in any such applications, and the quantity assigned to each such remaining application as a result of such division shall be authorized for release under such application. If two or more applications for set-aside received from separate applicants become eligible at the same time and the unfilled balance of the quota or quota proration is less than the total quantity of sugar covered by such applications, no approvals will be made until the applicants have been consulted and agreement between them has been reached as to the quantities to be approved for each application. If the Secretary determines that such an agreement has not been reached by a date specified by him in writing to the applicants, the quantity to be approved under each application shall be determined by the same method described above for issuing authorizations when applications for release have the same date of arrival.

(c) *Substitution.* Release of a quantity of sugar subject to a quota or allotment may be authorized by the Secretary after such quota or allotment has been filled, provided an equivalent quantity of sugar previously released pursuant to § 817.5 within the same quota or allotment has been delivered into the custody of a Collector. The Collector shall retain custody of such equivalent quantity of sugar in accordance with § 817.3(e) until released pursuant to § 817.5.

(d) *Importation for quota-exempt purposes.* Authorization may be issued by the Secretary on applications for release of sugar in excess of the applicable quota or not covered by a quota for the purposes stated in sections 211 and 212 of the Act subject to the limitations specified in those sections and the conditions established in § 817.8.

(e) *Extent of authorizations.* Except as provided in paragraphs (c) and (d) of this section, no authorization shall be issued pursuant to paragraph (a) of this section and no application for set-aside shall be approved as provided in § 817.4 (e) when the quantity of sugar released for consumption in the continental United States, together with the quantity covered by valid authorizations for release or applications for set-aside issued or approved hereunder, equals the applicable quota.

(f) *Denial of authorizations and approval of applications for set-aside.* Authorizations on applications for release of sugar and approval of applications for set-aside may be denied if the applicant has failed to report in the manner and within the time prescribed in this part with respect to shipments previously imported or quantities covered by approved applications for set-aside and shipped to the continental United States, or if any information on an application or set-aside agreement previously submitted and approved is determined not to have been substantially correct, and the applicant fails to submit information satisfactory to the Administrator Agricultural Stabilization and Conservation Service that the incorrectness was due to causes beyond the control of the applicant or due to honest error.

§ 817.7 Applicable quota, quota proration, allocation, quantity, and allotment.

(a) Sugar imported other than as provided in § 817.8 shall be subject to any quota, proration of a quota or allocation for the producing area as shown on the application provided for in § 817.4, except that application may be made to import sugar pursuant to section 202(d)(2)(A) of the Act within the quantity available for foreign countries as a group and except that if the Secretary determines that the producing area shown on the application is incorrect, such sugar shall be subject to any quota, proration or allocation for the correct producing area as determined by the Secretary. Sugar from more than one producing area may not be commingled on the same carrier unless arrangements in writing have been made to furnish documents to the Sugar Quota Group that will provide a basis for satisfactorily and properly effecting the charges to the quotas of the respective producing areas.

(b) *Allotment.* (1) When the quota which is applicable pursuant to paragraph (a) of this section has been allotted pursuant to section 205(a) of the Act, the sugar imported pursuant to the application shall be subject to the allotment made to the person named thereon as the allottee if the application is made by (i) such allottee; (ii) a person authorized by the allottee by letter to the Sugar Quota Group to make such representations on behalf of the allottee for all or a specified portion of his allotment for the designated year, or (iii) an applicant who purchased the sugar from the allottee or a person holding an authorization under subdivision (ii) of this subparagraph. The quantity of sugar stated on an application as subject to the allotment of the allottee named thereon shall not exceed the supply of sugar processed by such allottee which was not previously marketed pursuant to Part 816 of this subchapter or previously imported or applied for pursuant to this part.

(2) Nothing in this paragraph shall preclude the Secretary from applying imported sugar to fill the allotment of the allottee who processed such sugar in any case where he determines that the foregoing provisions of this paragraph have been evaded, not compiled with or are inapplicable. The term "processed" as used in this paragraph means the production of sugar from sugarcane or the production of direct-consumption sugar from raw sugar.

(c) *Quantity and time of effect.* (1) Each quantity authorized for release pursuant to § 817.6 and each quantity covered by an application for set-aside approved pursuant to § 817.4(e) shall be effective for filling the applicable quota as established in Part 811 of this subchapter at the time the applicable authorization is issued or application for set-aside is approved. Each quantity of sugar produced from sugarcane grown in Hawaii coming to the port of San Francisco and released by the Collector without authorization by the Secretary to the Collector as provided in § 817.5 shall be effective for filling the Hawaiian quota at the time the authorization is issued to the importer. For the purposes of this paragraph the raw value of the authorized quantity shall be estimated by considering the relationship between other authorized quantities for recent shipments from the same producing area and the raw values thereof determined as provided in Title I of the Act on the basis of weights and tests determined pursuant to Part 810 of this subchapter and such other factors as the Secretary deems applicable.

(2) Upon receipt of and on the basis of the report required pursuant to § 817.4 (g) for raw sugar or direct-consumption sugar covering an application initially

given effect pursuant to subparagraph (1) of this paragraph, the quantity effective for filling the applicable quota shall be the quantity of sugar imported pursuant to the authorization represented by either raw or direct-consumption sugar, determined as prescribed in Part 810 of this subchapter to the extent of its raw value, as defined in Title I of the Act and as finally computed from the weights and tests determined pursuant to Part 810 of this subchapter, except that the raw value of liquid sugar imported from Puerto Rico shall be computed by multiplying the total sugar content thereof by the factor 1.07.

(3) Whenever the Secretary determines that (i) a default in a condition of a bond accepted pursuant to § 817.9 has occurred or, (ii) a quantity of sugar authorized for release for importation as raw sugar is direct-consumption sugar pursuant to § 810.5(c) of this subchapter by virtue of its use for which authorization pursuant to § 817.3(g) was not granted, or (iii) a quantity of sugar has been imported without authorization for release as required pursuant to § 817.5, the quantity of sugar involved in such default, change of purpose, or importation without authorization shall be applied to the applicable quota or allotment in effect for the year in which the importation occurred after all importations made in accordance with the regulations of this part to which the same quota and allotment were applicable have been applied thereto.

§ 817.8 Authorization for purposes other than to fill current quotas.

(a) Upon fulfillment of the requirements of §§ 817.3 and 817.4 and the applicable provisions of this section and § 817.9, the authorization required pursuant to § 817.5 may be given to the Collector to release sugar for importation for the purposes specified in this section without effect on a quota at the time of importation, except that sugar may not be imported pursuant to this section from any country with which the United States is not in diplomatic relations or from any country whose quota has been withheld or suspended by the President pursuant to section 202(d)(1)(B) of the Act. Accordingly, the application required by § 817.4 must show that the sugar covered by such application was produced from sugar beets or sugarcane grown in the producing area as identified on the application.

(b) Sugar may be released for importation by or delivery to the principal on a bond accepted pursuant to § 817.9 to fulfill the following purposes:

(1)(i) Entries of sugar processed from sugarcane grown in Hawaii or Puerto Rico consigned to a continental United States refiner for the express purpose or refining and/or repackaging for subsequent return of an equivalent quantity to the producing area for consumption therein, and (ii) exportations as sugar within the provisions of section 313 of the Tariff Act of 1930, as amended, or direct shipment (otherwise than under the provisions of section 313 of the Tariff Act of 1930, as amended) as sugar by the importer or refiner to a territory or possession of the United States, excluding the Virgin Islands. (Sugar shipped to Hawaii or Puerto Rico is subject to the provisions of section 211(c) of the Act and the applicable provisions of regulations of the Secretary establishing (a) sugar requirements and quotas for Hawaii and Puerto Rico, (b) allotments of sugar quotas for Hawaii and Puerto Rico, and (c) requirements relating to the marketing of sugar for consumption in Hawaii and Puerto Rico. Section 209(e) of the Act prohibits the importation into the Virgin Islands for consumption therein of any sugar in excess of 100 pounds in any calendar year produced from sugarcane or sugar beets grown in any area other than Puerto Rico, Hawaii or the continental United States.)

(2) Manufacture and exportation of other articles within the provisions of section 313 of the Tariff Act of 1930, as amended.

(3) Distillation of alcohol, including all polyhydric alcohols, or production (other than by distillation) of alcohol, including all polyhydric alcohols, but not including any such alcohol or resulting byproducts for human food consumption.

(4) Sugar for livestock feed or for the production of livestock feed. For the purposes of the regulations of this part:

(i) "Livestock" shall mean horses, mules, cattle, swine, sheep, goats, poultry, and honey bees;

(ii) "Sugar for livestock feed" shall mean sugar used for feeding livestock by the person who received such sugar, excluding any sugar received as an ingredient of a mixture or product;

(iii) "Sugar for the production of livestock feed" shall mean sugar, excluding any sugar contained as an ingredient of a mixture or product, put into a mixing or manufacturing process that produces only feed for livestock; and

(iv) "Sugar for livestock feed or for the production of livestock feed" also means any livestock feed product containing sugar in excess of 50 percent by weight or value entering the United States or Puerto Rico for use as livestock feed from a foreign country, a Foreign Trade Zone, or from Customs Custody, and such product shall be subject to the provisions of this part.

(c) The remaining portion of the single shipment of raw sugar of which a portion is authorized for importation pursuant to § 817.6 as the final quantity to fill the applicable calendar year quota or the applicable quarterly limitation, may be authorized for release for importation by or delivery to a refiner who is the principal on a bond accepted pursuant to § 817.9 under which the principal is obligated to hold the sugar so imported or an equivalent quantity at the refinery, at which such sugar was received until release within the applicable quota or allotment is authorized by the Secretary: *Provided*, That the remaining portion of the single shipment so authorized for release shall be limited to the smaller of either 5 percent of the applicable calendar year quota or 5,000 short tons, raw value, or the smaller of 10 percent of the applicable quarterly limitation or 5,000 short tons, raw value.

(d) Whenever the Secretary has given public notice that such action will not interfere with the effective administration of the Act, raw sugar may be authorized for release for importation by or delivery to a refiner who is the principal on a bond accepted pursuant to § 817.9 under which the principal is obligated to hold the sugar or an equivalent quantity subject to such conditions as may be specified in such notice until release within the applicable quota or allotment is authorized by the Secretary.

(e) Upon fulfillment of the requirements of §§ 817.3 and 817.4 the authorization required pursuant to § 817.5 may be issued to the Collector for the release of sugar for purposes stated in section 212 of the Act other than those specified in paragraph (b) of this section, within the limitations specified in such section 212 of the Act.

§ 817.9 Bonds to cover releases.

(a) No authorization for the purposes specified in § 817.8 (b), (c), and (d) shall be issued nor shall a Notice of Delivery which covers the delivery of a quantity of sugar to the principal of another bond be accepted until the Secretary has accepted a bond meeting the requirements of this section. The Secretary may accept a bond to cover importations or deliveries which may be made during the period of time specified in the bond or for a specified importation or delivery.

(b) *Principal and surety.* Any person having an interest therein may be the principal on the bond covering sugar to be exported with benefit of drawback of duty, or covering sugar for the distillation or production of alcohol other than by distillation, including all polyhydric alcohols. Only the importer or refiner may be the principal on a bond to cover sugar to be shipped to a territory or possession of the United States or used for livestock feed, or for the production of livestock feed. Only a refiner may be the principal on a bond covering sugar to be imported for further processing as provided for in § 817.8 (c) and (d). The surety or sureties shall be among those listed by the Secretary of the Treasury as acceptable on Federal bonds.

(c) *Obligation*—(1) *Establishment and effective date.* The obligation under the bond shall be made effective and be established by: (i) The Secretary's issuance of the authorization required pursuant to § 817.5 for release of the sugar by the Collector; or (ii) the Secretary's acceptance of a Notice of Delivery covering a quantity of sugar delivered by the principal of a bond to the principal of another bond pursuant to subparagraph (1)(iii) of paragraph (d) of this section, such Notice of Delivery to be executed jointly by the principals of the two bonds involved on a form prescribed by the Secretary.

(2) *Monetary amount.* The monetary amount of the obligation under the bond shall not be less than the sum of the amounts applicable to all quantities of sugar covered at any one time thereunder by virtue of the issuance of authorizations required pursuant to § 817.5 for release of sugar by the Collector or acceptance of Notices of Delivery, and such obligations shall be effective whether or not the surety receives notice from the Secretary of the issuance of such an authorization or the acceptance of a Notice of Delivery. The monetary amount applicable to each quantity of sugar covered by each authorization for release of sugar by the Collector or by each Notice of Delivery, and made subject to a bond accepted under this Part shall be the "spot" quotation per pound of raw sugar deliverable on the New York Coffee and Sugar Exchange under Contract No. 10 as established by that Exchange for the last business day before the date of application to the Secretary for the issuance of such authorization, or before the delivery date or the last date of the delivery period shown on such Notice of Delivery multiplied by the weight in pounds of such quantity of sugar. The amount applicable to each quantity of liquid sugar covered by each authorization for release of liquid sugar by the Collector or by each Notice of Delivery shall be computed upon the basis of the same price per pound, ascertained as heretofore stated in this paragraph, multiplied by the pounds of the "total sugar content," as defined in section 101(i) of the Act, of such quantity of liquid sugar. The quantity of sugar covered by each authorization required pursuant to § 817.5 for release by the Collector or by each Notice of Delivery shall be the quantity stated in the Notice of Delivery or in the application submitted on the Sugar Quota Clearance Record, or the quantity stated in the report made to and received by the Sugar Quota Group in accordance with § 817.4(g) if differing from the quantity stated in the authorization for release of sugar by the Collector.

(d) *Conditions.* Any bond accepted pursuant to this part shall provide for the following conditions to apply to sugar authorized to be release by the Collector pursuant to the provisions of § 817.8.

(1) Consistent with the certification required pursuant to § 817.4(f)(2), the identical sugar, or the raw value equivalent of the sugar, authorized under the bond to be imported for the purpose of exporting sugar shall be:

(i) Exported within 6 months after the date of importation with drawback of duty subsequently allowed pursuant to section 313 of the Tariff Act of 1930, as amended, as evidenced by the reports of such exportation and allowance from the principal and the Collector as provided for in paragraph (e) of this section;

(ii) Shipped within 6 months after the date of importation to a territory or possession of the United States other than the Virgin Islands as evidenced by the report by the principal of such shipment as provided for in paragraph (e) of this section, or

(iii) Delivered within 6 months after the date of importation to the principal on another bond accepted pursuant to this section.

(2) Consistent with the certification required pursuant to § 817.4(f)(2), the identical sugar, or the raw value equivalent of the sugar, authorized under the bond to be imported, or authorized to be delivered subsequent to importation under another bond, for the manufacture of products to be exported, shall be exported in manufactured products within 3 years after the date of importation of the sugar with drawback of duty subsequently allowed pursuant to section 313 of the Tariff Act of 1930, as amended, as evidenced by the reports of such exportation and allowance of drawback by the principal and the Collector, as provided for in paragraph (e) of this section;

(3) Consistent with the certification required pursuant to § 817.4(f)(2), the identical sugar, or the raw value equivalent of the sugar, authorized under a bond to be imported for the distillation or production of alcohol or for livestock feed, or for the production of livestock feed, shall be so used within 1 year after the date of importation as subsequently evidenced by a certificate of use as provided for in paragraph (e) of this section. The use of sugar for livestock feed or the production of livestock feed shall be as provided in § 817.8(b)(4).

(4) The raw value equivalent of the raw sugar authorized under a bond to be imported by or delivered to a refiner pursuant to the provisions of § 817.8(c) shall be held at the refinery at which such sugar was received until release of such sugar within the applicable quota is authorized by the Secretary.

(5) The raw value equivalent of the raw sugar authorized under a bond to be imported by or delivered to a refiner pursuant to the provisions of § 817.8(d) shall be held by the refiner subject to such conditions as may be specified in the public notice given by the Secretary authorizing the release for importation of sugar for the purpose specified in paragraph (d) of § 817.8.

(6) Any bond furnished pursuant to this part shall provide that the obligation established thereunder will remain in full force and effect until the Secretary notifies the principal and surety of release thereof. The Secretary may release all or any part of the monetary amount of the obligation of the bond which is applicable to the quantity of sugar covered by an issued authorization for release thereof by a Collector or by an accepted Notice of Delivery with respect to which quantity either the applicable conditions set forth in subparagraphs (1) through (5) of this paragraph have been fulfilled, or another bond has been accepted: *Provided*, That, nothing in this section shall preclude the Secretary from: (i) Accepting evidence other than that provided for in subparagraphs (1), (2), and (3) of this paragraph to establish that any of the conditions provided in such subparagraphs have been fulfilled, or (ii) determining that any of the conditions provided in subparagraphs (1) through (5) of this paragraph have been fulfilled by virtue of the destruction or other disposition of sugar having an effect for quota purposes as if the applicable conditions set forth in such subparagraphs have been fulfilled, or (iii) extending at his discretion the time for fulfillment of any of the conditions set forth in subparagraphs (1) through (5) of this paragraph upon the written request of and for good cause shown by the principal named on the bond and without notice to the surety on such bond.

(7) Upon default in any applicable condition heretofore set forth, and the expiration of any extension of time for fulfillment thereof that may be granted in writing by the Secretary, payment shall be made to the United States of America of a sum equal to the full amount of the obligation determined as prescribed in paragraph (c) of this section which is applicable to the quantity of sugar covered by an authorization for release of sugar by the Collector or by a Notice of Delivery, and with respect to which quantity the default occurred in whole or in part.

(8) The payment or the acceptance of any payment made to the United States of America pursuant to this paragraph shall not be deemed to preclude or to constitute a waiver of recovery of any forfeiture, penalty or liability provided for by the Act or any other provision of law.

(e) *Reports of evidence that conditions of bond have been fulfilled.* (1) All principals on bonds given for the purpose specified in § 817.8(b)(1) or (2) shall, by the 10th of each month, submit a report to the Sugar Quota Group showing the following information: (i) With respect to allowances of drawback of duty for exportations for which drawback of duty was allowed in the month preceding the month in which the report is submitted, the identity, by number, of the bond to which the exported quantity of sugar should apply, the date of exportation of the sugar, the quantity of sugar exported or used in the manufacture of the exported sugar or the sugar used in the manufacture of the exported articles, the port and date of entry or withdrawal of the sugar designated as a basis for drawback of duty and the consumption entry or warehouse withdrawal number, the country of origin of the sugar designated as a basis for drawback of duty, and the quantity and polarization or, if liquid sugar, the total sugar content of the designated liquid sugar on which drawback of duty was allowed; and (ii) with respect to sugar shipped to a territory or possession of the United States within the preceding month; the identity, by number, of the bond to which the shipped quantity of sugar should apply, the date of shipment and the destination of the sugar and the producing area of the shipped sugar.

(2) The principal on a bond given for a purpose specified in § 817.8(b)(3) or

(4) shall transmit to the Sugar Quota Group no later than 30 days after the 1-year use period provided for in § 817.9 (d)(3) or authorized extension thereof, certificates executed by the persons who used the sugar showing the following information on forms prescribed by the Secretary as follows:

(i) In the case of use for distillation or production of alcohol, Form SU-23A:

The undersigned hereby certifies that between ----------, 19-- and ----------, 19--, he has used the following quantity or quantities of liquid or crystalline sugar for the purpose or purposes indicated:

[Pounds]

Use	Liquid	Crystalline	
	Sugar content	Actual weight	Raw value weight
(1) Used for distillation of alcohol			
(2) Used for production of alcohol (other than by distillation) for other than human food consumption			

The undersigned further certifies that the quantity of sugar shown on this certification of use does not include any sugar previously covered by another U.S. Department of Agriculture Certificate of Use; that the quantity shown on this certificate does not include any sugar previously credited or subsequently to be credited against an obligation on a bond covering sugar exported in a sugar-containing product and that none of the sugar shown on this certificate was used in the production (other than by distillation) of alcohol, including any resulting byproducts, for human food consumption.

(ii) In case of use for livestock feed or production of livestock feed, Form SU-23:

The undersigned certifies that between ----------, 19-- and ----------, 19--, he
(Date) (Date)
has used the following quantity or quantities of sugar for the purpose or purposes as stated below:

	Pounds
(1) Use to feed livestock	------
(2) Used in the production of livestock feed:	
(a) For his subsequent use in feeding livestock	------
(b) For subsequent sale to others for feeding livestock	------

The undersigned further certifies that each quantity of sugar shown in this Certificate of Use does not include a quantity of sugar previously covered by another U.S. Department of Agricultural Certificate of Use; that any quantity of sugar shown on this certificate used to feed livestock or for the production of livestock feed does not include any sugar contained as an ingredient of a mixture or product at the time such sugar was received except sugar imported as a livestock feed product containing sugar in excess of 50 percent by weight or value; that such sugar was either fed to livestock by the person receiving it or was put into a mixing or manufacturing process that produces only feed for livestock; and that the term "livestock" as used throughout this certificate means horses, mules, cattle, swine, sheep, goats, poultry, and honeybees.

Each certificate shall be endorsed by the principal of the bond acknowledging that the use of the sugar, to which the certificate applies, is to apply to the fulfillment of the conditions of the bond on which he is the principal and the bond shall be identified on the endorsement.

(3) Each Collector shall, by the 10th of each month report all allowances of drawback in the preceding month which were based on exportations of sugar or manufactured sugar-containing articles. Such report shall show the following information: The person who manufactured the exported product and the date of exportation; and with respect to the sugar designated as a basis for the claim for drawback of duty, the date and port of entry or withdrawal, the consumption entry or warehouse withdrawal number (if warehouse withdrawal numbers of a separate series are not assigned, the warehouse entry number should be furnished), the producing area, the quantity and polarization or, if liquid sugar, the total sugar content, on which drawback was allowed.

(4) Each refiner who is a principal on a bond given for the purpose specified in either paragraph (c) or (d) of § 817.8 shall furnish to the Secretary at his request such information as the Secretary requires to determine that such refiner has met the inventory requirements pursuant to the applicable bond obligation.

§ 817.10 Sugar-containing products and mixtures.

NOTE: The basis and purpose and bases and considerations for this § 817.10 have been set forth fully in the FEDERAL REGISTER at 31 F.R. 16518 and 31 F.R. 9495.

(a) The importation or bringing into the continental United States, Hawaii, or Puerto Rico of any sugar-containing product or mixture shall not be subject to any import quantity limitations pursuant to the provisions of this part unless and until the Secretary has made effective a determination that the prospective importation of such sugar-containing product or mixture will substantially interfere with the attainment of the objectives of the Act. A proceeding to make a determination required by this section as well as any amendment or repeal thereof will be instituted by the Secretary either upon the Secretary's own initiative, or upon the written petition of an interested person if the Secretary has reasonable grounds to believe, on the basis of information accompanying the petition and other information available to him, that there may be a substantial interference with attainment of the objectives of the Act. Petitions should be submitted to the Director, Sugar Policy Staff, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. A proceeding to make a determination that the importation or bringing into the continental United States, Hawaii, or Puerto Rico of a sugar-containing product or mixture will or will not substantially interfere with the attainment of the objectives of the Act, or an amendment or repeal of such a determination, shall be instituted by publishing a notice of the proposed rule making, and affording interested persons an opportunity to submit written data, views, and arguments and to submit the same orally if provision is made therefore in the notice. The determination shall be published in the FEDERAL REGISTER. A determination may pertain to one or more sugar-containing products or mixtures or a group of similar sugar-containing products or mixtures. In making a determination that the bringing in or importing of a sugar-containing product or mixture will or will not substantially interfere with the attainment of the objectives of the Act, the Secretary shall give consideration to (1) the total sugar content of the product or mixture in relation to other ingredients therein or to the sugar content of other products or mixtures for similar use; (2) the costs of the mixture in relation to the costs of its ingredients for use in the continental United States, Hawaii, or Puerto Rico; (3) the present or prospective volume of importations relative to past importations of the product or mixture; (4) whether it will be marketed to the ultimate consumer in the identical form and package in which it is imported or the extent to which it is to be further subjected to processing or mixing with similar or other ingredients; and (5) other pertinent information. Information relating to the above listed factors should accompany any petition to the Secretary to institute a proceeding as provided in this section or shall be furnished by persons having such information upon request by the Secretary.

(b) If the Secretary has determined pursuant to paragraph (a) of this section that the prospective importation or bringing into the continental United States, Hawaii, or Puerto Rico of a sugar-containing product or mixture will substantially interfere with the attainment of the objectives of the Act, a total quantity of such sugar-containing product or mixture shall not be brought or imported into the continental United States, Hawaii, or Puerto Rico in any one year from any one country or area in excess of the quantity which the Secretary determines will not so interfere, but not less than (1) the average annual importations of the product or mixture from the country or area during the most recent 3 consecutive years for which reliable data are available; or (2) 100 short tons, raw value, of sugar content of the product or mixture from any one country or area in the event that no reliable data of quantities imported or brought in from the country or area for 3 consecutive years are available. Persons having information or data of quantities of a sugar-containing product or mixture imported or brought in during any of the most recent 3 consecutive years from a country or area may submit such information or data to the Director, Sugar Policy Staff, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, for consideration of its reliability for use.

(c) (1) Any sugar-containing product or mixture as to which the Secretary has determined that the actual or prospective importation or bringing thereof into

the continental United States, Hawaii, or Puerto Rico will substantially interfere with the attainment of the objectives of the Act, shall not be imported or brought into the continental United States, Hawaii, or Puerto Rico until a release directed to the Collector has been obtained by the importer from the Secretary. If the Secretary or his delegate determines that the release of the product is permissible in accordance with limitations provided in paragraph (d) of this section such release will be issued upon application to the Sugar Quota Group, Policy and Program Appraisal Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250, in quintuplicate on a prescribed form designated as Form SU–9A. Application forms will be available from the above mentioned source and at all Customs Houses, and will provide for the following information regarding the product to be imported on each carrier:

The name and address of the importer.
The name of the carrier which is to transport the product to the U.S. port or point of entry.
The port or point of departure of such carrier.
The date of departure from such point or port.
The port or point of entry.
The date of arrival.
The quantity of product to be imported (total pounds or gallons).
The country of origin (where manufactured).
The name of the product.
Whether the identical product as packaged will be marketed to the ultimate consumer.
The percentage of sugar and each other ingredient in the product including moisture.
A certification that the information contained in the application is true and correct to the best of the importer's knowledge and belief and that he will furnish the Department within 30 days after importation the consumption entry or warehouse withdrawal number, the actual weight entered, and verification of the composition of the product.
The date submitted, signature and title of the person signing the application.

(2) An application for issuance of an authorization to a Collector for the release of a sugar-containing product or mixture shall become eligible for authorization at 12:01 a.m. of the fifth day prior to the date of departure of the shipment as stated on the application, or at the time of receipt of the application whichever time occurs later. An authorized application shall be canceled if the covered shipment does not leave the port or point of departure on or before the fifth day after the scheduled departure date as stated on such application, or if a duty-paid entry on such shipment is not made at the port of entry on or before 15 days after the scheduled arrival date as stated on such application, except that the period during which the application is valid may be extended by the Secretary. The entire quantity of an importer's shipment scheduled to depart on a carrier from the same port of departure, on the same date of departure, and having the same destination, must be covered by one application. The Secretary shall authorize applications for the release of sugar-containing products by the Collector in the same order as such applications become eligible for authorization or approval. If two or more applications covering products from the same country become eligible for authorization at the same time, such applications shall be authorized in the order of the date of departure, earliest first. If two or more applications for release submitted by different applicants become eligible for authorization at the same time and have the same date of departure and the quantity permissible for importation within the limitations provided in paragraph (d) of this section is less than the total quantity covered by such applications, the quantity authorized for release under each such application shall be determined as follows. An equal share of the quantity permissible for importation shall be calculated by dividing such quantity by the total number of such applications. All such applications that cover a quantity in each application less than such equal share shall be approved and the quantities stated therein shall be authorized for release. The total of the quantities covered by such approved applications shall be deducted from the quantity permissible for importation, the remainder shall be divided equally among the remaining applications but not to exceed the quantity applied for in any such application, and the quantity assigned to each such remaining application as a result of such division shall be authorized for release under such application.

(3) An application made pursuant to this section constitutes a representation by the applicant that at the time the application is made:

(i) He has control of the quantity of the product which is subject to shipment as specified;

(ii) Firm commitment has been made by the shipping company for shipment as described on the application; and

(iii) The date of departure of the carrier stated on the application is (a) the date specified to the applicant or shipper by the Master, Owner or Agent of such carrier as the expected departure date, or (b) the date the shipper expects the vessel to depart based on the date the carrier will be available for loading as specified by the Master, Owner or Agent of such carrier plus the normally required loading time.

(4) Authorizations of applications for the release of the sugar-containing product may be denied if the applicant has failed to report in the manner and within the time prescribed in this section with respect to a previous importation or if any information on an application previously submitted and approved is determined not to have been substantially correct, and the applicant fails to submit information satisfactory to the Administrator, Agricultural Stabilization and Conservation Service that the incorrectness was due to cause beyond the control of the applicant or due to honest error.

(d) It is hereby determined upon the basis and considerations set forth in F.R. Doc. 66–7654 (31 F.R. 9495) and 66–13856 (31 F.R. 16518) that prospective importation into the continental United States, Hawaii, and Puerto Rico of the following described sugar-containing products or mixtures will substantially interfere with the attainment of the objective of the Act and shall be subject to the import limitations provided in this paragraph (d) of this section: Products or mixtures which (1) contain more than 25 percent sugar expressed as a percent of the total weight of solids (excluding moisture and volatile matter); (2) contain solid ingredients other than sugar consisting principally of either butterfat or flour or both; and (3) either are to be further subjected to processing or mixing with similar, or other ingredients, or are not to be marketed to the ultimate consumer in the identical form and package in which imported. The total quantity of all such products or mixtures which may be imported during the calendar year 1967 from each of the following countries shall not exceed the amount stated as follows for such country, except that the total quantity of products or mixtures containing butterfat which may be imported from a foreign country is also subject to the quantity import limitations on butterfat containing products imposed by Presidential Proclamations issued pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624).

Country	*Pounds*
Australia	14,090,000
Austria	827,000
Belgium	14,090,000
Canada	11,650,000
Denmark	1,926,000
Sweden	397,000
United Kingdom	2,159,000
Any other country	[1]

[1] 100 short tons, raw value, or sugar content (dry basis), the equivalent of 187,000 pounds, refined sugar.

None of the described products or mixtures shall be imported except pursuant to the procedural requirements contained in paragraph (c) of this § 817.10.

§ 817.11 Records and reports.

(a) For the purposes of this part, any quantities of sugar imported as crystalline sugar which are subsequently converted into and marketed as liquid sugar shall be reported subsequent to such conversion as the quantities of crystalline sugar so converted and the raw value thereof shall be determined as prescribed in paragraph (1), (2), or (3) of section 101(h) of the Act, applicable to the crystalline sugar so converted. Liquid sugar, exclusive of that imported as liquid sugar, for which the quantities of converted crystalline sugar are unknown shall be reported in terms of the total sugar content and the raw value thereof shall be determined by multiplying the total sugar content by the factor 1.07.

(b) Each person subject to the provisions of this part shall keep and preserve, for a period of 2 years following the end of the calendar year in which the sugar was imported into the continental United States, an accurate record of the

receipt, processing and movement of such sugar and of all tests, gallonages and weights pertaining thereto, except that all records relating to the receipt and disposition of sugar authorized for release pursuant to § 817.8 shall be kept and preserved for a period of 2 years following the end of the calendar year in which the sugar was disposed of pursuant to the requirements of § 817.9(d). Upon request by any authorized employee of the Department, such records shall be made freely available for examination by such employee during the regular working hours of any business day.

(c) Each person subject to the provisions of this part shall make application for authorizations provided for in this part and shall report information as and when required by the Secretary on forms specified by him and approved by the Bureau of the Budget under the Federal Reports Act of 1942. In addition to the applications, authorizations and reports otherwise specifically referred to in this part, this requirement shall include, but is not necessarily limited to, the information prescribed on Form SU-73 or Form SU-74 for refiners, or on Form SU-75 for other importers. The following described forms are available for use in accordance with the provisions of the regulations in this Part 817, and all may be obtained at the office of the Sugar Quota Group, Policy and Program Appraisal Division, Agricultural Stabilization and Conservation Service, Room 6622 South Building, United States Department of Agriculture, Washington, D.C. 20250. In addition, Forms SU-3, SU-8A and SU-9A are generally available at Customs Houses at principal ports of entry.

FORMS

SU-3—Sugar Quota Clearance Record.
SU-8A—Sugar Quota Set-Aside Application and Agreement.
SU-9A—Application for Release of a Sugar Containing Product or Mixture.
SU-17—Bond for Entry of Sugar Without Charge to Quota.
SU-18—Notice of Delivery of Quota-Exempt Sugar for Manufacture of Articles for Export.
SU-19—Monthly Report of Drawback Allowances.
SU-20—Report of Exportations and Allowances of Drawback to Fulfill Conditions of Bonds.
SU-20-1—Report of Shipments to Territories or Possessions in Fulfillment of Conditions of Bonds.
SU-23—Certificate of Use of Sugar for Livestock Feeding or Production of Livestock Feed.
SU-23-A—Certificate of Use of Sugar for Distillation or Production of Alcohol.
SU-24—Certification of Inventory of Over-Quota Sugar.
SU-63—Destination by States of Sugars Delivered for Direct Consumption.
SU-64—Sugar Deliveries by Type of Buyer.
SU-64-A—Dextrose Sales, Domestic, by Type of Buyer.
SU-73—Sugar Production and Movement Report—Refiners Who Also Process Mainland Sugarcane.
SU-74—Sugar Production and Movement Report—Refiners Who Do Not Process Mainland Sugarcane.
SU-75—Sugar Receipts and Movement Report (Importers Who Do Not Operate Refineries).

(d) Each person subject to the provisions of this part who applies for a set-aside which has been approved pursuant to § 817.4(e) shall report any quantity of sugar which has been shipped and which is to be imported into the continental United States under such application. Such report shall be made within 2 days after the date of departure of the sugar from the area of origin and shall show the date of departure, the quantity of sugar shipped and the expected date of arrival. An application for authorization for release of sugar as provided for in § 817.4(a) may be submitted within the same time limitation in lieu of the report required by this paragraph.

§ 817.12 Delegation of authority.

The Director, or Deputy Director, of the Sugar Policy Staff, the Director, Deputy Director of the Policy and Program Appraisal Division, or the Head, Sugar Quota Group of that Division (or any person in such division designated in writing by the Director), Agricultural Stabilization and Conservation Service of the Department, is hereby authorized to act on behalf of the Secretary in administering §§ 817.1 through 817.11 except as otherwise provided for in paragraph (e) of § 817.4, paragraph (f) of § 817.6 and paragraph (d) of § 817.8.

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

Signed at Washington, D.C., this 15th day of August 1967.

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

[F.R. Doc. 67-9720; Filed, Aug. 18, 1967; 8:45 a.m.]

Consumer and Marketing Service

[7 CFR Part 1032]

MILK IN SOUTHERN ILLINOIS MARKETING AREA

Termination of Proceeding To Suspend Certain Provision of Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), notice of proposed rule making was issued by the Deputy Administrator, Regulatory Programs, on July 13, 1967, with respect to proposed suspension of a certain provision of the order regulating the handling of milk in the Southern Illinois marketing area. Interested persons were invited to submit views, data or arguments to the Hearing Clerk not later than July 22 in connection with the proposed suspension.

The provision in § 1032.14(b)(2) proposed to be suspended reads, "on any day during the months of May and June and in any other month for not more than 8 days of production of producer milk by such producer". Such provision relates to the diversion of producer milk by handlers from a pool plant to a nonpool plant.

On the basis of all facts available to the Department, including written views, data and arguments submitted by interested parties, it appears that the pool plants involved can handle the volume of milk on the market during the month of August under the existing diversion provisions of the order and still retain their pool status. Therefore, it appears that the proposed suspension is not needed for the month of August 1967.

It is hereby found and determined that the proposed suspension for the month of August 1967, of the aforesaid provision of the order relating to the diversion of milk should not be effectuated; and the proceeding begun in this matter on July 13, 1967, should be and is hereby terminated.

Signed at Washington, D.C., on August 16, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-9809; Filed, Aug. 18, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 21]

[Docket No. 16778; FCC 67-959]

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

Allocation of Presently Unassignable Spectrum by Adjustment of Certain of the Band Edges

1. On July 20, 1966, the Commission issued a notice of inquiry in the above-entitled matter which was duly published in the FEDERAL REGISTER (31 F.R. 10135, July 27, 1966). Comments were solicited concerning the manner in which the frequency pairs 152.840/158.100 Mc/s and 152.240/158.700 Mc/s should be established for use respectively by wire-line common carriers and non-wire-line common carriers in the Domestic Public Land Mobile Radio Service. Comments, data, views, and arguments thereon were due on September 30, 1966, and reply comments were due on October 31, 1966. On October 25, 1966, the Commission received and on October 31, 1966, granted the Radio Relay Corp. "Petition for Extension of Time" to November 15, 1966, to file reply comments in this proceeding. This action was published in the FEDERAL REGISTER (31 F.R. 14318, Nov. 5, 1966).

2. Written comments were filed by Allied Telephone Co. Association (Allied), American Telephone & Telegraph Co. (AT & T), GT & E Service Corp. (GT & E), National Association of Radiotelephone Systems (NARS), National Committee for Utilities Radio (NCUR), United States Independent Telephone Association (USITA), and the Western Union Telegraph Co. (Western Union). Reply comments were filed by Aircall New York Corp. (Aircall), American

Telephone & Telegraph Co. (AT & T), Page Call, Inc. (Page Call), Radio Relay Corp. (Radio Relay), and George W. Smith (Smith). Additionally, on January 18, 1967, AT & T submitted a "Petition for Leave to File Response Comments" which accompanied the petition. Good cause having been shown therein, the "Response to Reply Comments" is accepted for filing.

3. In Docket No. 16778 and in Docket No. 16776,[1] which is closely related thereto, the Commission's proposal to allocate the 30 kc/s frequency pair 152.240/158.700 Mc/s for use by non-wire-line carriers was not opposed in any filing, and the proposed common carrier allocations were supported in whole or in part by the Electronic Industries Association's Land Mobile Communications Section, as well as by Motorola, Inc., NARS, NCUR, New York State Telephone Association, Professional Sales and Answering Service, and the United States Independent Telephone Association (USITA). Such proposed allocations to common carriers were also supported in whole or in part in Docket No. 16778 filings by Allied, AT&T, GT&E, NARS, Radio Relay, and Western Union. No oppositions to the proposed frequency allocations were filed therein.

4. Comments, filed by NARS and Smith, requesting the Commission to take action with regard to frequency allocation of the frequency pair 454.00/459.00 Mc/s and frequencies in the 35–44 Mc/s band are beyond the scope of this proceeding and therefore are not considered herein. Reallocation of Domestic Public Land Mobile Radio Frequency Allocations in the 35–44 Mc/s band is the subject of a pending rule making petition (RM–1069) filed by Special Industrial Radio Service Association (SIRSA). Persons wishing to bring such matters before the Commission are referred to the provisions of Subpart C of Part 1 of the Commission's Rules which deals with rule making proceedings.

5. Comments filed with respect to the manner in which the frequencies 152.240 Mc/s and 158.700 Mc/s should be utilized by non-wire-line common carriers did not advocate that those frequencies should be dedicated exclusively to one-way signaling (radio paging) service. In fact, NARS opposed an exclusive allocation to either the one-way or two-way land mobile service. The consensus of filings appeared to favor such frequencies being dedicated to two-way land mobile service plus one-way signaling service. NARS also recommended that secondary use of such frequencies by non-wire-line carriers be provided for in the Rural Radio Service. Such recommendations are embodied in the notice of proposed rule making which is being adopted herein. We believe it desirable to also provide in our proposal for the secondary Rural Radio Service use, by wire-line common carriers, of the frequency pair 152.840/158.100 Mc/s whose primary use is being dedicated to the domestic public land mobile radio service.

6. Wire-line common carriers filed no comments with regard to the specific uses to be permitted non-wire-line carriers on the frequency pair 152.240/158.700 Mc/s. However, numerous wire-line and non-wire-line common carriers expressed views as to what usage wireline common carriers should be permitted to make of the frequency pair 152.840/158.100 Mc/s in the domestic public land mobile radio service. AT&T, GT&E, and Western Union advocated that the frequencies be designated exclusively for one-way signaling (radio paging) service, and USITA requested that the frequencies be made available for both one-way signaling and two-way land mobile service. Aircall, Page Call, Radio Relay, and Smith expressed strong opposition to permitting the wire-line carriers to use such frequencies exclusively for one-way signaling service.

7. The wire-line carriers do not render one-way service exclusively on any channel in the greater Los Angeles area. Smith, who operates a one-way signaling system at Santa Ana, Calif., indicates that since there are already four frequencies allocated for the exclusive use of common carrier one-way signaling service in the 35–44 Mc/s band, which are licenseable to wire-line as well as non-wire-line common carriers, it would be unfair to unbalance the present competitive position between non-wire-line carriers and wire-line carriers by permitting the latter to use the additional frequencies 152.840 Mc/s and 158.100 Mc/s exclusively for radio paging when comparable provision is not being made for the non-wire-line carriers. We note, however, that Smith was offered an opportunity in response to our notice of inquiry to recommend that the non-wire-line carrier pair of frequencies (152.240 Mc/s and 158.700 Mc/s) be designated exclusively for one-way signaling service; but he did not do so. Smith further argues that the wire-line carriers should render their one-way signaling service on the frequencies allocated for two-way service. However, he does not make adequate allowance for the fact that the wire-line carriers' land mobile radio channels in many areas (e.g., the Los Angeles area) are overloaded with two-way land mobile traffic and therefore it is not practicable to render any substantial amount of one-way signaling service on those channels; there are hundreds of persons who have been on waiting lists for two-way service for years, but have not been able to subscribe to such service offering of wire-line carriers because of frequency shortages. Although we do not quarrel with Smith's contention that it is technologically possible to integrate one-way and two-way communications service on the same radio channel, it is not feasible to do so practicably where heavy requirements for both types of service must be satisfied. In any event Smith, as well as other interested parties, will have ample opportunity to address this matter in response to our questions regarding the basic policy of making the frequencies in question available to wire-line carriers and the competitive effects of such policy set forth in paragraph 16, below.

8. Smith alleges that wire-line carriers have 33 pairs of frequencies available for rendering one-way signaling service on a secondary basis and an additional four frequencies on an exclusive basis for such service whereas non-wire-line carriers have only four frequencies. It is to be noted, however, that the four frequencies mentioned are allocated exclusively for one-way signaling service and are equally assignable to wire-line and non-wire-line carriers on a shared basis, provided the systems sharing such frequencies do not cause harmful interference to each other. (We note that in the greater Los Angeles area, four frequencies are preempted from further assignment by their use at Long Beach by American Mobile Radio, Inc. (35.58 Mc/s), at Los Angeles by Mobilfone, Inc. (43.22 Mc/s and 43.58 Mc/s), and at Santa Ana by Smith (35.22 Mc/s)). The following facts are pertinent: (1) only the base station half of the 33 pairs may be used for one-way signaling as an adjunct to the two-way service; (2) 10 of these pairs are assignable only in accordance with a prescribed geographical zone allocation plan under which only one pair is assignable to each of the 10 zones which cover the 48 contiguous States and the District of Columbia; and (3) six of the pairs of frequencies in the 450–460 Mc/s band are not assignable to the land mobile radio service because of their reservation for domestic public air/ground radiotelephone service. Further, the imbalance is not as great as Smith would have us believe since he does not mention that there are also 14 pairs of frequencies presently allocated for the exclusive use of non-wire-line carriers for two-way service and that they may provide one-way service on the base station half of each frequency pair as an adjunct to the two-way service.

9. Page Call, Aircall, and Radio Relay allege that there is no need to expand the capacity for one-way signaling in the greater New York, N.Y.-Newark, N.J., area by providing the frequencies 152.840 Mc/s and 158.100 Mc/s exclusively for one-way signaling service by wireline carriers. We note that the four channels which are allocated exclusively for one-way service in the 35-44 Mc/s band are already implemented by these non-wire-line carriers in this area (viz. Aircall on 43.58 Mc/s at New York; Page Boy, Inc., on 35.22 Mc/s at New York; Radio Relay on 43.22 Mc/s at New York; and Page Call on 35.58 Mc/s at Newark) and, that because of the clear-channel concept of common carrier services, they are not assignable to other radio systems in the area due to considerations of harmful interference which would stem therefrom. Furthermore, as set forth below, public acceptance of the 150 Mc/s service supports the proposal herein.

[1] Docket 16776 deals with the amendment of Part 2 of the Commission's rules concerning the allocation of presently unassignable spectrum to the land mobile services by adjustment of certain of the band edges in the 150.8–162 Mc/s band and disposition of rule making petitions pertinent thereto.

10. In support of its contention that non-wire-line carriers have ample capacity to meet the need for one-way signaling service, Radio Relay calls attention to what it alleges is the limited subscriber handling capacity (3,200 users) of the AT&T (Bell Telephone System) developmental 150 Mc/s band "Bellboy" system. AT&T advises, however, that the system is presently being redesigned to provide capacity for 6,500 users. There are no data available which indicate the number of subscribers Radio Relay can now accommodate. It alleges, however, that it is "in the process of developing and packaging digital circuitry which will make it feasible to serve (32,768) customers with a peak backup of no more than 10 minutes." However, the 10 minutes peak waiting time is dependent upon Radio Relay being able to distribute its traffic load equally among each of the eight base stations in its radio system complex and to operate each station independently and concurrently. We note, however, that a filing on September 23, 1965, by Radio Relay in connection with its Station KEC745 shows that it is unable to operate all of its stations concurrently because to do so would result in interference within its own system. Instead, the eight stations are arranged in two coordinated groups which are operated sequentially. On this basis it appears that, for the 5 percent peak system activity assumed by Radio Relay, a system with 32,768 subscribers would experience a waiting time of over 31 minutes.

11. In a report, filed with the Commission on December 8, 1964, concerning the operation of its one-way signaling system (Station KEC745), Radio Relay stated:

> It was then decided to determine the times when a person was most likely to be paged, with the following conclusions:
>
> 1. The maximum possibility of a person being paged would occur when he was away from his office.
>
> 2. When a user was at another office or place of business, a spectators sport or the theater.
>
> 3. When he was in transit or another form of public movement.

This report shows the importance of reaching subscribers when they are within buildings.

12. Radio Relay in its filings in this proceeding contends, through information developed by others, that station area coverage at 35 Mc/s is superior to coverage at 150 Mc/s. We do not dispute such representation inasmuch as area coverage is normally determined by tests and measurements made outdoors. However, in its comments, Radio Relay does not conclusively show that radio signal building penetration at 35 Mc/s is better than at 150 Mc/s, nor does it discount the degraded radio system performance in the 35–44 Mc/s band when long range skip interference is present. Such interference follows the 11-year sunspot cycle and such phenomenon does not manifest itself at 150 Mc/s. Similarly, Smith's allegation that penetration of radio signals at 35 Mc/s is equal to that in the 150 Mc/s band is not supported by substantial evidence. On the other hand, AT&T's representation that signal penetration is better at 150 Mc/s than at 35 Mc/s is substantiated by extensive tests. In review of the foregoing, there is ample ground for the proposal herein that frequencies in the 150 Mc/s band be allocated for one-way signaling.

13. In addressing ourselves further to the question of need to provide for the establishment of additional one-way signaling facilities in the Domestic Public Land Mobile Radio Service, we note that in connection with its application (File No. 7182–C2–P–65) for a construction permit to add an eighth transmitter location to its Station KEC745, Radio Relay filed (September 2, 1965) an "Opposition to petition to deny and request for immediate grant without hearing; and alternative request for consolidated hearing" wherein it alleges that major cities like New York had a definite need for additional one-way facilities.

14. Another factor to be considered in connection with our notice of proposed rule making is the actual experience which the developmental one-way signaling stations in the 150 Mc/s band have had in attracting customers. Such stations are being operated by Pacific Northwest Bell Telephone Co. (Station KON 911 at Seattle, Wash.) and by the Chesapeake & Potomac Telephone Co. (Station KGC 590 at Washington, D.C.). The Seattle station commenced on April 10, 1962, and after 56 months of operation was serving 1,882 subscriber units. It is to be noted that Tele-Comm, Inc., a non-wire-line carrier, licensed to operate Station KOP 253 on 35.22 Mc/s on August 1, 1963, but had not rendered any one-way signaling service to subscribers as late as December 1966. The Washington, D.C., Bell station commenced on September 9, 1963, and 39 months thereafter was serving 2,957 subscriber units. On the other hand, Contact of Washington, Inc., nonwire carrier in Washington, D.C., was licensed to operate station KGA 806 on 45.58 Mc/s on October 7, 1953, and by the end of 1966 was serving 21 subscribers.

15. The foregoing experience indicates that service in the 150 Mc/s band by wire-line carriers is acceptable to users and has enjoyed substantial growth. We feel, therefore, that there is ample basis for the issuance of the notice of proposed rule making insofar as it relates to the assignment of two frequencies in the 150 Mc/s band to be used exclusively by common carriers in the landline message telephone service for providing a one-way signaling service.

16. Before reaching a final determination with respect to the aforementioned assignment of frequencies to wire-line carriers, we feel that respondents to our proposed rule making should be given an opportunity to address themselves to a basic policy question. This relates to the question of whether wire-line carriers should be permitted to provide a one-way signaling service by means of frequencies exclusively assigned to them for this purpose in the 150 Mc/s band. Specifically, we request that interested parties address themselves to the following issues:

a. Would such assignment result in a departure from the normal and historic two-way service provided by the landline carriers?

b. What effect, if any, would such assignment have on the ability of non-wire-line carriers to compete with wire-line carriers in the provision of one-way service?

c. In light of answers to the two foregoing questions, should the Commission make an assignment of two frequencies in the 150 Mc/s band to wire-line carriers to be used exclusively in providing a one-way signaling service or would the public interest better be served by not making any assignment of these frequencies to wire-line carriers?

17. NCUR's comments requested the Commission to provide sufficient safeguards to prevent "splatter" interference to the Power Radio Service operations on the frequency 158.13 Mc/s, which is allocated to that service (cf. § 91.254). The Commission is satisfied that with 30 kc/s channel spacing between assigned frequencies, using voice modulation or tone signaling, interference-free operation is feasible within the same geographic area. Since the nearest frequency to 158.13 Mc/s which we are proposing to make available for assignment in the Domestic Public Land Mobile Radio Service is 158.100 Mc/s, the 30 kc/s spacing between channels is maintained and we see no special need for concern, particularly where modulating signal levels can be properly set and maintained at a constant level. As determined by AT&T from tests which they have conducted in Washington, D.C., the signal splatter from one channel into an adjacent channel is attributable to internal transmitter noise modulation and not to the audio modulating frequencies below 3,000 cycles per second which are used therein. Such transmitter noise is present to varying degrees in all transmitting equipment. Special treatment usually is required to reduce its level to that desired by AT&T for its Washington, D.C., operation.

18. The proceedings in the notice of inquiry phase in Docket No. 16778 are hereby terminated and the proposed amendments to Part 21 of the Commission's rules appended hereto are issued under the authority contained in section 4(i) and 303 of the Communications Act of 1934, as amended.

19. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, and any person desiring to support this proposal may file with the Commission on or before September 22, 1967, a written statement or brief setting forth his comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. All relevant and timely comments will be considered before final action is taken in this matter. In reaching its decision, the Commission may also take into account any other relevant in-

formation before it, in addition to the specific comments invited by this notice. If comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

20. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, and comments filed shall be furnished the Commission.

Adopted: August 9, 1967.

Released: August 16, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

1. It is proposed to amend § 21.501 of the Commission's rules by addition to paragraph (c) the frequency pair 152.24/158.70 Mc/s for use of non-wire-line common carriers in providing one-way signaling and two-way communication service, and by addition of new paragraph (h) to designate the frequencies 152.84 Mc/s and 158.10 Mc/s for use exclusively for one-way signaling by wireline common carriers. The present text of paragraph (h) is being deleted because no station assignments exist in the 890–952 Mc/s band in this service. As amended, § 21.501 will read as follows:

§ 21.501 Frequencies.

* * * * *

(c) For assignment to stations of communication common carriers not also engaged in the business of providing a public landline message telephone service for General and Dispatch Communications (provided that Signaling Communications may also be furnished by any facility rendering such General or Dispatch service):

Base station frequencies (Mc/s)	*Mobile, dispatch and auxiliary test station frequencies (Mc/s)*
152.03	158.49
152.06	158.52
152.09	158.55
152.12	158.58
152.15	158.61
152.18	158.64
152.21	158.67
152.24	158.70
454.05	459.05
454.10	459.10
454.15	459.15
454.20	459.20
454.25	459.25
454.30	459.30
454.35	459.35

* * * * *

(h) For assignment to base stations of communication common carriers engaged also in the business of affording public landline message telephone service, for use exclusively in providing a one-way signaling service to mobile receivers:

152.84 Mc/s	158.10 Mc/s
* * *	* *

2. It is proposed to amend § 21.601(a) of the Commission's rules by addition of the frequencies 152.84 Mc/s, 158.10 Mc/s, and 158.70 Mc/s to read as follows:

§ 21.601 Frequencies.

(a) The following frequencies are available primarily to the Domestic Public Land Mobile Radio Service and on a secondary basis to stations in the Rural Radio Service, provided no harmful interference is caused to stations in the Domestic Public Land Mobile Radio Service:

Central office and interoffice station frequencies (Mc/s)	*Rural subscriber and interoffice station frequencies (Mc/s)*
152.51[1]	[1] 157.77
152.54[1]	[1] 157.80
152.57[1]	[1] 157.83
152.60[1]	[1] 157.86
152.63[1]	[1] 157.89
152.66[1]	[1] 157.92
152.69[1]	[1] 157.95
152.72[1]	[1] 157.98
152.75[1]	[1] 158.01
152.78[1]	[1] 158.04
152.81[1]	[1] 158.07
152.84[1]	[1] 158.10
	[2] 158.49
	[2] 158.52
	[2] 158.55
	[2] 158.58
	[2] 158.61
	[2] 158.64
	[2] 158.67
	[2] 158.70
	[2] 459.05
	[2] 459.10
	[2] 459.15
	[2] 459.20
	[2] 459.25
	[2] 459.30
	[2] 459.35
454.40[1]	[1] 459.40
454.45[1]	[1] 459.45
454.50[1]	[1] 459.50
454.55[1]	[1] 459.55
454.60[1]	[1] 459.60
454.65[1]	[1] 459.65
454.70[1][3]	[1][3] 459.70
454.75[1][4]	[1][3] 459.75
454.80[1][4]	[1][3] 459.80
454.85[1][3]	[1][3] 459.85
454.90[1][5]	[1][4] 459.90
454.95[1][5]	[1][5] 459.95

[1] This frequency is available for assignment only to stations of communication common carriers engaged also in the business of affording public landline message telephone service.

[2] This frequency is available for assignment only to stations of communication common carriers not also engaged in the business of providing a public landline message telephone service. (NOTE: There is pending, in Docket 13847, a proposal to delete frequencies available for central office and interoffice stations for miscellaneous common carriers and to retain the frequencies for rural subscriber stations as designated by this footnote designator 2.)

[3] Pending promulgation of rules and regulations to govern the public air-ground radiotelephone service, and subject to further Order of the Commission, frequencies in the 454.675–455.000 Mc/s and 459.675–460.000 Mc/s bands are not available for operation of new radio facilities in the Rural Radio Service. In the interim, the authorizations of stations using such frequencies may be renewed, subject to Commission determination relative to use of such frequencies by the public air-ground radiotelephone service.

[F.R. Doc. 67-9753; Filed, Aug. 18, 1967; 8:45 a.m.]

[2] Commissioner Cox abstaining from voting; Commissioners Loevinger, Wadsworth, and Johnson absent.

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 114]

[No. 34861]

UNIFORM SYSTEM OF ACCOUNTS FOR ELECTRIC RAILWAYS

Notice of Proposed Rule Making

AUGUST 11, 1967.

Notice is hereby given pursuant to the provisions of section 4(a) of the Administrative Procedure Act that the Commission has under consideration proposed amendments of the Uniform System of Accounts for Electric Railways, to be effective as of January 1, 1967, with regard to the accounting treatment of extraordinary and prior period items in the determination of net income.

The proposed regulations would (a) generally require that items affecting net income be recorded in appropriate profit and loss accounts, rather than by direct entry to earned surplus account, and (b) explain, define and provide accounts and categories for ordinary income, extraordinary items, prior period items and applicable income taxes.

The revised rules herein proposed will have several notable advantages over current regulations which conditionally permit direct entry to earned surplus. Moreover, in asserting more objective criteria with respect to determination of materiality than presently exist, the proposed changes are intended to minimize the need to interpret existing regulations.

The Detailed Statement of Proposed Rule contained in the appendix below completely states the proposed revisions to the applicable parts of the Uniform System of Accounts for Electric Railways, considered necessary to accomplish the stated objectives.

All carriers affected by the proposed rules and other interested parties who desire to do so should submit written views and comments for consideration, as soon as possible, and not later than September 30, 1967. The Commission will consider all such responses and representations before deciding this matter, after which such order as may be found appropriate will be entered. An original and three copies of any such response should be submitted.

Notice shall be given Electric Railways hereby affected and to the general public by depositing this Notice in the office of the Secretary of the Commission at Washington, D.C., and by filing this Notice with the Director, Office of the Federal Register.

(12, 20, 24 Stat. 383, as amended; 49 U.S.C. 12, 20)

By the Commission, division 2.

[SEAL] H. NEIL GARSON,
Secretary.

APPENDIX

DETAILED STATEMENT OF PROPOSED RULE

I. The Table of Contents is amended as follows:

(a)

CHANGE		
	From	*To*
114.01–6	Delayed items.	114.01–6 Extraordinary and prior period items.
114.02–3	Delayed items.	114.02–3 Extraordinary and prior period items.
114.03–2	Delayed items.	114.03–2 Extraordinary and prior period items.
114.306	Miscellaneous credits.	114.306 Other credits to earned surplus.
114.317	Miscellaneous debits.	114.317 Other debits to earned surplus.

(b) The following lines are deleted:

114.51–2	Retirements; power.
114.212–1	Delayed income credits.
114.226	Income applied to sinking and other reserve funds.
114.227	Income appropriated for investment in physical property.
114.228	Miscellaneous appropriations of income.
114.229	Delayed income debits.
114.312	Stock discount extinguished through surplus.
114.419	Retirements.

(c) After Income Accounts add:

ORDINARY ITEMS

(d) The following lines are added after § 114.225:

EXTRAORDINARY AND PRIOR PERIOD ITEMS

114.270	Extraordinary items (net).
114.280	Prior period items (net).
114.290	Income taxes on extraordinary and prior period items.

II. Operating expenses; instructions and Accounts Amended:

Item No. 1. Section 114.01–6 is revised to read as follows:

§ 114.01–6 Extraordinary and prior period items.

(a) All items of profit and loss recognized during the year are includible in ordinary income except nonrecurring items which in the aggregate for the same class are both material in relation to operating revenues and ordinary income, and are clearly not identified with or do not result from the usual business operations for the year. Important items of the kind which occur from time to time and which, when material in amount, are to be excluded from ordinary income are those resulting from unusual sales of property and investment securities other than temporary cash investments, from company bonds, reacquired, from change in the application of accounting principles, and from prior period items (other than ordinary adjustments of a recurring nature). Material items are those which, unless excluded from ordinary income, would distort the accounts and impair the significance of ordinary income for the year. Items so excludible from ordinary income accounts provided for extraordinary and prior period items upon approval of the Commission.

(b) Adjustments, constituting items of a character typical of customary business activities or representing corrections or refinements resulting from the natural use of estimates inherent in the accounting process, shall not be considered extraordinary or prior period items regardless of amount.

(c) In determining materiality, items of a similar nature should be considered in the aggregate; dissimiliar items should be considered individually. As a general standard, an item to qualify for inclusion as an extraordinary or prior period item shall exceed one percent of total operating revenues and ten percent of ordinary income for the year.

(d) Ordinary delayed items and adjustments arising during the current year which are applicable to or related to transactions of prior years shall be included in the same accounts which would have been charged or credited if the item had been taken up or adjusted in the period to which it pertained. Ordinary delayed items excludes items of the character described in paragraph (a).

Item No. 2. The first sentence of § 114.01–8 *Salvage and value of material removed*, is revised to read as follows: "As used in this system of accounts, the terms 'salvage' and 'value of material removed' include the value of the carrier (not to exceed cost, estimated if not known), recovered or removed in the process of repairing, renewing, replacing or abandoning roadway, structures, and equipment."

Item No. 3. The last sentence of § 114.01–9, "Insurance recovered" is deleted.

Item No. 4. Section 114.01–10 *Property retired*, is amended by revising the first sentence of the second paragraph as follows: "When the amount chargeable to operating expenses in connection with the retirement of nondepreciable property is so material that its inclusion would distort the ordinary income for the year, the service value shall be recorded in account 270, 'Extraordinary items', when authorized by the Commission. See instruction 1–6."

Item No. 5. The last sentence of the second paragraph of § 114.01–14 *Depreciation*, is revised as follows: "The carrier may request, or the Commission may direct, that special accounting be applied in situations causing undue inflation or deflation of depreciation reserves, such as premature or unusual retirements or sales of depreciable property, or related insurance recoveries. A carrier's request for special accounting shall contain full particulars concerning the situation, including the basis for its proposal. Alternative accounting techniques shall be applied to the extent approved or directed by the Commission."

Item No. 6. Section 114.28–2 *Retirements; way and structures*, is revised to read as follows:

§ 114.28–2 Retirements; way and structures.

(a) This account shall include the service value of nondepreciable way and structure retired and not replaced, the ledger value of which is credited to account 401, "Road and equipment". It shall also include the service value of nondepreciable property which the carrier has been authorized by the Commission to charge to operating expenses in anticipation of its ultimate retirement from service.

(b) When the amounts referred to in paragraph (a) of this account are sufficiently large to constitute an extraordinary item, pursuant to section 114.01–6, they shall be credited to account 270, "Extraordinary items".

Item No. 7. Section 114.51–2 *Retirements; power*, is deleted.

Item No. 8. Section 114.0–7 *Accounts for small carriers, Class II*, is amended by deleting line 51–2, "Retirements—Power."

Item No. 9. Section 114.0–8 *Accounts for small carriers, Class III*, is amended by deleting line 51–2, "Retirements—Power."

III. Operating revenues; instructions amended:

Item No. 1. Section 114.02–3 is revised as follows:

§ 114.02–3 Extraordinary and prior period items.

See § 114.01–6 *Extraordinary and prior period items.*

IV. Income instructions and accounts amended:

Item No. 1. Section 114.03–2 is revised as follows:

§ 114.03–2 Extraordinary and prior period items.

See § 114.01–6 *Extraordinary and prior period items.*

Item No. 2. The last sentence of § 114.03–4 *Income from sinking and reserve funds*, is deleted.

Item No. 3. Section 114.03–6 *Form of income statement*, is amended as follows:

(a) Add the caption "Ordinary Items" above "Operating Income".

(b) Delete line 212–1, "Delayed income credits" and line 229, "Delayed income debits".

(c) Delete all lines between "Total deductions from gross income", and "Income Accounts" and add the following line items:

ORDINARY INCOME

EXTRAORDINARY AND PRIOR PERIOD ITEMS

270 Extraordinary items (net)
280 Prior period items (net)
290 Income taxes on extraordinary and prior period items.
Total extraordinary and prior period items.
Net income (or loss).

Item No. 4. Above § 114.201 *Railway operating revenues*, add center caption "Ordinary Items" between "Income Accounts" and "Credit".

Item No. 5. Section 114.212 *Miscellaneous income*, is amended by adding the following: Among the items which shall be included in this account are:

Profits from sale or transfer of land.
Profits from sale of investment securities.
Profits for sale or retirement of property assignable to account 404, "Miscellaneous physical property".
Unreleased premiums on funded debt securities reacquired before maturity.

Cancellation of balance sheet accounts representing unclaimed wages and vouchered accounts written off because of inability to locate creditors.

Credit from adjustments to bring funded debt securities issued or assumed to par when reacquired at less than par.

Collection of old accounts previously written off to profit and loss.

When the profits or adjustments resulting from any of the first four items are of an amount sufficiently large to constitute extraordinary items, pursuant to instruction 1–6, such profit or proceeds shall be credited to account 270, "Extraordinary Items."

Item No. 6. Section 114.212–1 *Delayed income credits,* is deleted.

Item No. 7. The first paragraph of § 114.215 *Taxes assignable to transportation operations,* is designated paragraph (a) and the next two paragraphs are revised to read as follows:

* * * * *

(b) The taxes on leased property shall be included in this account by the carrier obligated to assume such expenses under the terms of the lease.

(c) Monthly accruals of income taxes applicable to ordinary income shall be included in this account. See texts of account 290, "Income taxes on extraordinary and prior period items", account 306, "Other credits to earned surplus", and account 317, "Other debits to earned surplus", for recording other income tax consequences.

(d) Details pertaining to the income tax consequences of other unusual and significant items, and also cases where tax consequences are disproportionate to related amounts included in income accounts, shall be submitted to the Commission for consideration and decision as to proper accounting.

(e) Income taxes which are refundable or reduced as the result of carryback or carry-forward of operating loss shall be credited to this account, if a carry-back, in the year in which the loss occurs, or if a carry-forward, in the year in which such loss is applied to reduce taxes. However, when the amount constitutes an extraordinary item, pursuant to section 114.01–6, it shall be included in account 280, "Prior period items".

Item No. 8. Section 114.225 *Miscellaneous debits,* is amended by adding the following: "Among other items which shall be included in this account are:

Losses from sale or transfer of land.

Losses from sale of investment securities.

Losses from sale or retirement of property assignable to account 404, "Miscellaneous physical property".

Unextinguished discount on funded debt securities reacquired before maturity.

Debits from adjustments to bring funded debt securities issued or assumed to par when reacquired at less than par.

Payment of old accounts previously written off to profit and loss.

When the profits or adjustments resulting from any of the first four tabulated items are of an amount sufficiently large to constitute extraordinary items, pursuant to instruction 1–6, such profits or proceeds shall be credited to account 270, "Extraordinary items"."

Item No. 9. Sections 114.226 to 114.229 are deleted.

Item No. 10. The system of accounts following § 114.225 is amended by adding the following:

EXTRAORDINARY AND PRIOR PERIOD ITEMS

§ 114.270 Extraordinary items (net).

(a) This account shall include extraordinary items accounted for during the current accounting year in accordance with § 114.01–6, upon approval of the Commission. Among the items which shall be included in this account are:

Net gain or loss on sale of land used for transportation purposes and of noncarrier property.

Net gain or loss on sale of securities acquired for investment purposes, and charges to write down the ledger value of such securities because of impairment of value.

Net gain or loss on reacquisition of company bonds.

Loss on retirement of transportation property because of abandonment or other cause for which depreciation reserve has not been provided.

Changes in application of accounting principles.

(b) Income tax consequences of charges and credits to this account shall be included in account 290, "Income taxes on extraordinary and prior period items".

(c) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

§ 114.280 Prior period items (net).

(a) This account shall include unusual delayed items accounted for during the current accounting year in accordance with the text of § 114.01–6, upon approval of the Commission. Among the items which shall be included in this account are:

Unusual adjustments, refunds or assessments of income taxes of prior years.

Unusual adjustments of reserves of prior years determined to be excessive or deficient.

Similar items representing transactions of prior years which are not identifiable with or do not result from business operations of the current year.

(b) Income tax consequences of charges and credits to this account shall be included in account 290, "Income taxes on extraordinary and prior period items".

(c) This account shall be maintained in a manner sufficient to identify the nature and gross amount of each debit and credit.

§ 114.290 Income taxes on extraordinary and prior period items.

This account shall include the estimated income tax consequences (debit or credit) assignable to the aggregate of items of both taxable income and deductions from taxable income which, for accounting purposes, are classified as unusual and extraordinary and are includible in account 270, "Extraordinary items", or 280 "Prior period items", as appropriate.

V. Earned surplus instructions and accounts amended:

Item No. 1. Section 114.306 *Miscellaneous credits,* is revised to read as follows:

§ 114.306 Other credits to earned surplus.

(a) This account shall include other credit adjustments, net of assigned income taxes, not provided for elsewhere in this system but only after such inclusion has been authorized by the Commission.

(b) The records supporting entries in this account shall be so maintained that an analysis thereof may be readily made available.

Item No. 2. Section 114.312 *Stock discount extinguished through surplus,* is deleted.

Item No. 3. Section 114.317 *Miscellaneous debits,* is revised to read as follows:

§ 114.317 Other debits to earned surplus.

(a) This account shall include (1) losses on resale of reacquired capital stock, (2) charges which reduce or write off discount on capital stock issued by the company, and (3) in pooling of equity interests situations, the excess of the value of the surviving company's capital stock over the aggregate total of the capital stock of the separate companies before such merger or consolidation, but only to the extent that capital surplus is not available for such purposes. (See § 114.05–2.)

(b) This account shall include other debit adjustments, net of assigned income taxes, not provided for elsewhere in this system, but only after such inclusion has been authorized by the Commission.

(c) The records supporting entries in this account shall be so maintained that an analysis thereof may be readily made available.

VI. General balance sheet instructions and accounts amended:

Item No 1. The first sentence of the second paragraph of § 114.05–2 *Discount and premium on capital stock,* is revised to read as follows: "Entries in these accounts representing discounts shall be carried therein until offset (a) by premiums realized on subsequent sales of the same class of stock, (b) by assessments levied on the stockholders, (c) by charges to account 448, 'Unearned surplus', to the extent of the credit balance carried therein, (d) by charges to account 317, 'Other debits to earned surplus'; or discount may be retained in account 423–1, 'Discount on capital stock', until the stock to which the discount applies is reacquired or retired."

Item No. 2. The last sentence of the fourth paragraph of § 114.05–2 *Discount and premium on capital stock,* is revised to read as follows: "*Provided, however,* That the excess of a debit over the balance carried in unearned surplus shall be charged to account 317, 'Other debits to earned surplus'."

* * * * *

Item No. 3. The fourth paragraph of § 114.05–3 is revised to read as follows:

Except as provided in this section, the balance in each of the discount, expense, and premium accounts shall be carried therein until the reacquirements of the securities to which they relate, at which time the proportion (based on the ratio of the amount of funded debt reacquired to the actual outstanding before reacquirement) of discount, expense, and premium for the class of funded debt reacquired shall be cleared to account 212, "Miscellaneous income", account 225, "Miscellaneous debits", or to account 270, "Extraordinary items", as appropriate, in accordance with the text of these accounts.

Item No. 4. Section 114.05–7 *Form of general balance sheet statements,* is amended by deleting line 419, "Retirements".

Item No. 5. The note to § 114.401–3 *Reserve for depreciation—Road and equipment,* is deleted and the following paragraph is added:

A carrier may request, or the Commission may direct, that special accounting be applied in situations causing undue inflation or deflation of depreciation reserves, such as premature or unusual retirements or sales of depreciable property, or related insurance recoveries. A carrier's request for special accounting shall contain full particulars concerning the situation, including the basis for its proposal. Alternative accounting techniques shall be applied to the extent approved or directed by the Commission.

Item No. 6. The second paragraph of § 114.406–1 is revised to read as follows:

"When such investments are written down, written off, sold, or otherwise disposed of at a loss, the losses sustained shall be charged to this account to the extent of the total credit balance in the account and the remainder, if any, shall be charged to account 225, 'Miscellaneous debits', or account 270, 'Extraordinary items', as appropriate."

Item No. 7. The second paragraph of § 114.418 *Discount on funded debt,* is revised to read as follows:

* * * * *

When an issue of funded debt, or any part thereof, is canceled and at the date of cancellation there is a balance of unamortized discount and expense relating thereto, the amount of such balance, together with any premium paid in retiring the debt, shall be charged to account 225, "Miscellaneous debits", or account 270, "Extraordinary items", as appropriate.

Item No. 8. Section 114.419 *Retirements,* is deleted.

Item No. 9. NOTE D of § 114.423 *Capital stock,* is revised to read as follows:

* * * * *

NOTE D: When par value capital stock is exchanged for capital stock without par value, any sums resting in discount, expense, and premium accounts with respect thereto shall be charged to account 448–1, "Paid-in surplus": *Provided,* That any debit in excess of the credit balance carried in that account shall be included in account 317, "Other debits to earned surplus".

Item No. 10. The second paragraph of § 114.440 *Premium on funded debt,* is revised to read as follows:

* * * * *

When an issue of funded debt or any part thereof is cancelled and at the date of cancellation there is a balance of unamortized premium relating thereto, the amount of such balance shall be credited to account 212, "Miscellaneous income", or account 270, "Extraordinary items", as appropriate.

VII. Road and equipment instructions and accounts amended:

Item No. 1. The first paragraph of § 114.06–7 *Land sold or reclassed,* is revised to read as follows:

If any land the cost of which has been included in these accounts is sold, the appropriate account shall be credited with the amount at which such property stands charged therein at the time of the disposal, and the difference between the amount thus credited and the amount received from the sale or disposal of the property shall be included in account 212, "Miscellaneous income", account 225, "Miscellaneous debits", or account 270, "Extraordinary items", pursuant to § 114.01–6, as appropriate.

* * * * *

Item No. 2. The last sentence of Note B of § 114.501 *Engineering,* is amended to read as follows:

* * * * *

NOTE B: * * * If the project is continued, expenditures for all surveys in connection therewith shall then be transferred to this account, and, if abandoned, to appropriate income accounts.

[F.R. Doc. 67–9797; Filed, Aug. 18, 1967; 8:47 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

HOUSING GUARANTY PROGRAM

Reopening

AUGUST 19, 1967.

The Foreign Assistance Act ("FAA") of 1966 directed that additional authority to issue housing guaranties provided by that statute be utilized by the Agency for International Development (A.I.D.) for pilot demonstration projects in Latin American countries. Guaranties are issued to eligible investors against loss of loan investments pursuant to section 224 of the Foreign Assistance Act of 1961, as amended. This announcement is intended to describe the Pilot Demonstration Program (Program), and outline the more important A.I.D. policies which govern its operation. The present Announcement is also intended to serve as a notification that A.I.D. will again accept applications for housing guaranties. Acceptance of applications by A.I.D. under the present Program will be limited to pilot demonstration projects, in accordance with the policies and criteria set forth below.

I. *The Program*—A. *General.* 1. The Program is an integral part of the Alliance for Progress. Accordingly, A.I.D. intends to utilize the guaranty authority, to the maximum extent possible, to support those projects which are most responsive to the Alliance objective of achieving qualitative and quantitative improvements in the home construction and finance industries throughout the hemisphere. Therefore, in evaluating applications, special consideration will be given to projects which will contribute to these goals. A.I.D. seeks to encourage the use of significantly better financing, marketing, management and building techniques to meet these objectives, and will entertain proposals employing improvements and/or innovations in methods, materials and design in home and community planning and construction which will result in reduced initial costs and carrying charges and improved housing while at the same time being consistent with sound underwriting criteria.

2. Projects will be selected competitively, and all eligible applications submitted prior to the terminal dates described in Section B, paragraph 2, below will be subjected to competitive evaluation.

3. Total guaranty authority now available for this program was determined in accordance with the guidelines provided by the President's Balance of Payments Committee.

B. *Eligible countries.* 1. The countries for which applications will be accepted by A.I.D. under the Program are limited to the following: British Honduras, Jamaica, Panama, Peru, and Venezuela.

2. Applications under the Program will be accepted by A.I.D. only at the office of the A.I.D. Mission (or in British Honduras at the U.S. Consulate) in the country for which the application is intended and only during the first 15 days of the month in which applications are due, in accordance with the schedule which follows:

Country	*Terminal date*
Panama	Jan. 15, 1968
British Honduras	Feb. 15, 1968
Jamaica	Mar. 15, 1968
Peru	Apr. 15, 1968
Venezuela	May 15, 1968

Applications will be accepted during ordinary business hours Monday through Friday from the first day of the month until close of business on the terminal dates shown.

3. The available authority has tentatively been distributed as follows:

Panama	$6,000,000
British Honduras	1,000,000
Jamaica	6,000,000
Peru	9,000,000
Venezuela	9,000,000

4. AID reserves the right to change the participating countries and/or the distribution of resources at its sole discretion.

C. *Eligible Projects*—1. *Program Category.* Eligible applications under the Program will be limited to Pilot Demonstration Projects, more fully described in paragraph 2e. below.

2. *Eligibility criteria*—a. *Joint venture.* The application must propose sponsorship by a bonafide joint venture between United States and host country entities. The application should expressly state the division of responsibilities envisioned, stock ownership proposed, and any other information which would help explain how the joint venture would operate. The U.S. partner must have proven experience in comparable residential development. Particular attention in the application should be devoted to the exact participation of each partner to the joint venture.

b. *Limit on applications.* No applicant may file more than one application in any one country.

c. *Applications previously submitted.* Applications previously submitted under earlier housing guaranty programs and not approved must be resubmitted utilizing the present form of application. Such applications must meet all requirements of this Program.

d. *Sales price.* The maximum sales price of any dwelling unit shall not exceed $7,500 taking into consideration that this ceiling must also provide for all anticipated price increases resulting from increased material and labor cost during the construction of the project.

e. *Pilot demonstration features.* (i) All projects submitted must demonstrate a contribution to the advancement of housing and/or community development in the locality for which it is proposed. This advancement may be in land planning, design, construction, building materials, production techniques, use of manpower, marketing procedures, financing, community planning or organization, or such other demonstration features as may be responsive to the Program objectives.

(ii) A.I.D. continues to consider as one of its most important goals the development of institutions in Latin America which will participate in the Alliance for Progress by helping in the economic and social development of the hemisphere. Accordingly, pilot demonstration projects which will also promote the development of trade unions, cooperatives and mortgage credit institutions, or which provide for financial participation of local institutions, as lenders or guarantors, will be welcomed under this program.

f. *Bonding and warranties.* (i) Sponsors will be required to provide surety that if a project is terminated prematurely, it will be done in an orderly fashion. This will require that work begun be completed and that all financial obligations of the Sponsor be satisfied. This surety may be in the form of a payment bond or a bank guaranty in an amount not less than 10 percent of the cost of the project, or if neither payment bonds nor bank guaranties are available, in such other form as may be acceptable to A.I.D.

(ii) Sponsors will also be required to escrow 2.7 percent of the sales price for a 12-month period after the closing of each house to insure that the Sponsor meets the conditions of his warranties.

g. *Applications.* All applications must be submitted in the English language. All exhibits must be submitted in English, or must be accompanied by English translations. Five complete sets of applications and exhibits must be submitted.

II. *General information.* An explanation of the terminology used in the Contract of Guaranty and other documents may be helpful to those unfamiliar with the Program.

A. *Sponsor.* The Sponsor normally develops a project, submits it to A.I.D. for review and is responsible, once the project is determined to be eligible for guaranty coverage, to see it through to completion. The Sponsor will normally be an individual or entity with considerable experience in organizing and carrying out large scale residential construction projects. All Sponsors shall:

1. Be joint ventures of United States and Latin American individuals or entities, which entities shall be substantially

beneficially owned by United States or Latin American citizens.

2. Demonstrate actual experience and present capacity in developing housing projects and financial capacity to complete the proposed project.

3. Certify that they are not presently barred from doing business with the Federal Housing Administration or other agencies of the U.S. Government.

4. Demonstrate ability to secure construction financing without an A.I.D. guaranty of such construction financing.

5. Furnish warranties against construction defects for not less than 1 year from completion of construction of the respective dwellings. (A.I.D. may require more extensive warranties depending on normal practice in the countries in which the projects are located.)

B. *The investor.* 1. Section 223(c) of the Foreign Assistance Act of 1961, as amended, defines "eligible U.S. Investors" as follows:

"(c) the term 'eligible United States investors' means United States citizens, or corporations, partnerships, or other associations created under the laws of the United States or any State or territory and substantially beneficially owned by United States citizens, as well as foreign corporations, partnerships, or other associations: *Provided*, That the eligibility of a foreign corporation shall be determined without regard to any shares, in aggregate less than 5 per centum of the total of issued and subscribed share capital, required by law to be held by persons other than the United States owners."

2. Investors in the Program to date have included insurance companies, commercial banks, and the trustees of the pension and retirement funds of the AFL/CIO unions. Pursuant to the Housing Act of 1965, the U.S. Federal savings and loan associations are now able to participate. It is also understood that action by various state legislatures or state supervisory agencies now permits or soon will permit a substantial number of state chartered savings and loan associations to enjoy a similar status.

3. Sponsors are not required to provide evidence of the availability of a long-term investor at the time of applications. The first contact between the sponsor and investor need not take place until A.I.D. has completed its evaluation and issued a Letter of Advice to the successful applicants.

C. *The investment.* 1. The investment must be in the form of a long-term (usually at least 15 years) dollar loan to provide mortgage financing for a home ownership program. The monthly payments on the mortgages, together with the mortgage financing, down payments and closing costs should produce funds adequate to cover all project costs. Investments in rental projects are not eligible.

2. The rate of interest to the investor is governed by the provisions of the Foreign Assistance Act of 1961, as amended, which are as follows: "Section 222(h). In the case of any loan investment for housing guaranteed under * * * this Act * * * the Administrator of the Agency for International Development shall prescribe the rate of interest allowable to the eligible U.S. investor, which rate shall not be less than one-half of one per centum above the then current rate of interest applicable to housing mortgages insured by the Department of Housing and Urban Development. In no event shall the Administrator prescribe an allowable rate of interest which exceeds by more than one per centum the then current rate of interest applicable to housing mortgages insured by such Department."

3. The Administrator of A.I.D. has fixed the interest rate at not more than one-half of 1 percent above the ceiling applicable at the time the guaranty is authorized by A.I.D.

4. The present maximum yield to the investor permitted under the Program is 6½ percent per annum. This yield will be adjusted periodically pursuant to section 222(h) quoted in paragraph C.2 above.

5. The typical investment to date has been made for a 20-year term. Henceforth, A.I.D. is prepared to evaluate on a case by case basis the possibility of extending the amortization period beyond 20 years but not to exceed 25 years in order that lower income families may be able to share in the benefits of the program.

6. The amount of the A.I.D. guaranty is limited to a maximum of $3 million per project. The minimum total project cost will be $1 million.

7. A.I.D. reserves the right to increase or decrease the amount of guaranty authorization requested.

D. *The Administrator.* 1. A.I.D. analyzes potential administrators in each country and will select the administrator for projects under the Program.

2. The administrator must be located within the country and preferably in the city in which the project is located. Individual mortgages financed from the proceeds of a guarantied investment may not be held or serviced by an investor or institution located within the United States.

3. The competence of the administrator is basic to the success of the project since it has primary responsibility to inspect and otherwise supervise the project from its inception through the servicing of the individual mortgages until they are completely paid off.

E. *Fees, reserves and other charges*—1. *Fees*—a. *Application fees*—(i) *Submission Fee.* Each application must be accompanied by a Submission Fee in the amount of one thousand dollars ($1,000). This fee shall be paid in the form of a certified check payable in U.S. dollars drawn on a U.S. bank and made payable to the Agency for International Development. This fee will become non-refundable upon acceptance of the application as described in Part III, Section A.

(ii) *Acceptance fee.* Upon issuance by A.I.D. of a "Letter of Advice" to the applicant in which the amount of guaranty authorized by A.I.D. will be stated, along with other conditions of the authorization, an Acceptance Fee shall become due and payable. This fee shall be in the amount of two dollars ($2) per one thousand dollars ($1,000) of the amount of the guaranty authorized.

b. *A.I.D. guaranty fee.* The A.I.D. guaranty fee is based upon the unpaid principal balance of the guarantied loan investment and is payable monthly as follows:

(i) One-half of one percent per annum where repayment of the loan in U.S. dollars has been guarantied by the government of the country in which the project is located.

(ii) One percent per annum where mortgages are insured in local currency by a government mortgage insurance institution, housing agency or other public or private institution acceptable to A.I.D. of the country in which the project is located.

(iii) Two percent per annum in all other cases.

c. *Inspector's fee.* Each sponsor of an approved project will be required to place in escrow, with the administrator at the time that the guaranty contracts for the project are signed (and to maintain such escrow fund with monthly deposits), an amount equal to the sum of three months salary for the certifying project inspector. These sums will constitute a project charge, which will be incorporated in the sales price and will be recoverable by the sponsor as stages of the project are completed.

d. *Reserves.* (i) A.I.D. requires that reserves be established to cover defaults by individual mortgagors as well as maintenance of value of local currencies. These reserves are established through an initial payment by the mortgagor at the time the mortgages are closed plus the payment of a fixed monthly charge, as part of the home purchaser's monthly payments. The amounts of such charges vary from country to country. Further information will be available from the A.I.D. Missions in the respective countries and from the U.S. consulate in British Honduras.

(ii) A.I.D. will require, wherever appropriate, adjustable mortgage payments by homeowners. Adjustable mortgages are normally based on a formula which adjusts the outstanding mortgage balance periodically in accordance with a reliable index which reflects the trend of internal costs and prices in a particular country.

(iii) A.I.D. may also require, in certain situations, a guaranty of repayment of the investment in U.S. dollars by the government of the country in which the project is located.

e. *Other charges.* There are many cost variables both within a country and among countries. It is therefore suggested that applicants use ten percent (10%) interest per annum as the sum of applicable charges when estimating the homeowners' monthly payments, unless more accurate figures are available for the particular project.

F. *Establishing sales prices.* 1. A.I.D. will evaluate proposed selling prices on the basis of estimates submitted by the applicant and reviewed by or on behalf of A.I.D.

2. The sponsor should consult the local USAID Mission or the U.S. Consulate in British Honduras regarding the appropriate level of sales prices and should be prepared to demonstrate the existence of an unserved market in the income group for which the project is intended.

3. A.I.D. will give special consideration to those projects having sales prices substantially below the $7,500 ceiling price.

G. *Community facilities.* 1. All applications should carefully consider the basic needs of a community over and above that for improved housing. A.I.D. will, therefore, carefully evaluate the sponsor's effort to assure that education, transportation, recreation, shopping, health facilities and other basic community necessities are provided.

2. A.I.D. will consider inclusion of the cost of community facilities, such as a community center, as part of the cost of the project, providing it can be demonstrated that such facilities add to the value of the dwelling.

3. As an essential element in sound community planning, applications must incorporate proposals governing the use of protective covenants and community organizations to control the uses of and alterations to the dwellings, as well as other arrangements necessary to maintain the standards of the community. Such arrangements shall also commit the sponsor or builder to remain responsible for the maintenance and operation of utilities and facilities until such responsibility is legally assumed by another acceptable entity.

III. *Processing of applications*—A. *Presubmission stage.* 1. The primary contact for a potential sponsor is the United States A.I.D. Mission ("USAID") (or in British Honduras, the Consulate) situated in the country in which the proposed project is located. The sponsor should establish that the USAID has no objection to the submission of the application for the proposed project before developing the application. USAID will advise what additional conditions, if any, apply in the particular country. As stated in Part I, Section B, paragraph 2, above, applications will be accepted only at the USAID office in the country where the project is proposed and at the U.S. Consulate in British Honduras.

2. Mission and consular personnel will be available to provide general guidance to prospective applicants from the date hereof until the due date stipulated in Part I, Section B above.

3. At the time applications are submitted, USAID personnel will review applications for completeness and will advise the applicant in writing that the application is complete or will advise what items are missing. USAID personnel will finish their review for completeness as soon as possible.

4. Any applicant whose application is found to be incomplete will be given 15 days from the date of notification of same in which to provide the missing information. If, after this 15-day period, the USAID personnel determine the application still to be incomplete, it shall then be rejected in writing and may not be resubmitted. All applications so rejected by A.I.D. shall be returned to the applicant together with the Submission Fee described in Part II, Section E, paragraph 1a.(i), above. This is the only condition under which the Submission Fee will be returned to the applicant.

B. *Prefeasibility review.* 1. All applications accepted by A.I.D. pursuant to Section A above, will be subjected to competitive evaluation in two stages. During the first, or prefeasibility review, all applications will be reviewed by A.I.D., and those projects considered most responsive to A.I.D.'s objectives will be selected for more exhaustive (feasibility) studies. A.I.D. expects to complete the first stage processing within 120 days of the final date applications are accepted in a particular country. Applicants shall be notified in writing of the disposition of their application at this point.

2. During prefeasibility review, the applicant will be expected to have an authorized representative available in the country in which the proposed project is located to provide A.I.D. representatives with such clarifications as may be requested.

C. *Feasibility review.* 1. All applications considered feasible as a result of the prefeasibility review shall be subject to a second or feasibility review. This review will include full local investigations of each project.

2. A.I.D. is privileged to be able to avail itself of the cumulative skills, experience and personnel of the Federal Housing Administration (FHA) through FHA's International Division which, under contract with A.I.D. provides technical and staff services to the A.I.D. Housing and Urban Development Division in the administration of the Housing Investment Guaranty Program. The FHA will send a team of men to investigate each project selected for Feasibility Review. The technical judgments of the FHA shall serve as guides for A.I.D. in fulfillment of its housing guaranty responsibilities.

3. A.I.D. will also make use of the skills of its own personnel and such other consultants it considers necessary to investigate and evaluate each project.

4. As in prefeasibility review, the applicant will be expected to have an authorized representative available in the country in which the project is to be located to provide A.I.D. representatives with such additional information and clarifications as may be required.

D. *Acceptance.* After feasibility reviews are completed, A.I.D. will select the successful projects, and issue letters of advice. Applicants not selected will be notified in writing. All decisions by A.I.D. are final.

IV. *A closing note.* The success of the Program is a key element of the Alliance for Progress. The staff of A.I.D. will furnish all possible assistance to applicants in order to insure submission of the best possible applications and the ultimate development of the finest and most creative group of projects.

JAMES FOWLER,
Deputy U.S. Coordinator,
Alliance for Progress.

[F.R. Doc. 67-9830; Filed, Aug. 18, 1967; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. B-415]

HAROLD A. LOFTES

Notice of Loan Application

AUGUST 15, 1967.

Harold A. Loftes, 16 Tarlton Road, Wakefield, R.I. 02879, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 60-foot L.O.A. steel stern dragger to engage in the fishery for red hake, flounders, and fish for industrial uses.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965) that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

H. E. CROWTHER,
Director,
Bureau of Commercial Fisheries.

[F.R. Doc. 67-9771; Filed, Aug. 18, 1967; 8:45 a.m.]

National Park Service

[Order No. 44]

DEPUTY ASSOCIATE DIRECTOR, NATIONAL PARK SERVICE AND REGIONAL DIRECTOR, NATIONAL CAPITAL REGION

Redelegation of Authority Relating to District of Columbia Zoning Commission

The authority delegated by the Secretary of the Interior to the Director, National Park Service to serve as a member of the Zoning Commission of the District of Columbia is hereby redelegated to Deputy Associate Director J. E. N. Jensen, National Park Service, and to Regional Director T. Sutton Jett, Na-

tional Capital Region, as his first alternate in the event of his inability to serve.

Order No. 30 of June 22, 1964, which delegated the above authority to the Regional Director, National Capital Region is rescinded.

(Act of March 1, 1920, 41 Stat. 500; Section 2 of Reorganization Plan No. 3 of 1950; DM 245.1, 27 F.R. 6395)

Dated: August 7, 1967.

GEORGE B. HARTZOG, Jr.,
Director,
National Park Service.

[F.R. Doc. 67-9774; Filed, Aug. 18, 1967; 8:45 a.m.]

[Order No. 45]

DEPUTY ASSOCIATE DIRECTOR, NATIONAL PARK SERVICE, REGIONAL DIRECTOR, NATIONAL CAPITAL REGION, AND ASSOCIATE REGIONAL DIRECTOR, NATIONAL CAPITAL REGION

Redelegation of Authority Relating to National Capital Planning Commission

The authority vested in the Director of the National Park Service to serve as an ex officio member of the National Capital Planning Commission is hereby redelegated to the following officials of the National Park Service:

1st Alternate—Deputy Associate Director J. E. N. Jensen.
2d Alternate—Regional Director T. Sutton Jett, National Capital Region.
3d Alternate—Associate Regional Director, Robert C. Horne, National Capital Region.

(Act of July 19, 1952; 66 Stat. 781)

Dated: August 7, 1967.

GEORGE B. HARTZOG, Jr.,
Director,
National Park Service.

[F.R. Doc. 67-9775; Filed, Aug. 18, 1967; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

ILLINOIS STATE 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 the 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 application 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.: 68-00034-01-77030 Applicant: Illinois State University, Normal, Ill. 61761. Article: Nuclear Magnetic Resonance Spectrometer. Manufacturer: Hitachi Ltd., Japan. Intended use of article: Low temperature studies of small chemical shift temperature coefficients, thermodynamic and kinetic studies of conformational changes, to be routinely operated by undergraduate students. Application received by Commissioner of Customs: July 17, 1967.

Docket No.: 68-00048-00-46040 Applicant: Iowa State University, of Science and Technology, Purchasing Department, Ames, Iowa 50010. Article: Electronic Image Transmission System for Siemens Electron Microscope. Manufacturer: Siemens Aktiengesellschaft. Intended use of article: Accessory for Siemens Electron Microscope. Application received by Commissioner of Customs: July 26, 1967.

Docket No.: 68-00049-33-46040 Applicant: Research Foundation of the State University of New York, 3435 Main Street, Buffalo, N.Y. 14214. Article: Ultra High Resolution Electron Microscope. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The instrument is to be used in current research projects in three areas: (1) macromolecular and biological specimen staining, developmental methodology (2) determination of organization of macromolecules in supramacromolecular assemblies and paracrystalline arrays. (3) Study of ultrastructure of cells and cellular organelles. Application received by Commissioner of Customs: July 26, 1967.

Docket No.: 68-00040-33-46040 Applicant: University of Hawaii, Pacific Biomedical Research Center, Honolulu, Hawaii. Article: Electron Microscope, Philips EM-300. Manufacturer: N. V. Philips Glaeilampen Fabrieken, Holland. Intended Use of Article: Research on the structural basis of motility in cilia. Application Received by Commissioner of Customs: July 21, 1967.

Docket No.: 68-00045-01-77040 Applicant: University of Kentucky, Room 120, Chemistry-Physics Building, Lexington, Ky. 40506. Article: Double Focusing Mass Spectrometer RMU-6E. Manufacturer: Hitachi Ltd., Japan. Intended Use of Article: Instrument to be used as a principal instrument in the Mass Spectrometry Center. This center will provide services of analytical and research functions. Application Received by Commissioner of Customs: July 25, 1967.

Docket No.: 68-00046-33-46040 Applicant: University of Alabama Medical Center, 1919 Seventh Avenue South, Birmingham, Ala. 35233. Article: Ultra-high resolution Electron Microscope. Manufacturer: Hitachi, Ltd., Japan. Intended Use of Article: Instrument to be used to study fine structure of cells and tissues. Application received by Commissioner of Customs: July 25, 1967.

Docket No.: 68-00047-65-46040 Applicant: University of Kentucky Department of Metallurgical Engineering, Anderson Hall, Lexington, Ky. 40506.

Article: HU-125 High Resolution Electron Microscope. Manufacturer: Hitachi, Ltd., Japan. Intended Use of Article: Instrument will be used in the investigation aimed at relating mechanical properties to the defect structure of aluminum, titanium and copper base alloys. Application Received by Commissioner of Customs: July 25, 1967.

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

[F.R. Doc. 67-9766; Filed, Aug. 18, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18650; Order No. E-25527]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Worldwide Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of August 1967.

Pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, there have been filed agreements between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the traffic conferences of the International Air Transport Association (IATA), adopted at meetings held in San Juan, P.R., in April and May 1967. The agreements, which have been designated the CAB Agreements 19622[1] and 19632,[2] are intended to be effective for a 2-year period from October 1, 1967.

The agreements relate solely to cargo matters and encompass the bulk of the rate resolutions adopted at San Juan.[3] In general terms, the agreements propose cargo rates to apply worldwide, a revised container program, reduced rate trans-

[1] R-4.
[2] R-1 through R-62 except those portions of R-3 and R-4 acted upon in Orders E-25341 and E-25412, and R-10 through R-12.
[3] All other rates resolutions were adopted for early effectiveness and were acted upon in Order E-25301, dated June 15, 1967.

portation for cargo agents and, in addition, the readoption or revalidation, with limited amendments generally of a clarifying or technical character, of resolutions previously approved.

The general trend of the rates proposed by the agreements on major routes in air transportation is downward except in the Western Hemisphere. In this area, the general cargo rate structure will be revised by the elimination of rates and weight breaks at the 200- and 400-kilogram breakpoints. Current rates at other breakpoints, however, will be retained. Insofar as specific commodity rates are concerned a few rates will be canceled and the minimum weight requirements for some items will be increased, generally from 45 to 100 kilograms.

On the North Atlantic, the general cargo rates will be reduced by about 11 percent for shipments of 200 kilograms to about 13 percent for shipments of 500 kilograms and over. Overall, adjustments proposed by the agreement in the specific commodity rate structure are relatively few. Some rates will be canceled, minimum weight requirements for some items will be increased, and a few additional reduced rates will be offered, including reduced rates to apply in both directions for chemicals, westbound for books, and eastbound for nuclear reactor parts.

Revisions proposed in the North/Central Pacific routes will provide across-the-board cuts in general cargo rates. Reductions based on San Francisco-Tokyo will range from about 5 percent for shipments under 45 kilograms to 9 percent for shipments of 500 kilograms and over. These will be coupled with the introduction of reduced rates for a number of commodities. Outbound reduced rates, West Coast to Tokyo, will be offered under two very broad commodity descriptions encompassing a substantial portion of traffic that now moves by air to Tokyo. One description includes office and business machinery, machinery and tools and surface vehicles, and the other covers electrical equipment. Rates under these descriptions will provide reductions of about 23 percent for items now moving under the general cargo rates.

While the agreements incorporate some reductions of cargo traffic moving via the North/Central Pacific, we would observe that the rate levels remain higher than those applicable via the North Atlantic; but, there is no indication that transportation costs are higher. We are approving these agreements since they do embrace reductions. This is a step in the right direction. However, the Board believes that further reductions are warranted, and expects that future IATA negotiations will be directed toward achieving this objective.

The agreements also propose more attractive rates for shipments moving via the South Pacific. Northbound general cargo rates heretofore have provided one break at 45 kilograms with a 25-percent discount from the under-45 kilogram rates. These will be conformed with the pattern that applies southbound. This includes additional weight breaks at 100 kilograms and at increments of 100 kilograms through 500 kilograms. Rates under the revised scale will provide reductions up to 14 percent for shipments of 500 kilograms and over.

For the most part, minimum charges in the Western Hemisphere, which generally range from $10 to $19 between specified points or areas, will remain unchanged. The minimum charge between points not now specified will be increased from $8 to $10. Current minimum charges between Houston/New Orleans/San Antonio and Mexico City will be reduced from $10 to $8. Minimum charges on the North Atlantic will be increased by $3 except from the Middle East where they will remain the same. They will result in a charge to/from New York/Boston/San Juan of $18 and to/from interior U.S. points of $21.

Reductions proposed will, in many instances, be greater than those commented on above when coupled with revisions in the container program. Basically, the revised rules provide that the charges for containerized shipments shall be based on the net weight of the consignment less a discount related to the size of the container, instead of a discount based on gross weight as provided under current rules. The discount, which will increase as the size of the container increases, may not exceed 10 percent of the charges applicable to the net weight. Allowances will range from $4 for a 17.97-cubic-foot container to $105.66 for a 404.23-cubic-foot container, and these will apply to 17 standard-size containers. But a 2-year phaseout period for other containers now registered will permit application of the full allowance for the first year and one-half for the second year.

Resolutions governing the charges for the carriage of animals have been revised to establish, within the framework of one resolution, worldwide rates to apply to the carriage of animals. Insofar as air transportation is concerned and in general terms, the agreement would, with limited revisions, extend to the Western Hemisphere and the Pacific, charges that have been approved for the carriage of animals via the North Atlantic; namely, the applicable under-45-kilogram rate without further discounts for larger volume shipments. Exceptions include baby poultry (under 72 hours old), fish, frogs, microbes, and insects which may (under the current agreement) move under the under-45-kilogram or the 45-kilogram rates, and monkeys and primates which are not subject to the current agreement. Revisions, while retaining the current rates for baby poultry, would eliminate the 45-kilogram rate for shipments of fish, frogs, microbes, and insects and would specifically provide for the carriage of monkeys and primates via the North Atlantic and Pacific at the applicable general cargo rates.[4][5] By the terms of the resolution, provision is specifically made for the departure from the minimums prescribed by use of rates established under specific commodity rate resolutions.

Consumer complaints have been filed by several U.S. firms[6] alleging that the resolution proposes increases, principally for import shipments of birds and fish from the Orient, that are unwarranted. In general, the complainants contend that in light of improved handling techniques, packaging and communication, shipments of birds or fish should be no more costly to the carriers than shipments of baby poultry which has the benefit of the 45-kilogram rate, or monkeys which may move under the general cargo rates. Correspondence has also been received from firms in foreign countries relating generally to alleged increased costs for shipments of birds to the United States. Data and comments received generally assume that current rates, particularly those that apply under specific commodity rate resolutions, will no longer be available. The supporting data supplied fail to show that the instant resolution will result in actual increases for traffic now carried. Moreover, the carriers have specifically retained the flexibility to establish rates to protect the traffic they are now carrying and to establish additional rates in particular markets where special rates are demonstrated to be economically feasible. If at some time in the future it is demonstrated that the resolution results in exorbitant charges, the Board will have ample opportunity to review its approval and modify it accordingly.

The Board has deferred action on an earlier application for approval of an agreement providing reduced-fare transportation for cargo agents, pending revisions which would bring the travel allowance proposed more in line with the business needs of the carriers and agents. The San Juan resolutions, which we are herein approving, permit the carriers collectively to provide two trips per year for each approved agency location at a 75-percent discount for agents located in the United States.[7] The rates that will apply to U.S.-based cargo agents are substantially similar to those applicable to passenger sales agents, including a

[4] Insofar as the carriage of monkeys and primates to/from India/Pakistan and Far East points via the Atlantic is concerned, the agreement would maintain the current under-45-kilogram rate which the Board has previously found unacceptable and we are maintaining our outstanding condition that the rates shall not be applicable in air transportation.

[5] Exceptions relate to charges for baby poultry and monkeys and primates which will not be subject to the basic resolution in the Western Hemisphere.

[6] Aquarium Supply Co., Tampa Livestock Distributors, Inc., Allied American Bird Co., and the Star Bird Co.

[7] The quota for agents located in other countries will be calculated on the basis of two trips per year per carrier per location.

conference-administered feature, a 12-month employment eligibility requirement, and a certification that the passes will be used for education and market development purposes.

A new resolution provides for a Worldwide Air Cargo Commodity Classification (WACCC) to replace the present system of numbering specific commodities. The new system is based on the existing United Nations Standard International Trade Classification (SITC), and provision is made for full transition to the new system by September 1, 1968. The new system is designed to lead to more precise descriptions and thereby overcome to a considerable degree problems or erroneous rating, and to facilitate an interchange of statistical information. We would observe, however, that the listing which is presented as part of the agreement departs from the SITC in a number of instances by the inclusion of generic groupings and in an overlapping of items between groups. Therefore, approval herein should in no way be construed as an approval of the commodity descriptions or as authority to depart from the provisions of Part 221 of the Board's Economic Regulations which govern the filing of tariffs.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. The Board finds, on the basis of all facts presently known, that those resolutions set forth in Appendix A [*] and contained in Agreements CAB 19622 and 19632 do not affect air transportation within the meaning of the Act.

2. The Board does not find those resolutions set forth in Appendix B [*] and contained in Agreement CAB 19632 to be adverse to the public interest or in violation of the Act.

3. The Board does not find those resolutions set forth in Appendix C [*] and contained in Agreement CAB 19632, to be adverse to the public interest or in violation of the Act: *Provided*, That approval is subject to the conditions specified with respect to each.

4. The Board finds that the petitions filed by Aquarium Supply Co., Tampa Livestock Distributors, Inc., Allied American Bird Co., and the Star Bird Co. should be dismissed.

Accordingly, it is ordered, That:

1. Jurisdiction is disclaimed with respect to those portions of Agreements CAB 19622 and 19632 set forth in finding paragraph 1;

2. That portion of Agreement CAB 19632, set forth in finding paragraph 2 is approved;

3. That portion of Agreement CAB 19632 set forth in finding paragraph 3 is approved subject to the conditions stated therein; and

4. The petitions filed by Aquarium Supply Co., Tampa Livestock Distributors, Inc., Allied American Bird Co., and the Star Bird Co. are dismissed.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-9800; Filed, Aug. 18, 1967; 8:47 a.m.]

[*] Appendices A, B, and C filed as part of the original document.

CIVIL SERVICE COMMISSION

COMPUTER PROGRAMER, COMPUTER SYSTEMS ANALYST, COMPUTER EQUIPMENT ANALYST, AND COMPUTER SPECIALIST

Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective August 11, 1967, that there is a manpower shortage for the positions of Computer Programer, Computer Systems Analyst, Computer Equipment Analyst, and Computer Specialist, GS-334-9/15, nationwide.

The appointees to these positions may be paid for the expense of travel and transportation to the first post of duty.

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

[F.R. Doc. 67-9801; Filed, Aug. 18, 1967; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

AEGEAN CRUISES, S.A. (EPIROTIKI LINES) "M.T.S. ARGONAUT"

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 Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages:

Aegean Cruises, S.A. (Epirotiki Lines) "M.T.S. Argonaut".

Dated: August 16, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9784; Filed, Aug. 18, 1967; 8:46 a.m.]

AEGEAN CRUISES, S.A. (EPIROTIKI LINES) "M.T.S. ARGONAUT"

Indemnification of Passengers for Nonperformance of Transportation; Notice of Application for Certificate (Performance)

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:

Aegean Cruises, S.A. (Epirotiki Lines) "M.T.S. Argonaut".

Dated: August 16, 1967.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9785; Filed, Aug. 18, 1967; 8:46 a.m.]

A. P. MOLLER-MAERSK LINE AND KAWASAKI KISEN KAISHA, 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 office 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. A. A. De Giglio, "K" Line New York, Inc., 29 Broadway, New York, N.Y. 10006.

Agreement 9471-1, between A. P. Moller-Maersk Line and Kawasaki Kisen Kaisha, Ltd., modifies the basic transshipment agremeent between these two lines as follows:

(1) Local freight rates paid by the initial carrier (Moller-Maersk) to local carriers for transportation between Indonesian ports shall not be included in the through rates for apportionment purposes.

(2) Delivering carrier (K Line) shall receive a minimum of $22 per revenue ton on through revenue.

(3) Provides that when the initial carrier pays local freight to local carriers,

documents evidencing such payment must be furnished the delivering carrier.

(4) Provides that delivering carriers share of transshipment expenses shall not exceed $2 per revenue ton.

Dated: August 16, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9786; Filed, Aug. 18, 1967; 8:46 a.m.]

AMERICAN WEST AFRICAN FREIGHT CONFERENCE

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 office 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. John K. Cunningham, Chairman, American West African Freight Conference, 80 Broad Street, New York, N.Y. 10004.

Agreement 7680-22, among the member lines to the American West African Freight Conference, modifies the basic agreement by extending the termination date of the Conference's Neutral Body self-policing system from November 30, 1967 to November 30, 1968.

Dated: August 16, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9787; Filed, Aug. 18, 1967; 8:46 a.m.]

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

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 office 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. Burton H. White, Burlingham Underwood Barron Wright & White, 25 Broadway, New York, N.Y. 10004.

Agreement 8210-6, between the member lines of the Continental North Atlantic Westbound Freight Conference, modifies the basic agreement to provide that any Conference member which is also a party to Agreement 9498, as amended, (1) shall be entitled to represent Wallenius Line solely in respect to set-up, packed or unpacked automobiles, trucks and house trailers and permit its agents, operators or managers to do so, and (2) may charter to Wallenius Line, on any terms which may be agreed upon between them, space in any vessel operated under authority of such Agreement for the carriage only of set-up, packed or unpacked automobiles, trucks and house trailers.

Dated: August 16, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9788; Filed, Aug. 18, 1967; 8:46 a.m.]

JAVA-NEW YORK RATE AGREEMENT

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 office 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:

Elkan Turk, Jr., Esq., Burlingham Underwood Barron Wright & White, 25 Broadway, New York, N.Y. 10004.

Agreement 90-11, between member lines of the Java New York Rate Agreement, modifies the basic conference agreement 90, as amended, (1) by adding to Clause 2 therein a new subdivision (h) which provides for a new category of membership entitled "Associate Members" for common carriers by water which do not serve the trade covered by Agreement 90, as amended, direct but offer sailings from Singapore with transshipped Indonesian cargo to destination ports within the scope of the agreement; (2) specifying the limited voting rights and provisions of the agreement applicable to Associate Members; and (3) amending Clause 10 to provide for limited voting rights of full members who discontinue service from loading ports within the scope of the conference agreement, but maintain service from Singapore to destination ports within the scope of the conference agreement.

Dated: August 16, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9789; Filed, Aug. 16, 1967; 8:46 a.m.]

STATES MARINE LINES, INC., 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 office 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.

States Marine Lines, Inc., Global Bulk Transport, Inc., and Lykes Bros. Steamship Co., Inc.

Notice of agreement filed for approval by:

Mr. J. D. Kenny, States Marine Lines, 90 Broad Street, New York, N.Y. 10004.

Agreement 9483–1, between States Marine Lines, Inc., Global Bulk Transport, Inc., and Lykes Bros. Steamship Co., Inc., amends the basic transshipment agreement 9483 to permit transshipment by the parties in Hong Kong and the addition of the Philippine Islands to the geographic scope of the agreement.

Dated: August 16, 1967.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 67-9790; Filed, Aug. 18, 1967; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. RP68-1, RP66-4]

FLORIDA GAS TRANSMISSION CO.

Notice of Extension of Time

AUGUST 14, 1967.

On August 11, 1967, staff counsel filed a request for an extension of time within which to file notices of intervention and petitions to intervene in the above-designated matter. Staff counsel states that several customers of Florida Gas Transmission Co. were apparently inadvertently not served with a copy of the Commission's order issued July 19, 1967, consolidating these proceedings.

Upon consideration of the above, notice is hereby given that the time is extended to and including September 6, 1967, within which notices of intervention and petitions to intervene may be filed.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 67-9767; Filed, Aug. 18, 1967; 8:45 a.m.]

[Docket No. CP68-40]

FLORIDA GAS TRANSMISSION CO.

Notice of Application

AUGUST 11, 1967.

Take notice that on August 7, 1967, Florida Gas Transmission Co. (Applicant), Post Office Box 44, Winter Park, Fla. 32789, filed in Docket No. CP68-40 a "budget-type" application pursuant to subsection (c) of section 7 of the Natural Gas Act, as implemented by subsection (c) of § 157.7 of the regulations under the Act, for a certificate of public convenience and necessity authorizing the construction and operations of certain natural gas sales and transportation facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate, during the 12-month period following the granting of the authorization sought herein, various gas sales and transportation facilities as follows:

(1) For the transportation and sale of volumes of natural gas previously authorized for transportation or sale to existing distributors;

(2) For direct sales of natural gas to consumers located outside the franchise area of any local distributor; and

(3) Miscellaneous rearrangements of existing pipeline facilities of Applicant.

Applicant states that deliveries to any one distributor or consumer, through the facilities proposed to be installed, will not exceed 100,000 Mcf annually, and such natural gas will not be used by any distributor or consumer for boiler fuel purposes as defined by the Commission.

The total estimated cost of Applicant's proposed construction is not to exceed $300,000 and will be financed with internally generated funds.

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 September 7, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on 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.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 67-9768; Filed, Aug. 18, 1967; 8:45 a.m.]

[Docket No. RI68-60]

HUNT INDUSTRIES (OPERATOR) ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

AUGUST 14, 1967.

Hunt Industries (Operator) et al. (Hunt)[1] tendered for filing a proposed change in their 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: Notice of Change, dated June 30, 1967.
Purchaser and producing area: Montana-Dakota Utilities Co. (North Tioga Area, Burke County, N. Dak.).
Rate schedule designation: Supplement No. 2 to Hunt's FPC Gas Rate Schedule No. 6.
Effective date: August 24, 1967.[2]
Amount of annual increase: $650.
Effective rate: 16.0¢ per Mcf.[3]
Proposed rate: 17.0¢ per Mcf.[4]
Pressure base: 14.73 p.s.i.a.

Hunt's proposed periodic rate increase from 16.0 cents to 17.0 cents per Mcf, totaling $650 annually, is for a sale of gas to Montana-Dakota Utilities Co. in Burke County, N. Dak. The Commission's Statement of General Policy No. 61–1 did not prescribed ceiling rates in North Dakota. Consequently no formal guideline prices exist in the area. However, the proposed rate exceeds the highest rate permanently certificated in this area, which is 16.0 cents per Mcf. We therefore conclude that the proposed rate should be suspended for 5 months from August 24, 1967, the proposed effective date, as hereinafter ordered.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement 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. 2 to Hunt's FPC Gas Rate Schedule No. 6 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) 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. 2 to Hunt's FPC Gas Rate Schedule No. 6.

(B) Pending such hearing and decision thereon, Supplement No. 2 to Hunt's FPC Gas Rate Schedule No. 6 is hereby suspended and the use thereof deferred until January 24, 1968, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) 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.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8

[1] Address is: 1401 Elm St., Dallas, Tex. 75202. Attention: Donald K. Young, Esquire.

[2] The stated effective date is the effective date proposed by Respondent.
[3] Initial rate.
[4] Periodic rate increase.

and 1.37(f)) on or before October 4, 1967.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-9780; Filed, Aug. 18, 1967; 8:46 a.m.]

[Docket No. CP67-237]

LONE STAR GAS CO.

Notice of Petition To Amend

AUGUST 14, 1967.

Take notice that on August 1, 1967, Lone Star Gas Co. (Petitioner), 301 South Harwood Street, Dallas, Tex. 75201, filed in Docket No. CP67-237 a petition to amend the order issued by the Commission May 2, 1967, by authorizing Petitioner to put back in service a portion of pipeline presently abandoned, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the above-mentioned order, Petitioner was permitted to abandon certain natural gas pipeline facilities since they were no longer needed or required as the supplies of natural gas connected thereto had become depleted. By the instant filing, Petitioner seeks authorization to place back in service approximately 9,562 feet of 6-inch pipeline, Line GDH-B, for the purpose of making a sale of natural gas to an oil field rate customer. Petitioner states that it is necessary to use the pipeline segment described above for the purpose of rendering the service proposed and Petitioner therefore requests the Commission to amend the above-mentioned order as requested.

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 September 11, 1967.

KENNETH F. PLUMB, *Acting Secretary.*

[F.R. Doc. 67-9769; Filed, Aug. 18, 1967; 8:45 a.m.]

[Docket No. RI68-59]

MIDWEST OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate

AUGUST 14, 1967.

On July 18, 1967, Midwest Oil Corp. (Midwest),[1] tendered for filing a proposed change in its 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: Notice of Change, dated July 11, 1967.

Purchaser and producing area: Panhandle Eastern Pipe Line Co. (Joy, Littlehawk, Hunter, and Joy-Foster Units, Dewey County, Okla.) (Oklahoma "Other" Area).

Rate schedule designation: Supplement No. 4 to Midwest's FPC Gas Rate Schedule No. 27.

Effective date: August 18, 1967.[2]
Amount of annual increase: $238.
Effective rate: 15.495 cents per Mcf.[3,4]
Proposed rate: 17.561 cents per Mcf.[3,4]
Pressure base: 14.65 psia.

Midwest proposes a rate increase from 15.0 cents to a contractually due rate of 17.0 cents per Mcf (plus Btu adjustment) for its sales of gas to Panhandle Eastern Pipe Line Co. from the Joy, Littlehawk, Hunter, and Joy-Foster Units, Dewey County, Okla. (Oklahoma "Other" Area). The instant increase amounts to $238 annually. Since Midwest's proposed 17.0 cents (plus Btu adjustment) rate exceeds the area increased rate ceiling of 11.0 cents per Mcf for the Oklahoma "Other" Area as announced in the Commission's Statement of General Policy No. 61-1, as amended, we conclude that it should be suspended for 5 months from August 18, 1967, the proposed effective date, as hereinafter ordered.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement 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. 4 to Midwest's FPC Gas Rate Schedule No. 27 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) 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. 4 to Midwest's FPC Gas Rate Schedule No. 27.

(B) Pending such hearing and decision thereon, Supplement No. 4 to Midwest's FPC Gas Rate Schedule No. 27 is hereby suspended and the use thereof deferred until January 18, 1968, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) 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.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before October 4, 1967.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-9779; Filed, Aug. 18, 1967; 8:46 a.m.]

[Docket No. RI67-456]

OKLAHOMA NATURAL GAS CO.

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

AUGUST 14, 1967.

On June 1, 1967, Oklahoma Natural Gas Co. (Oklahoma Natural) filed with the Commission a proposed change in rate from 17.0 cents to 18.0 cents per Mcf, which pertains to its jurisdictional sales of natural gas from the Northeast Ivanhoe Field, Beaver County, Okla. (Oklahoma "Other" Area), to Northern Natural Gas Co. The Commission by order issued June 16, 1967, suspended for 5 months Oklahoma Natural's rate filing until December 1, 1967, and thereafter until made effective in the manner prescribed by the Natural Gas Act. Oklahoma Natural's suspended rate increase has not been made effective pursuant to section 4(e) of the Natural Gas Act.

On July 17, 1967, Oklahoma Natural submitted an amended notice of change in rate, designated as Supplement No. 1 to Supplement No. 1 to Oklahoma Natural's FPC Gas Rate Schedule No. 27, amending Supplement No. 1 to its aforementioned rate schedule to provide for a rate increase to 18.015 cents instead of the 18.0 cents per Mcf rate filed on June 1, 1967. Oklahoma Natural's amended filing to the 18.015 cents rate includes partial reimbursement of the 0.02 cent increase in Excise Tax imposed by House Bill No. 782 in the State of Oklahoma. Such tax became effective on July 1, 1967. The proposed tax portion of the increase amounts to $44 annually.

Oklahoma Natural's proposed rate of 18.015 cents per Mcf exceeds the area ceiling of 11.0 cents per Mcf for increased rates in the Oklahoma "Other" Area as announced in the Commission's Statement of General Policy No. 61-1, as amended, as did the previously suspended rate in said docket. Since Oklahoma Natural's corrective rate filing includes partial reimbursement of the tax increase imposed by the State of Oklahoma, we believe that it would be in the public interest to accept the corrected rate filing subject to the suspension proceeding in Docket No. RI67-456, with the suspension period of such corrective rate filing to terminate concurrently with the suspension period

[1] Address is: 1700 Broadway, Denver, Colo. 80202.

[2] The stated effective date is the effective date proposed by Respondent.

[3] Base rate subject to upward and downward Btu adjustment for gas containing more or less than 1,000 Btu's per cubic foot.

[4] Includes base rate of 15.0 cents plus 0.495 cent upward Btu adjustment before increase and 17.0 cents plus 0.561 cent upward Btu adjustment after increase. Present Btu content of gas is 1,033 Btu's per cubic foot.

(December 2, 1967) of the original filing in said docket.

Oklahoma Natural requests a retroactive effective date of July 1, 1967, the date the Oklahoma tax increase became effective, for its corrective rate filing. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Oklahoma Natural's proposed rate filing and such request is denied.

The Commission finds: Good cause exists for amending the Commission's order issued June 16, 1967, in Docket No. RI67-456, to the extent hereinafter provided.

The Commission orders:

(A) The suspension order issued June 16, 1967, in Docket No. RI67-456, is amended only so far as to permit the 18.015 cents per Mcf rate contained in Supplement No. 1 to Supplement No. 1 to Oklahoma Natural's FPC Gas Rate Schedule No. 27 to be filed to supersede the 18.0 cents per Mcf rate provided in Supplement No. 1 to Oklahoma Natural's FPC Gas Rate Schedule No. 27, subject to the suspension proceeding in Docket No. RI67-456. The suspension period for such substitute filing shall terminate concurrently with the suspension period (Dec. 2, 1967) presently in effect in said docket.

(B) In all other respects, the order issued by the Commission on June 16, 1967, in Docket No. RI67-456, shall remain unchanged and in full force and effect.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-9781; Filed, Aug. 18, 1967; 8:46 a.m.]

[Docket No. E-7365]

PACIFIC POWER & LIGHT CO.

Notice of Application

AUGUST 14, 1967.

Take notice that on July 28, 1967, Pacific Power & Light Co. (Applicant) of Portland, Oreg., filed an application seeking authority pursuant to section 203 of the Federal Power Act to acquire all of the electric distribution system and associated facilities of the Walla Walla City County Airport Board, Walla Walla, Wash., (Board). The Board is a municipal body engaged in the operation of airport facilities in the City of Walla Walla, Wash.

The facilities to be acquired consist of all the overhead and associated underground electric distribution system, including street lighting facilities but excepting facilities used to light runways and taxi strips, belonging to the Board and located at the City-County Airport in Walla Walla. The consideration to be paid by Applicant for these facilities is the sum of $95,000.

With respect to energy supplied to the Board, Applicant will continue to provide said energy at rates set forth in that certain agreement between the Board and Applicant dated January 15, 1955, except that such rates shall be subject to change to correspond with percentages of any increase or decrease and revisions made in Applicant's applicable General Service Schedule filed with and approved by the Washington Utilities and Transportation Commission.

There will be no change in rates to customers other than the Board located on the airport property. These customers presently are billed under the rates of Applicant applicable to customers requiring similar service in the metropolitan area of Walla Walla on file with the Washington Utilities and Transportation Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before September 7, 1967, file 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). The application is on file and is available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 67-9782; Filed, Aug. 18, 1967; 8:46 a.m.]

[Docket No. RI68-10]

TAMARACK PETROLEUM CO., INC.

Order Accepting Contract and Agreements, Providing for Hearing on and Suspension of Proposed Change in Rate; Correction

AUGUST 2, 1967.

In the order "Order Accepting Contract and Agreements, Providing for Hearing on and Suspension of Proposed Change in Rate," issued July 21, 1967, and published in the FEDERAL REGISTER, August 1, 1967 (F.R. Doc. 67-8773, 32 FR-11182), Docket No. RI68-10, under column headed "Rate Sched. No." on lines 3 and 4, change Rate Schedule No. 16 to read Rate Schedule No. 13.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-9783; Filed, Aug. 18, 1967; 8:46 a.m.]

[Docket No. CP68-41]

TENNESSEE GAS PIPELINE CO.

Notice of Application

AUGUST 11, 1967.

Take notice that on August 8, 1967, Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP68-41 an application pursuant to subsection (c) of section 7 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 quantities of natural gas to a resale customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate approximately 1,175 feet of 20-inch pipeline and to enlarge an existing meter station. Applicant also seeks authorization to sell and deliver to Trunkline Gas Co. (Trunkline), pursuant to a gas sales contract between Applicant and Trunkline, dated July 13, 1967, a quantity of 127.75 million Mcf of natural gas over a 3-year period from November 1, 1967, to November 1, 1970. Applicant states that Trunkline has indicated that it requires the volumes of natural gas in order to assure an adequate gas supply in meeting its existing markets while it acquires other supplies of natural gas to meet its growing market requirements. Applicant states that it has the deliverability to perform the service proposed above and that the rendition of such proposed service will not affect its ability to render service to its existing customers.

Applicant states that the total cost of the facilities proposed above will be approximately $196,344 and that Applicant and Trunkline will share equally the cost of the 20-inch pipeline. Applicant will finance its share of the costs through funds on hand.

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

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

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

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 67-9770; Filed, Aug. 18, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[70-4522]

APPALACHIAN POWER CO.

Notice of Proposed Issue and Sale of Notes to Banks

AUGUST 15, 1967.

Notice is hereby given that Appalachian Power Co. ("Appalachian"), 40 Franklin Road, Roanoke, Va. 24011, an electric utility company and a subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Appalachian proposes to issue and sell to a group of 10 banks, from time to time prior to December 31, 1968, up to an aggregate of $48,500,000 of promissory notes outstanding at any one time. The notes will be dated in each case as of the date of the borrowings and will mature not more than 270 days after the date of issuance. They will bear interest from the date thereof at the then current prime credit rate (presently 5½ percent per annum) and will be prepayable at any time, in whole or in part, without premium. Appalachian requests the Commission's approval for the issue and sale of such amount of notes not exempted pursuant to the first sentence of section 6(b) of the Act.

The aggregate line of credit established with each of the ten banking institutions is as follows:

First National City Bank, New York, N.Y.	$7,275,000
Irving Trust Co., New York, N.Y.	7,275,000
Manufacturers Hanover Trust Co., New York, N.Y.	5,820,000
Continental Illinois National Bank and Trust Co., Chicago, Ill.	5,820,000
Morgan Guaranty Trust Co., of New York, New York, N.Y.	5,335,000
Chase Manhattan Bank, New York, N.Y.	4,850,000
Mellon National Bank and Trust Co., Pittsburgh, Pa.	4,850,000
Bankers Trust Co., New York, N.Y.	2,425,000
Chemical Bank New York Trust Co., New York, N.Y.	2,425,000
Northern Trust Co., Chicago, Ill.	2,425,000
Total	48,500,000

The proceeds from the issue and sale of the notes will be used by Appalachian to reimburse its treasury for past expenditures in connection with its construction program, to pay part of the cost of its future construction program, which is estimated at $107 million for the second half of 1967 and 1968, and for other corporate purposes. All of Appalachian's notes payable to banks outstanding at the time of its next permanent financing, expected before the end of 1968, will be paid from the proceeds of such financing.

The declaration states that expenses incident to the proposed transactions are estimated not to exceed $500. It is represented that the proposed transactions will be authorized by the Virginia State Corporation Commission and 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 September 6, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 67-9777; Filed, Aug. 18, 1967; 8:45 a.m.]

[70-4523]

INDIANA & MICHIGAN ELECTRIC CO.

Notice of Proposed Issue and Sale of Notes to Banks

AUGUST 15, 1967.

Notice is hereby given that Indiana & Michigan Electric Co. ("Indiana"), 2101 Spy Run Avenue, Fort Wayne, Ind. 46805, a public-utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of proposed transactions.

Indiana proposes to issue and sell to a group of ten banks, from time to time prior to December 31, 1968, up to an aggregate of $34,525,000 of promissory notes outstanding at any one time. The notes will be dated in each case as of the date of the borrowings and will mature not more than 270 days after the date of issuance. The notes will bear interest from such date at the then current prime credit rate (presently 5½ percent per annum) and will be prepayable at any time, in whole or in part, without premium. Indiana requests the Commission's approval for the issue and sale of such amount of notes not exempted pursuant to the first sentence of section 6(b) of the Act.

The aggregate line of credit established with each of the ten banking institutions is as follows:

First National City Bank, New New York, N.Y.	$5,180,000
Irving Trust Co., New York, N.Y.	5,175,000
Manufacturers Hanover Trust Co., New York, N.Y.	4,140,000
Continental Illinois National Bank and Trust Co., Chicago, Ill	4,140,000
Morgan Guaranty Trust Co. of New York, New York, N.Y.	3,800,000
Chase Manhattan Bank, New York, N.Y.	3,450,000
Mellon National Bank and Trust Co., Pittsburgh, Pa.	3,450,000
Bankers Trust Co., New York, N.Y	1,730,000
Chemical Bank New York Trust Co., New York, N.Y.	1,730,000
Northern Trust Co., Chicago, Ill.	1,730,000
Total	34,525,000

The proceeds from the issue and sale of the notes will be used by Indiana to reimburse its treasury for past expenditures in connection with its construction program, to pay part of the cost of its future construction program, which is estimated at approximately $82,000,000 for the second half of 1967 and 1968, and for other corporate purposes. All of Indiana's notes payable to banks outstanding at the time of its next permanent financing, expected before the end of 1968, will be paid from the proceeds of such financing.

The declaration states that no fees or expenses are to be paid or incurred by Indiana or any associate company in connection with the proposed transactions. It is also stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 6, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he

may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 67-9778; Filed, Aug. 18, 1967; 8:46 a.m.]

FEDERAL RESERVE SYSTEM

RULES OF ORGANIZATION OF THE BOARD OF GOVERNORS

Effective immediately, the Rules of Organization of the Board of Governors of the Federal Reserve System are as follows:

SECTION 1. *Basis and scope.* These Rules are issued by the Board of Governors of the Federal Reserve System (the "Board") pursuant to the requirement of section 552 of Title 5 of the United States Code that each agency shall publish in the FEDERAL REGISTER a description of its central and field organization.

SEC. 2. *Composition and location—(a) Governors, Chairman, Vice Chairman.* The Board consists of seven members appointed by the President, by and with the advice and consent of the Senate, for 14-year terms. The members of the Board are required by law to devote their entire time to the business of the Board. One of them is designated by the President as Chairman and one as Vice Chairman, to serve as such for terms of four years. At meetings, the Chairman presides or, in his absence, the Vice Chairman presides. In the absence of the Chairman and Vice Chairman, the Board elects a member to act as Chairman Pro Tempore. The Chairman of the Board, subject to its supervision, is its active executive officer. The Board usually meets daily to consider matters relating to monetary and credit policies, regulatory and supervisory duties with which it has been charged by the Congress, and administrative and other questions arising in the conduct of the work of the Board.

(b) *Location and business hours.* The principal offices of the Board are in the Federal Reserve Building, 20th Street and Constitution Avenue NW., Washington, D.C. 20551. The Board's regular business hours are from 8:45 a.m. to 5:15 p.m. each weekday except Saturday; but such business hours may be changed from time to time.

SEC. 3. *Central organization.* The Board's central organization consists of the members of the Board and the following Divisions and officials:

(a) *Office of the Secretary* is headed by the Board's Secretary, who acts as the administrative officer of the Board in its relations with the Divisions of its staff, with the Federal Reserve Banks, and with the general public. This Office clears and conducts official correspondence of the Board and is charged with responsibility for maintaining and providing reference service to the official records of the Board and the Federal Open Market Committee.

(b) *Legal Division,* headed by the Board's General Counsel, advises and assists the Board with respect to legal matters, including legislation, regulations, interpretations, opinions, applications, hearings, orders, and litigation.

(c) *Division of Research and Statistics,* headed by a Director, provides the Board, the Federal Open Market Committee, and other System officials with the economic information needed for current operations and the formulation of credit and monetary policies; and prepares, publishes, and interprets a variety of statistical series in the financial and nonfinancial fields.

(d) *Division of International Finance,* headed by a Director, advises and assists the Board on international financial and economic matters and conducts research in this field. It carries on staff work in connection with the supervision of foreign operations of the Federal Reserve System and the membership of the Chairman of the Board on the National Advisory Council on International Monetary and Financial Policies.

(e) *Division of Bank Operations,* headed by a director, advises and assists the Board with respect to matters concerning the operation of the Federal Reserve Banks and the printing, issue, and redemption of Federal Reserve notes; collects and prepares data regarding the condition, operations, expenses, and earnings of Reserve Banks; and maintains liaison with the Treasury Department and other Government agencies on fiscal agency operations of Reserve Banks.

(f) *Division of Examinations,* headed by a Director, periodically examines the Federal Reserve Banks and reviews and appraises their audit activities; coordinates the bank supervisory functions of the System and evaluates the examination procedures of the Reserve Banks; exercises general supervision of the commercial and fiduciary activities of State member banks; administers the supervisory features of laws and regulations relating to affiliates and bank holding companies; supervises various foreign banking activities of member banks and foreign banking and financing corporations; administers the public disclosure provisions of the Securities Exchange Act of 1934, as amended, in their application to State member banks; processes and presents to the Board applications filed pursuant to the Bank Holding Company Act and the Bank Merger Act and various other applications submitted under the provisions of the Federal Reserve Act or related statutes; and advises the Board regarding developments in banking and bank supervisory policies and procedures.

(g) *Division of Personnel Administration,* headed by a Director, is responsible for the administration of the Board's personnel program, serves as the Board's security office, and advises and assists the Board on personnel matters pertaining to the Federal Reserve Banks.

(h) *Division of Administrative Services,* headed by a Director, serves as the central procurement, duplicating, communications, and service unit of the Board and advises and assists the Board with respect to such matters. It also performs various administrative functions, including the distribution of Board publications and the operation of the Board's building and other facilities.

(i) *Office of the Controller,* headed by the Board's Controller, is responsible for maintaining an effective internal financial management system, including budgeting, accounting, reporting, internal and contract auditing, and operational analyses; determining assessments on the Federal Reserve Banks for funds to cover expenses of the Board; receiving and disbursing the Board's funds; and handling reimbursement to the Treasury Department for the printing, issuance, and redemption of Federal Reserve notes.

(j) *Office of Defense Planning,* headed by a Coordinator, is responsible for the development of the Board's defense emergency planning program, the coordination of that program with those of the Federal Reserve Banks and of other Government departments and agencies, and promotion of the commercial bank preparedness program.

(k) *Division of Data Processing,* headed by a Director, provides systems analysis, programming, and other data processing support for the Board and its

staff; schedules and operates the Board's electronic and automatic data processing equipment; collects and processes statistical information on banking developments; advises on statistical methods and statistical operations; and advises on the design of and prepares graphic displays in connection with economic analyses and presentations.

(l) *Other personnel.* In addition to the Divisions mentioned above, the staff of the Board includes Advisers and Assistants to the Board and a Legislative Counsel. The Federal Reserve Bulletin is issued monthly under the direction of a Staff Editorial Committee. The Board does not employ hearing officers as regular members of its staff; but, in accordance with applicable provisions of law and in individual cases as the need may arise, the Board obtains and utilizes hearing officers, whose functions in such capacity are appropriately separated, as required by law, from investigative and prosecuting functions of the staff.

SEC. 4. *Field organization*—(a) *Federal Reserve Banks.* The United States is divided into 12 Federal Reserve districts. In one city in each Federal Reserve district there is located a Federal Reserve Bank, and in 10 of the districts there are one or more branches of the Federal Reserve Bank in other cities. Each Federal Reserve Bank is a separate legal entity, created pursuant to the Federal Reserve Act and operating under the general supervision of the Board. The locations of the 12 Federal Reserve Banks and their 24 branches and the boundaries of the Federal Reserve district and branch territories are shown in the Appendix. Each Federal Reserve Bank, in addition to its other duties, carries out local functions for the Board pursuant to instructions of the Board, and in many matters acts as the Board's field representative in the Bank's district. It assists in the regional administration of the Board's regulations and policies, keeps the Board informed of local conditions, and recommends such actions as it thinks appropriate in particular cases. In general, persons concerned with Federal Reserve matters should deal in the first instance with the Federal Reserve Bank of the appropriate district or a Branch thereof, and the Board requests all persons to follow this procedure.

(b) *Federal Reserve Agents.* At each Federal Reserve Bank, one of the three directors of the Bank appointed by the Board is designated by the Board as Chairman of the Board of Directors of the Bank and as Federal Reserve Agent. He acts as the Board's official representative and maintains a local office of the Board on the premises of the Federal Reserve Bank.

SEC. 5. *Delegations of authority.* The Board does not delegate any of its functions relating to rule-making or pertaining principally to monetary or credit policies or involving any questions of general policy. However, the Board delegates certain of its supervisory and other functions prescribed by statute or regulations of the Board to its members or employees or to the Federal Reserve Banks as provided in its Rules Regarding Delegation of Authority (12 CFR 265). In addition, the Board delegates to the Federal Reserve Banks certain functions not provided for by statute or regulations of the Board, including authority to extend the time within which certain transactions may be consummated, such as acquisitions of shares by bank holding companies, filing of annual reports by bank holding companies, establishments of branches by member banks and by foreign banking and financing corporations, and accomplishment of membership of State banks in the Federal Reserve System.

Dated at Washington, D.C., the 9th day of August 1967.

By order of the Board of Governors.

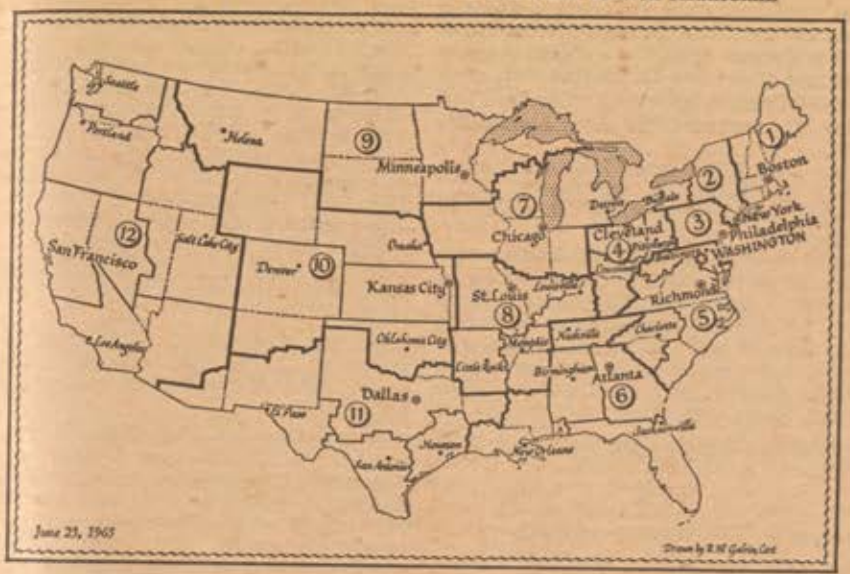
[SEAL] KENNETH A. KENYON,
Assistant Secretary

APPENDIX

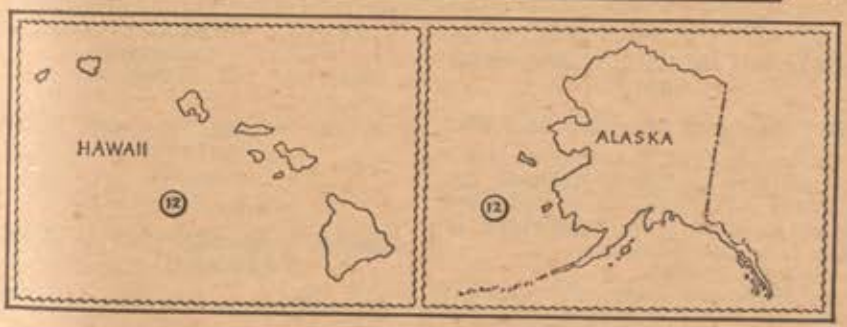
LIST OF FEDERAL RESERVE BANKS AND BRANCHES

Federal Reserve Bank;	*Address*
Boston	30 Pearl St. (Boston, Mass. 02106)
New York	33 Liberty St. (New York, N.Y. 10045)
Buffalo Branch	160 Delaware Ave. (Buffalo, N.Y. 14240)
Philadelphia	925 Chestnut St. (Philadelphia, Pa. 19101)
Cleveland	1455 East Sixth St. (Post Office Box 6387, Cleveland, Ohio 44101)
Cincinnati Branch	105 West Fourth St. (Post Office Box 999, Cincinnati, Ohio 45201)
Pittsburgh Branch	717 Grant St. (Post Office Box 867, Pittsburgh, Pa. 15230)
Richmond	100 North Ninth St. (Richmond, Va. 23213)
Baltimore Branch	114–120 East Lexington St. (Baltimore, Md. 21203)
Charlotte Branch	401 South Tryon St. (Charlotte, N.C. 28201)
Atlanta	104 Marietta St. NW. (Atlanta, Ga. 30303)
Birmingham Branch	1801 Fifth Ave., North (Post Office Box 2574, Birmingham, Ala. 35202)
Jacksonville Branch	515 Julia St. (Post Office Box 929, Jacksonville, Fla. 32201)
Nashville Branch	301 Eighth Ave., North (Nashville, Tenn. 37203)
New Orleans Branch	525 St. Charles Ave. (Post Office Box 61630, New Orleans, La. 70160)
Chicago	230 South La Salle St. (Post Office Box 834, Chicago, Ill. 60690)
Detroit Branch	160 Fort St., West (Post Office Box 1059, Detroit, Mich. 48231)
St. Louis	411 Locust St. (Post Office Box 442, St. Louis, Mo. 63166)
Little Rock Branch	121 West Third St. (Post Office Box 1261, Little Rock, Ark. 72203)
Louisville Branch	410 South Fifth St. (Post Office Box 899, Louisville, Ky. 40201)
Memphis Branch	170 Jefferson St. (Post Office Box 407, Memphis, Tenn. 38101)
Minneapolis	73 South Fifth St. (Minneapolis, Minn. 55440)
Helena Branch	400 North Park Ave. (Helena, Mont. 59601)
Kansas City	925 Grand Ave. (Federal Reserve Station, Kansas City, Mo. 64198)
Denver Branch	1111 17th St. (Denver, Colo. 80217)
Oklahoma City Branch	226 Northwest Third St. (Post Office Box 25129, Oklahoma City, Okla. 73125)
Omaha Branch	102 South 17th St. (Omaha, Nebr. 68102)
Dallas	400 South Akard St. (Station K, Dallas, Tex. 75222)
El Paso Branch	301 East Main St. (Post Office Box 100, El Paso, Tex. 79999)
Houston Branch	1701 San Jacinto St. (Post Office Box 2578, Houston, Tex. 77001)
San Antonio Branch	210 West Nueva St. (Post Office Box 1471, San Antonio, Tex. 78206)
San Francisco	400 Sansome St. (San Francisco, Calif. 94120)
Los Angeles Branch	409 West Olympic Blvd. (Post Office Box 2077, Los Angeles, Calif. 90054)
Portland Branch	915 Southwest Stark St. (Post Office Box 3436, Portland, Oreg. 97208)
Salt Lake City Branch	120 South State St. (Post Office Box 780, Salt Lake City, Utah 84110)
Seattle Branch	1015 Second Ave. (Post Office Box 3567, Seattle, Wash. 98124)

BOUNDARIES OF FEDERAL RESERVE DISTRICTS AND THEIR BRANCH TERRITORIES



☆ THE FEDERAL RESERVE SYSTEM ☆



Legend

—— Boundaries of Federal Reserve Districts —— Boundaries of Federal Reserve Branch Territories

O Board of Governors of the Federal Reserve System

⊛ Federal Reserve Bank Cities • Federal Reserve Branch Cities

[F.R. Doc. 67-9712; Filed, Aug. 18, 1967; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 9, 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. 41095—*Chlorine to Charlotte and Chemway, N.C.* Filed by O. W. South, Jr., Agent (No. A5051), for interested rail carriers. Rates on chlorine, in tank-car loads, from Hopewell and Saltville, Va., to Charlotte and Chemway, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 91 to Southern Freight Association, Agent, tariff ICC S-517.

FSA No. 41096—*Building Boards from Cody, Wyo.* Filed by Western Trunk Line Committee, Agent (No. A-2512), for interested rail carriers. Rates on building, wall, or insulating boards, in carloads, from Cody, Wyo., to points in western trunkline territory.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 1 to Western Trunk Line Committee, Agent, tariff ICC A-4674.

FSA No. 41097—*Liquefied Petroleum Gas from Melstone, Mont.* Filed by Trans-Continental Freight Bureau, Agent (No. 445), for interested rail carriers. Rates on liquefied petroleum gas, in tank-car loads, from Melstone, Mont., to points in southwestern and western trunkline territories.

Grounds for relief—Market competition.

Tariff—Supplement 38 to Trans-Continental Freight Bureau, Agent, tariff ICC 1741.

By the Commission.

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

[F.R. Doc. 67-9792; Filed, Aug. 18, 1967; 8:47 a.m.]

[S.O. 994; ICC Order 1]

CHICAGO, ROCK ISLAND, AND PACIFIC RAILROAD CO.

Rerouting and Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Chicago, Rock Island, and Pacific Railroad Co. is unable to transport traffic routed over its line between Shumaker, Ark., and Shumaker Ordnance Plant, Ark., because of track conditions.

It is ordered, That:

(a) Rerouting traffic: The Chicago, Rock Island, and Pacific Railroad Co. is unable to transport traffic routed over its line between Shumaker, Ark., and Shumaker Ordnance Plant, Ark., because of track conditions. This carrier and its connections are hereby authorized to reroute or divert such traffic over any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 11:59 p.m., August 16, 1967.

(g) Expiration date: This order shall expire at 11:59 p.m., September 30, 1967, unless otherwise modified, changed or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 16, 1967.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 67-9793; Filed, Aug. 18, 1967; 8:47 a.m.]

[S.O. 994; ICC Order 2]

FRANKFORT & CINCINNATI RAILROAD CO.

Rerouting and Diversion Traffic

In the opinion of R. D. Pfahler, Agent, the Frankfort & Cincinnati Railroad Co. is unable to transport traffic routed over its line because of work stoppage and having placed an embargo on all freight destined to stations on its line from Halley, Ky., to Paris, Ky., inclusive.

It is ordered, That:

(a) Rerouting traffic. Because of work stoppage and having placed an embargo, the Frankfort & Cincinnati Railroad Co. being unable to transport traffic in accordance with shippers' routing, is hereby authorized to reroute or divert such traffic over any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained. The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted before the rerouting or diversion is ordered.

(c) Notification to shippers. Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements, now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 11:59 p.m., August 16, 1967.

(g) Expiration date: This order shall expire at 11:59 p.m., October 31, 1967, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 16, 1967.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 67-9794; Filed, Aug. 18, 1967; 8:47 a.m.]

[S.O. 994; ICC Order 3]

SOUTHERN INDUSTRIAL RAILROAD, INC.

Rerouting and Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Southern Industrial Railroad, Inc., is unable to transport traffic routed over its line via Moravia and Trask, Iowa, because of track conditions.

It is ordered, That:

(a) Rerouting traffic: The Southern Industrial Railroad, Inc., and its connections, being unable to transport traffic routed over its line via Moravia and Trask, Iowa, because of track conditions, are hereby authorized to reroute or divert such traffic over any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exists between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 11:59 p.m., August 16, 1967.

(g) Expiration date: This order shall expire at 11:59 p.m., August 31, 1967, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 16, 1967.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 67-9795; Filed, Aug. 18, 1967; 8:47 a.m.]

[S.O. 994; ICC Order 4]

CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Rerouting and Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Chicago, Burlington & Quincy Railroad Co. is unable to transport traffic to and from Savannah, Missouri, because of damage to a bridge at Rosendale, Mo.

It is ordered, That:

(a) Rerouting traffic: The Chicago, Burlington & Quincy Railroad Co., being unable to transport traffic to and from Savannah, Missouri, because of damage to a bridge at Rosendale, Mo., that carrier and its connections are hereby authorized to reroute or divert such traffic over any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted

by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 11:59 p.m., August 16, 1967.

(g) Expiration date: This order shall expire at 11:59 p.m., October 31, 1967, unless otherwise modified, changed or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as Agent of all railroads subscribing to the car service and per diem agreement under the terms of the agreement and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 16, 1967.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[F.R. Doc. 67-9796; Filed, Aug. 18, 1967; 8:47 a.m.]

[Notice 25]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 16, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69482. By order of August 4, 1967, Division 3, acting as an appellate division, approved the transfer to McGuire Lumber & Supply, Inc., Wylliesburg, Va., of the operating rights in certificate No. MC-16672, issued August 16, 1961, to the Tobacco Trail Transport, Inc., La Plata, Md., authorizing the transportation, over irregular routes, of lumber from South Boston, Va., and points within 35 miles thereof, to Pittsburgh, Pa., and points in Pennsylvania, Ohio, and West Virginia within 75 miles of Pittsburgh, restricted against transportation from Drakes Branch, Va., to Pittsburgh, Pa., and points in Pennsylvania and West Virginia within 75 miles of Pittsburgh. William Graham Boyce, Jr., 1520 Fidelity Building, Baltimore, Md., attorney for transferor.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-9836; Filed, Aug. 18, 1967; 8:49 a.m.]

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