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Agencies in this issue—

Detailed list of Contents appears inside.

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Contents

(Continued on next page)

List of CFR Parts Affected

(Codification Guide)

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

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

5 CFR

213 20701

7 CFR

842 20701
946 20702
959 20702
PROPOSED RULES:
989 20732

12 CFR

610 20703
670 20703

14 CFR

71 (6 documents) 20704, 20705
97 20706
243 20711
1209 20714
PROPOSED RULES:
71 (4 documents) 20737, 20738
207 20739
399 20739

16 CFR

15 20716

24 CFR

203 20716
207 20716
220 20717

26 CFR

PROPOSED RULES:
1 20727

30 CFR

PROPOSED RULES:
12 20730

31 CFR

365 20717

32 CFR

710 20717
721 20719
881 20720
1703 20722

32A CFR

OEP (Ch. I):
Reg. 6 20726

47 CFR

PROPOSED RULES:
73 20739

49 CFR

PROPOSED RULES:
177 20739
294 20739

50 CFR

33 20704

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that the position of Deputy Administrator, Federal Highway Administration is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, § 213.3394 is amended by adding paragraph (d) as set out below.

§ 213.3394 Department of Transportation.

* * * * *

(d) *Federal Highway Administration.*

(1) Deputy Administrator.

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

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

[F.R. Doc. 67-14883; Filed, Dec. 21, 1967; 8:49 a.m.]

Title 7—AGRICULTURE

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

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

[§ 842.2, Supp. 10]

PART 842—BEET SUGAR AREA

Approved Local Areas for 1966 Crop

§ 842.12 Approved local areas for the 1966 crop.

For purposes of considering eligibility for abandonment and crop deficiency payments on 1966-crop sugar beets, the respective Agricultural Stabilization and Conservation county committees have determined with respect to the following counties and local producing areas that due to drought, flood, storm, freeze, disease, or insects, the actual yields of commercially recoverable sugar from the acreages planted to sugar beets on farms in each such county or local producing area were below 80 percent of the applicable normal yields either for 10 percent or more of the number of such farms or for 10 percent or more of the total acres of sugar beets planted on all farms in such county or local producing area.

(a) *Arizona.*

ENTIRE COUNTIES

Maricopa.
Pinal.

(b) *California.*

ENTIRE COUNTIES

Alameda.	Sacramento.
Butte.	San Benito.
Colusa.	San Joaquin.
Fresno.	San Luis Obispo.
Glenn.	Santa Clara.
Imperial.	Solano.
Los Angeles.	Sutter.
Merced.	Tulare.
Riverside.	

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Kern: Area 1; Area 2; Area 8.
Kings: T. 24 S., R. 21 E.; T. 24 S., R. 22 E.
Monterey: Area 1; Area 2; Area 3; Area 4; T. 15 S., R. 4 E.; T. 16 S., R. 4 E.; T. 17 S., R. 6 E.; T. 19 S., R. 8 E.
Santa Barbara: Area 1.
Stanislaus: Area 1; T. 2 S., R. 10 E.
Yolo: Area 2; Area 4; Area 5; Area 7.

(c) *Colorado.*

ENTIRE COUNTIES

Adams.	Montrose.
Baca.	Morgan.
Bent.	Otero.
Boulder.	Phillips.
Crowley.	Prowers.
Delta.	Pueblo.
Kit Carson.	Sedgwick.
Larimer.	Weld.
Las Animas.	Washington.
Logan.	Yuma.
Mesa.	

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTY AND AREA

Rio Grande: T. 39, R. 8.

(d) *Idaho.*

ENTIRE COUNTIES

Ada.	Jefferson.
Bannock.	Jerome.
Bingham.	Lincoln.
Bonneville.	Madison.
Canyon.	Minidoka.
Cassia.	Oneida.
Elmore.	Owyhee.
Franklin.	Payette.
Fremont.	Power.
Gem.	Twin Falls.
Gooding.	Washington.

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTY AND AREA

Caribou: Area 1.

(e) *Illinois.*

ENTIRE COUNTY

Cook.

(f) *Iowa.*

ENTIRE COUNTIES

Cerro Gordo.	Worth.
Kossuth.	

(g) *Kansas.*

ENTIRE COUNTIES

Finney.	Sherman.
Grant.	Stanton.
Greeley.	Wallace.
Kearny.	

(h) *Maine.*

ENTIRE COUNTY

Aroostook.

(i) *Michigan.*

ENTIRE COUNTIES

Arenac.	Lapeer.
Bay.	Monroe.
Clinton.	Saginaw.
Genesee.	St. Clair.
Gratiot.	Sanilac.
Huron.	Shiawassee.
Ingham.	Tuscola.
Isabella.	

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTY AND AREAS

Midland: Geneva; Mills.

(j) *Minnesota.*

ENTIRE COUNTIES

Marshall.	Stevens.
Martin.	Swift.
Sibley.	Wilkin.

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Big Stone: Artichoke.
Clay: Georgetown; Viding.
Faribault: Area 2.
Norman: Area 1; Area 2; Area 4.
Renville: Area 3; Area 5.
West Polk: Area 1; Area 2; Area 4; Area 5; Area 6; Area 10; Grand Forks.

(k) *Montana.*

ENTIRE COUNTIES

Blaine.	Lewis and Clark.
Broadwater.	Missoula.
Carbon.	Ravalli.
Lake.	Yellowstone.

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Big Horn: Area 1.
Custer: Area 1; Area 3.
Rosebud: Area 2; Area 3.

(l) *Nebraska.*

ENTIRE COUNTIES

Box Butte.	Kearney.
Buffalo.	Keith.
Burt.	Morrill.
Chase.	Perkins.
Cheyenne.	Phelps.
Deuel.	Red Willow.
Dundy.	Sioux.
Garden.	

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Dawson: Area 1.
Lincoln: T. 13 N., R. 2 W.
Scotts Bluff: Area 2; T. 22 N., R. 52 W.; T. 23 N., R. 57 W.; T. 23 N., R. 58 W.

(m) *Nevada.*

ENTIRE COUNTIES

Churchill.	Pershing.

(n) *New Mexico.*

ENTIRE COUNTY

Curry.

(o) *New York.*

ENTIRE COUNTIES

Cayuga.	Ontario.
Genesee.	Orleans.
Herkimer.	Oswego.
Livingston.	Seneca.
Madison.	Tompkins.
Monroe.	Wayne.
Oneida.	Yates.
Onondaga.	

(p) *North Dakota.*

ENTIRE COUNTIES

McLean. Walsh.

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Cass: Area 2; Area 3.
Grand Forks: Area 2; Chester.

(q) *Ohio.*

ENTIRE COUNTIES

Allen.	Mercer.
Defiance.	Ottawa.
Erie.	Putnam.
Hancock.	Van Wert.
Hardin.	

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Henry: Bartlow; Flatrock; Richfield; Pleasant; Marion.
Lucas: Jerusalem.
Sandusky: Area 3; Madison.
Wood: Area 3; Area 4; Perrysburg.

(r) *Oregon.*

ENTIRE COUNTIES

Malheur. Umatilla.

(s) *Texas.*

ENTIRE COUNTIES

Castro.	Parmer.
Deaf Smith.	Swisher.
Hale.	

(t) *Utah.*

ENTIRE COUNTIES

Cache.	Sevier.
Carbon.	Utah.
Iron.	Weber.

(u) *Washington.*

ENTIRE COUNTIES

Adams.	Grant.
Benton.	Walla Walla.
Franklin.	Yakima.

(v) *Wyoming.*

ENTIRE COUNTIES

Converse.	Platte.
Goshen.	Sheridan.
Johnson.	Washakie.
Laramie.	

INDIVIDUAL LOCAL PRODUCING AREAS

COUNTIES AND AREAS

Big Horn: Area 2; Area 6.
Fremont: Area 1; Area 2.

STATEMENT OF BASES AND CONSIDERATIONS

One of the conditions of eligibility of a sugar-beet producer for an acreage abandonment or crop deficiency payment is that the farm of such producer is located in a county or local producing area for which the Agricultural Stabilization and Conservation county committee determines that certain uncontrollable natural conditions have caused a prescribed amount of damage to the sugar-beet crop.

The purpose of this supplement is to give notice that specific counties and local producing areas have qualified under the requirements with respect to the 1966 crop of sugar beets and that any sugar-beet producer operating a farm which is located in any one of these counties or local producing areas and which is otherwise qualified may apply for payment accordingly, if he has not already done so.

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

Effective date: Date of publication.

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

CHARLES L. FRAZIER,
Acting Deputy Administrator, State and County Operations.

[F.R. Doc. 67-14914; Filed, Dec. 21, 1967; 8:50 a.m.]

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

PART 946—IRISH POTATOES GROWN IN WASHINGTON

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 113 and Order No. 946 (7 CFR Part 946), regulating the handling of Irish potatoes grown in the State of Washington, was published in the FEDERAL REGISTER November 28, 1967 (32 F.R. 16220). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than 15 days after its publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the State of Washington Potato Committee, established pursuant to the said marketing agreement and order, it is hereby found and determined that:

§ 946.219 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal year ending May 31, 1968, by the State of Washington Potato Committee to perform its functions and for such other purposes as the Secretary determines to be appropriate, will amount to $28,884.45.

(b) The rate of assessment to be paid by each handler in accordance with Marketing Agreement No. 113 and this part shall be one-tenth of one cent ($0.001) per hundredweight, or equivalent quantity, of potatoes handled by him, as the first handler thereof, during said fiscal year.

(c) Terms used in this section shall have the same meaning as when used in the said marketing agreement and order.

It is hereby found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal year began June 1, 1967, and the rate of assessment herein fixed will automatically apply to all assessable potatoes beginning with such date.

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

Dated: December 18, 1967.

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

[F.R. Doc. 67-14859; Filed, Dec. 21, 1967; 8:46 a.m.]

[959.308]

PART 959—ONIONS GROWN IN SOUTH TEXAS

Limitation of Shipments

Notice of rule making with respect to a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 143 and Order No. 959 (7 CFR Part 959), both as amended, regulating the handling of onions grown in designated counties in south Texas, was published in the FEDERAL REGISTER, November 2, 1967 (32 F.R. 15177). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than 30 days after publication. None was filed.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice which was recommended by the South Texas Onion Committee, established pursuant to the said amended marketing agreement and order, it is hereby found that the limitation of shipments regulation, as hereinafter set forth, will tend to effectuate the declared policy of the act.

§ 959.308 Limitation of shipments.

During the period beginning March 1, 1968, through June 15, 1968, no handler may package or load onions on Sundays, or handle any lot of onions grown in the production area, except red onions, unless such onions meet the grade requirements of paragraph (a) of this section, one of the applicable size requirements of paragraph (b) of this section, the container requirements of paragraph (c) of this section, and the inspection requirements of paragraph (f) of this sec-

tion, or unless such onions are handled in accordance with the provisions of paragraph (d) or (e) of this section.

(a) *Minimum grade.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Application of tolerances in U.S. Grade Standards shall apply to in-grade lots.

(b) *Size requirements.* (1) "Small"—1 to 2¼ inches in diameter, and limited to whites only;

(2) "Repacker"—1¾ to 3 inches in diameter, with 60 percent or more 2 inches in diameter or larger;

(3) 2 to 3½ inches in diameter; or

(4) "Jumbo"—3 inches or larger in diameter.

(c) *Container requirements.* (1) 25-pound bags, with not to exceed in any lot an average net weight of 27½ pounds per bag, and with outside dimensions not larger than 29 inches by 31 inches; or

(2) 50-pound bags, with not to exceed in any lot an average net weight of 55 pounds per bag, and with outside dimensions not larger than 33 inches by 38½ inches.

(3) These container requirements shall not be applicable to onions sold to Federal agencies.

(d) *Minimum quantity exemption.* Any handler may handle, only as individual shipments and other than for resale, not more than 100 pounds of onions per day, in the aggregate, without regard to the requirements of this section or to the inspection and assessment requirements of this part.

(e) *Special purpose shipments and culls*—(1) *Experimental shipments.* Onions may be handled for experimental purposes as follows:

(i) Each handler desiring to make such shipments shall first apply to the committee for and obtain a Certificate of Privilege to make such shipments.

(ii) After obtaining an approved Certificate of Privilege, each handler may handle onions packed in 3- or 5-pound consumer size containers, or 50-pound cartons, if they meet the grade and size requirements of paragraphs (a) and (b) of this section and if they are handled in accordance with the reporting requirements established in subparagraph (2) of this paragraph on such shipments: *Provided*, That shipments of 3- and 5-pound containers shall not exceed 10 percent of a handler's total weekly onion shipments, and provided further that shipments of 50-pound cartons shall not exceed 10 percent of a handler's total weekly onion shipments of all onions allowed to be marketed under this section.

(iii) The average gross weight of master containers per lot, as computed by multiplying the number of packages therein by their weight classification, plus the weight of the master container, may not exceed 15 percent over the designated net contents.

(iv) The average net weight per lot of 50-pound cartons shall not exceed 55 pounds.

(2) *Reporting requirements for experimental shipments.* Each handler who handles such experimental shipments of onions shall report thereon to the committee on forms and at such times as the committee prescribes, as follows:

(i) The number of the inspection certificate showing the grade and size of onions so packed and the size container in which such onions were handled.

(ii) Prices received for each such shipment on a f.o.b. basis and prices paid to growers of such onions.

(iii) Any adjustments from the original sales price agreement for such onions on each shipment, with reasons therefor, and the final net prices paid to the grower of such onions.

(iv) Such other incidental and related information necessary to provide the foregoing data on prices received by growers, as requested by the committee.

(v) The time and location at which such shipment may be reinspected at destination.

Such reports, in accordance with § 959.80, shall be furnished to the committee in such manner or form and in such time as it may prescribe. Also, each handler of experimental shipments of onions shall maintain records of such marketings, pursuant to § 959.80(c). Such records shall be subject to review and audit by the committee to verify reports thereon.

(3) *Onions failing to meet requirements.* Onions failing to meet the grade, size, and container requirements of this section, and are not exempted under paragraph (d) of this section, may be handled only pursuant to § 959.126. Culls may be handled pursuant to § 959.126 (a)(1). Shipments for relief or charity may be handled without regard to inspection and assessment requirements.

(f) *Inspection.* (1) No handler may handle any onions regulated hereunder (except pursuant to paragraph (d) or (e)(3) of this section) unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment.

(2) No handler may transport or cause the transportation of any shipment of onions by motor vehicle for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a valid inspection certificate is applicable and a copy of such inspection certificate or commitee document, upon request, is surrendered to authorities designated by the committee.

(3) For purpose of operation under this part each inspection certificate or committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(g) *Definitions.* The term "U.S. No. 1" shall have the same meaning as set forth in the U.S. Standards for Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), or in the U.S. Standards for Grades of Onions (§§ 51.2830–51.2854 of this title), whichever is applicable to the particular variety.

All terms used in this section shall have the same meaning as when used in Marketing Agreement No. 143, as amended, and this part.

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

Dated: December 18, 1967 to become effective March 1, 1968.

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

[F.R. Doc. 67-14860; Filed, Dec. 21, 1967; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter VI—Farm Credit Administration

SUBCHAPTER B—FEDERAL FARM LOAN SYSTEM

PART 610—FEDERAL LAND BANKS GENERALLY

SUBCHAPTER F—BANKS FOR COOPERATIVES

PART 670—BANKS FOR COOPERATIVES GENERALLY

Miscellaneous Amendments

In Chapter VI of Title 12 of the Code of Federal Regulations, Part 610 is amended by revising §§ 610.41 and 610.42 (31 F.R. 16238), and Part 670 is amended by revising §§ 670.90 and 670.92 (31 F.R. 16258), to read as follows:

§ 610.41 Interest rates on loans and overdue items.

(a) *Loan or charge rate.* On loans made through associations, the rate of interest at which the loan is written, and any lesser rate of interest to be charged the borrower, shall be as determined by the board of directors of the bank with the approval of the Farm Credit Administration.

(b) *Overdue items.* The rate of interest specified in the mortgage or note for loan payments that are in default and in the mortgage for payments made by the bank for taxes, liens, judgments, or assessments against the mortgaged property not paid when due or for insurance premiums covered by the mortgage, shall be as determined by the board of directors of the bank but may not exceed 8 per centum per annum.

§ 610.42 Special interest rates.

Approval is given to an interest rate one-half of 1 percent per annum in excess of the interest rate otherwise authorized for bank loans through associations secured by first mortgages on the following farm property in the continental United States:

(a) Land that is employed primarily in the production of naval stores as defined by section 2 of the Naval Stores Act (sec. 2, 42 Stat. 1435; 7 U.S.C. 92);

(b) Land used for the raising of livestock, in estimating the earning power and in establishing the value of which leases or permits for the use of other lands were taken into consideration and were a factor in determining the amount of the loan; and

(c) Land, a substantial part of the earnings from which is derived from orchard crops.

(Sec. 6, 47 Stat. 14, as amended, sec. 12 Third, Ninth, 39 Stat. 370, as amended; 12 U.S.C. 665, 771 Third and Ninth, as amended)

§ 670.90 General authority to determine rates of interest.

Loans to cooperative associations made by any bank for cooperatives shall bear such rates of interest as the board of directors of the bank shall from time to time determine with the approval of the Farm Credit Administration.

§ 670.92 Interest escalator or adjustment clauses.

Any policy providing for adjustment of the interest rate on outstanding loan balances of cooperative associations borrowing from a bank for cooperatives has the approval of the Farm Credit Administration so long as such policy:

(a) Has been approved by the bank's board of directors;

(b) Has been approved by the general counsel or attorney for the bank;

(c) Is made uniformly and consistently applicable to all loans of any kind (e.g., seasonal or term) which are covered by the policy;

(d) Is set forth as a provision of each loan agreement to which it applies;

Provided, however, That (1) all loan agreements covering term loans made with a final maturity date of more than 10 years shall include a clause providing for adjustment of interest no later than at the end of the 10th year and at subsequent 5-year intervals, and (2) each bank shall keep the Farm Credit Administration currently informed of any changes made in its policy relating to loan interest escalator or adjustment clauses.

(Sec. 6, 47 Stat. 14, as amended, secs. 34, 41, 48 Stat. 262, 264, as amended; 12 U.S.C. 665, 1134j and 1134c, as amended)

R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F.R. Doc. 67-14863; Filed, Dec. 21, 1967; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 33—SPORT FISHING

Brazoria National Wildlife Refuge, Tex.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

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

TEXAS

BRAZORIA NATIONAL WILDLIFE REFUGE

Sport fishing on the Brazoria National Wildlife Refuge, Tex., is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 600 acres, are delineated on maps available at refuge headquarters, Angleton, Tex., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions.

(1) The open season for saltwater sport fishing on the refuge extends from February 1, 1968 through January 31, 1969, inclusive; except that Nick's Lake will be closed to fishing November 1, 1968 through January 31, 1969, inclusive.

(2) Freshwater fishing is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through January 31, 1969.

RUSSEL W. CLAPPER,
Refuge Manager, Brazoria National Wildlife Refuge, Angleton, Tex.

DECEMBER 20, 1967.

[F.R. Doc. 67-14844; Filed, Dec. 21, 1967; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 67-EA-68]

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

Alteration of Control Zone

On page 14665 of the FEDERAL REGISTER for October 21, 1967, the Federal Aviation Administration published proposed regulations which would alter the Patuxent River, Md., control zone.

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

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., February 1, 1968.

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

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

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Patuxent River, Md., control zone and insert in lieu thereof the following:

PATUXENT RIVER, MD.

Within a 5-mile radius of the center, 38°-17'15" N., 76°24'30" W., of NAS Patuxent River Airport, Patuxent River, Md.; within 2 miles each side of the Patuxent River VOR TAC 043° radial, extending from the 5-mile radius zone to 7 miles northeast of the VOR TAC; within 2 miles each side of the Patuxent River VORTAC 234° radial extending from the 5-mile radius zone to 7.5 miles southwest of the VORTAC; within 2 miles each side of the Patuxent River LF RBN 233° bearing extending from the 5-mile radius zone to 7 miles southwest of the RBN; within 2 miles each side of the Patuxent River VORTAC 139° radial, extending from the 5-mile radius zone to 12 miles southeast of the VORTAC; within 2 miles each side of the Patuxent River UHF RBN 139° bearing extending from the 5-mile radius zone to 12 miles southeast of the RBN; within a ½-mile radius of the center, 38°13'30" N., 76°26'30" W., of Park Hall, Md., Airport; and within a ½-mile radius of the center, 38°21'40" N., 76°24'15" W., of Chesapeake Ranch Airpark.

[F.R. Doc. 67-14847; Filed, Dec. 21, 1967; 8:45 a.m.]

[Airspace Docket No. 67-EA-66]

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

Alteration of Transition Area

On page 14666 of the FEDERAL REGISTER for October 21, 1967, the Federal Aviation Administration published proposed regulations which would alter the 700-foot floor Cincinnati, Ohio, transition area.

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

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., February 1, 1968.

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

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

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete in the Cincinnati, Ohio, 700-foot floor transition area the phrase "14 miles north of the Runway 18 OM" and substitute therefor, "14 miles north of the Runway 18 OM; within 2 miles each side of a line bearing 270° from the Burlington, Ky. RBN extending from the 11.5-mile radius area to 8 miles west of the RBN and within 2 miles each side of the Cincinnati VORTAC 290° radial extending from the 11.5-mile radius area to 21 miles west of the VORTAC."

[F.R. Doc. 67-14848; Filed, Dec. 21, 1967; 8:45 a.m.]

[Airspace Docket No. 67-EA-72]

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

Alteration of Control Zone and Transition Area

On page 14666 of the FEDERAL REGISTER for October 21, 1967, the Federal Aviation Administration published proposed regulations which would alter the Harrisburg, Pa., control zone and 700-foot floor transition area.

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

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., February 1, 1968.

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

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

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Harrisburg, Pa., 700-foot floor transition area and insert in lieu thereof the following:

HARRISBURG, PA.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of a point 40°13'24" N., 76°52'39" W.; within 5 miles south and 8 miles north of the Harrisburg-York State Airport ILS localizer west course extending from the 12-mile radius area to 12 miles west of the OM; within 5 miles north and 8 miles south of the Harrisburg VOR 280° radial extending from the 12-mile radius area to 12 miles west of the VOR; within a 9-mile radius of the center, 40°11'35" N., 76°45'47" W. of Olmsted State Airport, Middletown, Pa.; within 5 miles north and 8 miles south of the Olmsted State Airport ILS localizer northwest course extending from the 12-mile radius area to 12 miles northwest of the OM; and within 2 miles each side of the centerline of Olmsted State Airport Runway 13 extended from the 9-mile radius area to 9 miles southeast of the end of the runway.

[F.R. Doc. 67-14849; Filed, Dec. 21, 1967; 8:45 a.m.]

[Airspace Docket No. 67-EA-67]

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

Designation of Transition Area

On page 14667 of the FEDERAL REGISTER for October 21, 1967, the Federal Aviation Administration published proposed regulations which would designate a 700-foot floor transition area over Wooster Municipal Airport, Wooster, Ohio.

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

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., February 1, 1968.

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

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

WAYNE HENDERSHOT,
Acting Director, Eastern Region

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by designating a 700-foot floor Wooster, Ohio, transition area described as follows:

WOOSTER, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 40°50'09" N., 81°54'36" W., of Wooster Municipal Airport, Wooster, Ohio; within 2 miles each side of the Wooster, Ohio, RBN (40°48'50" N., 81°54'20" W.), 173° bearing extending from the 5-mile radius area to 8 miles south of the RBN and within 2 miles each side of the centerline of Runway 16 extended from the 5-mile radius area to 6 miles south of the end of the runway.

[F.R. Doc. 67-14850; Filed, Dec. 21, 1967; 8:46 a.m.]

[Airspace Docket No. 67-EA-69]

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

Designation of Transition Area

On page 14667 of the FEDERAL REGISTER for October 21, 1967, the Federal Aviation Administration published proposed regulations which would designate a 700-foot floor transition area over Youngstown Executive Airport, Youngstown, Ohio.

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

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., February 1, 1968.

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

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

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a 700-foot floor Youngstown, Ohio (Youngstown Executive Airport), described as follows:

YOUNGSTOWN, OHIO (YOUNGSTOWN EXECUTIVE AIRPORT)

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 41°03'34" N., 80°49'48" W., of Youngstown Executive Airport, Youngstown, Ohio; within 2 miles each side of the centerline of Runway 29 extended from the 5-mile radius area to 5 miles west of the end of the runway; within 2 miles each side of the centerline of Runway 11 extended from the 5-mile radius area to 6 miles east of the end of the runway and within 2 miles each side of the 203° radial of the Youngstown, Ohio, VOR extending from the 5-mile radius area to 11 miles southwest of the VOR.

[F.R. Doc. 67-14851; Filed, Dec. 21, 1967; 8:46 a.m.]

[Airspace Docket No. 67-EA-73]

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

Designation of Transition Area

On page 14668 of the FEDERAL REGISTER for October 21, 1967, the Federal Aviation Administration published proposed regulations which would designate a 700-foot floor transition area over Gloucester Airport, Gloucester, Va.

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

In view of the foregoing, the proposed regulations are hereby adopted effective 0001 e.s.t., February 1, 1968.

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

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

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

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

GLOUCESTER, VA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 37°23'45" N., 76°31'50" W. of the Gloucester Airport, Gloucester, Va.; and within 2 miles each side of the 110° radial of the Harcum, Va., VOR, extending from the 5-mile radius area to the VOR, excluding the portion within the West Point, Va., transition area.

[F.R. Doc. 67-14852; Filed, Dec. 21, 1967; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8592; Amdt. 573]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

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

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

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	300-1
				C-dn*	600-1	600-1	600-1½
				A-dn*	1200-2	1200-2	1200-2

Procedure turn N side NW crs, 283° Outbnd, 103° Inbnd, 3000' within 10 miles.
Minimum altitude over facility on final approach crs, 2140'.
Crs and distance, facility to airport, 080°—1.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of FWL LFR, turn left, climbing to 4000' on NW crs (283°) within 20 miles.
NOTE: This procedure not approved for ADF approach.
CAUTION: (1) Maneuvering SE of airport not authorized due to hill 2338', 1.7 miles SE of airport. (2) Mountain range NE through SE of airport. (3) After takeoff proceed immediately to Farewell LFR. Left turn after takeoff on Runway 8.
*When control zone not effective, use McGrath altimeter setting; ceiling minimums for circling approach becomes 800'. Alternate minimums not authorized.
MSA within 25 miles of facility: NE 7000'; SE 8000'; SW 8000'; NW 2500'.

City, Farewell; State, Alaska; Airport name, Farewell; Elev., 1535'; Fac. Class., BMRLZ; Ident., FWL; Procedure No. LFR Runway 8, Amdt. 8; Eff. date, 13 Jan. 68; Sup. Amdt. No. LFR 1, Amdt. 7; Dated, 2 Oct. 65

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

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

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

PROCEDURE CANCELED, EFFECTIVE 13 JAN. 1968.

Canton Island; Phoenix Islands; Airport name, Canton Island; Elev., 9'; Fac. Class., HHW; Ident., CIS; Procedure No. 1, Amdt. 7; Eff. date, 8 Nov. 58; Sup. Amdt. No. 6; Dated, 6 Apr. 57

Reno Int	DA LOM	Direct	1700	T-dn	300-1	300-1	200-½
Nottingham VORTAC	DA LOM	Direct	1700	C-dn	600-1	600-1	600-1½
Ironsides Int	DA LOM	Direct	1700	S-dn-32	600-1	600-1	600-1
Herndon VORTAC	DA LOM	Direct	1800	A-dn	NA	NA	NA

Radar available.
Procedure turn not authorized. Davison LOM (DA) holding fix 321° Inbnd, 141° Outbnd, 1-minute left turns, 1600'.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport, 321°—4.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing DA LOM, climb to 2000', proceed direct to Springfield RBn. Hold NW, 151° Inbnd, 1-minute right turns.
NOTE: Authorized for military use only, except by prior arrangement.
MSA within 25 miles of facility: 000°–060°—2100'; 060°–180°—1600'; 180°–270°—1700'; 270°–360°—2100'.

City, Fort Belvoir; State, Va.; Airport name, Davison AAF; Elev., 69'; Fac. Class., LOM; Ident., DA; Procedure No. NDB(ADF) Runway 32, Amdt. Orig.; Eff. date, 13 Jan. 68

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Donaldson Int	Greenville NDB	Direct	2300	T-dn	300-1	300-1	NA
Beaver Int	Greenville NDB	Direct	2300	C-dn	300-1	300-1	NA
				S-dn-18	500-1	500-1	NA
				A-dn	NA	NA	NA

Procedure turn W side of crs, 344° Outbnd, 164° Inbnd, 2300' within 10 miles.
Minimum altitude over facility on final approach crs, 1040'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing Greenville NDB, make right turn, climbing to 2300' on 344° bearing from Greenville NDB within 10 miles, make right turn and return to Greenville NDB.
NOTE: Use Vandalia, Ill., altimeter setting.
MSA within 25 miles of facility: 000°-360°—2000'.

City, Greenville; State, Ill.; Airport name, Greenville; Elev., 540'; Fac. Class., MHW; Ident., GRE; Procedure No. NDB(ADF) Runway 18, Amdt. Orig.; Eff. date, 13 Jan. 68

MOL VOR	HSP RBn	Direct	6000	T-dn %	300-1	300-1	200-½
Natural Well Int	HSP RBn	Direct	6000	C-dn*	800-2	800-2	800-2
ROA VOR	HSP RBn	Direct	6000	S-dn-24	800-1	800-1½	800-1½
MOL VOR	Goshen Int	Via MOL R 293°	6000	A-dn	NA	NA	NA
Goshen Int	HSP RBn (final)	Direct	4601				

Procedure turn N side of crs, 060° Outbnd, 240° Inbnd, 5300' within 10 miles.
Minimum altitude over facility on final approach crs, 4601'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of HSP RBn, make immediate right-climbing turn to 6000' to Natural Well Int via MOL VOR R 279°. Hold N, 1-minute left turns, 183° Inbnd.
NOTE: Use Roanoke altimeter.
CAUTION: Terrain 4289', 1.6 miles SSW airport boundary.
*All circling approaches are prohibited in the area S of Runway 6 and SW of Runway 32.
%Runway 24—Climb on heading 279° to 5000' before proceeding on crs.
MSA within 25 miles of facility: 030°-120°—5500'; 120°-210°—5300'; 210°-300°—5600'; 300°-030°—5900'.

City, Hot Springs; State, Va.; Airport name, Ingalls Field; Elev., 3801'; Fac. Class., MHW; Ident., HSP; Procedure No. NDB(ADF) Runway 24, Amdt. 2; Eff. date, 13 Jan. 68; Sup. Amdt. No. 1; Dated, 2 Dec. 67

HSV VOR	CWH RBn	Direct	2600	T-dn	300-1	300-1	200-½
Owens Int	CWH RBn	Direct	3000	C-dn	600-1	600-1	600-1½
Bluff Int	CWH RBn	Direct	2600	S-dn-18R*	600-1	600-1	600-1
DCU VOR	CWH RBn	Direct	2600	A-dn	800-2	800-2	800-2
Tanner Int	CWH RBn	Direct	2600	OM minimums:			
Bethel Int	CWH RBn	Direct	2600	C-dn	500-1	500-1	500-1½
				S-dn-18R#	500-1	500-1	500-1

Procedure turn W side of crs, 359° Outbnd, 179° Inbnd, 2600' within 10 miles of Capshaw RBn.
Minimum altitude over Capshaw RBn on final approach crs, 2600'.
Crs and distance, Capshaw RBn to airport, 179°—7.3 miles; OM to airport, 179°—4.3 miles; MM to airport, 179°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.3 miles after passing CWH RBn, climb to 2600' on crs, 179° from CWH RBn within 15 miles or, when directed by ATC, turn right, climb to 2600', return to CWH RBn, enter holding pattern.
*Reduction not authorized.
Reduction below ¾ mile not authorized.
MSA within 25 miles of facility: 000°-090°—3100'; 090°-180°—3100'; 180°-270°—2000'; 270°-360°—2000'.

City, Huntsville; State, Ala.; Airport name, Huntsville-Madison County; Elev., 628'; Fac. Class., MHW; Ident, CWH; Procedure No. NDB(ADF) Runway 18R, Amdt. 1; Eff. date, 13 Jan. 68; Sup. Amdt. No. Orig.; Dated, 11 Nov. 67

Oakwood Int	RAC NDB	Direct	2100	T-dn%	300-1	300-1	200-½
MK LOM	RAC NDB	Direct	2100	C-dn	600-1	600-1	600-1½
Pike Int	RAC NDB	Direct	2100	S-dn-22	600-1	600-1	600-1
Racine Int	RAC NDB	Direct	2100	A-dn	NA	NA	NA
				Minimums with dual ADF receivers or radar:			
				S-dn-22	500-1	500-1	500-1

Radar available.
Procedure turn N side of crs, 026° Outbnd, 206° Inbnd, 2100' within 10 miles.
Minimum altitude over Marion Int on final approach crs, 1269'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of NDB, make left-climbing turn to 2100' on 026° bearing from NDB within 10 miles, return to NDB.
NOTE: Use Milwaukee, Wis., altimeter setting.
%For southbound traffic aircraft departing Runways 22 and 14, climb to 1600' on runway heading before proceeding on crs. Restriction due 1079' tower, 2.6 miles S of airport.
MSA within 25 miles of facility: 000°-270°—2200'; 270°-360°—2800'.

City, Racine; State, Wis.; Airport name, Horlick-Racine; Elev., 669'; Fac. Class., MH; Ident., RAC; Procedure No. NDB (ADF) Runway 22, Amdt. 4; Eff. date, 13 Jan. 68; Sup. Amdt. No. ADF No. 2, Amdt. 3; Dated, 23 Apr. 66

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

VOR STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
7-mile DME Fix, R 192°	4-mile DME Fix, R 192° (final)	Direct	1307	T-dn	300-1	300-1	200-½
R 288°, AHN VORTAC counterclockwise	R 192°, AHN VORTAC	7-mile Arc AHN, R 206°, lead radial.	2300	C-dn	500-1	500-1	500-1¼
				S-dn-2*	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
R 105°, AHN VORTAC clockwise	R 192°, AHN VORTAC	7-mile Arc AHN, R 178°, lead radial.	2300	When 4-mile DME Fix received, minimums become:			
				S-dn-2	400-1	400-1	400-1

Procedure turn E side of crs, 192° Outbnd, 012° Inbnd, 2300' within 10 miles.
Minimum altitude over 4-mile DME Fix on final approach crs, 1307'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of AHN VOR, climb to 2300' on R 061° within 15 miles.
CAUTION: Tower 1038', 4 miles W of facility.
*Reduction below ¾ mile not authorized.
MSA within 25 miles of facility: 000°–090°—2400'; 090°–180°—2400'; 180°–270°—3100'; 270°–360°—2600'.

City, Athens; State, Ga.; Airport name, Athens Municipal; Elev., 807'; Fac. Class., BVORTAC; Ident., AHN; Procedure No. VOR Runway 2, Amdt. 3; Eff. date, 13 Jan. 68; Sup. Amdt. No. TerVOR-2, Amdt. 2; Dated, 15 Aug. 64

7-mile DME Fix, R 076°	4-mile DME Fix, R 076° (final)	Direct	1307	T-dn	300-1	300-1	200-½
R 031°, AHN VORTAC clockwise	R 076°, AHN VORTAC	7-mile Arc AHN, R 062°, lead radial.	2300	C-dn	500-1	500-1	500-1½
				S-dn-27*	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
				When 4-mile DME Fix received minimums become:			
				S-dn-27	400-1	400-1	400-1

Procedure turn N side of crs, 076° Outbnd, 256° Inbnd, 2300' within 10 miles.
Minimum altitude over 4-mile DME Fix on final approach crs, 1307'.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of AHN VOR, climb to 2300' on R 192° within 15 miles.
CAUTION: Tower 1038', 4 miles W of facility.
*Reduction below ¾ mile not authorized.
MSA within 25 miles of facility: 000°–090°—2400'; 090°–180°—2400'; 180°–270°—3100'; 270°–360°—2600'.

City, Athens; State, Ga.; Airport name, Athens Municipal; Elev., 807'; Fac. Class., BVORTAC; Ident., AHN; Procedure No. VOR Runway 27, Amdt. 3; Eff. date, 13 Jan. 68; Sup. Amdt. No. TerVOR-27, Amdt. 2; Dated, 15 Aug. 64

PROCEDURE CANCELED, EFFECTIVE 13 JAN. 1968.

City, Fort Benning; State, Ga.; Airport name, Lawson AAF; Elev., 232'; Fac. Class., VOR; Ident., LSF; Procedure No. TerVOR-2, Amdt. 4; Eff. date, 14 Aug. 65; Sup. Amdt. No. 3; Dated, 13 Mar. 65

PROCEDURE CANCELED, EFFECTIVE 13 JAN. 1968.

City, Fort Benning; State, Ga.; Airport name, Lawson AAF; Elev., 232'; Fac. Class., VOR; Ident., LSF; Procedure No. TerVOR-14, Amdt. 4; Eff. date, 16 July 66; Sup. Amdt. No. 3; Dated, 14 Aug. 65

PROCEDURE CANCELED, EFFECTIVE 13 JAN. 1968.

City, Fort Benning; State, Ga.; Airport name, Lawson AAF; Elev., 232'; Fac. Class., VOR; Ident., LSF; Procedure No. TerVOR-20, Amdt. 3; Eff. date, 14 Aug. 65; Sup. Amdt. No. 2; Dated, 8 Feb. 64

PROCEDURE CANCELED, EFFECTIVE 13 JAN. 1968.

City, Fort Benning; State, Ga.; Airport name, Lawson AAF; Elev., 232'; Fac. Class., T-VOR; Ident, LSF; Procedure No. VOR Runway 32, Amdt. Orig.; Eff. date, 13 May 67

HOU VORTAC	Hyde Int	Direct 17 miles	1600	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1⅝
HOU VORTAC	17-miles DME Fix, R 075°	Direct 17 miles	1600	A-dn	NA	NA	NA

Radar available.
Procedure turn N side of crs, 075° Outbnd, 255° Inbnd, 1600' within 10 miles.
Minimum altitude over Hyde Int or 17-mile DME Fix on final approach crs, 1000'.
Crs and distance, Hyde Int or 17-mile DME Fix to airport, 255°—5.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished upon reaching 11.1-mile DME Fix of HOU VORTAC or within 5.9 miles after passing Hyde Int, turn right, intercept HOU VORTAC R 066° and proceed to Fry Int, climbing to 1600'.
NOTES: (1) Dual VOR equipment or DME required. (2) Use Houston, Tex., altimeter setting.
CAUTION: Monument 610', 5 miles N of airport. Stack 230', 2.8 miles NE of airport.
MSA within 25 miles of facility: 000°–090°—1600'; 090–180°—2300'; 180°—270°—2600'; 270°–360°—1800'.

City, La Porte; State, Tex.; Airport name, La Porte Municipal; Elev., 29'; Fac. Class., H-BVORTAC; Ident., HOU; Procedure No. VOR-1, Amdt. 1; Eff. date, 13 Jan. 68; Sup. Amdt. No. Orig.; Dated, 8 Apr. 67

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Crisfield Int	SWL VORTAC	Direct	2000	T-dn	300-1	300-1	
SBY VORTAC	Shoreline Int	Direct	1800	C-dn	600-1	600-1	
SWL VORTAC	Shoreline Int	Direct	1800	A-dn	NA	NA	NA

Shuttle. Shoreline Int holding fix, 0.55 Inbnd, 235° Outbnd, 1800'.
Minimum altitude over Shoreline Int on final approach crs, 1800'.
Crs and distance, Shoreline Int to airport, 055°—6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles of shoreline Int, make right-climbing turn to 1800' and return to Shoreline Int. Hold SW on SWL R 053°, 055° Inbnd, 1-minute right turns.
NOTES: (1) 100' antennas 1 mile N of airport. (2) Use Salisbury FSS altimeter setting. (3) Runway lights on dusk-dawn summer season, on request during winter.
MSA within 25 miles of facility: 000°-360°—1700'.

City, Ocean City; State, Md.; Airport name, Ocean City; Elev., 12'; Fac. Class., L-BVORTAC; Ident., SWL; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 13 Jan. 68

White Bear Int	STP VOR	Direct	2500	T-dn*	300-1	300-1	300-1
PGT VOR	STP VOR	Direct	2500	C-dn	900-1½	900-1½	900-1½
				S-dn-30	900-1	900-1	900-1
				A-dn	900-2	900-2	900-2
				Minimums with dual VOR receivers or radar:			
				S-dn-30	700-1	700-1	700-1

Radar available.
Procedure turn E side of crs, 107° Outbnd, 287° Inbnd, 2500' within 10 miles.
Minimum altitude over facility on final approach crs, 2100'; over Lakeland Int., 1603'.
Crs and distance facility to airport 289°—4.6 miles. Final approach crs, 287°, distance FAF to MAP, 4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing STP VOR, make right-climbing turn to 2500' and return to the STP VOR.
Supplementary charting information: Final approach crs intercepts Runway CL 3000' from threshold.
NOTES: (1) Final approach from holding pattern at STP VOR not authorized, procedure turn required. (2) Use Minneapolis altimeter setting when control zone not effective. Alternate minimums not authorized when control zone not effective.
CAUTION: 1262' antenna on top of building 1 mile NW of airport. Runways 16/34 unlighted.
* Takeoff minimums of 600-1 required for all departures on Runways 26, 30, and 34. Departure on Runway 8 make right-climbing turn to STP VOR before proceeding on crs; Runway 12, climb direct to STP VOR before proceeding on crs; and Runway 16, make left-climbing turn to STP VOR before proceeding on crs.
MSA within 25 miles of facility: 000°-300°—2000'.

City, St. Paul; State, Minn.; Airport name, St. Paul-Downtown (Holman Field); Elev., 703'; Fac. Class., T-VOR; Ident., STP; Procedure No. VOR Runway 30, Amdt. 3; Eff. date, 13 Jan. 68; Sup. Amdt. No. VOR 1, Amdt. 2; Dated, 29 Apr. 65

				T-dn%	700-1	700-1	700-1
				C-d	1100-1½	1100-2	1100-2
				C-n%	1200-2	1200-2	1200-2
				S-d-5/9#	900-1½	900-1½	900-2
				S-n-5#	1000-1½	1000-1½	1000-2
				A-dn	NA	NA	NA

Procedure turn N side of crs, 251° Outbnd, 071° Inbnd, 4000' within 11 miles.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing SLK VOR, climb on R 071° to 3000' within 5 miles. Then left-climbing turn to 4000' direct SLK VOR. Hold W of SLK VOR, 1-minute left turns, 071° Inbnd.
NOTES: (1) Approach from a holding pattern not authorized. Procedure turn required. (2) Commence procedure turn SW of Lake Clear FM. (3) %Night operations Runways 5/23 only. (4) #Reduction not authorized. (5) Use Massena altimeter setting.
IFR departure: Depart SLK VOR IFR at 2400' climbing on R 071° to 3000' within 5 miles, then left turn, climb in holding pattern. Shuttle to 4500' or above prior to departing on airways.
MSA within 25 miles of facility: 000°-090°—5900'; 090°-180°—6400'; 180°-270°—5700'; 270°-360°—4400'.

City, Saranac Lake; State, N.Y.; Airport name, Adirondack; Elev., 1659'; Fac. Class., L-BVOR; Ident., SLK; Procedure No. VOR Runways 5/9, Amdt. 4; Eff. date, 13 Jan. 68; Sup. Amdt. No. VOR 1, Amdt. 3; Dated, 30 July 66

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

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Marsh Int	Groves Int (final)	Direct	1000	T-dn	300-1	300-1	300-1
BPT VOR	Groves Int	Direct	1500	C-dn	400-1	500-1	500-1½
ILS LOM	Groves Int	Direct	1500	S-dn-29*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of SE crs ILS, 114° Outbnd, 294° Inbnd, 1500' within 10 miles of Groves Int.
No glide slope. Minimum altitude over Groves Int on final approach crs, 1000'.
Crs and distance, Groves Int to Runway 29, 294°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing Groves Int, climb to 1500' on NW crs BPT ILS within 20 miles or, when directed by ATC, turn left and climb to 1000' on R 247, BPT VOR within 20 miles.
*400-¾ authorized with operative HIRL, except for 4-engine turbojets.

City, Beaumont; State, Tex.; Airport name, Jefferson County; Elev., 16'; Fac. Class., ILS; Ident., I-BPT; Procedure No. LOC(BC) Runway 29, Amdt. 7; Eff. date, 3 Jan. 68; Sup. Amdt. No. ILS-29(BC), Amdt. 6; Dated, 29 Aug. 64

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn%.....	300-1	300-1	¢200-½
				C-dn#.....	600-1	600-1	600-1½
				S-dn-22L**.....	500-1	500-1	500-1
				A-dn.....	800-2	800-2	800-2

Radar required.
Procedure turn not authorized. Radar vectors to final approach crs at 5-mile Radar Fix required.
Minimum altitude over 5-mile Radar Fix, 215° Inbnd on final approach crs, 1500'.
Crs and distance, 5-mile Radar Fix to airport, 215°—5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing Radar Fix, climb to 2000' direct BO LOM. Hold SW of BO LOM, 1-minute right turns, 035° Inbnd.
CAUTION: 370' stack, 1 mile SW; 505' building, 1.7 miles W; 845' building and antenna, 3.1 miles W; 1349' antennas, 10.5 miles W of airport.
%Departures from Runway 27, make left turn to heading 260° as soon as practicable after takeoff.
¢RVR 2400' authorized for Runways 4R and 33.
#No circling W of airport authorized from centerline extended Runway 4L to centerline extended Runway 15 when ceiling is less than 800'.
**Reduction not authorized.

City, Boston; State, Mass.; Airport name, Gen. Edward Lawrence Logan International; Elev., 19'; Fac. Class., ILS; Ident., I-BOS; Procedure No. LOC (BC) Runway 22L, Amdt. Orig.; Eff. date, 13 Jan. 68

Reno Int.....	DA LOM.....	Direct.....	1700	T-dn.....	300-1	300-1	200-½
Nottingham VORTAC.....	DA LOM.....	Direct.....	1700	C-dn.....	600-1	600-1	600-1½
Ironsides Int.....	DA LOM.....	Direct.....	1700	S-dn-32.....	300-1	300-1	300-1
Herndon VORTAC.....	DA LOM.....	Direct.....	1800	A-dn.....	NA	NA	NA
				With glide slope inoperative:			
				S-dn-32.....	400-1	400-1	400-1

Radar available.
Procedure turn not authorized. Davison LOM (DA) holding fix, 321° Inbnd, 141° Outbnd, 1-minute left turns, 1600'.
Crs and distance, facilities to airport, 321°—4.3 miles.
Minimum altitude at glide slope intercept ion Inbnd, 1600'.
Altitude of glide slope and distance to approach end of runway at OM, 1512'—4.3 miles; at MM, 308'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles after passing DA LOM, climb to 2000', proceed direct to Springfield RBn. Hold NW, 151° Inbnd, 1-minute right turns.
NOTE: Authorized for military use only, except by prior arrangement.
MSA within 25 miles of LOM: 000°–090°—2100'; 090°–180°—1600'; 180°–270°—1700'; 270°–360°—2100'.

City, Fort Belvoir; State, Va.; Airport name, Davison AAF; Elev., 69'; Fac. Class., ILS; Ident., I-DAA; Procedure No. ILS Runway 22, Amdt. Orig.; Eff. Date, 13 Jan. 68

HSV VOR.....	CWH RBn.....	Direct.....	2600	T-dn.....	300-1	300-1	200-½
Owens Int.....	CWH RBn.....	Direct.....	3000	C-dn.....	500-1	500-1	500-1½
Bluff Int.....	CWH RBn.....	Direct.....	2600	S-dn-18R*.....	200-½	200-½	200-½
DCU VOR.....	CWH RBn.....	Direct.....	2600	A-dn.....	600-2	600-2	600-2
Tanner Int.....	CWH RBn.....	Direct.....	2600				
Bethel Int.....	CWH RBn.....	Direct.....	2600				

Procedure turn W side of N crs, 359° Outbnd, 179° Inbnd, 2600' within 10 miles of Capshaw RBn.
Minimum altitude over Capshaw RBn on final approach crs, 2600'.
Crs and distance, Capshaw RBn to airport, 179°—7.3 miles.
Minimum altitude at glide slope interception Inbnd, 2600'.
Altitude of glide slope and distance to approach end of runway at OM, 1935'—4.3 miles; at MM, 847'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.3 miles after passing CWH NDB, climb to 2600', proceed out S crs HSV ILS to Bluff Int, hold S, 1-minute left turns, 179° Outbnd, 359° Inbnd, or, when directed by ATC, turn right, climb to 2600', proceed direct to DCU VOR, enter holding pattern.
*500-¾ required when glide slope not utilized. Reduction not authorized.
MSA within 25 miles of CWH RBn: 000°–090°—3100'; 090°–180°—3100'; 180°–270°—2000'; 270°–360°—2000'.

City, Huntsville; State, Ala.; Airport name, Huntsville-Madison County; Elev., 628'; Fac. Class., ILS; Ident., I-HSV; Procedure No. ILS Runway, 18R, Amdt. 1; Eff. date, 13 Jan. 68; Sup. Amdt. No. Orig.; Dated, 11 Nov. 67

HSV VOR.....	CWH RBn.....	Direct.....	2900	T-dn.....	300-1	300-1	200-½
CWH RBn.....	Bluff Int.....	Direct.....	2900	C-dn.....	500-1	500-1	500-1½
HSV VOR.....	Bluff Int.....	Direct.....	2900	S-dn-36L.....	400-1	400-1	400-1
Rountree Int.....	LOC BC.....	075°, 7.3.....	2900	A-dn.....	800-2	800-2	800-2
Fairview Int.....	LOC BC.....	Via MSL R 119°, 4.3.	2900				

Procedure turn W side of crs, 179° Outbnd, 359° Inbnd, 2900' within 10 miles of Bluff Int.
Minimum altitude over Bluff Int on final approach crs, 2900'.
Crs and distance, Bluff Int to airport, 359°—5.4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing Bluff Int, climb to 2900', proceed out N crs HSV ILS to Capshaw RBn, hold N, 1-minute right turns, 359° Outbnd, 179° Inbnd, or, when directed by ATC, turn left, climb to 2900', proceed direct to DCU VOR, enter holding pattern.

City, Huntsville; State, Ala.; Airport name, Huntsville-Madison County; Elev., 628'; Fac. Class., ILS; Ident., I-HSV; Procedure No. LOC (BC) Runway 36L Amdt. 1; Eff. date, 13 Jan. 68; Sup. Amdt. No. Orig.; Dated, 11 Nov. 67

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

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
		Within:		Precision approach			
000°-	360°-	17-20 miles-	3000	T-dn#	300-1	300-1	200-½
000°-	360°-	7-17 miles-	2200	C-dn	600-1	600-1	600-1½
000°-	360°-	0-7 miles-	2000	S-d-2-14#	300-¾	300-¾	300-¾
				S-n-2-14#	400-1	400-1	400-1
				S-d-20	400-¾	400-¾	400-¾
				S-n-20	400-1½	400-1½	400-1½
				S-dn-32**	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2
				Surveillance approach			
				S-dn-2-14-20*%	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

All bearings and distances are from Radar antenna site with sector azimuths progressing clockwise, Radar control must provide 3 miles or 1000' vertical separation from following tower: 2240', 10.8 miles E.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 2—Turn left, climb to 2000' on 202° crs from AWS RBn within 15 miles. Runway 20—Climb to 2000' on 202° crs from AWS RBn within 15 miles. Runway 14—Immediate right turn, climb to 2000' on 202° crs from AWS RBn within 15 miles. Runway 32—Turn left climb to 2000' on 202° crs from AWS RBn within 15 miles.

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

CAUTION: Jump towers 580', 1½ miles NE, R-3002 E and SE of Lawson AAF.

*Reduction not authorized.

**RVR 2400' authorized. Descent below 432' not authorized unless approach lights are visible.

#RVR Runway 14, 4000' day, 5000' night authorized. Absolute ceiling 300' day, 400' night.

##RVR 5000' Runways 14/32 2-engine or less. RVR 2400' more than 2-engine authorized.

%RVR 5000' authorized Runway 14. Absolute ceiling 600'.

City, Fort Benning; State, Ga.; Airport name, Lawson AAF; Elev., 232'; Fac. Class. and Ident., Lawson AAF Radar; Procedure No. Radar-1, Amdt. 4; Eff. date, 13 Jan. 68; Sup. Amdt. No. 1, Amdt. 3; Dated, 15 Apr. 67

These procedures shall become effective on the dates specified therein.

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

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

EDWARD C. HODSON,
Acting Director, Flight Standards Service.

[F.R. Doc. 67-14562; Filed, Dec. 21, 1967; 8:45 a.m.]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. No. ER-522]

PART 243—REPORT OF CHARTER SERVICES PERFORMED FOR THE MILITARY AIRLIFT COMMAND

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of November 1967.

In EDR-92, dated September 8, 1965, and published at 30 F.R. 11729, the Board gave notice that it proposed to promulgate new Part 243 of the Economic Regulations and related CAB Form 243 to provide for the separate reporting of charter services performed under contracts with the Military Airlift Command (MAC), and a summary of revenues and traffic derived from other specified Department of Defense sources. The proposed regulation was designed to keep the Board currently informed of trends in costs and rates of return for MAC charter operations and to serve as the basis for a review of minimum rates for MAC charters when such a review was indicated. Most of the scheduled air carriers were strongly opposed to the proposal, alleging that it was excessively burdensome and inadequate for ratemaking purposes and should be withdrawn. MAC also indicated, in amended comments, that Part 243 would not provide sufficient data on which to base its recommendations in a ratemaking proceeding.

In EDR-92B, dated March 29, 1967, and published at 32 F.R. 5562, the Board issued a revised proposal which would require only the minimum amount of data necessary for analysis of current results of services under fiscal-year contracts with MAC. The proposed rule would be applicable only to MAC contractors rather than all certificated air carriers.

The Department of Defense conditionally supported adoption of Part 243, provided commercial backhauls to one-way charters ware reported and Form 243[1] reports were not to be considered a substitute for special data requests for periodic rate review. MAC urged that mileages, utilization, expenses, and revenues for commercial backhaul charters be added to the respective schedules.

However, despite the simplification of the reporting requirements, the revised proposal met with opposition from the industry. Nine carriers participating in joint comments filed by the Air Transport Association objected in general to any formal reporting requirement, and in particular to the allocation of expenses and invested capital to MAC operations. These carriers proposed to furnish MAC statistics and revenues to the Board on an informal memorandum basis, and suggested that the Board develop operating ratios from these reports and Form 41 reports to determine the trends in costs and rates of return. Individual carriers objected to "distortion" of data resulting from quarterly rather than annual allocations of Form 41 results to MAC operations, although one carrier proposed that invested capital be reported on a quarterly rather than a semiannual basis to avoid distortion in the investment base. All the carriers and MAC requested that the Board prescribe a uniform basis for reporting charter miles flown. The carriers further suggested that MAC pay miles be separately

[1] Form 243 filed as part of the original document.

reported to end the confusion over miles used for costing and miles used for payment. Numerous modifications as to reporting expense and investment items were also proposed.

Several carriers requested informal conferences with the staff to explore other methods of reporting MAC data and to resolve the carriers' objections to various items before any final action was taken by the Board. A public meeting was held June 23, 1967, followed by meetings of technical working groups to consider the treatment of specific items of expense, investment, and statistics. The carriers' attention was primarily focused on the requirement that all expense and invested capital items be allocated to MAC operations. The carriers contended that "direct" operating expenses (aircraft operating expense and passenger service expense) constituted about 75 to 80 percent of total operating expenses and that "indirect" operating expenses tended to vary directly with the direct expenses. The flight equipment investment, in like manner, was said to represent the major capital item, with ground equipment varying in a direct ratio. The carriers therefore proposed that direct operating expenses and flight equipment investment be allocated in the same detail now reported on Form 41, and that the indirect operating expenses and ground equipment investment be computed by each carrier from the ratio derived from allocated data submitted in the last MAC ratemaking proceeding. An analysis was submitted of each carrier's cost data submitted in the fiscal 1968 rate review, using the results of two subsequent quarters for the four largest-volume carriers as a check, in support of the argument that computing, instead of allocating, the indirect expenses would not affect the reliability of the cost data.

After full consideration of all comments offered by the industry and MAC, we have decided to adopt Part 243 and CAB Form 243 as a formal reporting requirement. The large amount of public monies involved, the significant percentage of total carrier operations these services represent, and the Board's role in fixing minimum rates all militate against voluntary, confidential reports. We believe the carriers' fears that Form 243 reports may be misinterpreted so as to appear inconsistent with Form 41 reports or special data submitted for periodic MAC rate reviews are greatly exaggerated. Several modifications have been made in the rule to guard against this possibility, however. In order to avoid duplication of military charter reports under Form 41, supplemental reports of nonscheduled services presently required of route carriers by section 21(k) of Part 241 will be waived upon a showing that such nonscheduled services consist mostly of military charters reflected in the Form 243 reports.

The regulation adopted herein is a compromise between the refined data requirements originally proposed by the Board and accounting short cuts devised by the carriers to give close approximations of expense and investment related to MAC services. In our view, the most important consideration is that the carriers make a beginning toward systematic separation of financial and statistical data for MAC services as part of their routine accounting procedures. All data shall be reported consistent with Part 241 and Form 41, but where the accounting is different from the basis used by the Board to establish MAC uniform minimum rates, the data may also be shown on the latter basis in footnote. The many changes made in the proposed rule in response to carrier suggestions are briefly discussed under the applicable parts of Form 243.[2]

Certification. The certification form has been modified to call attention to the fact that data reported on CAB Form 243 reflect allocations in accordance with procedures filed with the Board. This language is intended as a caveat to the user that the amounts reported are not actual balances, as in the carrier's accounts, but are the results of informed judgments.

Category X results. Category X planeload charter services are not required to be reported on Form 243. Since the U.S.-flag carriers operate a substantial number of such inbound charters, however, and the data affect the unit costs of MAC charter services, these carriers suggested that the schedules be modified to include Category X data. The rule, accordingly, provides that Category X planeload charter data may be included with Category B charter results with appropriate identification in footnote. If statistics and revenues for Category X charters are reported, however, the related expenses must also be included. No data shall be reported for so-called "quasi-Category X" traffic carried on inbound scheduled flights.

Invested capital (schedule D–1). As originally proposed, flight equipment will be allocated by aircraft type to MAC services consistent with Form 41 classifications. Ground property and equipment and preoperating costs, however, may be allocated on the basis of the historical ratio of those items to flight equipment. Working capital must bear some demonstrable relationship to sums actually available in the accounts; an arbitrary or fictitious sum, such as 1 month's operating expenses, it not acceptable. Although an account-by-account allocation of assets and liabilities is not required, the carrier must state the bases applied to each item or group of items allocated. The reserve for depreciation of flight equipment must be reported on the same basis as in Form 41, but if the depreciation reserve used for periodic MAC rate reviews is different it may be reported in footnote.

Expenses and revenues (schedule D–2). Aircraft operating expenses and passenger service expense, for purposes of this regulation defined as "direct" expenses, will be allocated in the same detail now reported on Form 41. Aircraft servicing, traffic servicing, general and administrative expense, and maintenance and depreciation of ground property, here defined as "indirect" operating expenses, may be combined and allocated in the ratio of such combined indirect expenses to direct operating expenses as submitted by the carrier in the last MAC rate review. Adjustments must be made for any projected increase in volume of operations, or material changes in service (such as introduction of new aircraft types, shift from passenger to cargo service or vice versa, or shift in geographical area). A statement must be filed describing the method of treating expenses with subsequent revisions to describe the effect of material changes on the established ratio. Since each carrier must use its own indirect-direct expense ratio, carriers without previous or appropriate MAC experience will have to work out and file a statement of allocation procedures for initial reports. Aircraft depreciation will be reported on a separate line to permit comparison where a different depreciation basis for periodic MAC rate reviews is shown in footnote.

Operating statistics and utilization (schedule D–3). All aircraft miles flown for Category B (and Category X) charters will be reported as airport-to-airport great-circle distances, as defined in Part 241. "MAC pay miles" for Category B (and Category X) charters will be reported on a separate line. Logair and Quicktrans revenue miles will be reported as course-flown miles specified in the contract. The noncommercial backhaul miles to Category B one-way charters will be identified as "cargo" or "passenger and mixed," in order to segregate the backhaul miles in aircraft types that are suitable for both passengers and cargo. Cargo and passenger miles will not be separately reported for "paid ferry miles", as that term is defined in § 288.9, because cargo is not an important factor in this operation. In reporting aircraft utilization, the carriers may use system utilization for aircraft types used in MAC services.

Filing dates and effective date. In order to avoid conflict with filing dates of Form 41 reports from which Form 243 reports are derived, statistics (schedule D–3) will be due (postmarked) 40 days after the close of the accounting period, while revenues and expenses (schedule D–2) and invested capital (schedule D–1) will be due 60 days after the close of the period, including the period ended December 31. Although Form 243 data are derived from Form 41 reports, for which the final calendar year reports are not due until 90 days after the end of the

[2] MAC's suggestion that expense, revenue, and statistics for commercial backhauls to one-way charters be included in the rule has not been adopted. MAC rates are based on round-trip operations; the Board adjusts the rate to reflect lower costs of operating empty backhauls and to eliminate costs attributable to backhaul flights that produced revenues. Miles for one-way charters and noncommercial backhauls are separately reported. These statistics will provide sufficient information to alert the Board to any significant trend in proportion of commercial backhauls to empty backhauls. The pertinent data for these adjustments are obtained in the periodic rate review, and there is no reason to impose this additional burden on the carriers.

calendar year, schedules D–1 and D–2 are needed as soon as available in conjunction with the Board's consideration of rates for the coming fiscal year. Therefore, these schedules for the last quarter of each calendar year are to be submitted within 60 days, which is 20 days after the due dates for preliminary Form 41 reports. Amended schedules may be filed within a reasonable period after final Form 41 reports are filed if serious discrepancies develop. Schedules D–2 and D–3 will be quarterly reports, but schedule D–1 will be reported semiannually. Although quarterly reports are a more sensitive index of trends and changes, a semiannual report of invested capital is believed to be adequate and will relieve the carriers of some burden.

Since MAC charter operations are conducted under fiscal-year contracts, it would be appropriate to require reports for complete fiscal year 1968, beginning July 1, 1967. However, the carriers are presently engaged in preparing reports of MAC operations in response to a special request for data covering fiscal year 1967 and the first two quarters of fiscal year 1968. Operating results for the 1967 calendar quarters ending in September and December will therefore be available to the Board in approximately the same detail and at the same time as would have been required if Part 243 were made effective July 1, 1967. The Board's needs will be met and the carriers will be spared additional burden at a peak accounting load period if Part 243 is made effective as of January 1, 1968. While this provides somewhat less than the 30 days' statutory notice, the carriers will receive sufficient actual notice since the first reports will not be due until more than 4 months after the effective date.

Accordingly, the Board hereby amends Chapter II of Title 14 of the Code of Federal Regulations (14 CFR) by adding new Part 243, which prescribes CAB Form 243 reports, to Subchapter A—Economic Regulations, effective January 1, 1968, to read as follows:

Sec.
243.1 Definitions.
243.2 Applicability and CAB Form 243 filing requirements.
243.3 Extension of filing time.
243.4 Statement of allocation procedures.
243.5 Certification.
243.6 Schedule D–1—summary of invested capital—MAC Charter Contracts.
243.7 Schedule D–2—summary of financial results of operations—MAC Charter Contracts.
243.8 Schedule D–3—summary of operating statistics and aircraft utilization—MAC Charter Contracts.

AUTHORITY: The provisions of this Part 243 issued under secs. 204(a) and 407, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377.

§ 243.1 Definitions.

Charter services performed under fiscal-year contracts between certificated air carriers and the Military Airlift Command (MAC) are defined as follows:

"Category B"—air transportation of planeload charters of passengers and/or cargo in international and territorial operations.

"Category X"—air transportation of planeload charters of passengers or cargo inbound to continental United States at "Category B" round-trip passenger or cargo rates, at the option of MAC, in fixed proportion to individually waybilled cargo outbound from continental United States in scheduled international and territorial services ("Category A").

"Logair"—all-cargo domestic charters over routes principally between Air Force installations.

"Quicktrans" — all-cargo domestic charters over routes principally between Navy installations.

§ 243.2 Applicability and CAB Form 243 filing requirements.

(a) This part applies only to certificated air carriers performing Category B, Logair, or Quicktrans charter services under fiscal-year contracts with the Military Airlift Command. Scheduled carriers operating full planeload Category X charters may include the results of such operations with Category B charters: *Provided*, That all Category X data are included—i.e., revenues, expenses, and traffic statistics; and *Provided further*, That no data for "quasi-Category X" scheduled services are included. Each contractor air carrier shall prepare and file, in triplicate, CAB Form 243 entitled "Report of Charter Services Performed for the Military Airlift Command."

(b) The CAB Form 243 report consists of:

	Filing frequency
(1) Certification	Quarterly.
(2) Schedule D–1—Summary of Invested Capital—MAC Charter Contracts.	Semiannually.
(3) Schedule D–2—Summary of Financial Results of Operations—MAC Charter Contracts.	Quarterly.
(4) Schedule D–3—Summary of Operating Statistics and Aircraft Utilization—MAC Charter Contracts.	Do.
(5) A statement of the various allocation procedures by which the financial results of MAC charter services are separated from results for other services.	Initially and upon revision (see § 243.4).

(c) Schedules D–1 and D–2 of Form 243 shall be filed with the Board (i.e., postmarked) not more than 60 days after the end of each reporting period; Schedule D–3 shall be filed not more than 40 days after the end of each reporting period. The report shall be addressed to the Civil Aeronautics Board Attention of the Bureau of Accounts and Statistics, Washington, D.C. 20428.

§ 243.3 Extension of filing time.

If circumstances prevent the filing of a report within the prescribed time limit, consideration will be given to the granting of an extension upon receipt of a written request therefor. Such a request must give a sufficient reason for granting the extension, set forth the date when the report can be filed, and be submitted sufficiently in advance of the due date to permit proper time for consideration and communication to the air carrier of the action taken. Except in cases of emergency, no request for extension will be entertained which is not received in sufficient time to enable the Board to pass thereon before the prescribed due date. If a request is denied, the air carrier remains subject to the filing requirements to the same extent as if no request for extension had been made.

§ 243.4 Statement of allocation procedures.

(a) Each air carrier shall submit with its initial report on CAB Form 243 a statement of the various allocation or other procedures by which the investment in and operating results of MAC charter services are separated from those of other services. A complete description shall be given for the bases used for each indicated balance sheet classification on Schedule D–1—Summary of Invested Capital, and each profit and loss classification on Schedule D–2—Summary of Financial Results of Operations.

(b) With respect to Schedule D–1, the statement pertaining to "working capital" shall describe the balance sheet elements included, as well as the method of allocation; "ground equipment cost" may be derived from the ratio of ground equipment to flight equipment cost as set forth in the carrier's report of investment allocated to MAC charter services submitted in connection with the last MAC rate-making proceeding. In the event the carrier did not furnish such data, each ground equipment account shall be individually allocated to MAC services until such time as the carrier files a statement of the equipment ratio to be used in subsequent reports and the basis for computing such ratio.

(c) On Schedule D–2, "All other indirect expenses" may be derived from the ratio of such expenses to "total direct operating expenses" (comprising total aircraft operating expenses and passenger service expenses) as set forth in the carrier's report of operating expenses allocated to MAC charter services submitted in connection with the last MAC rate-making proceeding. In the event the carrier did not furnish such report, each operating expense account included in "all other indirect expenses" shall be individually allocated to MAC charter services until such time as the carrier files a statement of the indirect-direct expense ratio to be used in subsequent reports and the basis for computing such ratio.

(d) Whenever investment or operating-expense ratios or allocation procedures are revised, a supplementary statement shall be filed with the Form 243 report for the period in which such revisions are made, and shall clearly and completely describe the procedures upon which such revised reports are based. The effect of such change in procedures on income and investment in the current report shall be clearly and completely described in the supplementary statement.

§ 243.5 Certification.

The certificate of the officer in charge of the carrier's accounts, executed in triplicate, shall accompany each Form 243 filed with the Board. This certificate is the cover sheet of Form 243 and applies to all schedules and documents filed therewith.

§ 243.6 Schedule D–1—summary of invested capital—MAC Charter Contracts.

(a) This schedule shall be prepared as of December 31 and June 30.

(b) Data reported on this schedule shall conform with the instructions pertaining to balance sheet classifications within Part 241.

(c) Each indicated asset classification, allocated in accordance with procedures that are submitted as required by § 243.4, shall be reported for the respective charter services, with flight equipment shown by aircraft types.

(d) Only cost data relating to equipment actually furnished by the carrier should be included in this schedule. Do not report equipment furnished by MAC.

(e) Line 7 "Reserve for depreciation" shall reflect depreciation computed on the basis used for reporting on Form 41. If the depreciation basis is different for periodic MAC rate reviews, the latter depreciation reserve values may be entered for each type of charter in footnote.

(f) A detailed breakdown of amounts reported on line 15 "Other" shall be provided in footnote.

§ 243.7 Schedule D–2—summary of financial results of operations—MAC Charter Contracts.

(a) This schedule shall be prepared for each calendar quarter.

(b) Data reported on this schedule shall conform with the instructions pertaining to expense classifications within Part 241.

(c) Each indicated classification of revenues and operating expenses, income taxes, and interest expense shall be allocated or assigned to the respective charter services in accordance with procedures that are submitted as required by § 243.4.

(d) This paragraph applies only to those carriers whose contracts specify Category X charter services. Category X charter revenue may be included with Category B on lines 1, 2, and 3, as appropriate. (See § 243.2(a).) If included, the amount of such revenue shall be shown in footnote for each line, segregated between Atlantic and Pacific areas of operations. If not included, the footnote should state "No Category X revenue is included in this schedule."

(e) Line 5 "Paid ferry trips" shall reflect revenue for ferry trips performed in the course of round-trip MAC charters as required by § 288.9 of the Economic Regulations.

(f) "Operating expenses" shall include all expenses incurred in empty ferry backhauls of one-way MAC charters to point of origin of such charters, consistent with the mileages reported on Schedule D–3.

(g) Line 8 "Aircraft depreciation" shall reflect depreciation expense computed on the basis used for reporting on Form 41. If the depreciation basis is different for periodic MAC rate reviews, the latter depreciation values may be entered for each type of charter in footnote.

§ 243.8 Schedule D–3—summary of operating statistics and aircraft utilization—MAC Charter Contracts.

(a) This schedule shall be prepared for each calendar quarter.

(b) If MAC charter services are performed in both the Atlantic and the Pacific areas, separate schedules shall be prepared for each area and the appropriate box checked.

(c) Separate data shall be presented for each aircraft type.

(d) This paragraph applies only to those carriers whose contracts specify Category X charter services. Category X charter aircraft miles flown may be included on lines 2, 4, and 6, as appropriate. (See § 243.2(a).) If included, such miles shall be shown in footnote for each line, segregated by aircraft type. If not included, the footnote should state "No Category X miles are included in this schedule."

(e) Miles flown in Category B (and Category X) charters shall be reported on the basis of the great-circle distance, in statute miles, between airports served. Line 14 "Total MAC charter pay miles" shall reflect the total miles, as set out in MAC contracts and service orders, upon which MAC payments are based. Miles reported for Logair and Quicktrans charters shall be the miles as set out in the contracts.

(f) Line 9 "Paid ferry miles" shall reflect ferry miles flown in the course of round-trip charters and paid for by MAC as required by § 288.9 of the Economic Regulations.

(g) On trips designated "convertible" by MAC, the miles flown with passengers shall be reported on line 7, not line 2; and the miles flown with cargo shall be reported on line 8, not line 4.

(h) The average daily utilization reported on line 15 shall be based on the system utilization of each aircraft type used in MAC charter services: *Provided*, That utilization of any aircraft used primarily for operations not related to the carrier's MAC charter services and only incidentally used for MAC charter services shall be excluded.

(i) Directed landings reported on line 18 or 19, as appropriate, shall reflect the number of landings directed by MAC and performed by the carrier, for which the carrier receives a fixed compensation in addition to the line-haul rate.

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

By the Civil Aeronautics Board.

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

[F.R. Doc. 67-14879; Filed, Dec. 21, 1967; 8:48 a.m.]

Chapter V—National Aeronautics and Space Administration

PART 1209—BOARDS AND COMMITTEES

Subpart 5—Aerospace Safety Advisory Panel

1. Subpart 5 added.

Sec.
1209.500 Scope.
1209.501 Authority.
1209.502 Duties.
1209.503 Procedures.
1209.504 Organization.
1209.505 Support.

AUTHORITY: The provisions of this Subpart 5 issued under sec. 6, National Aeronautics and Space Administration Authorization Act of 1968; Pub. Law 90-67, 90th Cong., 81 Stat. 168, 170.

§ 1209.500 Scope.

This subpart sets forth the authority for, and the duties, procedures, organization, and support of the Aerospace Safety Advisory Panel.

§ 1209.501 Authority.

The Aerospace Safety Advisory Panel (hereafter called the "Panel") was established under section 6 of the National Aeronautics and Space Administration Authorization Act of 1968 (Pub. Law 90-67, 90th Congress, 81 Stat. 168, 170). Since the panel was established by statute, its formation and use are not subject to the provisions of Executive Order 11007 or of NASA Management Instruction 1150.2 except to the extent that such provisions are made applicable to the panel under this subpart.

§ 1209.502 Duties.

(a) The duties of the panel are set forth in section 6 of the National Aeronautics and Space Administration Authorization Act of 1968, as follows:

> The panel shall review safety studies and operations plans referred to it and shall make reports thereon, shall advise the Administrator with respect to the hazards of proposed or existing facilities and proposed operations and with respect to the adequacy of proposed or existing safety standards, and shall perform such other duties as the Administrator may request.

(b) Pursuant to carrying out its statutory duties, the panel will review, evaluate, and advise on all elements of NASA's safety system, including especially the industrial safety, systems safety, and public safety activities, and the management of these activities. These key elements of NASA's safety system are identified and delineated as follows:

(1) *Industrial safety.* This element includes those activities which, on a continuing basis, provide protection for the well being of personnel and prevention of damage to property involved in NASA's business and exposed to potential hazards associated with carrying out this business. Industrial safety relates especially to the operation of facilities in the many programs of research, development, manufacture, test, operation, and maintenance. Industrial safety activities

include, but are not limited to, such functions as:

(i) Determination of industrial safety criteria.

(ii) Establishment and implementation of safety standards and procedures for operation and maintenance of facilities, especially test and hazardous environment facilities.

(iii) Development of safety requirements for the design of new facilities.

(iv) Establishment and implementation of safety standards and procedures for operation of program support and administrative aircraft.

(2) *Systems safety.* This element includes those activties specifically organized to deal with the potential hazards of complex R&D systems that involve many highly specialized areas of technology. It places particular emphasis on achieving safe operations of these systems over their life cycles, and it covers major systems for aeronautical and space flight activities, manned or unmanned, including associated groundbased research, development, manufacturing, and test activities. Systems safety activities include, but are not limited to, such functions as:

(i) Determination of systems safety criteria, including criteria for crew safety.

(ii) Determination of safety data requirements.

(iii) Performance of systems safety analyses.

(iv) Establishment and implementation of systems safety plans.

(3) *Public safety.* This element includes those activities which, on a continuing basis, provide protection for the well being of people and prevention of damage to property not involved in NASA's business, but which may nevertheless be exposed to potential hazards associated with carrying out this business. Public safety activities include, but are not limited to, such functions as:

(i) Determination of public safety criteria.

(ii) Establishment and control of public safety hazards associated with facility and systems tests and operations.

(iii) Establishment and implementation, as required, of emergency or catastrophe control plans.

(4) *Safety management.* This element includes both the program and functional organizations of NASA and its contractors involved in the identification of potential hazards and their elimination or control as set forth in the foregoing description of safety activities. It also includes the management systems for planning, implementing, coordinating, and controlling these activities. These management systems include, but are not limited to, the following:

(i) The authorities, responsibilities, and working relationships of the organizations involved in safety activities, and the assessment of their effectiveness.

(ii) The procedures for insuring the currency and continuity of safety activities, especially systems safety activities which may extend over long periods of time and where management responsibilities are transferred during the life cycles of the systems.

(iii) The plans and procedures for accident/incident investigations, including those for the followup on corrective actions and the feedback of accident/incident information to other involved or interested organizations.

(iv) The analysis and dissemination of safety data.

§ 1209.503 Procedures.

(a) The panel will function in an advisory capacity to the Administrator and, through him, to those organizational elements responsible for management of the NASA safety activities.

(b) The panel will be provided with all information required to discharge its advisory responsibilities as they pertain to both NASA and its contractors' safety activities. This information will be made available through the mechanism of appropriate reports, and by means of in situ reviews of safety activities at the various NASA and contractor sites, as deemed necessary by the panel and arranged through the Administrator. The panel will thus be enabled to examine and evaluate not only the general status of the NASA safety system, but also the key elements of the planned and on-going activities in this system.

§ 1209.504 Organization.

(a) *Membership.* (1) The panel will consist of a maximum of nine members, who will be appointed by the Administrator. Appointments will be for a term of 6 years, except that, in order to provide continuity of membership, one-third of the members appointed originally to the panel will be appointed for a term of 2 years, one-third for a term of 4 years, and one-third for a term of 6 years.

(2) Not more than four members of the panel shall be employees of NASA, nor shall such NASA members constitute a majority of the composition of the panel at any given time.

(3) Compensation and travel allowances for panel members shall be as specified in section 6 of the NASA Authorization Act, 1968.

(b) *Officers.* (1) The Officers of the panel shall be a Chairman and a Vice Chairman, who shall be selected by the panel from their membership to serve for 1-year terms.

(2) The Chairman, or Vice Chairman in his absence, shall preside at all meetings of the panel and shall have the usual powers of a presiding officer.

(c) *Committees.* (1) The panel is authorized to establish special committees, as necessary and as approved by the Administrator, to carry out specified tasks within the scope of duties of the panel.

(2) All such committee activities will be considered an inseparable extension of panel activities, and will be in accordance with all applicable procedures and regulations set forth in this subpart.

(3) The Chairman of each special committee shall be a member of the Aerospace Safety Advisory Panel. The other committee members may or may not be members of the panel, as recommended by the panel and approved by the Administrator.

(4) Appointment of panel members to committees as officers or members will be either for 1 year, for the duration of their term as panel members, or for the lifetime of the committee, whichever is the shortest. Appointments of nonpanel members to committees will be for a period of 1 year or for the lifetime of the committee, whichever is shorter.

(5) Compensation and travel allowances for committee members who are not members of the panel shall be the same as for members of the panel itself, except that compensation for such committee members appointed from outside the Federal Government shall be at the rate prescribed by the Administrator for comparable services.

(d) *Meetings.* (1) Regular meetings of the panel will be held as often as necessary and at least twice a year. One meeting each year shall be an annual meeting. Business conducted at this meeting will include selecting the Chairman and the Vice Chairman of the panel, recommending new committees and committee members as required or desired, approving the panel's annual report to the Administrator, and such other business as may be required.

(2) Special meetings of the panel may be called by the Chairman, by notice served personally upon or by mail or telegraph to the usual address of each member at least 5 days prior to the meeting.

(3) Special meetings shall be called in the same manner by the Chairman, upon the written request of three members of the panel.

(4) If practicable, the object of a special meeting should be sent in writing to all members, and if possible a special meeting should be avoided by obtaining the views of members by mail or otherwise, both on the question requiring the meeting and on the question of calling a special meeting.

(5) All meetings of special committees will be called by their respective chairmen pursuant to and in accordance with performing their specified tasks.

(6) Minutes of all meetings of the panel, and of special committees established by the panel, will be kept. Such minutes shall, as a minimum, contain a record of persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the panel or committee. The accuracy of all minutes will be certified to by the Chairman of the panel (or by the Vice Chairman in his absence) or of the committee.

(e) *Reports and records.* (1) The panel shall submit an annual report to the Administrator.

(2) The panel will submit to the Administrator reports on all safety reviews and evaluations with comments and recommendations as deemed appropriate by the panel.

(3) All records and files of the panel, including agendas, minutes of panel and committee meetings, studies, analyses, reports, or other data compilations or work papers, made available to or pre-

pared by or for the panel, will be retained by the panel.

(f) *Avoidance of conflicts of interest.* (1) Nongovernmental members of the panel, and of special committees established by the panel, are "Special Government Employees" within the meaning of NHB 1900.2A, which sets forth guidance to NASA Special Government Employees regarding the avoidance of conflicts of interest and the observance of ethical standards of conduct. A copy of NHB 1900.2A and related NASA instructions on conflicts of interest will be furnished to each panel or committee member at the time of his appointment as a NASA consultant or expert.

(2) Nongovernmental members of the panel or a special committee will submit a "NASA Special Government Employees Confidential Statement of Employment and Financial Interests" (NASA Form 1271) prior to participating in the activities of the panel or a special committee.

§ 1209.505 Support.

(a) A staff, to be comprised of full-time NASA employees, shall be established to support the panel. The members of this staff will be fully responsive to direction from the Chairman of the panel.

(b) The director of this staff will serve as Executive Secretary to the panel. The Executive Secretary of the panel, in accordance with the specific instructions from the Chairman of the panel, shall:

(1) Administer the affairs of the panel and have general supervision of all arrangements for safety reviews and evaluations, and other matters undertaken by the panel.

(2) Insure that a written record is kept of all transactions, and submit the same to the panel for approval at each subsequent meeting.

(3) Insure that the same service is provided for all special committees of the panel.

Effective date. The provisions of this Subpart 5 are effective December 7, 1967.

JAMES E. WEBB,
Administrator.

[F.R. Doc. 67-14862; Filed, Dec. 21, 1967; 8:47 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Legality Under Antitrust Laws of Complying With State Milk Marketing Orders

§ 15.154 Legality under antitrust laws of complying with State milk marketing orders.

(a) The Commission rendered an advisory opinion that a distributor who complied with a State's milk marketing order fixing the minimum resale prices of dairy products would not be subject to a charge of violating the antitrust laws.

(b) The distributor in question did not have a warehouse in the State in question, but shipped dairy products into the State from its warehouses located in neighboring States. In most cases, the price increases required by the order issued pursuant to the State's dairy products marketing act would be significant and the distributor sells the same products at substantially lower prices to stores located in the neighboring States because competitive pressures dictate lower prices except where the higher prices are required by law.

(c) The distributor expressed concern that by agreeing to comply with the orders of the State, it would subject itself to possible action under the Sherman Act, the Federal Trade Commission Act, or possibly even the Clayton Act, as amended by the Robinson-Patman Act, since sales will be made at different prices to purchasers in different States of commodities of like grade and quality. Hence an opinion was requested as to whether the distributor will be in violation of any of the laws administered by the Commission if it complies with the State laws fixing the minimum resale prices of dairy products.

(d) The Commission advised that it was of the opinion that the distributor would not be subject to a charge of violating any of the laws it administers because of its compliance with the lawful orders of the State as to the minimum resale prices of dairy products. In the Commission's view, it is well settled that the antitrust laws have application to the actions of individuals, partnerships, and corporations and not to the activities of a State. While a State may not authorize individuals to perform acts which violate the antitrust laws nor declare that such action is lawful, it may, in the exercise of its sovereign power, itself conduct such regulation of business activities within its borders as its own legislature shall properly deem necessary in the public interest. So long as the resulting regulation is a State as opposed to individual activity, those subject to the regulation would not be subject to a charge of violating the antitrust laws by reason of their compliance with the State's orders.

(38 Stat. 717, as amended; 15 U.S.C. 41-58)

Issued: December 21, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-14837; Filed, Dec. 21, 1967; 8:45 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

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

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart B—Contract Rights and Obligations

Section 203.405 is amended to read as follows:

§ 203.405 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
4½	Jan. 1, 1966	July 1, 1966
4⅝	July 1, 1966	Jan. 1, 1967
4¾	Jan. 1, 1967	Jan. 1, 1968
5¼	Jan. 1, 1968	

Section 203.479 is amended to read as follows:

§ 203.479 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
4½	Jan. 1, 1966	July 1, 1966
4⅝	July 1, 1966	Jan. 1, 1967
4¾	Jan. 1, 1967	Jan. 1, 1968
5¼	Jan. 1, 1968	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 203, 52 Stat. 10, as amended; 12 U.S.C. 1709)

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart B—Contract Rights and Obligations

In § 207.259 paragraph (e)(6) is amended to read as follows:

§ 207.259 Insurance benefits.

* * * * *

(e) *Issuance of debentures.* * * *

(6) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date of initial insurance endorsement of the mortgage, whichever rate is

the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
4¼	Jan. 1, 1966	July 1, 1966
4⅜	July 1, 1966	Jan. 1, 1967
4½	Jan. 1, 1967	Jan. 1, 1968
5¼	Jan. 1, 1968	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart D—Contract Rights and Obligations—Projects

Section 220.830 is amended to read as follows:

§ 220.830 Debenture interest rate.

Debentures shall bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the loan was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

Effective rate (percent)	On or after—	Prior to—
4¼	Jan. 1, 1966	July 1, 1966
4⅜	July 1, 1966	Jan. 1, 1967
4½	Jan. 1, 1967	Jan. 1, 1968
5¼	Jan. 1, 1968	

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

Issued at Washington, D.C., December 18, 1967.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 67-14864; Filed, Dec. 21, 1967; 8:47 a.m.]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER C—OFFICE OF THE TREASURER OF THE UNITED STATES

[Dept. Circular 1001 (Rev.)]

PART 365—ISSUE OF SUBSTITUTES OF LOST, DESTROYED, MUTILATED, AND DEFACED CHECKS DRAWN ON THE TREASURER OF THE UNITED STATES

Delegation of Authority to Secretary of Defense To Issue Substitute Checks

Part 365, Chapter II, Title 31 of the Code of Federal Regulations (appearing also as Treasury Department Circular No. 1001 (Revised), 27 F.R. 8491, Aug. 24, 1962) is hereby amended by adding immediately after § 365.7 a new section to read as follows:

§ 365.8 Delegation of Authority to Secretary of Defense to issue substitute checks.

The Secretary of Defense is authorized to provide by regulations for the issuance of substitutes for checks drawn for pay and allowances of civilian and military personnel and which are lost, stolen, or destroyed in shipment between military offices or installations. The Secretary of Defense may redelegate such authority within the Department of Defense.

(R.S. 3646, as amended, 31 U.S.C. 528h; Treasury Department Order No. 177-16)

Dated: December 18, 1967.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[F.R. Doc. 67-14868; Filed, Dec. 21, 1967; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER C—PERSONNEL

PART 710—PROCEDURES AND REQUIREMENTS FOR APPOINTMENT AS A MIDSHIPMAN AT THE U.S. NAVAL ACADEMY

Miscellaneous Amendments

Scope and purpose. Part 710 is updated and amended as follows:

1. Delete editorial note at beginning of Subchapter C. Delete footnotes 1, 2, and 3 appearing at §§ 710.24, 710.25, and 710.32 respectively.

2. Section 710.13 is amended by revising paragraphs (a) and (b)(7) to read as follows:

§ 710.13 Obtaining a nomination.

(a) *General.* U.S. citizens are appointed to the Naval Academy without regard to race, creed, or national origin. It is necessary for a young man to obtain a nomination in order to be considered for appointment to the Naval Academy. The sources of nominations are described in this section. The applicant should study carefully the various sources to determine those through which he is eligible to apply. College Board Test results taken for purposes of qualifying for the Naval Academy apply to all nominations a candidate may hold.

(b) *Types and sources of nominations.*

* * * * *

(7) *Regular Navy and Marine Corps.* The Secretary of the Navy may appoint 85 enlisted men of the Regular Navy and Marine Corps to the Naval Academy each year. These men must meet all of the entrance requirements and may not have passed their 21st birthday as of July 1 of the year of entrance to the Naval Academy. Applicants must have enlisted before in the Navy or Marine Corps on or before July 1 of the year preceding the desired date of entrance to the Naval Academy. Since the selection of candidates for this school begins in the spring, enlisted men who fulfill the age and service requirements should make their desires known to their commanding officers as early in the year as possible. Recruits enlisted prior to July 1 are eligible and encouraged to apply for consideration for this program.

* * * * *

3. Section 710.25 is amended by revising § 710.25(a) to read as follows:

§ 710.25 College certificate method.

(a) *Requirements.* A candidate who holds a nomination as a Congressional, District of Columbia, or Vice Presidential principal or alternate or who is seeking admission as the son of a Medal of Honor winner may fulfill the scholastic requirements for admission by submitting an acceptable secondary school certificate and an acceptable college certificate. He is also required to take the College Board Tests specified in § 710.24 for the information of the Naval Academy. A candidate competing under any other source of nomination than those outlined in this paragraph must qualify by the Examination Method. This includes all Congressional candidates being evaluated by the Competitive Method. All candidates using College Certificate Method should advise the Dean of Admissions, U.S. Naval Academy, of their intent to do so by letter prior to March 15 of the year in which they are seeking admission.

* * * * *

4. Section 710.32 is amended by revising § 710.32(c) as follows:

§ 710.32 Medical and physical aptitude examinations.

* * * * *

(c) *Delay in taking examination.* Candidates who are ordered to report for Medical and Physical Aptitude Examination and who are unable to take the Physical Aptitude Examination at that time will be required to produce substantiating medical evidence. Insufficient evidence will be cause for their disqualification. Formally nominated candidates who are injured or ill for any reason and unable to comply with instructions to report for Medical and Physical Aptitude Examinations are required to communicate with the Chief of Naval Personnel and the scheduled examining facilities to explain the circumstances of the injury or illness before further examination or delay in examination will be authorized. Candidates who have undergone major surgery involving knee, ankle, shoulder, elbow, wrist, or spine, will not be scheduled for examination until 6 months have elapsed following surgery. Medical and Physical Aptitude Examinations will terminate on March 15 prior to admission of each class. Injury and surgical cases will not be considered after this date. Candidates having orthodontic appliances in place

are not required to have them removed prior to reporting for Qualifying Medical Examination.

* * * * *

5. Section 710.34 is amended by revising the table appearing in § 710.34(b) and the text of § 710.34 (k) and (o) as follows:

§ 710.34 Special medical examination considerations.

* * * * *

(b) *Weight standards.*

Height (inches)*	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78
Weight (pounds):															
Minimum	105	106	107	111	115	119	123	127	131	135	139	143	147	151	153
Maximum	183	187	191	196	202	208	214	219	225	231	237	243	248	254	260

*Waiver for height up to 80 inches may be granted to a limited number of candidates with exceptional scholastic and leadership achievements.

These weight standards are necessarily arbitrary. * * *

* * * * *

(k) *Asthma.* Asthma, or recurrent asthmatic bronchitis by diagnosis or history since age 12, is cause for rejection.

* * * * *

(o) *Dental standards.* A candidate for appointment must have a minimum of 16 natural permanent teeth, of which a minimum of 8 must be in each arch. All missing teeth causing unsightly spaces or significantly reducing masticatory or incisal efficiency must be replaced by well-designed bridges or partial dentures which are in good condition. Except for minor or questionable carious areas, all required dental treatment must be completed. Candidates undergoing active orthodontic treatment will be temporarily disqualified. Each such applicant will be considered on an individual basis by the Permanent Board of Medical Examiners at the Academy. Disqualifying defects are as follows:

Lack of satisfactory incisal or masticatory function.

Failure to have a minimum of 8 natural permanent teeth in each arch.

Edentulous spaces which are unsightly or which significantly reduce masticatory function.

Carious teeth, except minor or questionable carious areas. Infections or chronic diseases of the soft tissue of the oral cavity. Marked malocclusion resulting in severe dentofacial deformity.

Unsatisfactory restorations, bridges, or dentures. Severe or extensive apical or periodontal infection. Perforations from the oral cavity into the nasal cavity or maxillary sinus.

Tumors or cysts of the oral tissues which require treatment or may require treatment in the foreseeable future.

6. Section 710.54 is revised by updating the list of examining activities as follows:

§ 710.54 Authorized medical examining facilities for Naval Academy medical examinations.

ALABAMA

Brookley AFB, Mobile.
Fort Rucker, Daleville.
Maxwell AFB, Montgomery.

ALASKA

Elmendorf AFB, Anchorage.
USNAS, Adak.
USNAS, Kodiak.

ARKANSAS

Blytheville AFB, Blytheville.
Little Rock AFB, Jacksonville.

ARIZONA

Davis-Monthan AFB, Tucson.
Fort Huachuca, Cochise County.
Williams AFB, Chandler.

CALIFORNIA

Beale AFB, Marysville.
Castle AFB, Merced.
Edwards AFB, Edwards.
Fort Ord, Monterey.
George AFB, Victorville.
Hamilton AFB, Ignacio.
Letterman Gen Hosp, San Francisco.
March AFB, Riverside.
Mather AFB, Sacramento.
McClellan AFB, Sacramento.
Travis AFB, Fairfield.
NAS, Alameda.
Naval Hosp, Camp Pendleton.
NAF, El Centro.
NAAS, Ream Field, Imperial Beach.
NAS, Lemoore.
Naval Hosp, Long Beach.
NAS, Los Alamitos, Long Beach.
NAS, Moffett Field.
NAAS, Monterey.
Naval Hosp, Oakland.
Naval Missile Ctr, Point Mugu.
MCAS, El Toro, Santa Ana.
Naval Hosp, San Diego.
NAS, North Island, San Diego.
NAS, Miramar, San Diego.
Vandenberg AFB, Lompoc.

COLORADO

Fitzsimons Gen Hosp, Denver.
Lowry AFB, Denver.
U.S. Air Force Academy, Colorado Springs.

DELAWARE

Dover AFB, Dover.

DISTRICT OF COLUMBIA

Andrews AFB.
NAF Washintgon, Andrews AFB.
Walter Reed Gen Hosp.

FLORIDA

Elgin AFB, Valparaiso.
Homestead AFB, Homestead.
MacDill AFB, Tampa.
Tyndall AFB, Panama City.
NAS, Cecil Field.
Naval Hosp, Jacksonville.
NAS, Jacksonville.
Naval Hosp, Key West.
Naval Hosp, Pensacola.
NAS, Sanford.
NAS, Whiting Field.

GEORGIA

Fort Benning, Columbus.
Fort Gordon, Groveton.
Fort McPherson, Atlanta.
Fort Stewart, Hinesville.
Moody AFB, Valdosta.
Robins AFB, Warner Robins.
Turner AFB, Albany.
NAS, Atlanta.
NAS, Glynco.

HAWAII

Hickam AFB, Honolulu.
Tripler Gen Hosp, Honolulu.
USNAS, Barbers Point.

IDAHO

Mountain Home AFB, Mountain Home.

ILLINOIS

Chanute AFB, Rantoul.
Fort Sheridan, Highland Park.
Scott AFB, Belleville.
Naval Hosp, Great Lakes.
NAS, Glenview.

INDIANA

Bunker Hill AFB, Peru.
Fort Benjamin Harrison, Indianapolis.

KANSAS

Fort Leavenworth, Leavenworth.
Fort Riley, Junction City.
McConnell AFB, Wichita.
NAS, Olathe.

KENTUCKY

Fort Knox, Hardin County.

LOUISIANA

Barksdale AFB, Shreveport.
England AFB, Alexandria.
NAS, New Orleans.

MAINE

Dow AFB, Bangor.
Loring AFB, Limestone.
NAS, Brunswick.

MARYLAND

Fort George G. Meade, Odenton.
NTC, Bainbridge.
U.S. Naval Academy, Annapolis.
NAS, Patuxent River.

MASSACHUSETTS

Boston Army Base, Boston.
Fort Devens, Ayer.
Otis AFB, Falmouth.
Naval Hosp, Chelsea.
NAS, South Weymouth.
Westover AFB, Chicopee Falls.

MICHIGAN

Kincheloe AFB, Kincross.
K. I. Sawyer AFB, Gwinn.
Selfridge AFB, Mount Clemens.
NAS, Grosse Ile.
Wurtsmith AFB, Oscoda.

MINNESOTA

NAS, Minneapolis.

MISSISSIPPI

Columbus AFB, Columbus.
Keesler AFB, Biloxi.
NAAS, Meridian.

MISSOURI

Fort Leonard Wood, Waynesville.
Richards-Gebaur AFB, Grandview.
Whiteman AFB, Knob Noster.

MONTANA

Glasgow AFB, Glasgow.
Malmstrom AFB, Great Falls.

NEBRASKA

Offutt AFB, Omaha.

NEVADA

Nellis AFB, Las Vegas.

NEW HAMPSHIRE

Pease AFB, Porstmouth.
Naval Hosp, Portsmouth.

NEW JERSEY

Fort Dix, Wrightstown.
Fort Monmouth, Oceanport.
McGuire AFB, Wrightstown.
NAS, Lakehurst.

NEW MEXICO

Cannon AFB, Clovis.
Holloman AFB, Alamogordo.
Kirtland AFB, Albuquerque.

NEW YORK

Griffiss AFB, Rome.
Plattsburgh AFB, Plattsburgh.
Stewart AFB, Newburgh.
Suffolk County AFB, Westhampton Beach, Long Island.
U.S. Military Academy, West Point.
NAS, Brooklyn.
Naval Hosp, St. Albans, Long Island.

NORTH CAROLINA

Fort Bragg, Fayetteville.
Seymour Johnson AFB, Goldsboro.
Naval Hosp, Camp Lejeune.
MCAS, Cherry Point.

NORTH DAKOTA

Grand Forks, AFB, Meckinock.
Minot AFB, Minot.

OHIO

Lockbourne AFB, Columbus.
Wright-Patterson AFB, Dayton.

OKLAHOMA

Altus AFB, Altus.
Clinton-Sherman AFB, Burns Flat.
Fort Sill, Lawton.
Tinker AFB, Oklahoma City.

OREGON

Portland International Airport, Portland.

PENNSYLVANIA

Carlisle Barracks, Carlisle.
NAF, Johnsville.
Naval Hosp, Philadelphia.
NAS, Willow Grove.
Valley Forge Gen Hosp, Phoenixville.

RHODE ISLAND

Naval Hosp, Newport.
Naval Stn, Newport.
NAS, Quonset Point.

SOUTH CAROLINA

Charleston AFB, Charleston.
Fort Jackson, Columbia.
Shaw AFB, Sumter.
Naval Hosp, Beaufort.
MCAS, Beaufort.
Naval Hosp, Charleston.

SOUTH DAKOTA

Ellsworth AFB, Rapid City.

TENNESSEE

Fort Campbell, Clarkesville.
Sewart AFB, Smyrna.
NAS, Memphis.

TEXAS

Amarillo AFB, Amarillo.
Bergstrom AFB, Austin.
Carswell AFB, Fort Worth.
Dyess AFB, Abilene.
Fort Hood, Killeen.
Fort Sam Houston, San Antonio.
Lackland AFB, San Antonio.
Laughlin AFB, Del Rio.
Perrin AFB, Sherman.
Randolph AFB, San Antonio.
Reese AFB, Lubbock.
Sheppard AFB, Wichita Falls.
NAAS, Beeville.
Naval Hosp, Corpus Christi.
NAS, Corpus Christi.
NAS, Dallas.
NAS, Kingsville.
Webb AFB, Big Spring.
William Beaumont Gen Hosp, El Paso.

UTAH

Hill AFB, Ogden.

VIRGINIA

Langley AFB, Hampton.
Fort Belvoir, Fairfax County.
Fort Eustis, Lee Hall.
Fort Lee, Petersburg.
Fort Monroe, Old Point Comfort.
NAS, Norfolk.
Naval Hosp, Portsmouth.
Naval Hosp, Quantico.
MCAS, Quantico.
NAS, Oceana, Virginia Beach.

WASHINGTON

Fairchild AFB, Spokane.
Fort Lewis, Tacoma.
McChord AFB, Tacoma.
Naval Hosp, Bremerton.
NAS, Seattle.
NAS, Whidbey Island.

WYOMING

Francis E. Warren AFB, Cheyenne.

CANAL ZONE

Albrook AFB, Balboa.
Fort Clayton.

CUBA

USN Hosp, Guantanamo Bay.

ENGLAND

S. Ruislip Air Stn, Middlesex.
USN Support Activity, London.

GERMANY

U.S. Army Hosp, Heidelberg.
Wiesbaden AB, Wiesbaden.

GUAM

USN Hosp.

ITALY

USN Support Activity, Naples.

JAPAN

Camp Zama.
Tachikawa AB, Honshu.
USN Hosp, Yokosuka.

NEWFOUNDLAND

USN Stn, Argentia.

PHILIPPINE ISLANDS

Clark AB, Luzon.
USN Hosp, Subic Bay.

PUERTO RICO

Ramey AFB, Aguadilla.
USNAS, Roosevelt Rds.

SPAIN

Torrejon AB
USNAS, Rota.

(5 U.S.C. 301; 10 U.S.C. 516, 5031, 6951–5974)

Dated: December 15, 1967.

By direction of the Secretary of the Navy.

ROBERT H. HARE,
Rear Admiral, U.S. Navy,
Deputy Judge Advocate General of the Navy.

[F.R. Doc. 67-14893; Filed, Dec. 21, 1967; 8:49 a.m.]

PART 721—STANDARDS OF CONDUCT

Action

Scope and purpose. Part 721 is updated and revised as follows:

1. Part 721.5 is amended by updating paragraphs (b)(3) and (f); adding new subparagraphs (f)(1) and (f)(2); and deleting paragraph (q) as follows:

§ 721.5 Action.

* * * * *

(b) The Judge Advocate General and the General Counsel of the Navy are designated as the counselors for the Department of the Navy, pursuant to § 40.735–12(c)(1) of this title. * * *

* * * * *

(3) Other matters under the assigned jurisdiction of the General Counsel (SecNav Instruction 5430.25 series; also outlined in the pertinent paragraph of the U.S. Government Organization Manual; e.g., page 179 of the 1967–68 edition). The Judge Advocate General shall be consulted with regard to statements submitted by all other officers and employees.

* * * * *

(f) In connection with each Fitness Report or Performance Rating with respect to officers or civilian employees described in § 40.735–14(a) (3) and (4) of this title, the appropriate supervisor shall review the billet or position as required by § 40.735–14(b) of this title, and shall determine whether the duties and responsibilities of the position are such as to require the individual to file a statement of employment and financial interests. He shall cause his determination to be recorded in the individual's billet or position description and in the individual's local personnel record. Such determinations will be reviewed at least annually. An officer or employee who is transferred from one position to another within the Department of the Navy shall be responsible for furnishing a current statement to his new appropriate supervisor if he is required to file such a statement in that position. Any individual who believes that his position has been improperly included in Category (3) or (4) may request a review of the decision requiring him to file a statement through the established grievance or complaint procedure of the Department.

(f) (1) For the purpose of § 40.735–14(a)(4)(f) of this title entitled "Contracting or Procurement," reports will be required only from persons who sign contracts or those, at higher levels, who have overall responsibility for the entire transaction. This includes but is not limited to heads of procuring activities, directors of contracting divisions, personnel engaged in business clearance of contracts and others performing comparable functions.

(2) Each officer and employee who previously filed a statement of employment and financial interest and who, pursuant to Parts 40 and 721 of this title, is still required so to do, shall file an annual supplementary statement prior to January 31, 1968, reporting, as of September 30, 1967, the information referred to in § 40.735–14(i) of this title. Similarly, personnel required for the first time to file statements of employment and financial interest shall do so prior to January 31, 1968, as of September 30, 1967. Thereafter, changes or additions will be reported in a supplementary

statement to be filed on June 30 of each year.

* * * * *

(q) [Deleted]

(5 U.S.C. 301; 10 U.S.C. 133, 5031)

Dated: December 19, 1967.

By direction of the Secretary of the Navy.

WILFRED HEARN,
Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.

[F.R. Doc. 67-14894; Filed, Dec. 21, 1967; 8:49 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER I—MILITARY PERSONNEL

PART 881—APPOINTMENT OF OFFICERS IN THE U.S. AIR FORCE OR AS RESERVES OF THE AIR FORCE

Miscellaneous Amendments

Part 881 of Subchapter I of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

Subpart A—General

1. Section 881.1a is added; and in § 881.3, paragraph (b) is revised to read as follows:

§ 881.1a Statutory authority.

The statutory authority for appointments tendered according to this part is contained in 10 U.S.C. 591, 593, 1211, 8067, 8353, 8358, 8359, and 8444. This part implements the following DoD Instructions:

(a) DoD Instruction 1120.5, July 3, 1967.

(b) DoD Instruction 1205.1, September 27, 1960.

(c) DoD Instruction 1205.2, October 24, 1956.

(d) DOD Instruction 1205.4, June 23, 1959.

(e) DOD Instruction 1205.7, October 4, 1960.

§ 881.3 Temporary appointments.

* * * * *

(b) Physicians and dentists who are resident aliens or conscientious objectors normally do not qualify for Reserve appointment. Such persons having an active duty obligation as special registrants under the Universal Military Training and Service Act (UMT&S Act) may, if otherwise qualified, be appointed as follows:

(1) Applicants who are 26 years of age or over at time of appointment will be tendered temporary appointments in grades as specified in the table at the end of § 881.12(e). Temporary appointments made under this authority terminate upon release from active duty.

(2) Applicants, including participants in the Armed Forces Physicians' Appointment and Residency Consideration Program (Berry Plan), who must be appointed on a date that will require acceptance of commission before age 26 will be initially tendered Reserve appointments. The provisions of §§ 881.8(d) and 881.10 are waived in this instance.

(3) Noncitizen applicants must possess a valid Form I-151, "Immigration and Naturalization Service (INS) Alien Registration Receipt Card," which may be obtained from the local Immigration and Naturalization Office, as evidence of lawful entry into the United States for permanent residence. Since reproduction of this form is prohibited, the applicant must submit the following statement signed by an officer, notary public, or other person authorized to administer oaths:

I certify that I have this date seen INS Form I-151 issued to _____
(Name of applicant)
indicating lawful entry into the United States for permanent residence on _____
(Date)

* * * * *

Subpart B—Eligibility Requirements

3. Section 881.7 is amended by revising paragraph (b)(4) and the introduction of paragraph (d)(1); and § 881.12 is amended by revising paragraph (g)(1) to read as follows:

§ 881.7 Who may apply for appointment.

* * * * *

(b) * * *

(4) Appointment may be made in the grade (permanent or temporary) in which serving at time of discharge. Constructive service appropriate for the grade will be awarded based on length of active Federal commissioned service and education where applicable. Constructive service will also be awarded for prior service in an active status as a Reserve officer not on extended active duty (EAD) for those years in which minimum participation requirements for retention and retirement were satisfied (50 points minimum per year). If an applicant does not have the length of service which would permit the crediting of sufficient constructive service for Reserve appointment in the active duty grade, satisfactory performance in the active duty grade constitutes the basis for the award of the minimum amount of constructive service appropriate to the Reserve grade as indicated in the table at the end of this subparagraph. Constructive service possessed by an applicant that is in excess of that required for the grade in which appointed will be awarded as service in grade and identified as a promotion service date (PSD). No individual will be appointed as a Reserve officer in a grade higher than that in which he served on active duty. Accordingly, constructive service credit in excess of the maximum authorized for the active duty grade will not be awarded regardless of length of actual service. For example, an applicant whose highest active duty grade was captain must be awarded at least 7 but less than 14 years constructive service.

CONSTRUCTIVE SERVICE

When active duty grade is—	*Minimum years of constructive service are—*
First lieutenant	3
Captain	7
Major	14
Lieutenant colonel	21
Colonel	23

* * * * *

(d) *Former rated officers.* (1) Former rated officers of any of the services (including former Regular Air Force officers who did not apply for a Reserve commission within 1 year after resignation) may be appointed in a grade held at time of discharge, not above captain or equivalent (O-3), to fill rated positions in the Ready Reserve. To be eligible for appointment, the applicant must:

* * * * *

§ 881.8 [Amended]

2. In § 881.8, paragraph (p) is amended by deleting the word "commissioned" in line 7.

§ 881.12 Age, education, experience, and grade requirements.

* * * * *

(g) *Computing and recording TYSD, PSD, and TFCSD.* (1) Total years service date (TYSD): This date is computed by backdating the date of acceptance of appointment by the total amount of constructive credit awarded under paragraph (f) of this section.

NOTE: If an officer has prior commissioned service time for which he has not received constructive credit, such service is creditable as TYSD after determination of a grade in accordance with paragraph (e) of this section. However, in no case will any service be counted more than once in determining TYSD.

Upon reappointments generally, TYSD will be recomputed from the effective date of reappointment to reflect the additional constructive credit allowable for education and/or experience under paragraph (f) of this section. Upon reappointment as a judge advocate under Subpart D of this part, for example, credit for full-time experience as a lawyer accrues from date of graduation from law school or date of admission to the bar, whichever is later, to date of acceptance. To determine the actual period of time for which constructive service for education is given, backdate the applicable date of graduation or admission to the bar, whichever is later, by 3 years. Any commissioned service held during the period for which constructive service for education and experience is awarded may not be counted again for TYSD purposes. Unusual cases should be referred to USAFMPC (AFPMRDC) for resolution.

* * * * *

Subpart C—Application and Processing Procedures

§ 881.13 [Amended]

4. In § 881.13(b), the table is amended by deleting the words "CAC, Robins AFB GA 31094 and" in lines 11 and 12, second

column, and by deleting the words "in turn" in line 13, second column.

5. Section 881.13 is amended by revising paragraph (a)(4) to read as follows:

(4) DD Form 398, "Statement of Personal History." Six copies for applicants requiring a Background Investigation under subdivisions (i), (ii), (iii), or (iv) of this subparagraph. One copy for all others, including persons being considered for appointment on the basis of a prior or existing investigation.

(i) Any person who is an alien.

(ii) Any person who has relatives residing in one of the countries listed in attachment 3, AFR 205–6, except that relatives other than father, mother, sister, brother, spouse, or children will not be considered.

(iii) Any person who is a U.S. citizen and has resided or traveled in one or more countries listed in attachment 3, AFR 205–6, after the dates indicated, for 30 or more continuous days. Travel or residence in these countries under the auspices of the U.S. Government will not be considered.

(iv) Any person who has made entries on DD Form 98 which provide reason for belief that appointment may not be clearly consistent with the interests of national security.

Subpart D—Appointment of Judge Advocate Officers

6. Section 881.17 is amended by revising paragraph (c); and § 881.19 is amended by revising paragraph (a) to read as follows:

§ 881.17 Application.

* * * * *

(c) In lieu of AF Form 1229, "Application for Career Reserve Status," the following statement will be entered in the remarks section of AF Form 24:

I agree to accept appointment in Career Reserve Status for an indefinite period and understand that I must serve a minimum of 4 years active duty. I understand that I may incur an active duty service commitment which may extend beyond the minimum 4 years under the provisions of AFR 36–51 as the result of training received or permanent change of station.

* * * * *

§ 881.19 Appointment and reappointment.

(a) *Appointment.* The Commander, Air Training Command, is authorized to tender appointments in all grades up to and including captain, as Reserves of the Air Force, to eligible applicants upon the recommendation of a board of officers as reviewed and recommended by the Staff Judge Advocate. Appointments in grades above captain may be made by the Commander, ATC, only after review and approval of the applicant's qualifications by The Judge Advocate General, or his designee, for the Chief of Staff and Hq USAF (AFPMRDC). Original appointments in this specialty are contingent upon the applicants' consent to immediate entry upon extended active duty, except for Air National Guard applications.

* * * * *

Subpart E—Appointment of Chaplains

7. Section 881.20(c) is amended by revising subparagraphs (1)(ii) and (3) and the introduction of subparagraph (4) to read as follows:

§ 881.20 Application for the Air Force chaplaincy.

* * * * *

(c) *Qualifications and requirements*—(1) *Age and grade.* (i) * * *

(ii) In times of national emergency or war, or when a continuing serious shortage of Air Force chaplains exists, the Chief of Air Force Chaplains may grant age waivers not to exceed the maximum age of appointment by 3 years.

* * * * *

(3) *Appointment in the grade of first lieutenant.* Applicants may be initially appointed in the grade of first lieutenant if they are less than 34 years of age; have completed 3 years of graduate study or have a graduate theological degree from an accredited or recognized theological seminary; have attained full ecclesiastical ordination status; and have the professional experience required by their denomination.

(4) *Appointment in the grade of captain.* Applicants may be initially appointed in the grade of captain if they are less than 40 years of age and can qualify under one of the following constructive service credit categories:

* * * * *

Subpart F—Appointment of Physicians, Dentists, Veterinarians, and Nurses

8. Section 881.28 is amended by adding subparagraphs (3), (4), and (5) to paragraph (a), and § 881.29 is amended by adding subparagraph (3) to paragraph (a) as follows:

§ 881.28 Doctors of dentistry.

(a) * * *

(3) Applications from dental students may be accepted and processed before receipt of the qualifying degree. The applicant must furnish a statement from the institution indicating he has completed all the degree requirements or is expected to do so within 7 months. If otherwise qualified, the applicant will be tendered an appointment generally between 150 to 180 days before graduation. After appointment and following graduation, the officer concerned must furnish evidence that the degree has been conferred and all other applicable requirements have been met. Officers so appointed who do not successfully complete their educational requirements or fail to receive the qualifying degree will be discharged under 10 U.S.C. 1162. At time of application, each student will be required to sign the following certificate, which will become a part of his permanent file:

I understand that if appointed, the appointment is contingent upon my completing the requirements of the appropriate degree and that failure to receive my graduate degree on ---------- will result in the termination of my appointment as a Reserve of the Air Force. (Authority: 10 U.S.C. 1162.) Upon meeting the qualifications for appointment, I agree to serve a minimum of 2 full years on extended active duty unless sooner relieved by proper authority.

---------- ----------
(Date) (Signature)

(4) Applications for appointment as Reserve Dental officers will not be accepted from senior dental students who will have an obligation for military service upon graduation, except from:

(i) Students applying for a sponsored internship.

(ii) Students enrolled in the Early Commissioning Program under Part 906 of this chapter; the Senior Dental Student Program, when offered; or any "extended leave" or "in-service arrangement" programs, when offered.

(iii) Students allocated to the Air Force under the Armed Forces Reserve Dental Officer Allocation and Commissioning Program.

(5) Unless authorized in subparagraph (4) of this paragraph, applications for Reserve commissions from senior dental students who do not participate in the Armed Forces Reserve Dental Officer Allocation and Commissioning Program will not be accepted until 4 months after the person's graduation or when allocated to the Air Force as the result of a special call for dentists.

* * * * *

§ 881.29 Doctors of veterinary medicine.

(a) * * *

(3) Appointment of veterinary students before graduation may be made as prescribed for dental students in § 881.28 (a)(3).

* * * * *

Subpart H—Appointment of Officers in the Biomedical Sciences Corps

9. Section 881.39 is amended by revising the introductory paragraph and paragraph (a); in §§ 881.40 and 881.41 the headings are revised; and in § 881.44 the heading and paragraph (b) are revised to read as follows:

§ 881.39 Appointment for training.

Applicants (excluding married women) who are 21 but not 28 years of age may be appointed as second lieutenants and ordered to active duty to complete training in one of the following courses:

(a) *Dietetic training.* Applicant must possess a bachelor's degree and have been accepted for an approved dietetic internship.

(1) Appointment of dietetic students before graduation may be made in substantially the same manner as that prescribed for dental students in § 881.28 (a)(3). At time of application, each student will submit a statement as follows:

As an applicant for the USAF Dietetic Internship Program, I understand that I will be appointed as a Reserve of the Air Force contingent upon my completing the requirements for a bachelor's degree. I understand

that if I fail to receive the degree at the appropriate time, I will be discharged from all appointments held as prescribed in 10 U.S.C. 1162. Upon being ordered to active duty, I further understand that my initial tour of active duty will total 4 years (48 months) and will consist of the following:

12 Months—Dietetic Internship at an approved civilian institution.
6 Months—Additional dietetic training at a USAF hospital.
30 Months—Active duty assignments as a dietitian.

(Date) (Signature)

* * * * *

§ 881.40 Pharmacy officer (AFSC 9241).

* * * * *

§ 881.41 Optometry officer (AFSC 9251).

* * * * *

§ 881.44 Biomedical laboratory officer (AFSC 9151).

* * * * *

(b) *Education.* The minimum educational requirement for qualification in this specialty is a baccalaureate degree in medical technology, bacteriology, parasitology, chemistry, biochemistry, pharmaceutical chemistry, pharmacology, hematology, serology, or virology. A master's or Ph. D. degree with a major study in one of the referenced fields is desirable.

* * * * *

(Sec. 8012, 70A Stat. 488; 10 U.S.C. 8012; 10 U.S.C. 591, 593, 8067, 8353, 8358, 8359, and 8444, except as otherwise noted) [AFM 36-5, Change 1, Sept. 15, 1967]

By order of the Secretary of the Air Force.

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

[F.R. Doc. 67-14838; Filed, Dec. 21, 1967; 8:45 a.m.]

Chapter XVII—Office of Emergency Planning

PART 1703—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Pursuant to and in conformity with sections 201 through 209 of Title 18 of the United States Code, Executive Order 11222 of May 8, 1965 (30 F.R. 6469), and Title 5, Chapter I, Part 735 of the Code of Federal Regulations, Title 32 is amended by adding a new Part 1703. This new Part 1703 supersedes OEP Reg. 6 in Title 32A. This reprint includes amendments reflecting amendments to Part 735 of Title 5 (32 F.R. 8281).

Subpart A—General Provisions

Subpart B—Ethical and Other Conduct and Responsibilities of Employees

Subpart C—Ethical and Other Conduct and Responsibilities of Special Government Employees

Subpart D—Statements of Employment and Financial Interests

AUTHORITY: The provisions of this Part 1703 issued under E.O. 11222, 30 F.R. 6469, 3 CFR 1965, Supp.; 5 CFR 735-101, et seq.

Subpart A—General Provisions

§ 1703.735-101 Purpose.

The maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by Government employees and special Government employees is essential to assure the proper performance of the Government business and the maintenance of confidence by citizens in their Government. The avoidance of misconduct and conflicts of interest on the part of Government employees and special Government employees through informed judgment is indispensable to the maintenance of these standards. In accord with these concepts the Office of Emergency Planning's regulations are set forth to cover the employees and special Government employees of the Office of Emergency Planning with regard to prescribed standards of conduct and responsibilities, and statements for reporting employment and financial interests.

§ 1703.735-102 Definitions.

In the regulation in this part:

(a) "Employee" means an officer or employee of the Office of Emergency Planning, but does not include a special Government employee or a member of the uniformed services.

(b) "Executive order" means Executive Order 11222 of May 8, 1965.

(c) "Person" means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

(d) "Special Government employee" means a "special Government employee" as defined in section 202 of Title 18 of the United States Code who is employed by the Office of Emergency Planning, but does not include a member of the uniformed services.

(e) "Uniformed services" has the meaning given that term in section 101(3) of Title 37 of the United States Code.

§ 1703.735-103 Interpretation and advisory service.

(a) The General Counsel, Office of Emergency Planning, is designated as Counselor for the Office of Emergency Planning and to serve as the Office of Emergency Planning's designee to the Civil Service Commission on matters covered by this regulation. The Counselor is responsible for coordination of the Office of Emergency Planning's counseling services provided under paragraph (b) of this section and for assuring that counseling and interpretations on questions of conflicts of interest, and other matters covered by this regulation are available to the Deputy Counselors designated under paragraph (b) of this section.

(b) The Counselor shall designate such Deputy Counselors as may be necessary. The Counselor and Deputy Counselors shall give advice and guidance to each employee and special Government employee who seeks advice and guidance on questions of conflicts of interest and on other matters covered by this regulation.

§ 1703.735-104 Review of statements of employment and financial interests.

Each statement of employment and financial interests submitted under this regulation shall be reviewed by the General Counsel or such other persons as he may designate, except the statement of the General Counsel which shall be reviewed by the Director. When this review indicates a conflict between the interests of an employee or special Government employee of the Office of Emergency Planning and the performance of his services for the Government, the General Counsel shall have the indicated conflict brought to the attention of the employee or special Government employee, grant the employee or special Government employee an opportunity to explain the indicated conflict, and attempt to resolve the indicated conflict. If the indicated conflict cannot be resolved, the General Counsel shall for-

ward a written report on the indicated conflict to the Director, Office of Emergency Planning.

§ 1703.735–105 Disciplinary and other remedial action.

An employee or special Government employee of the Office of Emergency Planning who violates any of the sections of this regulation may be disciplined. The disciplinary action may be in addition to any penalty prescribed by law for the violation. In addtion to, or in lieu of, disciplinary action, remedial action to end conflicts or appearances of conflicts of interest may include but is not limited to:

(a) Changes in assigned duties;

(b) Divestment by the employee or special Government employee of his conflicting interest; or

(c) Disqualification for a particular assignment.

Subpart B—Ethical and Other Conduct and Responsibilities of Employees

§ 1703.735–201 Gifts, entertainment, and favors.

(a) Except as provided in paragraphs (b) and (f) of this section, an employee shall not solicit or accept directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person who:

(1) Has or is seeking to obtain contractual or other business or financial relations with the Office of Emergency Planning;

(2) Conducts operations or activities that are regulated by the Office of Emergency Planning; or

(3) Has interests that may be substantially affected by the performance or nonperformance of his official duty.

(b) Exceptions to paragraph (a) of this section are deemed necessary and appropriate in view of the Office of Emergency Planning's work and the duties and responsibilities of its employees. These exceptions are limited to those that:

(1) Govern obvious family or personal relationships when the circumstances make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors;

(2) Permit acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meetings or on an inspection tour where an employee may properly be in attendance;

(3) Permit acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans;

(4) Permit acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal intrinsic value; and

(5) Are approved by the Counselor or a Deputy Counselor.

(c) An employee shall avoid any action, whether or not specifically prohibited by this subpart, which might result in, or create the appearance of:

(1) Using public office for private gain;

(2) Giving preferential treatment to any person;

(3) Impending Government efficiency or economy;

(4) Losing complete independence or impartiality;

(5) Making a Government decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Government.

(d) An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351). However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(e) An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 7342.

(f) Neither this section nor § 1703.735–202 precludes an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses of travel and such other necessary subsistence as is compatible with this part for which no Government payment or reimbursement is made. However, this paragraph does not allow an employee to be reimbursed, or payment to be made in his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits. It also does not allow an employee to be reimbursed by a person for travel on official business under agency orders when reimbursement is proscribed by Decision B–128527 of the Comptroller General dated March 7, 1967.

§ 1703.735–202 Outside employment and other activity.

(a) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of the duties and responsibilities of his Government employment. Incompatible activities include but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in or create the appearance of, conflicts of interest; or

(2) Outside employment which tends to impair his mental or physical capacity to perform his Government duties and responsibilities in an acceptable manner.

(b) An employee shall not receive any salary or anything of monetary value from a private source as compensation for his services to the Government (18 U.S.C. 209).

(c) Employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law, the Executive order or this regulation. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Director, Office of Emergency Planning gives written authorization for the use of nonpublic information on the basis that the use is in the public interest. In addition, an employee who is a Presidential appointee covered by section 401(a) of the Executive order shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Office of Emergency Planning, or which draws substantially on official data or ideas which have not become part of the body of public information.

(d) An employee shall not engage in outside employment under a State or local government, except in accordance with 5 CFR 734, 101 et seq.

(e) This section does not preclude an employee from:

(1) Participation in the activities of national or State political parties not prohibited by law.

(2) Participation in the affairs of or acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit, educational and recreational, public service, or civic organization.

§ 1703.735–203 Financial interests.

(a) An employee shall not:

(1) Have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Government duties and responsibilities; or

(2) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his Government employment.

(b) This section does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by law, the Executive order, or the regulation in this part.

§ 1703.735–204 Use of Government property.

An employee shall not directly or indirectly use, or allow the use of, Government property of any kind, including property leased to the Government, for other than officially approved activities. An employee has a positive duty to protect and conserve Government property, including equipment, supplies, and other property entrusted or issued to him.

§ 1703.735–205 Misuse of information.

For the purpose of furthering a private interest, an employee shall not, except as

provided in § 1703.735–202(c), directly or indirectly use, or allow the use of, official information obtained through or in connection with his Government employment which has not been made available to the general public.

§ 1703.735–206 Indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the Office of Emergency Planning determines does not under the circumstances, reflect adversely on the Government as his employer. In the event of dispute between an employee and an alleged creditor, this section does not require the Office of Emergency Planning to determine the validity or amount of the disputed debt.

§ 1703.735–207 Gambling, betting, and lotteries.

An employee shall not participate, while on Government-owned or leased property or while on duty for the Government, in any gambling activity including the operation of a gambling device, in conducting a lottery or pool, in a game for money, or property, or in selling or purchasing a numbers slip or ticket. However, this section does not preclude activities:

(a) Necessitated by an employee's law enforcement duties; or

(b) Under section 3 of Executive Order 10927 and similar activities approved by the Office of Emergency Planning.

§ 1703.735–208 General conduct prejudicial to the Government.

An employee shall not engage in criminal, infamous, dishonest, immoral or notoriously disgraceful conduct, or other conduct prejudicial to the Government.

§ 1703.735–209 Miscellaneous statutory provisions.

Each employee shall acquaint himself with each statute that relates to his ethical and other conduct as an employee of the Government. The attention of employees is directed to the following statutory provisions:

(a) House Concurrent Resolution 175, 85th Congress, 2d Session, 72 Stat. B12, the "Code of Ethics for Government Service."

(b) Chapter 11 of Title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned.

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(e) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(f) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(g) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(h) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(j) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(l) The prohibition against multilating or destroying a public record (18 U.S.C. 2071).

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) The prohibitions against political activities in subchapter III of chapter 73 of Title 5, United States Code and 18 U.S.C. 602, 603, 607, and 608.

(q) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

Subpart C—Ethical and Other Conduct and Responsibilities of Special Government Employees

§ 1703.735–301 Use of Government employment.

A special Government employee shall not use his Government employment for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business, or financial ties.

§ 1703.735–302 Use of inside information.

(a) A special Government employee shall not use inside information obtained as a result of his Government employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestions to another person, particularly one with whom he has family, business, or financial ties. For the purpose of this section, "inside information" means information obtained under Government authority which has not become part of the body of public information.

(b) Special Government employees may teach, lecture, or write in a manner not inconsistent with §1703.735–202(c) in regard to employees.

§ 1703.735–303 Coercion.

A special Government employee shall not use his Government employment to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business or financial ties.

§ 1703.735–304 Gifts, entertainment, and favors.

(a) Except as provided in paragraph (b) of this section, a special Government employee, while so employed or in connection with his employment, shall not receive or solicit from a person having business with the Office of Emergency Planning anything of value as a gift, gratuity, loan, entertainment, or favor for himself or another person, particularly one with whom he has family, business, or financial ties.

(b) Exceptions to paragraph (a) of this section for special Government employees are those applicable to employees under § 1703.735–201(b).

§ 1703.735–305 Miscellaneous statutory provisions.

Each special Government employee shall acquaint himself with each statute that relates to his ethical and other conduct as a special Government employee of the Government. The attention of special Government employees is directed to the statutory provisions listed in § 1703.735–209 that are applicable to special Government employees.

§ 1703.735–306 General provisions.

Each special Government employee shall adhere to the standards of conduct made applicable to employees by §§ 1703.735–203 through 1703.735–208.

Subpart D—Statements of Employment and Financial Interests

§ 1703.735–401 Form and content of statements.

The statements of employment and financial interests required under this subpart for use by employees and special Government employees shall contain the information required by the formats prescribed by the General Counsel which have been approved by the Civil Service Commission.

§ 1703.735–402 Employees required to submit statements.

Except as provided in § 1703.735–403 the following employees shall submit statements of employment and financial interests:

(a) Employees paid at a level of the Executive Schedule in subchapter II of Chapter 53 of Title 5, United States Code.

(b) Employees who are incumbents of the following positions:

ASSISTANT DIRECTORS

OFFICE OF THE DIRECTOR OF TELECOMMUNICATIONS MANAGEMENT

Director.
Associate Director, National Communications.
Associate Director, Research and Technology.
Associate Director, Frequency Management.
Executive Assistant.

ADMINISTRATION

Director of Administration.
Chief, Financial Management Branch.
Head, Audit Section.
Chief, Administrative Services Branch.
Supervisor, Procurement and Property Section.

EMERGENCY OPERATIONS OFFICE

Director.
Chief, Government Readiness Division.
Chief, Disaster Assistance Division.
Chief, Special Facilities Division.

FIELD SERVICES

Director.
Regional Directors.

PROGRAM PLANNING AND EVALUATION

Director.

INFORMATION

Director.
Assistant Director.

LIAISON

Director.

STAFF ASSISTANT FOR HEALTH

Staff Assistant for Health.

GENERAL COUNSEL

General Counsel.
Deputy General Counsel.

NATIONAL RESOURCE ANALYSIS CENTER

Director.
Executive Assistant.
Chief, Resource Evaluation Division.
Deputy Chief, Resource Evaluation Division.
Chief, Systems Evaluation Division.
Deputy Chief, Systems Evaluation Division.
Chief, Materials Policy Division.
Deputy Chief, Materials Policy Division.
Chief, Mobilization Plans Division.
Chief, Economic Stabilization Division.

§ 1703.735–402a Employee's complaint on filing requirements.

Incumbents of positions listed in section 1703.735–402 may file a complaint stating that his position has been improperly included under the provisions of the Regulation. All such complaints shall be heard in accordance with grievance procedures established under Chapter 12 of the Administrative Manual (AM–5).

§ 1703.735–403 Employees not required to submit statements.

A statement of employment and financial interest is not required by this subpart from the Director, Office of Emergency Planning, who is subject to separate reporting requirements under section 401 of the Executive order, nor from employees not covered by § 1703.735–402.

§ 1703.735–404 Time and place for submission of employees' statements.

An employee required to submit a statement of employment and financial interests under this subpart shall submit that statement to the Office of the General Counsel not later than:

(a) If employed on or before the effective date of this part, no later than 30 days after the effective date of this part.

(b) If appointed after that effective date, within 30 days after his entrance on duty.

§ 1703.735–405 Supplementary statements.

Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in a supplementary statement as of June 30 each year. If no changes or additions occur, a negative report is required. Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflicts of interest provisions of section 208 of Title 18, United States Code, or Subpart B of this part.

§ 1703.735–406 Interests of employees' relatives.

The interest of a spouse, minor child, or other member of an employee's immediate household is considered to be an interest of the employee. For the purpose of this section, "member of an employee's immediate household" means those blood relations who are residents of the employee's household.

§ 1703.735–407 Information not known by employees.

If any information required to be included on a statement of employment and financial interests or supplementary statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf.

§ 1703.735–408 Information excluded.

This subpart does not require an employee to submit on a statement of employment and financial interests or supplementary statement any information relating to the employee's connection with, or interest in, a professional society or a charitable, religious, social, fraternal, recreational, public service, civil, or political organization, or a similar organization not conducted as a business enterprise. For the purpose of this section, education and other institutions doing research and development or related work involving grants of money from or contracts with the Government are deemed "business enterprises" and are required to be included in an employee's statement of employment and financial interest.

§ 1703.735–409 Confidentiality of employees' statements.

(a) The Office of Emergency Planning will hold each statement of employment and financial interests, and each supplementary statement, in confidence. To insure this confidentiality, only the General Counsel is authorized to retain the statements.

(b) The General Counsel is responsible for maintaining the statements in confidence and shall not allow access to, or allow information to be disclosed from a statement except to carry out the purpose of this part. Information from a statement may not be disclosed except as the Civil Service Commission or the Director of the Office of Emergency Planning may determine for good cause shown.

§ 1703.735–410 Effect of employees' statements on other requirements.

The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order, or regulation. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order, or regulation. Nor does it relieve any employee of the Office of Emergency Planning of the responsibility to call to the attention of the Counselor or a Deputy Counselor any of his employment or financial interests which conflict substantially, or appear to conflict substantially, with his Government duties and responsibilities.

§ 1703.735–411 Specific provisions of regulations for special Government employees.

(a) Except as provided in paragraph (b) of this section, each special Government employee shall submit a statement of employment and financial interests which reports:

(1) All other employment; and

(2) The financial interests of the special Government employee which are relevant in light of the duties he is to perform.

(b) The requirements in paragraph (a) of this section for the submission of a statement of employment and financial interests is waived for the following special Government employees:

(1) Clerk-typists.
(2) Clerk-stenographers.
(3) Clerk (Administrative Assistant).
(4) Natural Disaster Specialists.

(c) Statements of employment and financial interest required to be submitted under this section shall be submitted not later than the time of employment of the special Government employee. Each special Government employee shall keep his statement current throughout his employment with the Office of Emergency Planning by the submission of supplementary statements. Special Government employees required to submit statements of employment and financial interests under this section shall also be subject to the provisions of §§ 1703.735–406, 1703.735–408, 1703.735–409, and 1703.735–410.

This part was approved by the Civil Service Commission on November 29, 1967, and is in accord with amended Commission regulations on Employee Responsibilities and Conduct published in the FEDERAL REGISTER of June 9, 1967 (5 CFR 735.101 et seq.).

This Part 1703 supersedes OEP Reg. 6 which was published in the FEDERAL REGISTER on April 8, 1966. OEP Reg. 6 is hereby revoked.

Effective date. This Part 1703 shall become effective upon publication in the FEDERAL REGISTER.

Dated: December 19, 1967.

PRICE DANIEL,
Director,
Office of Emergency Planning.

[F.R. Doc. 67-14895; Filed, Dec. 21, 1967; 8:50 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Planning

OEP REG. 6—EMPLOYEE RESPONSIBILITIES AND CONDUCT

CROSS REFERENCE: For a document superseding the material in Title 32A, Chapter I, OEP Reg. 6, see F.R. Doc. 67-14895, Title 32, Chapter XVII, Part 1703, *supra.*

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Unincorporated Business Enterprises Taxed as Domestic Corporations

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

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

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 1361 of the Internal Revenue Code of 1954 to section 4 of the Act of April 14, 1966 (Public Law 89-389, 80 Stat. 115), such regulations are amended as follows:

PARAGRAPH 1. Section 1361 of section 1.1361 is amended by revising subsections (a), (c), (e), and (l), by deleting subsection (m), by adding a subsection (n), and by revising the historical note. These amended and added provisions read as follows:

§ 1.1361 Statutory provisions; unincorporated business enterprises electing to be taxed as domestic corporations.

SEC. 1361. *Unincorporated business enterprises electing to be taxed as domestic corporations*—(a) *General rule.* Subject to the qualifications in subsection (b), an election may be made, in accordance with regulations prescribed by the Secretary or his delegate, not later than 60 days after the close of any taxable year of a proprietorship or partnership owning an unincorporated business enterprise, by the proprietor or all the partners, owning an interest in such enterprise at any time on or after the first day of the first taxable year to which the election applies or of the year described in subsection (f), to be subject to the taxes described in subsection (h) as a domestic corporation for such year and subsequent years. No election (other than an election referred to in subsection (f)) may be made under this subsection after the date of the enactment of this sentence.

* * * * *

(c) *Corporate provisions applicable.* Under regulations prescribed by the Secretary or his delegate, an unincorporated business enterprise as to which an election has been made under subsection (a), shall be considered a corporation for purposes of this subtitle, except chapter 2 thereof, with respect to operation, distributions, sale of an interest, and any other purpose; and each owner of an interest in such enterprise shall be considered a shareholder thereof in proportion to his interest.

* * * * *

(e) *Election irrevocable.* Except as provided in subsections (f) and (n), the election, described in subsection (a) shall be irrevocable—

(1) With respect to an enterprise as to which such election has been made and the proprietor or partners of such enterprise; and

(2) Any unincorporated successor to the business of such enterprise and the proprietor or partners of such successor.

* * * * *

(l) *Personal holding company income*—(1) *Excluded from income of enterprise.* There shall be excluded from the gross income of the enterprise as to which an election has been made under subsection (a) any item of gross income (computed without regard to the adjustments provided in section 543(b)(3) or (4)) if, but for this paragraph, such item (adjusted, where applicable, as provided in section 543(b)(3) or (4)) would constitute personal holding company income (as defined in section 543(a)) of such enterprise.

(2) *Income and deductions of owners.* Items excluded from the gross income of the enterprise under paragraph (1), and the expenses attributable thereto, shall be treated as the income and deductions of the proprietor or partners (in accordance with their distributive shares of partnership income) of such enterprise.

(3) *Distributions.* If—

(A) The amount excluded from gross income under paragraph (2) exceeds the expenses attributable thereto, and

(B) Any portion of such excess is distributed to the proprietor or partner during the year earned,

such portion shall not be taxed as a corporate distribution. The portion of such excess not distributed during such year shall be considered as paid-in surplus or as a contribution to capital as of the close of such year.

* * * * *

(m) [Deleted]

(n) *Revocation and termination of elections*—(1) *Revocation.* An election under subsection (a) with respect to an unincorporated business enterprise may be revoked after the date of the enactment of this subsection by the proprietor of such enterprise or by all the partners owning an interest in such enterprise on the date on which the revocation is made. Such enterprise shall not be considered a domestic corporation for any period on or after the effective date of such revocation. A revocation under this paragraph shall be made in such manner as the Secretary or his delegate may prescribe by regulations.

(2) *Termination.* If a revocation under paragraph (1) of an election under subsection (a) with respect to any unincorporated business enterprise is not effective on or before December 31, 1968, such election shall terminate on January 1, 1969, and such enterprise shall not be considered a domestic corporation for any period on or after January 1, 1969.

[Sec. 1361 as amended by sec. 7(h), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 829); sec. 225(k)(5), Rev. Act 1964 (78 Stat. 94); sec. 4, Act of Apr. 14, 1966 (Public Law 89-389, 80 Stat. 115)]

PAR. 2. Paragraph (a)(1) of § 1.1361-1 is amended to read as follows:

§ 1.1361-1 Unincorporated business enterprises electing to be taxed as domestic corporations.

(a) *General rule.* (1) Section 1361 provides that, if certain qualifications are met, the proprietor or the partners of an unincorporated enterprise engaged in the operation of a trade or business may elect to have the enterprise treated as a domestic corporation subject to (i) the normal tax and surtax imposed by section 11 (including any additional tax imposed by section 1562(b)), (ii) the accumulated earnings tax imposed by section 531, and (iii) the alternative tax for capital gains imposed by section 1201(a). An election made under section 1361 shall apply to the taxable year for which made and to all subsequent taxable years, except as provided in paragraph (b) of § 1.1361-16 (relating to termination of all elections on January 1, 1969). An election made under section 1361 shall be irrevocable except as provided in § 1.1361-15 and paragraph (a) of § 1.1361-16. See, however, paragraph (b) of § 1.1361-5 for effect of ceasing to conduct the business of the enterprise in an unincorporated form, and § 1.1361-6 for effect of a change of ownership. An election may be made only with respect to taxable years of a proprietor or partnership beginning after December 31, 1953, and ending after August 16, 1954. However, an election may not be made after April 14, 1966, except as provided in section 1361(f) and paragraph (b) of § 1.1361-6, relating to an election after change of ownership.

* * * * *

PAR. 3. Section 1.1361-5 is amended to read as follows:

§ 1.1361-5 Election irrevocable.

(a) *Conducting of business in unincorporated form.* Except as provided in § 1.1361-6 (relating to effect of change

of ownership), § 1.1361–15 (relating to revocation of election within stated period of time), and § 1.1361–16 (relating to revocation of election after Apr. 14, 1966, and termination of all elections on Jan. 1, 1969), an election made under section 1361(a) is irrevocable so long as the business of the enterprise is conducted in an unincorporated form. A section 1361 corporation, and any unincorporated successor to the business thereof, shall be taxable as a domestic corporation for the taxable year with respect to which the election is made and for all subsequent taxable years, and the proprietor or partners of the enterprise shall be treated as corporate shareholders for the same period. The election applies not only to the original enterprise and its owner or owners but also to any unincorporated successor to the business of the original enterprise and to the owner or owners of such successor. For example, the termination of a partnership under applicable local law and the transfer of the business to a new partnership does not terminate the election unless a change of ownership occurs (as described in paragraph (a)(2) of § 1.1361–6) and no new election is made.

(b) *Effect of ceasing to conduct business in an unincorporated form*—(1) *Transactions prior to April 15, 1966.* Except as provided in paragraph (a) of this section, an election made under section 1361 continues so long as the business of the enterprise is conducted in an unincorporated form. If the owners cease conducting the business of the enterprise in an unincorporated form before April 15, 1966, the election terminates and the assets of the enterprise are deemed to have been distributed to the owners in a complete liquidation of the section 1361 corporation. The effect of the liquidation on the owners shall be determined under the provisions of sections 331, 334(a) and, in appropriate cases, 341. Therefore, if a substantial part of the business is transferred to an actual corporation before April 15, 1966, the transaction shall be treated as if immediately before the transfer all of the assets of the enterprise had been distributed to the owners in a complete liquidation. Accordingly, the transfer of the assets to the actual corporation shall be treated as a transfer made by the owners in their individual capacities immediately after the liquidation.

(2) *Transactions after April 14, 1966.* In transactions occurring after April 14, 1966, a section 1361 corporation shall be considered a corporation and its owners shall be considered shareholders for purposes of parts III and IV, subchapter C, chapter 1 of the Code, relating to corporate organizations and reorganizations, and to insolvency reorganizations. See § 1.1361–12. Therefore, if the owners cease conducting the business of the enterprise in an unincorporated form after April 14, 1966, the section 1361 corporation and its owners may be treated as if the corporation had distributed its assets in complete liquidation, as provided in subparagraph (1) of this paragraph. However, if there is a transfer of assets of a section 1361 corporation to an actual corporation after April 14, 1966, the transaction may be treated as a reorganization within the meaning of section 368(a)(1) (C), (D), or (F). In such a case, the transfer of the assets to the actual corporation shall be treated as a transfer made by the section 1361 corporation to the actual corporation which is immediately followed by a transfer of all of the assets and liabilities of the section 1361 corporation to the owners in exchange for their stock in the section 1361 corporation, with the consequences to the owners determined under the provisions of section 354, 355, or 356. In the case of a partnership which retains some of the assets or liabilities following a transfer of assets to an actual corporation which is treated as a reorganization, the partners who are treated as shareholders of the section 1361 corporation shall, nevertheless, be treated as having received all of the assets and liabilities of the section 1361 corporation in exchange for their stock in the section 1361 corporation, immediately followed by a contribution of such retained assets or liabilities to a new partnership. The provisions of this subparagraph may be illustrated by the following example:

Example. A and B are partners, each owning a one-half interest in the profits and capital of X, a section 1361 corporation. A and B desire to operate their business enterprise in the form of an actual corporation rather than in the form of a section 1361 corporation. X has accumulated earnings and profits, and the fair market value of its property exceeds its adjusted basis. X and the owners, A and B, adopt a plan providing that, after April 14, 1966, all of the assets of X are to be transferred to, and all of the liabilities of X are to be assumed by, an actual corporation, Y, in exchange for all of the common stock of Y. Immediately after such exchange, X will transfer all of the common stock of Y to A and B, in equal shares and in exchange for their "stock" in X.

The transaction is consummated after April 14, 1966, in accordance with the plan. It qualifies as a reorganization under section 368(a)(1)(F). Assuming that the nature and amount of the liabilities assumed by Y do not make the provisions of section 357 (b) or (c) applicable, no gain is recognized as a result of the exchanges, pursuant to sections 1032, 361, and 354. The basis of the property acquired by Y is the same as its basis was in the hands of X, pursuant to section 362(b). The basis of the Y stock acquired by A and B is the same as their basis was for their stock in X, pursuant to section 358(a). The taxable year of X does not end as a result of the transaction, and Y succeeds to and takes into account, as of the close of the day of the transfer from X, various items of X as provided in section 381 for transfers in connection with a reorganization described in section 368(a)(1)(F).

PAR. 4. Paragraph (c) of § 1.1361–6 is amended to read as follows:

§ 1.1361–6 Change of ownership of 20 percent or more.

* * * * *

(c) *Failure to make new election after change of ownership*—(1) *Transactions occurring before April 15, 1966.* If during a taxable year of a section 1361 corporation, in a transaction occurring before April 15, 1966, a change of ownership occurs and if no new election is made, then the section 1361 corporation and its owners shall be treated as if the corporation had distributed its assets in a complete liquidation on the first day of the corporation's taxable year in which the change of ownership occurs. The effect of the liquidation on the owners shall be determined under the provisions of sections 331, 334(a) and, in appropriate cases, 341. If the enterprise is a proprietorship, then as of the first day of such taxable year, the owner shall be treated as if he had used the assets deemed received in liquidation, in the conduct of an unincorporated business. Accordingly, any transfer by him during such taxable year shall be treated as a sale or other disposition of assets of the business. If the enterprise is a partnership, then the partners shall be treated as if they had contributed the assets deemed received in liquidation to a new partnership as of the moment such assets were deemed received. Accordingly, any transfer of an owner's interest during such taxable year shall be treated as a sale or other disposition of a partner's interest in a partnership, and any transfer of the enterprise's property during such taxable year shall be treated as a sale or other disposition of property by a partnership.

(2) *Transactions occurring after April 14, 1966.* In transactions occurring after April 14, 1966, a section 1361 corporation shall be considered a corporation and its owners shall be considered shareholders for purposes of parts III and IV, subchapter C, chapter 1 of the Code, relating to corporate organizations and reorganizations, and to insolvency reorganizations. See § 1.1361–12. Therefore, if during a taxable year of a section 1361 corporation in a transaction occurring after April 14, 1966, a change of ownership occurs and if no new election is made, the section 1361 corporation and its owners may be treated as if the corporation had distributed its assets in a complete liquidation on the first day of the corporation's taxable year in which the change of ownership occurs, as provided in subparagraph (1) of this paragraph. However, a change of ownership which occurs after April 14, 1966, and which is followed by a transfer to another corporation of all or part of the assets of the section 1361 corporation (as, for example, where a corporation is the new owner), or which is preceded by such a transfer, may have the effect of the distribution of a dividend or a transaction in which no loss is recognized and gain is recognized only to the extent of "other property." See sections 301 and 356.

* * * * *

PAR. 5. Paragraph (a)(4) of § 1.1361–9 is amended to read as follows:

§ 1.1361–9 Computation of taxable income.

(a) *In general.* * * *

(4) Unless a section 1361 corporation is a party to a reorganization (within the meaning of section 368(b)) as a result of a transaction occurring after

April 14, 1966, any carryover or carryback of an item of the corporation (such as a carryover or carryback under section 170, 172, or 1212) attributable to a taxable year to which section 1361 applies may be carried over or carried back only to another taxable year of such corporation and then may be used solely in computing the taxable income of such corporation. Similarly, any carryover or carryback arising out of the conduct of the business enterprise in a year to which section 1361 is not applicable may not be carried over or carried back to the corporation for a year to which section 1361 applies, but should be carried over or carried back by the owners in computing their individual income tax liabilities. However, if a section 1361 corporation is a party to a reorganization (with the meaning of section 368(b)) as a result of a transaction occurring after April 14, 1966, see section 381 and the regulations thereunder for the rules relating to carryovers in certain corporate acquisitions.

* * * * *

PAR. 6. Section 1.1361–11 is amended to read as follows:

§ 1.1361–11 Distributions in liquidation.

(a) *General rule.* A section 1361 corporation may make distributions to its owners in complete or partial liquidation of the corporation. In addition, the failure to continue conducting the business of the enterprise in an unincorporated form, or the failure to make a new election after a change of ownership, may result in a liquidation of the section 1361 corporation. See paragraph (b) of § 1.1361–5, and paragraph (c) of § 1.1361–6. The effect of such distributions shall be determined in accordance with the appropriate provisions of part II, subchapter C, chapter 1 of the Code, and the regulations thereunder. See, however, paragraph (c) of this section.

(b) *Requirement of a written plan.* Except as provided in paragraph (b) of § 1.1361–5, paragraph (c) of §1.1361–6, and paragraphs (a) and (b) of § 1.1361–16, a section 1361 corporation shall not be considered to have made a distribution in partial or complete liquidation, or a distribution in redemption of stock, unless prior to the date of the distribution the corporation adopts a written plan providing for such liquidation or redemption. Moreover, the requirements of section 6043 (relating to information returns) and paragraph (d) of § 1.331–1 (relating to returns of shareholders) must be complied with.

(c) *Distributions not treated as liquidating distributions.*—(1) Except as provided in paragraphs (a) and (b) of § 1.1361–16, distributions by a section 1361 corporation shall not be treated as distributions in liquidation under part II, subchapter C, chapter 1 of the Code, if the owner or owners use the assets received in the distribution to conduct substantially the same business in an unincorporated form as that conducted by the corporation. In such a case, the section 1361 corporation shall continue in existence and any withdrawal of assets from the business shall be treated as a distribution which is not in partial or complete liquidation of the corporation.

(2) A liquidation by a section 1361 corporation in a transaction occurring after April 14, 1966, which is followed by a transfer to another corporation of all or part of the assets of the section 1361 corporation or which is preceded by such a transfer may have the effect of the distribution of a dividend or of a transaction in which no loss is recognized and gain is recognized only to the extent of "other property." See sections 301 and 356.

PAR. 7. Section 1.1361–12 is amended to read as follows:

§ 1.1361–12 Organizations and reorganizations.

(a) *Transactions occurring before April 15, 1966.*—(1) *General rule.* In transactions occurring before April 15, 1966, except as provided in subparagraphs (2) and (3) of this paragraph, a section 1361 corporation shall not be considered a corporation nor shall its owners be considered shareholders for purposes of parts III and IV, subchapter C, chapter 1 of the Code, relating to corporate organizations and reorganizations, and to insolvency reorganizations.

(2) *Contributions to capital.* In any case where gain or loss would be recognized upon the contribution of property constituting either paid-in surplus or a contribution to capital by a shareholder to a corporation, gain or loss shall be recognized upon a similar contribution to a section 1361 corporation. For example, in a case where a shareholder in an actual corporation would recognize gain under section 357 on a transfer of property, an owner of a section 1361 corporation shall also recognize gain in a similar transaction.

(3) *Elections made for first taxable year of an enterprise.* In any case in which the election under section 1361(a) is made with respect to the first taxable year of an unincorporated enterprise, the appropriate provisions of part III, subchapter C, chapter 1 of the Code, shall be applicable with respect to its initial organization. For example, for the purpose of determining whether gain or loss is recognized upon the organization of the enterprise, the provisions of section 351 and section 357 shall be applicable as if the owners had contributed property or services in exchange for corporate stock.

(b) *Transactions occurring after April 14, 1966.* In transactions occurring after April 14, 1966, a section 1361 corporation shall be considered a corporation and its owners shall be considered shareholders for purposes of parts III and IV, subchapter C, chapter 1 of the Code, relating to corporate organizations and reorganizations, and to insolvency reorganizations. Thus, a section 1361 corporation may be a "party to a reorganization" within the meaning of section 368(b) in a transaction occurring after April 14, 1966. However, it may not be a party to a reorganization described in subparagraph (A), (B), or (E) of section 368(a)(1). See paragraph (b) (2) and (3) of § 1.1361–5, paragraph (c)(2) of § 1.1361–6, paragraph (a)(4) of § 1.1361–9, paragraph (c)(2) of § 1.1361–11, and paragraphs (a) and (b) of § 1.1361–16.

PAR. 8. The following new section is added immediately after § 1.1361–15:

§ 1.1361–16 Revocation and termination of elections.

(a) *Revocation of election after April 14, 1966.*—(1) *Manner of revoking.* An election under section 1361(a) with respect to an unincorporated business enterprise may be revoked after April 14, 1966, and before January 1, 1969, in accordance with the provisions of this subparagraph. An election may be revoked by filing a statement that the proprietor or partners, as the case may be, revoke the election under section 1361(a) to have the unincorporated business enterprise treated as a domestic corporation. The statement of revocation shall be filed on or before December 31, 1968, with the internal revenue officer with whom the enterprise would be required to file its income tax return if it were an actual corporation for the taxable year during which the statement is filed (see section 6091(b)(2)). Such statement of revocation shall set forth the names and addresses of, and shall be signed by, the proprietor of, or all of the partners owning a profit or capital interest in, the enterprise on the date on which the revocation is filed. The statement must state the name, address, and employer identification number under which the income tax returns of the section 1361 corporation were filed for the prior taxable years during which the election was applicable, and the internal revenue officer with whom such returns were filed. The revocation shall be effective on the date on which the statement of revocation is filed (see section 7502 and the regulations thereunder) unless the statement of revocation specifies a later effective date, in which case the revocation shall be effective on such later date. However, no date after December 31, 1968 may be specified as the effective date. A revocation under this subparagraph is binding and may not be withdrawn.

(2) *Effect of revocation.* The section 1361 corporation and its owners shall be treated as if the corporation had distributed its assets in a complete liquidation on the effective date of the revocation made pursuant to subparagraph (1) of this paragraph. The effect of the liquidation on the owners shall be determined under the provisions of sections 331, 334 (a) and, in appropriate cases, 341 or 333 and 334(c). (However, a liquidation which is followed by a transfer to another corporation of all or part of the assets of the liquidating corporation or which is preceded by such a transfer may have the effect of the distribution of a dividend or of a transaction in which no loss is recognized and gain is recognized only to the extent of "other property." See sections 301 and 356.) If an effective revocation is made pursuant to subparagraph (1) of this paragraph, the provisions of paragraph (c)(1) of § 1.1361–11

are not thereafter applicable to the business enterprise, and the requirement of a written plan contained in paragraph (b) of § 1.1361–11 is not applicable in order for the section 1361 corporation to be considered to have made a distribution in complete liquidation resulting from the revocation. However, the requirements of section 6043 (relating to information returns), paragraph (d) of § 1.331–1 (relating to returns of shareholders), and, in appropriate cases, the regulations under section 333 (relating to complete liquidations in some one calendar month) must be complied with.

(b) *Termination of all elections on January 1, 1969.* If any election under section 1361(a) with respect to an unincorporated business enterprise would be effective on January 1, 1969, without regard to paragraph (2) of section 1361(n) and the provisions of this paragraph, such election shall terminate on January 1, 1969. The section 1361 corporation and its owners shall be treated as if the corporation had distributed its assets in a complete liquidation on January 1, 1969. The effect of the liquidation on the owners shall be determined under the provisions of sections 331 and 334(a). (However, a liquidation which is followed by a transfer to another corporation of all or part of the assets of the liquidating corporation or which is preceded by such a transfer may have the effect of the distribution of a dividend or of a transaction in which no loss is recognized and gain is recognized only to the extent of "other property." See sections 301 and 356.) The provisions of paragraph (c)(1) of § 1.1361–11 are not applicable to a business enterprise with respect to which an election has been terminated under this paragraph. The requirements of section 6043 (relating to information returns) and paragraph (d) of § 1.331–1 (relating to returns of shareholders) must be complied with.

[F.R. Doc. 67–14869; Filed, Dec. 21, 1967; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 12]

[Bureau of Mines Schedule 19B]

SUPPLIED-AIR RESPIRATORS

Procedures for Investigation, Tests, Certification, Approval, and Fees

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given that under authority contained in the Act of May 16, 1910 (36 Stat. 370; 30 U.S.C. 3, 5, and 7), as amended, it is proposed to amend the regulations issued as Part 12 of Chapter I, Title 30, Code of Federal Regulations. The current regulations were adopted on April 19, 1955 (20 F.R. 2564), were amended November 6, 1963 (28 F.R. 12120, Nov. 14, 1963), and the fees were revised on March 23, 1965 (30 F.R. 3752).

The purposes of the proposed revision are to bring up-to-date the regulations to incorporate provision for technologic advances in the design and construction of supplied-air respirators, to provide for a greater variety of equipment to better meet new environmental conditions, to provide for combination purpose equipment, and to make certain administrative procedures and requirements consistent with those of other parts.

In accordance with the policy of the Department of the Interior, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment of the regulations to the Director, Bureau of Mines, Interior Building, Washington, D.C. 20240, within 30 days after the date of publication in the FEDERAL REGISTER.

WALTER R. HIBBARD, Jr.,
Director, Bureau of Mines.

Part 12 of Chapter 1 of Title 30 would be amended as follows:

1. A new paragraph (e) is added to § 12.2 as follows:

§ 12.2 Types of supplied-air respirators.

* * * * *

(e) *Types A, AE, B, BE, C, or CE respirator in combination with another type of respiratory protective device.* (1) A respirator of this type may consist of a supplied-air respirator in combination with a self-contained breathing apparatus or with an air-purifying respirator such as a gas mask, dispersoid respirator, or chemical-cartridge respirator. A combination supplied-air respirator and self-contained breathing apparatus which meets the applicable requirements of this part and of Part 11 of this chapter may be worn in atmospheres immediately-harmful to life. A combination supplied-air respirator and air-purifying respirator which meets the requirements of this part and of other applicable parts will not be approved to be worn in atmospheres which exceed the limitations prescribed by the Bureau for use of the air-purifying respirator.

(2) Respiratory protective devices combining the characteristics of a supplied-air respirator and another type of respiratory protective device shall meet the requirements of this part as well as the requirements of any other part which is applicable to the total purpose of the device for which approval is sought. The approval, if granted, will be issued under the other applicable part(s). The Bureau will specify, in the certificate of approval and on the approval label, the limitations which shall apply to the use of the combination respiratory protective device.

2. Paragraphs (a), (b), (d), (e), (f), (g), (h), and (i) of § 12.4 are amended as follows:

§ 12.4 Conditions under which supplied-air respirators will be tested.

(a) *Consultation.* By appointment, applicants or their representatives may visit the Bureau's Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213 to discuss with qualified Bureau personnel proposed supplied-air respirators to be submitted in accordance with the regulations of this part. No charge is made for such consultation and no written report thereof will be made to the applicant.

(b) *Application.* No investigating or testing (including retesting of a respirator that has been previously tested and disapproved) will be undertaken hereunder by the Bureau except pursuant to a written application, in duplicate, accompanied by all drawings, specifications, descriptions, and related matters and also a check, bank draft, or money order, payable to the Bureau of Mines to cover the fees. The application and all related matters and correspondence concerning it shall be addressed to the Bureau of Mines, Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Approval and Testing.

* * * * *

(d) *Drawings and specifications required.* (1) Drawings, specifications, and descriptions shall be adequate in detail to identify fully all components and subassemblies and the assembled respirator. All drawings shall include title, number, and date; any revision dates shall be shown on the drawings and the purpose of each revision shall be shown on the drawings or described in an attachment to the drawing to which it applies.

(2) Duplicate sets of detailed drawings and specifications shall be a part of the application. These shall fully describe the construction, dimensions, composition, materials, finishes, and assembly of all parts of the respirator.

(3) The application shall state that, when tested by the applicant or his testing agency, the respirator has met the pertinent requirements of this part. Two copies of the results of the applicant's inspections and tests shall accompany the application.

(4) The application shall state that the respirator is completely developed and is a finished marketable product.

(5) The application shall describe the function of the respirator and the operation of its parts.

(e) *Control-test requirements.* The application shall state how production items will be tested to maintain quality control of the respirator and its component parts. The Bureau may have its qualified representative(s) inspect the applicant's control-test methods, equipment parts. The Bureau may have its the personnel who conduct the control tests, at all reasonable times.

(f) *Material required for approval testing.* When the Bureau notifies the applicant that the application has been accepted, it will also inform him of the number of complete respirators and extra parts that will be required for testing. All test materials shall be delivered (charges prepaid) to the Bureau of Mines, Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Approval and Testing.

(g) *Date for conducting tests.* The date of acceptance of an application will determine its order of precedence for in-

vestigation and testing. The applicant, if he so specifies, will be notified of the date when tests on his respirator will begin. If a respirator fails to meet any of the requirements, it shall lose its order of precedence. If the application is resubmitted, after the cause of failure has been corrected, it will be treated as a new application.

(h) *Conduct of investigations, tests, and demonstrations.* (1) Prior to the issuance of a certificate of approval, only Bureau personnel representatives of the applicant, and such other persons as may be mutually agreed upon, may observe the investigations or tests. The Bureau shall hold as confidential, and shall not disclose, principles or patentable features prior to certification. It shall not disclose any analyses, nor any details of the applicant's drawings, specifications, and related material. The conduct of all such investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau. Any other persons shall be present only as observers or as required under subparagraph (3) of this paragraph.

(2) After the issuance of a certificate of approval, the Bureau may conduct such public demonstrations and tests of the approved device as it deems appropriate.

(3) When requested by the Bureau, the applicant shall provide assistance in assembling or disassembling the respirator and its components, subassemblies, or assemblies for testing, and in operating the respirator during the tests.

(4) Applicants shall be responsible for their representatives present during tests and for observers admitted at their request and shall save the Government harmless in the event of damage to applicant's property or injury to applicant's representatives or to observers admitted at their request.

§ 12.5 [Amended]

4. In Table 1, Air-Supply-Line Requirements and Tests, under paragraph (f) of § 12.5, the Air flow requirements for Type C supplied-air respirators are amended to read as follows:

The air-supply hose with air regulating valve or orifice shall permit a flow of not less than 115 liters (4 cubic feet) per minute to tight-fitting and 170 liters (6 cubic feet) per minute to loose-fitting respiratory-inlet coverings through the maximum length of hose for which approval is granted and at the minimum specified air-supply pressure. The maximum flow shall not exceed 425 liters (15 cubic feet) per minute at the maximum specified air-supply pressure with the minimum length of hose for which approval is granted.	
The air-supply hose, detachable coupling, and demand valve of the demand class or pressure-demand valve of the pressure-demand class for Type C supplied-air respirators, demand and pressure-demand classes, shall be capable of delivering respirable air at a rate of not less than 115 liters (4 cubic feet) per minute to the respirator-inlet covering at an inhalation resistance not exceeding 50 millimeters (2 inches) of water-column height measured at the respiratory-inlet covering with any combination of air-supply pressure and length of hose within the applicant's specified range of pressure and hose length. The air-flow rate and resistance to inhalation shall be measured while the demand or pressure-demand valve is actuated 20 times per minute by a source of intermittent suction. The maximum rate of flow to the respiratory-inlet covering shall not exceed 425 liters (15 cubic feet) per minute under the specified operating conditions.	

5. In Table 1, Air-Supply-Line Requirements and Tests, under paragraph (f) of § 12.5, the Air-regulating valve requirements for Type C supplied-air respirators are amended to read as follows:

If an air-regulating valve is provided, it shall be so designed that it will remain at a specific adjustment, which will not be affected by the ordinary movement of the wearer. The friction developed between the packing and a valve stem will not be considered as meeting this requirement.	
The valve must be so constructed that the air supply with the maximum length of hose and at the minimum specified air-supply pressure will not be less than 115 liters (4 cubic feet) of air per minute to tight-fitting and 170 liters (6 cubic feet) of air per minute to loose-fitting respiratory inlet coverings for any adjustment of the valve.	
If a demand or pressure-demand valve replaces the air-regulating valve, it shall be connected to the air supply at the maximum air pressure for which approval is sought by means of the minimum length of air-supply hose for which approval is sought. The outlet of the demand or pressure-demand valve shall be connected to a source of intermittent suction so that the demand or pressure-demand valve is actuated approximately 20 times per minute for a total of 100,000 inhalations. To expedite this test, the rate of actuation may be increased if mutually agreeable to the applicant and the Bureau. During this test the valve shall function without failure and without excessive wear of the moving parts.	
The demand or pressure-demand valve shall not be damaged in any way when subjected at the outlet to a pressure or suction of 10 inches of water gage for 2 minutes.	

6. Subparagraph (2) of paragraph (j) *Requirements and tests for complete respirator*, of § 12.5 *Requirements for Bureau of Mines approval*, is amended to read as follows:

(2) *Protection against gases or vapors (direct leakage and man tests).* Direct leakage and man tests will be made in duplicate. A man will enter a chamber containing a gas or vapor and put on (wear) the respirator to be tested. Gastight goggles will be used where necessary to protect the eyes against irritation. The gas or vapor used for this test, the arrangement of the hose, and the air supply will be in accordance with specific directions given in the following subdivisions. After the respirator is properly fitted the man will spend 10 minutes in work to provide observations on freedom of the device from leakage. The freedom and comfort allowed the wearer will also be considered. The time will be divided as follows:

5 minutes	Walking, turning head, dipping chin.
5 minutes	Pumping air with a tire pump into a 1-cubic-foot cylinder to a pressure of 25 pounds per square inch or equivalent work.

To meet the requirements of this test no odor of the test gas or vapor shall be detected in the air breathed, and undue discomfort and encumbrance shall not be experienced because of the fit, air delivery, or other features of the respirator.

(i) *Types A and AE supplied-air respirators.* (*a*) The complete respirator will be worn in a chamber containing 1±0.25 percent ammonia in air. The blower, intake of the hose, and not more than 25 percent of the hose length shall be located in ammonia-free air.

(*b*) The man in the ammonia atmosphere will draw his inspired air through the hose, connections, and all parts of the air device by means of his lungs alone (blower not operated).

(*c*) The 10-minute work test will be repeated with the blower in operation at any practical speed up to 50 revolutions of the crank per minute.

(ii) *Types B and BE supplied-air respirators.* (*a*) The complete respirator will be worn in a chamber containing 0.1±0.025 percent iso-amyl acetate vapor. The intake of the hose, and not more than 25 percent of the hose length shall be located in iso-amyl acetate free air.

(*b*) The man in the chamber will draw his inspired air through the hose and connections by means of his lungs alone.

(iii) *Types C, continuous-flow class, and CE supplied-air respirators.* The complete respirator will be worn in a chamber containing 0.1±0.025 percent iso-amyl acetate vapor. The intake of the hose shall be connected to suitable source of respirable air. Not more than 25 percent of the hose length shall be located outside the chamber. The minimum flow of air required to maintain a positive pressure in the respiratory-inlet covering throughout the entire breathing cycle will be supplied to the wearer, provided that this flow is not less than 115 liters per minute for tight-fitting and 170 liters per minute for loose-fitting respiratory inlet-coverings. The test will then be repeated with the maximum rate of flow attainable within the specified operating pressures.

(iv) *Type C supplied-air respirator, demand and pressure-demand classes.* The complete respirator will be worn in a chamber containing 0.1±0.025 iso-amyl acetate vapor. The intake of the hose shall be connected to a suitable source of respirable air. Not more than 25 percent of the hose length shall be located outside the chamber. The test will be made at the minimum pressure with the maximum hose length and will be repeated at the maximum pressure with the minimum hose length.

7. New paragraphs (k) and (l) are added to § 12.5 as follows:

(k) *Breathing gas requirements.* A supplied-air respirator will be approved for use only when it supplies respirable air to the wearer. Compressed breathing air shall meet the most recent requirements of Compressed Gas Association Specification G7.1 for Type I, Class D gaseous air. Breathing air shall contain less than 5 milligrams per cubic meter of oil vapor or oil particulates.

(l) *Requirements for combination supplied-air respirator and another type of respiratory protective device.* Respiratory protective devices combining the characteristics of a supplied-air respirator and another type of respiratory protective device shall meet the requirements of this part as well as the requirements of any other part which is applicable to the total purpose of the device for which approval is sought. The Bureau will specify, in the certificate of approval and on the approval label, the limitations which shall apply to the use of the combination device.

8. Section 12.7 is amended as follows:

§ 12.7 Notification of approval or disapproval.

(a) Certificates of approval will be issued hereunder only for completely assembled respirators, and not for component parts or subassemblies.

(b) Upon completion of the investigation and testing of a respirator, the Bureau will issue to the applicant either a certificate of approval or a written notice of disapproval. Informal notifications of approval will not be issued. If a certificate of approval is issued, no test data or detailed results will accompany it. If a notice of disapproval is issued, it will be accompanied by any available information about the defects, with a view to possible correction. The Bureau will not disclose except to the applicant, any information on a respirator upon which a notice of disapproval has been issued.

(c) A certificate of approval will be accompanied by a list of the drawings and specifications covering the details of design and construction of the respirator. The applicant shall keep exact duplicates of the drawings and specifications submitted to the Bureau. The approved drawings and specifications shall be adhered to exactly in commercial production of the certified respirator.

9. Section 12.8 is amended as follows:

§ 12.8 Approval markings.

(a) A certificate of approval will be accompanied by photograph(s) of design(s) of approval label(s). Legible reproductions of the entire label(s) shall be attached permanently to each respirator. When, in the Bureau's opinion, there is insufficient space, or some other valid reason, the label(s) may be reproduced on the respirator instructions. The label(s) will bear the seal of the Bureau of Mines; the approval number; the manufacturer's name and address; any limitation on duration of use for which the respirator is approved, and the limitations or conditions for safe and efficient use of the respirator.

(b) The Bureau will notify the applicant if any additional label(s) or marking(s) will be required on subassemblies and parts.

(c) Full-scale reproductions of approval labels and markings and a sketch or description of their method of application and position on the respirator shall be submitted to the Bureau for approval before final adoption.

(d) Use of the Bureau's approval label obligates the applicant to maintain the quality of the respirator and to guarantee that it is manufactured according to the drawings and specifications upon which the certificate of approval is based. The approval label shall be used only by the applicant.

10. Section 12.9 is amended to read as follows:

§ 12.9 Material required for Bureau of Mines record.

(a) The Bureau will retain, as part of the permanent record of each investigation, a complete respirator and any component thereof that has been tested and certified. Material not required for record will be returned to the applicant at his request and expense.

(b) As soon as a certified respirator is commercially available, the applicant shall deliver one complete unit free of charge to the Bureau of Mines, Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa. 15213, Attention: Approval and Testing.

11. Section 12.10 is amended to read as follows:

§ 12.10 Changes subsequent to approval.

If an applicant desires to change any feature of a certified respirator, he shall first obtain the Bureau's approval of the change, pursuant to the following procedure:

(a) Application shall be made as for an original certificate of approval, requesting that the existing certification be extended to cover the proposed change(s). The application shall be accompanied by drawings, specifications, and related material in full detail.

(b) The application and accompanying material will be examined by the Bureau to determine whether testing will be required. The Bureau will inform the applicant of the fee required for any testing involved.

(c) If the proposed modification meets the requirements of this part, a formal extension of certification will be issued, accompanied by a list of new and revised drawings and specifications covering the change(s).

[F.R. Doc. 67-14845; Filed, Dec. 21, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 989]

[Docket No. AO 198-A6]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Decision and Referendum Order With Respect to Proposed Amendment of the Marketing Agreement and Order, as Amended

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Fresno, Calif., on April 24-27, 1967, after notice thereof published in the FEDERAL REGISTER (32 F.R. 5690) on proposals to amend the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The previous amendment resulting from consideration of some of the proposals became effective August 28, 1967 (32 F.R. 12157, 12555, 12710). The amended marketing agreement and the amended order (hereinafter collectively referred to as the "order") are effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the act.

On the basis of the evidence adduced at the hearing, and the record thereof, the recommended decision in this proceeding was filed on October 12, 1967, with the Hearing Clerk, U.S. Department of Agriculture, and notice thereof, affording opportunity to file written exceptions thereto, was published October 18, 1967, in the FEDERAL REGISTER (F.R. Doc. 67-12303; 32 F.R. 14396).

Material issues, findings and conclusions, and rulings. The material issues, findings and conclusions, and rulings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 67-12303; 32 F.R. 14396) are hereby approved and adopted as the material issues, findings and conclusions, and rulings of this decision as if set forth in full herein, except as they are modified by rulings on the exceptions as hereinafter set forth.

Rulings on exceptions. Exceptions to the recommended decision were filed, within the prescribed time, by the following: Thomas Boyajian; Leslie W. Dobbings; Jay O. Eaton; Allan Grant for the California Farm Bureau Federation; Elmer D. Wood; O. B. Reimer, Wilbur O. Cowin; Paul J. Boyer; Harry Fittje; John T. Jesse; Harold C. Marthedal; Pearl Satterberg; Amador Lopez; Irwin L. Keithly; W. L. Jackson for the Raisin Administrative Committee; R. L. Engell for Del Monte Corp.; Abraham A. Garabedian; and Douglas J. Johnson. These exceptions have been considered carefully and fully, in conjunction with the evidence in the record and the proposed findings and conclusions of the recommended decision in arriving at the findings and conclusions set forth herein. To any extent that the findings and conclusions contained herein are at variance with any of the exceptions pertaining thereto, such exceptions are denied on the basis of the findings and conclusions relating to the issues to which the exceptions refer.

The exceptions, and the rulings thereon, are as follows:

Two exceptors indicated that strict quality control and improved marketability were the essential needs of the raisin industry in lieu of producer allotments. However, improved raisin quality was an issue of the amendment proceeding and referendum immediately

preceding the current one. The issue now is whether or not the raisin industry should have available to it means in addition to the quality control, volume allocation and pooling provisions already included in the order. The recommended decision has correctly concluded that the addition of producer allotment provisions would tend to effectuate the declared policy of the act and the industry should have opportunity to adopt them. Accordingly, the exceptions are denied.

Two exceptors indicated that permitting distillation to be a nonnormal outlet for raisins in excess of allotments would increase competition with fresh grapes and depress prices for raisin packing house residue going to this outlet. However, the evidence of record is that the grape production levels causing consideration of producer allotments for raisins have resulted in larger-than-needed supplies of grapes available for distillation and that prices in years of these large supplies in this outlet have tended to be at minimum levels. Also, the distillation outlet results in a product of long storability which may be held, in part, for sale in years of reduced productions of grapes. Consequently, while there will be some competitive effect, it may not be significant on prices and the resultant product will have more marketability, in terms of demand trends and time, than will excess grapes converted to raisins. Accordingly, the exceptions are denied.

Five exceptors expressed concern relative to eligibility for allotment bases contending that allotment bases should not be restricted primarily to those producers who produced raisins in 1966. However, the recommended decision correctly concluded that 1966 was the year in which the largest number of tons of all varieties of raisins were delivered by producers of any recent year and apparently includes the largest total number of both old and new raisin producers. Hence, by using the year of 1966 as the basis of eligibility, there should be due opportunity for raisin producers, in general, to qualify for allotment bases. Moreover, provision is made for issuing allotment bases to those raisin producers failing to produce in 1966 because of severe adverse weather or incapacitating personal hardship and who produce raisins in the first crop year after the effective date of the amendment. In view of this and of the exceptors' offering no alternative solutions based on the evidence of record, the exceptions are denied.

Three exceptors indicated they recently planted grapes prior to April 7, 1967, with the intent to make raisins and should not be ineligibile for an allotment base because they had no production in 1966. They request, therefore, that the proposed allotment program not be enacted. The evidence of record is that persons not theretofore raisin producers but who planted a variety which also may be used for fresh shipment, crushing by wineries, or for canning, cannot be said to have planted solely with the intent of making raisins. A multiple outlet grape is often planted and, when it comes into bearing, the sales outlet is determined by the then opportunities. Moreover, the lack of eligibility for allotment bases for such persons is not sufficient basis for not enacting the program. Accordingly, the exceptions are denied.

Exceptions were taken to recommend § 989.63(a)(2) in that subdivision (i) did not specifically limit the increase in allotment base to 100 percent of that referable to 1966 (that determined pursuant to recommended § 989.63(a)(1)), said subdivision did not provide a limiting ratio based on a 2-year average where there was production in 1964 or 1965, but not both, and in 1966, and nowhere in subparagraph (2) was provision made for an appropriate allotment for a raisin producer expanding by purchase of bearing acreage, prior to April 7, 1967, and after the 1966 crop was committed to nonraisin outlets, in lieu of by new planting. So that these matters may be clarified, consistent with the evidence of record and their discussion, in part, in the recommended decision and the exceptions granted, the discussion as set forth in the 15th and 16th paragraphs of material issue (2) (32 F.R. 14398) is revised. There is inserted in the first sentence of the 15th paragraph, after reason (1), a new reason (2) as follows: "(2) he acquired bearing acreage of raisin grapes prior to April 7, 1967, but subsequent to the commitment of the 1966 crop on such acreage to other than raisins." Reasons (2), (3), and (4) are redesignated (3), (4), and (5) respectively.

Paragraph 16 is revised to read as follows: "In regard to the first item, a producer with raisin sales in 1966 and with immature acreage (i.e., who planted new acreage on or after Jan. 1, 1964, and prior to the publication of the notice of hearing on the allotment plan, Apr. 7, 1967), of a varietal type other than Zante Currants or Monukka grapes, should be entitled to an allotment base which includes such new acreage as can be construed as raisin production acreage. This should not include plantings prior to 1964 as such plantings would have matured enough to have substantial yields by 1966. There is involved in the immature acreage situation the issue of whether the investment in new plantings was with the intent to make raisins or to sell fresh grapes to the table, crushing or canning outlets. The evidence of record is that this should be resolved in the raisin producer's favor to the extent of permitting his total allotment base to reflect such new acreage as will not result in an increase exceeding 100 percent of the allotment base referable to 1966 nor cause his ratio of raisin production to total grape production (based on acreage used for raisins to total acreage) to exceed that of 1966 or, if he also had raisin production in one or both of the 2 prior years, such average ratio for the years of raisin production 1964, 1965, and 1966. Since this necessitates computing the increase of allotment base for the additional acreage, as such may be immature acreage, the increase should be the applicable new acreage multiplied by the producer's average sales per acre in the portion of the allotment base computed for his mature acreage. If all the producer's raisin production acreage is immature, the sales per acre referable to 1966 would not constitute an appropriate sales history and in such case the allotment base should be the producer's raisin producing acreage multiplied by the lower of the 1966 industry-wide average sales per acre of the like varietal type or the committee's determination of the probable sales per acre when mature. Thus, the producer would receive an apportionment comparable to producers in general but not in excess of the productive capacity of his acreage. The further allotment base problem of a raisin producer in 1966 expanding acreage by acquisition, in lieu of plantings, prior to April 7, 1967, but under circumstances where the entire 1966 crop of raisin grapes had been committed by the former owner to an outlet other than raisins, should be resolved the same as an expansion by new plantings. There would be no allotment base due the former owner (not having made raisins in 1966) and hence, no transfer is possible. The acquiring raisin producer is thus in a similar position, as to allotment base, as the producer planting additional vines, and his allotment base should be similarly computed by the committee." Subdivision (i) of § 989.63(a)(2) is revised accordingly.

An inadventent error in the first sentence of paragraph 17 is corrected by deleting from the words in parentheses the words "or with new plantings" and inserting in lieu thereof the word "and".

Exception was taken to recommend § 989.63 for failure to provide an appropriate allotment base for a producer who had removed a portion or all the vines from his raisin grape vineyard prior to harvest in 1966, with intention to replant such vines, and the removal resulted in the producer's 1966 raisin sales per acre being produced from fewer acres or in his having no raisin sales. It was contended that, in order to determine a fair and equitable allotment base, recognition should be given to this normal practice of pulling out old vines and replacing them with young vines, to improve the producing capacity of the vineyard. While the recommended decision did not provide for such adjustment in computing allotment bases, it did provide that once allotment bases are assigned, producers may have up to 5 consecutive years of no production, without losing the applicable portion of their base, to rework their vineyard. It is recognized that some producers will be caught in this situation when the program is instituted. Hence, the exception is granted and the first sentence of the 15th paragraph, material issue (2) (32 F.R. 14398), is revised by striking the word "or" preceding redesignated reason (5), changing the period at the end of the sentence to a semicolon and adding: "or (6) he had removed acreage from production prior to 1966, for the purpose of replanting and improving yield per acre, and hence, had reduced raisin sales and re-

duced 1966 acreage". A new paragraph is inserted in the recommended decision immediately after the nineteenth (19) paragraph (32 F.R. 14399) of material issue (2), to read: "Provision should also be made for an appropriate allotment base for a producer who removed vines from a raisin producing vineyard prior to harvest time in 1966, for the purpose of replanting the vineyard to improve production from such acreage, and this action resulted in the producer having either no raisin sales in 1966 or reduced sales of raisins due to fewer acres. Such a producer should be permitted an allotment base which includes the applicable replanted acreage multiplied by the 1966 industry-wide average sales per acre of the varietal type or, if higher, by the committee's determination of probable sales per acre from such acreage when mature. Thus, this producer would be granted the same opportunity for an appropriate allotment base as the producer with a commitment to improve his raisin sales per acre. However, the portion of the allotment base applicable to the producers' removed acreage should not be issued until the first year, after the effective date of the section, in which grapes from such acreage are made into raisins. Moreover, if the producer fails to make raisins on such acreage by the sixth year after removal, he should lose his eligibility for such portion of his allotment base. These limitations are necessary to prevent issuance of allotment bases to persons with no intention of replanting and to permit cancellation of eligibility after 5 years of no production, the same as is provided hereafter relative to a producer not making raisins subsequent to receiving his allotment base." Section 989.63 (a) (2) is revised accordingly.

Exceptions were also taken to reserving the raisin outlet to present producers, to authorizing regulation of raisin varieties presently unrestricted by volume regulation and to preventing adequate production of a variety for which sales expansion is indicated. The amendment in the recommended decision, however, provides such reasonable flexibility as may be permitted in an allotment program except in the area of increased demand of a varietal type. Thus, there is provision for transfers of allotment bases among old producers or to new producers, for producers to change locations, and for producers to remove existing vineyards and either replant on new acreage or on the existing acreage after up to 5 years for such things as land preparation and soil improvement. There is provision, too, under proposed § 989.63 (b) for additional allotment bases, to either new or existing producers to satisfy the demand for one or more varietal types or to adjust the total of all allotment bases to trade demand. Further adjustment, in the form of authority to permit producers to exchange an allotment base on one varietal type for a varietal type of more favorable sales outlook, would enhance the flexibility of the program. Hence, to recognize the possibility of demand shifts, and so grant one of these exceptions, the final sentence of the paragraph preceding the final paragraph of material issue (2) of (32 F.R. 14399) is deleted and the following inserted in lieu thereof: "In addition, to recognize that there may be shifts in demand such that one varietal type becomes more salable than another, the committee should permit producers, to surrender the allotment base on one varietal type in exchange for a like allotment base on another varietal type. Such an exchange, of course, should be within such reasonable limits as tend to equate supplies with demand for each type and maintain the price stabilizing objectives of the program. Since both the granting of additional allotment bases and the exchange of bases will involve means of determination and assignment which should be known to the producers, the committee should prescribe, with the approval of the Secretary, such rules and regulations as are necessary to administer the provisions." Section 989.63(b) is revised accordingly.

The remainder of the exceptions either constitute requests for a determination of their allotment base, or are commentaries which, as opposed to the evidence of record, do not provide a basis for revising either the findings or conclusions or the proposed provisions of the recommended decision.

Amendment of the amended marketing agreement and the amended order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Raisins Produced from Grapes Grown in California" and "Order Amending the Order, as Amended, Regulating the Handling of Raisins Produced from Grapes Grown in California" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Referendum order. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among producers who, during the period August 15, 1966, through August 14, 1967 (which period is hereby determined to be a representative period for the purpose of such referendum), have been engaged in the State of California, in the production for market of grapes which were sun-dried upon, or prior to, removal from the vines or dehydrated by artificial means until they became raisins to determine whether such producers favor the issuance of the said annexed order amending the order, as amended, regulating the handling of raisins produced from grapes grown in California.

Charles Fuqua, Richard Van Diest, Joe Perrin, and Joseph C. Genske of the Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, are hereby designated referendum agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (7 CFR Part 900).

The ballots used in the referendum shall contain a summary describing the terms and conditions of the proposed amendatory order.

Any producer entitled to vote in the referendum who does not receive a copy of the aforesaid annexed order, voting instructions, or a ballot or other necessary information will be able to obtain the same from any of the County Directors of Agricultural Extension in the California Counties of Fresno, Kern, Kings, Madera, Merced, Stanislaus, and Tulare, or from Charles Fuqua, Fresno Marketing Field Office, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Room 3114, Federal Building, 1130 O Street, Fresno, Calif. 93721 or Dower T. Mohun, San Francisco Marketing Field Office, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Room 836, 630 Sansome Street, San Francisco, Calif. 94111.

It is hereby ordered. That all of this decision and referendum order, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement, as amended, are identical with those contained in the said order, as amended, and as further amended by the annexed order which will be published with this decision.

Dated: December 19, 1967.

RODNEY E. LEONARD,
Deputy Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Raisins Produced From Grapes Grown in California

§ 989.0 Findings and determinations.

(a) *Previous findings and determinations.* The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations made in connection with the issuance of the order and the previously issued amendments hereby ratified and affirmed except insofar as such prior findings and determinations may be in conflict with the findings and determinations set forth herein. (For prior findings and determinations see 14 F.R. 5136; 20 F.R. 6435; 21 F.R. 8182; 25 F.R. 12814; 29 F.R. 9482; 32 F.R. 12157).

(b) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937,

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Fresno, Calif., on April 24–27, 1967, on a proposed amendment of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. On the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of raisins produced from grapes grown in California in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the area of production would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of raisins in the production area covered by the order, as amended and as hereby further amended, which would require different terms applicable to different parts of such area; and

(5) All handling of raisins produced from grapes grown in the area of production is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of raisins produced from grapes grown in California shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

§ 989.5 [Amended]

1. A new sentence reading as follows is added at the end of § 989.5: "This definition may be revised by the Secretary, upon recommendation of the committee, to include grapes dried prior to removal from the vines and used in normal outlets for raisins."

2. Delete present §§ 989.54 and 989.55 and insert in lieu thereof the following:

§ 989.54 Marketing policy.

(a) *Allotment percentage.* As soon as practicable after February 1, but no later than June 15, the committee shall prepare and submit to the Secretary a report setting forth at least its recommended producer allotment marketing policy for the ensuing crop year. In formulating such marketing policy the committee shall consider and shall include in its report to the Secretary, at least the first eight of the following estimates and recommendations with respect to any varietal type on which such volume regulation is intended and shall include the other following estimates and recommendations, when pertinent, no later than the October meeting pursuant to paragraph (c) of this section:

(1) The likely carry-over of free and reserve tonnage raisins as of September 1;

(2) The prospective crop year trade demand in free tonnage outlets and the desirable free tonnage;

(3) The prospective crop year trade demand in reserve tonnage outlets other than as free tonnage, considering the estimated world raisin supply and demand situation;

(4) The desirable carry out of free and reserve raisins at the end of the ensuing crop year;

(5) The salable quantity of raisins necessary to meet total trade demand, permit desirable adjustments in carryover, and recognize the reduced annual allotments, due to productive capacity, of § 989.63(c);

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

(7) Current raisin prices being received and the probable general level of raisin prices to producers and handlers in the ensuing crop year;

(8) The trend and level of consumer income;

(9) Other estimates or recommendations pertinent to the ensuing crop such as the estimated tonnage of standard and offgrade raisins, modifications of the minimum grade standards, free and reserve percentages, prohibition of trade practices pursuant to § 989.62 or other matters; and

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

(b) *Desirable free tonnage.* The tonnage of raisins of any varietal type to be sold in the ensuing crop year as free tonnage shall be designated as "desirable free tonnage". Until changed by the committee, with the approval of the Secretary, the desirable free tonnage shall be 140,000 tons for natural Thompson Seedless raisins.

(c) *Free and reserve percentages.* Either as part of its pre-June 16 marketing policy or on or before October 5 of each crop year (except that this date may be extended by the committee not more than 5 days if warranted by a late crop) the committee shall recommend to the Secretary a preliminary free tonnage percentage which will release not less than 65 percent of the desirable free tonnage established for any varietal type. Upon a committee determination that field prices are firmly established and open price contracts have been closed as to price on at least 65 percent of the tonnage acquired by packers not marketing cooperatives, or such other percent as is recommended by the committee and approved by the Secretary, but no later February 15, the committee shall recommend to the Secretary a free percentage which will tend to release the full desirable free tonnage. Prior to February 15, an interim change of percentage may be made to release less than the full tonnage. The difference between any preliminary or final free tonnage percentage and 100 percent shall be the reserve percentage. In developing its free and reserve percentage for any varietal type, the committee shall consider and report to the Secretary any factors pertinent to its recommendation and not included in a prior marketing policy report for the crop year.

(d) *Modification.* In the event the committee deems it advisable to modify its marketing policy for any crop year, because of national emergency, crop failure or other major change in economic conditions, it shall hold a meeting for that purpose, and file a report thereof with the Secretary within 5 days (exclusive of Saturdays, Sundays, or holidays) after the holding of such meeting, which report shall show each modification, the basis therefor, and the recommendation of the board.

(e) *Verbatim record.* The committee shall file with its report to the Secretary a verbatim record of that portion of its meeting or meetings relating to its marketing policy.

(f) *Publicity and notice.* The committee shall promptly give reasonable publicity to producers, dehydrators, handlers, and cooperative bargaining association(s) of each meeting to consider a marketing policy or any modification thereof, and each such meeting shall be open to them. Similar notice shall be given to producers, dehydrators, handlers, and cooperative bargaining association(s) of each marketing policy report or modification thereof, filed with the Secretary and of the Secretary's action thereon. Copies of all marketing policy reports shall be maintained in the office of the committee, where they shall be made available for examination by any producer, dehydrator, handler, or cooperative bargaining association representative. The committee shall notify handlers, dehydrators, and cooperative bargaining associations(s) of the Secretary's action on percentages by registered or certified mail.

§ 989.55 Establishment.

If the Secretary finds from the recommendation and supporting information supplied by the committee, or from other information, that limiting the quantity of raisins of any varietal type that handlers may purchase from or handle on behalf of producers in any crop year would tend to effectuate the declared policy of the act he shall determine the salable quantity of such raisins and establish the annual allotment percentage, on the ensuing crop, to be applied to each producer's allotment base on such raisins. This percentage shall be determined by dividing the salable quantity by the total of all allotment bases established pursuant to § 989.63. He shall also

establish as necessary, or modify, the desirable free tonnage for any varietal type; and simultaneously, or in a subsequent action, depending upon the time of the committee's recommendation and his finding that it would tend to effectuate the declared policy of the act, designate free and reserve percentages, applicable to the standard raisins acquired exclusive of surplus, and such modifications thereof as are consistent with § 989.54(c). In the event the Secretary subsequently finds from the recommendations and supporting information supplied by the committee, or from any other available information, that modification, suspension, or termination of any such designation will tend to effectuate the declared policy of the act, he shall so modify, suspend, or terminate such designation. No such modification shall decrease the free percentage initially designated by the Secretary. The Secretary shall notify the committee promptly of each such action.

3. Add a new § 989.56 reading as follows:

§ 989.56 Prohibition.

Whenever an allotment percentage has been established by the Secretary and is in effect for a varietal type of any crop, no handler other than a processor shall acquire such raisins, except as provided in § 989.68, in excess of a producer's annual allotment as determined by the committee pursuant to § 989.63(c) nor acquire any varietal type from a producer without an allotment base nor with respect to a varietal type for which no allotment percentage is in effect from acreage in excess of that for which the allotment base was established.

4. Add new §§ 989.63 and 989.64 reading as follows:

§ 989.63 Allotment of salable quantity.

(a) *Allotment bases.* (1) Except as provided in subparagraph (2) of this paragraph, the allotment base for each producer of raisins in 1966, for any varietal type of raisins, shall be the higher of:

(i) His sales of 1966 crop raisins; or

(ii) If his 1965 and 1966 raisin sales were from the same land, his sales per acre of 1965 crop raisins multiplied by his 1966 acreage used to produce the same varietal type of raisins.

(2) If for the reasons listed in this subparagraph the committee finds that a producer's allotment base computed pursuant to subparagraph (1) of this paragraph is inappropriate, such producer's allotment base shall be determined consistent with that applicable to each reason as follows:

(i) For new acreage planted on or after January 1, 1964, and prior to April 7, 1967, of a varietal type (other than Zante Currant or Monukka grapes) in which producer shows raisin sales in 1966, but only for such new acreage as will result in a ratio of his raisin production acreage to total grape acreage to exceed either such 1966 ratio or the average such ratio for the years of raisin production 1964, 1965, and 1966, the allotment base shall include his applicable new acreage multiplied by the producer's average sales per acre in the portion of the allotment base computed for his mature acreage or if all his raisin production acreage was immature in 1966, such acreage multiplied by the lower of the 1966 industry-wide average sales per acre of the like varietal type or the committee's determination of the probable sales per acre when mature. However, no increase of allotment base relative to that computed pursuant to subparagraph (1) of this paragraph shall exceed 100 percent of such computation. If in lieu of additional plantings, a producer of raisins in 1966 acquired bearing acreage of raisin grapes prior to April 7, 1967, but subsequent to commitment of the 1966 crop on such acreage to an outlet other than raisins, the committee shall determine such producer's total allotment base consistent with this subdivision.

(ii) For new acreage planted on or after January 1, 1964, and prior to April 7, 1967, of either Zante Currant or Monukka grapes, the producer's total allotment base shall include such new acreage multiplied by the producer's 1966 sales per acre of the like varietal type from his mature acreage or if none, by the lower of the 1966 industry-wide average sales per acre of the like varietal type or the committee's determination of the probable sales per acre when mature.

(iii) For a raisin producing grape vineyard acquired prior to April 7, 1967, but on or after November 1, 1964, on which the 1965 and 1966 raisin sales per acre on the acreage used to produce raisins was below the 1966 industry-wide average for the varietal type and the producer establishes to the satisfaction of the committee a commitment to improve the raisin sales per acre, the allotment base shall be determined as the raisin producing acres in 1966 multiplied by the 1966 industry-wide average sales per acre of the varietal type or, if higher, by the committee's determination of the probable sales per acre from such raisin acreage in the third year after acquisition.

(iv) For severe adverse weather or incapacitating personal hardship, established to the satisfaction of the committee as the primary factor causing a raisin producer to have a sharply reduced level of sales in 1965 and 1966 or failure to produce any raisins in 1966, the allotment base shall be the highest acreage of the vineyard used for raisins in the 1964–1966 period, but not in excess of the producer's total 1966 acreage of that varietal type, multiplied by the lower of the 1966 industry-wide average sales per acre of the like varietal type or the producer's highest prior raisin sales per acre in the 1964–1966 period, as determined by the committee.

(v) For replanted acreage not in production in 1966 due to prior vine removal for the purpose of land improvement and replanting to increase yields per acre, the allotment base shall include the applicable replanted acreage multiplied by the 1966 industry-wide average sales per acre of the varietal type or, if higher, by the committee's determination of the probable sales per acre from such acreage when mature. However, the portion of an allotment base applicable to the removed and replanted acreage shall not be issued until the first year after the effective date of this section in which the grapes from such acreage are made into raisins and any producer failing to make raisins on such acreage in the sixth year after removal shall lose his eligibility for such portion of any allotment base.

(3) For purposes of allotment, those varietal types designated in § 989.10 as natural (sun-dried) Thompson Seedless, Golden Seedless, Sulphur Bleached and Soda Dipped shall be combined into the "Thompson Seedless Raisin" varietal type and natural (sun-dried) Muscat, Layer Muscat, and Valencia shall be combined into the "Muscat Raisin" varietal type. The committee, with the approval of the Secretary, shall establish industry-wide average sales per acre by varietal types and such conversion factors of fresh tons to dry tons as will permit allotment bases and annual allotments on raisins to be administered, where appropriate, as fresh tons of grapes.

(4) In accordance with this paragraph (a) and based on reports of handlers, producer certifications and other information, the committee shall establish and assign to each producer his allotment base: *Provided*, That no base or adjusted base shall be assigned to a person no longer a producer nor pursuant to (2)(iv) of this paragraph unless the committee finds that he made a bona fide effort to produce his applicable annual allotment of raisins in the first crop year after the effective date of this section and failing to do so, his eligibility for an allotment base shall be cancelled. The eligibility of any producer, or his legal successor in interest, to receive or retain an allotment base shall be dependent upon his continuing to make a bona fide effort to produce his annual allotment of raisins and failing to do so in any year, the applicable allotment base shall be reduced by a percentage equivalent to the unproduced portion of the allotment: *Provided*, That the committee, with the approval of the Secretary, may waive this requirement for good cause. However, 5 consecutive years of reduced or no production shall be permitted to replant existing acreage or rotate to new acreage. Administration of the assignment and retention of allotment bases shall be in accordance with such rules and procedures as the committee may prescribe, with the approval of the Secretary.

(b) *Additional allotment bases and exchanges.* Each year the committee shall consider the need for granting, and if appropriate grant, with the approval of the Secretary, additional allotment bases, to either new producers or existing producers, or both, for such purposes as satisfying the demand for one or more varietal types, or adjusting the total of all allotment bases to the trade demand. Also, the committee shall permit producers to surrender the allotment base on one varietal type in exchange for a like allotment base on another varietal type but only of such volume as will tend

to equate supplies with demand for each type. The committee shall prescribe, with the approval of the Secretary, such rules and regulations as are necessary to administer this paragraph.

(c) *Issuance of annual allotments.* As early as possible in each calendar year, the committee shall issue to each eligible producer, for the ensuing crop, an annual allotment determined by applying the allotment percentage established pursuant to § 989.55 to the producer's allotment base. Such issuance shall be conditioned upon the producer filing annually with the committee, a form provided by it wherein the producer states such things as where he intends to produce his annual allotment, his raisin variety grape acreage, the acreage he intends to harvest for raisins, changes of location, if any, and such other information as is necessary for administration of this part. Where a producer indicates that his acreage, or that which he intends to harvest for raisins, will be insufficient to produce his computed annual allotment, the committee shall make an appropriate reduction in the annual allotment it issues. Except in conjunction with the transfer of an allotment base pursuant to § 989.64, no handler, producer, or other person shall be the assignee or transferee of an annual allotment, or portion thereof, except that a person other than a handler may deliver raisins in the stead of the producer holding the allotment but no handler shall receive raisins from such other person except to the extent authorized by the committee. The committee, with the approval of the Secretary, may issue such rules and procedures as are necessary to administer this paragraph.

§ 989.64 Transfers.

(a) *Of location.* A producer owning the vineyard(s) determining the allotment base may transfer from the location(s) where he produces his annual allotment to other land which he farms. If a producer does not own the original vineyard land no such transfer shall be valid and no further annual allotments referable to such vineyard(s) shall be granted by the committee to such producer unless the vineyard owner consents to the transfer. The committee shall, by such means as are provided in § 989.63(c), obtain information as to the location(s) where each producer intends to produce each annual allotment.

(b) *To another producer.* A producer owning the vineyard(s) determining the allotment base may transfer all or part of an allotment base from himself to another producer. However, if the transferor is not the owner of the vineyard(s), the transfer shall not be valid nor shall an annual allotment be granted by the committee to the potential transferee unless the vineyard owner consents to the transfer. No transfer shall be recognized by the committee except upon the transferor and transferee notifying the committee in writing and the transferee submitting evidence of capability to produce and harvest the annual allotment referable thereto. If any producer disposes of acreage and ceases to be a producer thereon prior to the issuance of allotment bases pursuant to § 989.63(a), and if the purchaser continues the acreage in the production of raisins, such purchase shall be deemed to authorize issuance of the applicable allotment base to the successor producer.

5. Add a new § 989.68 reading as follows:

§ 989.68 Excess over allotments.

(a) *General.* Raisins that are in excess of an effective individual producer annual allotment, or the total of such allotments to members of a cooperative marketing association, shall be surplus raisins. Prior to February 15 of the crop year such excess raisins may be sold or transferred to producers capable of using them to satisfy a deficiency of production relative to their annual allotment. No handler, other than a processor disposing of raisins in nonnormal outlets, shall acquire surplus raisins, except that any handler who is a packer shall be a designee of the committee, under such conditions as it shall specify with the approval of the Secretary, as to holding and delivery obligations, to receive and hold surplus raisins for the account of the committee. Any producer or dehydrator selling or delivering surplus raisins other than to the committee or its designees, to a producer satisfying a deficiency as provided in this paragraph, or to a processor disposing of them in nonnormal outlets, shall be a handler relative to such transaction. Any producer may dispose of surplus raisins of his own production within his own livestock feeding or other farming operation or may deliver them, prior to or after February 15 of the crop year in which produced, to the committee for inclusion in a surplus pool.

(b) *Pooling.* Surplus raisins held by a handler or other designee of the committee and those delivered directly to the committee, shall be treated as a surplus raisin pool and shall be disposed of by the committee as soon as practicable in nonnormal outlets and at the best terms and conditions obtainable. The proceeds, after deduction of committee expenses of receiving, handling, holding and disposing, including compensation to handlers or other designees, shall be distributed on a pro rata basis to the equity holders and in the case of a cooperative marketing association may be to such association.

[F.R. Doc. 67-14858; Filed, Dec. 21, 1967; 8:46 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-EA-116]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V-178 from Lexington, Ky., 1,200 feet AGL to Bluefield, W. Va. This action would provide controlled airspace within which to provide air traffic service to aircraft operating in accordance with Instrument Flight Rules between these terminals.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

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

Issued in Washington, D.C., on December 13, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-14853; Filed, Dec. 21, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-140]

CONTROL AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area from St. Louis, Mo., to Moline, Ill.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director: Central Region, Attention: Chief, Air Traffic Division, Federal Building, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office

of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes to designate an additional control area from the St. Louis VOR direct to the Moline VOR, with the floor to be designated at 6,000 feet MSL. This proposed control area would provide controlled airspace for instrument type air traffic operating between these terminals.

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

Issued in Washington, D.C., on December 13, 1967.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-14854; Filed, Dec. 21, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-142]

CONTROL AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area from Macon, Mo., direct to Columbia, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Building, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Federal Aviation Administration proposes to designate the Macon, Mo., additional control area to extend from the Macon VOR with a 1,200-foot AGL floor direct to the Columbia VOR.

This proposed additional control area would provide controlled airspace for instrument type air traffic operating from Macon via Moberly, Mo., to Columbia.

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

Issued in Washington, D.C., on December 13, 1967.

T. McCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-14855; Filed, Dec. 21, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-AL-25]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would designate a part-time control zone and transition area at Dillingham, Alaska.

A rule effecting amendments to Part 71 of the Federal Aviation Regulations was published in the FEDERAL REGISTER (30 F.R. 4391) designating a Dillingham control zone and transition area. However, due to difficulties experienced in establishing the necessary communications link between Dillingham and King Salmon, the effective date of the rule designating this airspace was deferred. While communications now exist during the operational hours of the Dillingham Flight Service Station, additional instrument approach procedures subsequently authorized at Dillingham require a major revision to this rule. Therefore, the Dillingham controlled airspace described in FEDERAL REGISTER (30 F.R. 4391) in connection with Airspace Docket No. 64-AL-6 has been revoked. It is now proposed to designate the controlled airspace presently required to protect the prescribed Dillingham instrument approach and departure procedures as follows:

1. The Dillingham control zone, proposed herein, would be designated within a 5-mile radius of the Dillingham Municipal Airport (lat. 59°02'36" N., long. 158°30'20" W.); within 2 miles each side of the Dillingham VOR 025° T (005° M) radial extending from the 5-mile radius zone to 14 miles northeast of the VOR; within 2 miles each side of the Dillingham VOR 205° T (185° M) radial extending from the 5-mile radius zone to 8 miles southwest of the VOR; and within 2 miles each side of the 053° T (033° M) bearing from the Northern Consolidated Airlines RBN (lat. 59°04'12" N., long. 158°26'30" W.) extending from the 5-mile radius zone to 8 miles northeast of the RBN. This control zone would be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time would thereafter be continuously published in the Alaska Airman's Guide and Chart Supplement.

2. The proposed Dillingham transition area would be designated as that airspace upward from 700 feet above the surface, within a 6-mile radius of the Dillingham Airport (lat. 59°02'36" N., long. 158°30'20" W.); within 5 miles northwest and 8 miles southeast of the Dillingham VOR 025° T (005° M) radial extending from the VOR to 18 miles northeast; within 5 miles northwest and 8 miles southeast of the 053° T (033° M) bearing from the Northern Consolidated Airlines RBN (lat. 59°04'12" N., long. 158°26'30" W.) extending from the RBN to 12 miles northeast; and that airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 8 miles southeast of the Dillingham VOR 205° T (185° M) radial extending from the VOR to 12 miles southwest. This transition area would be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Alaska Airman's Guide and Chart Supplement.

The control zone would provide protection for aircraft executing prescribed instrument approach and departure procedures at the Dillingham Municipal Airport.

The 700-foot transition area would provide protection for aircraft executing portions of the prescribed instrument approach and departure procedures authorizing flight below 1,500 feet above the surface beyond the limits of the control zone. The 1,200-foot transition area would provide protection for aircraft executing the prescribed instrument approaches, missed approaches, departures, and holding procedures conducted beyond the limits of the control zone and 700-foot transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposal contained in this notice may be changed in the light of comments received.

The public docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Anchorage, Alaska, on December 14, 1967.

LYLE K. BROWN,
Director, Alaskan Region.

[F.R. Doc. 67-14856; Filed, Dec. 21, 1967; 8:46 a.m.]

Federal Highway Administration

[49 CFR Parts 177, 294]

[Docket No. MC-1]

PRIVATE MOTOR CARRIERS OF HAZARDOUS MATERIALS

Annual Safety Accident Report

Correction

In F.R. Doc. 67-14703, appearing at page 18114 of the issue for Tuesday, December 19, 1967, in the second paragraph the reference to "December 29, 1967" should read "January 22, 1968".

CIVIL AERONAUTICS BOARD

[14 CFR Part 207]

[Docket No. 19278; EDR-128A]

CHARTER TRIPS AND SPECIAL SERVICES

Proposed Liberalization of Volume Restrictions for All-Cargo Carriers; Extension of Time To File Comments

DECEMBER 19, 1967.

The Board in 32 F.R. 16223, November 28, 1967, and by circulation of EDR-128, dated November 21, 1967, gave notice that it had under consideration proposed amendments to Part 207 of the Economic regulations (14 CFR Part 207) to liberalize the off-route charter volume limitation in § 207.6 applicable to all-cargo carriers, so as to permit them to perform off-route charters not to exceed 20 percent of the base revenue plane miles performed in the preceding calendar year; provided that not more than 10 percent of such base revenue plane mileage shall constitute passenger charters. Interested persons were invited to participate in the rule-making proceedings by submission of comments and reply comments on the foregoing amendments, to be received on or before December 26, 1967 and January 10, 1968, respectively.

By letter dated December 15, 1967, The Flying Tiger Line, Inc., requests extension of the time to file comments to January 9, 1968, and reply comments to January 24, 1968. The carrier notes that the present date for the filing of comments falls in the middle of the holiday season, and that it would be difficult and burdensome to meet the present date under the circumstances.

The undersigned finds that good cause has been shown for an extension of time as requested. Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's organization regulations, effective June 21, 1967, the undersigned hereby extends the time for submitting comments to January 9, 1968, and for reply comments to January 24, 1968.

In order to facilitate the availability of comments for making replies thereto, it is requested that fifteen (15) copies of such comments, in lieu of the ten (10) copies stated in the rule-making notice (EDR-128, supra), be filed with the Board's Docket Section.

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

By the Civil Aeronautics Board.

[SEAL] ROBERT VOTE,
Acting Associate General Counsel, Rules and Rates Division.

[F.R. Doc. 67-14880; Filed, Dec. 21, 1967; 8:48 a.m.]

[14 CFR Part 399]

[Docket No. 19279; PSDR-19A]

BLOCKED SPACE SERVICE

Participation of Combination Carriers; Extension of Time To File Comments

DECEMBER 19, 1967.

The Board in 32 F.R. 16225, November 28, 1967, and by circulation of PSDR-19, dated November 21, 1967, gave notice that it had under consideration proposed amendments to § 399.37 of its statements of general policy (14 CFR Part 399), to permit combination as well as all-cargo carriers to provide blocked space service to air freight forwarders and to large volume shippers. Interested persons were invited to participate in the rule-making proceedings by submission of comments and reply comments on the foregoing amendments, to be received on or before December 26, 1967 and January 10, 1968, respectively.

By letter dated December 15, 1967, The Flying Tiger Line, Inc., requests extension of the time to file comments to January 9, 1968, and reply comments to January 24, 1968. The carrier notes that the present date for the filing of comments falls in the middle of the holiday season, and that it would be difficult and burdensome to meet the present date under the circumstances.

The undersigned finds that good cause has been shown for an extension of time as requested. Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's organization regulations, effective June 21, 1967, the undersigned hereby extends the time for submitting comments to January 9, 1968, and for reply comments to January 24, 1968.

In order to facilitate the availability of comments for making replies thereto, it is requested that fifteen (15) copies of such comments, in lieu of the ten (10) copies stated in the rule-making notice (PSDR-19, supra), be filed with the Board's Docket Section.

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

By the Civil Aeronautics Board.

[SEAL] ROBERT VOTE,
Acting Associate General Counsel, Rules and Rates Division.

[F.R. Doc. 67-14881; Filed, Dec. 21, 1967; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16222]

STANDARD BROADCAST SERVICE; STANDARD METHOD FOR CALCULATING RADIATION

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 73 of the Commission's rules to specify, in lieu of the existing MEOV concept, a standard method for calculating radiation for use in evaluating interference, coverage, and overlap of mutually prohibited contours in the Standard Broadcast Service.

1. The notice of proposed rule making of October 18, 1965, which initiated this proceeding, invited comments by January 14, 1966. In subsequent orders, the time for filing comments has been extended to December 14, 1967, and for reply comments to January 16, 1968.

2. The Association of Federal Communications Consulting Engineers, in a petition for extension of time for filing comments, filed December 8, 1967, requests that the filing time be extended 90 days from the present December 14 deadline.

3. The Association and its Rules and Standards Committee, which has been working closely with FCC engineering personnel, believe that additional time is needed for the study of a number of points developed in discussions of the new rules, and for tests of the application of tentative procedures in specific situations, before a final position of the Association can be formulated.

4. We are aware of the diligent and exhaustive examination the Association is giving the matters involved in this proceeding, and expect its comments, when available, will be very helpful in the preparation of the final version of the proposed rules. In the light of the problems involved, we believe that the additional time requested is not unreasonable, and that it would be in the public interest to grant the instant petition.

5. *Accordingly, it is ordered*, That the time for filing comments in this proceeding is extended from December 14, 1967, to March 14, 1968, and the time for filing reply comments is extended from January 16, 1968, to April 16, 1968.

6. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: December 13, 1967.

Released: December 18, 1967.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-14870; Filed, Dec. 21, 1967; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Office of the Secretary

TEXAS

Determination of Commercial Fishery Failure Due to Resource Disaster

DECEMBER 16, 1967.

Whereas, many firms and individuals are engaged in raising, harvesting, processing, and marketing oysters in the State of Texas; and

Whereas, on September 20, 1967, Hurricane Beulah passed over south central Texas, subjecting the area to torrential rains and causing record discharges of flood waters into coastal bay areas; and

Whereas, the sudden and prolonged lowering of salinities in coastal bay waters has caused destruction of oyster resources; and

Whereas, insurmountable uninsured losses of oyster production in the 1967–68 season will amount to a several hundred thousand dollar decrease in State income; and

Whereas, the serious disruption of the oyster fishery in the coastal bays of central Texas caused by alternation of habitat was due to natural causes;

Now, therefore, as Secretary of the Interior, I hereby determine that the foregoing circumstances constitute a commercial fishery failure due to a resource disaster within the meaning of section 4(b) of Public Law 88–309. Pursuant to this determination, I hereby authorize the use of funds appropriated under the above legislation to rehabilitate, restore, and put back into production the oyster grounds of the State of Texas and for such other measures as may be necessary to mitigate the damage to the resource.

STEWART L. UDALL,
Secretary of the Interior.

[F.R. Doc. 67-14857; Filed, Dec. 21, 1967; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

LICENSED DEALERS UNDER LABORATORY ANIMAL WELFARE ACT

List of Persons

Pursuant to § 2.127 of the regulations (9 CFR 2.127) under the Act of August 24, 1966 (80 Stat. 350; 7 U.S.C. 2131 et seq.), commonly known as the Laboratory Animal Welfare Act, notice is hereby given that, as of December 1, 1967, the following persons were licensed as dealers under said Act and regulations as indicated below:

ALABAMA

G. R. Floyd and E. A. Marchand, partners, Route 1, Box 235D, McDonald Road, Irvington 36544.
Claude Hancock, Route 2, Section 35771.

ARKANSAS

George J. E. Holzwarth, doing business as George J. E. Holzwarth Co., Post Office Box 186, Fayetteville 72701.

CALIFORNIA

AZO Research Associates, 1205 San Pablo Avenue, Berkeley 94710.
Henry K. Knudsen, doing business as Knudsen's Biological Supplies, J 12488 South, Highway 50, Lathrop 95330.
Charles V. Means, Jr., doing business as California Caviary, 10830 Prairie Avenue, Inglewood 90303.

DELAWARE

J. Merrel Shockley, Route 1, Delmar 19940.

DISTRICT OF COLUMBIA

George Mazur Enterprises, Inc., 77 Eye Street SE., Washington 20003.

FLORIDA

Dawson Research Corp., 114 West Grant Avenue, Orlando 32806.
Olin D. Tisdale Farm, Route 1, Century 32535.

ILLINOIS

John C. Akers, doing business as Sailfin Pet Shop, 104 North Sixth Street, Champaign 61820.
Ani-Lab Corp., 196th and Route 54, Homewood 60430.
Oscar V. Calanca, doing business as Calanca's Beagles, Rural Route 1, Box 175, Grayslake 60030.
Don A. Carlson and Carl S. Carlson, partners, doing business as Viking Kennels, 238 Sanders Road, Deerfield 60015.
Dr. Lawrence G. Clark and Edwin W. Short, partners, doing business as Roseland Research, Route 1, Box 15, Crete 60417.
CWC, Inc., Beecher 60401.
General Foods Corp., c/o Gaines Research Kennels, Rural Route 3, St. Anne 60964.
George Lomax, Opdyke 62872.
Moline Dog Pound, 1701 First Avenue, Moline 61265.
Robert R. Motsinger, doing business as Robert Motsinger Kennel, Rural Route 2, St. Joseph 61873.
Omis Corp., 504 North Parside Avenue, Chicago 60644.
Bertha Peterson, 1607 Delaney Road, Gurnee 60031.
Southern Illinois Farms, Valmeyer 62295.
Lewis N. Warren, Box 125, Pana 62557.

INDIANA

American Animal Industries, Inc., Rural Route 3, Box 303A, Sheridan 46069.
Atlantic Kennels, Inc., Rural Route 1, Box 167, Zionsville 46077.
Robert A. Everett, doing business as Oakdale Farm and Kennel, Rural Route 5, Decatur 46733.
David W. Wilson, doing business as Wilson Small Animal Farm, Rural Route 3, Box 91, Vincennes 47591.
Alton S. Windsor, Sr., doing business as Windsor Biology Gardens, Box 1210, Bloomington 47401.
Harry K. Zook, doing business as Maple Hill Kennel, Rural Route 5, Martinville 46151.

IOWA

Dewey Adams, 514 North Kent Street, Knoxville 50138.
Henry F. Bockenstedt, R.F.D. 1, Earlville 52041.
Coralea Hull, Rural Route 1, Weldon 50264.
Dave Irving, Route 1, Charlton 50049.
Robert R. Lauer, doing business as Lauer's Kennels, 1210 Home Park Boulevard, Waterloo 50701.
Elmer B. Scherbring, doing business as Clearview Kennels, Box 106, Earlville 52041.

KANSAS

Charles M. Brink, Route 2, Box 13, Paola 66071.
Dale Sappington, 5245 Merriam Lane, Merriam 66203.

KENTUCKY

Earl Peeback, doing business as Bourbon County Dog Pound, County Farm, Ruddles Mills Road, Route 3, Paris 40361.
William A. Newman, Star Route, Beech Creek 42321.
M. E. Northcutt, doing business as Goodwill Kennels, Rural Route 5, Cynthiana 41031.
J. W. Toombs, Moreland 40454.

MAINE

The Jackson Laboratory, Otter Creek Road, Bar Harbor 04609.

MARYLAND

W. L. Eckert, Harney Road, Taneytown 21787.
Edgar E. Walls, Jr., Route 1, Box 57A, Centreville 21617.

MASSACHUSETTS

Dr. Thomas Boria, doing business as Scientific Breeding Laboratory, 1108 Main Street, Worcester 01603.
John Czepiel, 26 Paderewski Avenue, Chicopee 01013.
Dr. Orville H. Drumm, doing business as O'Malley Animal Hospital, 100 Boylston Street, Clinton 01510.
Alvin C. Finch, doing business as Pineland Farm Kennels, Leonard Street, Raynham 02767.
Vincent R. Malone, 42 Oakland Street, Medway 02053.
Roma Kennels, Inc., Main Street, Dunstable 01827.

MICHIGAN

Heric Fehrenbach, doing business as H-Bar-B Research Beagles, 201 Main Street, Essexville 48732.
Grant Hodgins, doing business as Hodgins Kennel, 6110 Lange Road, Howell 48843.
Laboratory Research Enterprises, 5040 Meredith Road, Kalamazoo 49002.
Edward Radzilowski, doing business as Meadow Brook Farms and Co., 10533 Gratiot, Richmond 48062.
Tri-Co Research Projects, Inc., 314 South Sherwood Avenue, Plainwell 49080.

MINNESOTA

Delores N. Beise, Route 4, Hastings 55033.
Melvin Beise, Jordan 55352.
James Goebel, Janesville 56048.
Earland Guetzkow, New Germany 55367.
Donald Hippert, Kasson 55944.
Ben M. Kruger, Hayfield 55940.
Allen W. LaFave, 402 Third Street SE., East Grand Forks 56721.

Norman L. Larson, doing business as Wayside Kennels, Route 2, Box 449, Long Lake 55336.
Math Serger, Watkins 55389.
M. J. Wachlin, Sargeant 55973.

MISSISSIPPI

Holley Vanlandingham, Post Office Box 133, Vardaman 38878.

MISSOURI

Bill Adams, doing business as Adams Kennels, 602 North Allen, Marshall 65340.
Wanda Barnfield, doing business as Bar-Wan Rabbitry and Kennel, Route 1, Box 60, Crocker 65452.
Elmer G. Hines, doing business as Sho-Me Kennels, Rural Route 1, Grain Valley 64029.
Woodrow W. Huffstutler, Vienna 65582.
Dr. M. L. McGown, 208 East Church Street, Aurora 65605.
Harold Miller, Granger 63442.
Dick Palmer, doing business as Palmer's Livestock Farm, Rural Route 2, Box 186, Liberal 64762.
Charles E. Sharp, D.O., and Roy Woods, partners, doing business as Calleo Animal Welfare, Box D, Calleo 63534.

MONTANA

Earl M. Pruyn, doing business as Pruyn Veterinary Hospital, 1515 Livingston, Missoula 59801.

NEBRASKA

Mrs. Kenneth Campbell, South Fulton, Falls City 68355.
Sam A. Gross, Shickley 68436.
Harold Hansen and Viola Hansen, partners, Route 2, Hooper 68031.
Clarence E. Hayes, 7732 Main Street, Ralston 68127.
Richard McGinnis, Route 3, Omaha 68123.
Mrs. Sylvia Meisinger, Rural Route 1, Ashland 68003.

NEW HAMPSHIRE

Henry Bickford, Goose Pond Road, Lyme Center 03769.
John B. Simpson, Pike 03780.

NEW JERSEY

James Joseph Barton and Edward D. Barton, partners, doing business as Barton's West End Farms, Rural Delivery 1, Box 45, Hackettstown 07840.
Carl Calabrese, doing business as Eastcoast Animal Supply, 477 North Main Street, Lodi 07644.
Henry Christ, Box 217, Marlboro Road, Old Bridge 08857.
George Clauss, 18–19 Saddle River Road, Fairlawn 07410.
Howard E. Doolittle, doing business as H Bar D Farms, Rural Delivery 1, Box 103, Lafayette 07848.
John W. Jaeger, doing business as John W. Jaeger Enterprises, Post Office Box 345, Rural Delivery 1, Sussex 07461.
K-G Farms, Inc., 3651 Hill Road, Parsippany 07054.
Donald Munson, doing business as Munson Farms, Almond Road, Norma 08347.
Ernest Parker and Walter H. Daniels, partners, doing business as West Jersey Kennels, Lindenwold 08021.
Price Laboratories, Inc., 2367 Lakewood Road, Toms River 08753.
Valley Farms, Post Office Box 585, West Paterson 07424.
Lloyd D. Wenger, doing business as Wenger Pet Farm, Box 235, Oxford 07863.
James E. Williams, doing business as Hilldale Farms, Box 728, Dutchmill Road, Franklinville 08322.

NEW YORK

Abark, Inc., Route 17-M, M.D. 1, Monroe 10950.
E. J. Argetsinger, 203 Pine Tree Road, Ithaca 14850.
Ronald M. Barlow, doing business as Barlow Research Animals, Ridge Road, Pompey 13138.
Beagles for Research, Inc., White Sulphur Springs 12787.
Mrs. Eugenia K. Bean, Rural Route 3, Iowa Road, Moravia 13118.
Claude Benjamin, doing business as Lake Brook Kennel, Hobart 13788.
Cornell Dog Farm—New York State College of Agriculture at Cornell University, 37 Sapsucker Woods Road, Ithaca 14850.
Dr. Thomas M. Flanagan, doing business as Grouse Ridge Kennel's, Manley Road, Norwich 13815.
Food and Drug Research Laboratories, Inc., Maurice Avenue at 58th Street, Maspeth 11378.
Arthur F. Keicher, 948 South French Road, Cheektowaga 14225.
Kinwood Farm, Inc., Rural Delivery 1, Mannsville 13661.
Marshall Research Animals, Inc., North Rose 14516.
Steven Molnar, 231 Union Street, Box 182, Hudson 12534.
Clarence Morey, Rural Delivery 2, Waverly 14892.
J. J. Nowak, doing business as J. J. Nowak Kennels, 4347 Broadway, Depew 14043.
Michael Partisky, Route 52, Holmes 12531.
Robert W. Steedman, North Road, Leroy 14482.
Donald L. Stumbo, doing business as Stumbo Farms, Reed Road, Lima 14485.
Eugene E. Wells, Box 174, Springfield Center 13468.
Western New York Animal Resources, Inc., 10 Boston Road, Ontario 14519.
Warren H. Wilson, Shay Road, Middlesex 14507.

OHIO

Paul Anthony, Route 1, Trestle Road, St. Paris 43072.
Carrol Blue, doing business as Blue's Animal Farm, Route 1, Plain City 43064.
James C. Cotrell and George F. Cotrell, partners, doing business as Cotrell Farm and Kennel, Route 1, Fort Laramie 45845.
Romeo Marchetti and Quintino Marchetti, partners, doing business as Roe-Quinn Kennels, 16728 Route 700, Burton 44021.
Frank H. Maxfield, doing business as Maxfield Animal Supply, Box 44004, 3192 Little Dry Run Road, Cincinnati 45244.
A. W. Sterrett, doing business as A. W. Sterrett Laboratory Animals, 2223 Savoy Avenue, Akron 44305.

OKLAHOMA

Charles Alexander, doing business as Alexander's Kennels, Route 1, Wayne 73095.

OREGON

James Dennis, 332 A Street, Vernonia 97064.
Percy A. Powers, doing business as Gresham Veterinary Clinic, 520 Northwest Division, Gresham 97030.
Robert Shoemake, doing business as R. G. Kennels, 17225 Southeast McLoughlin Boulevard, Milwaukie 97222.

PENNSYLVANIA

The Buckshire Corp., Ridge Road, Route 1, Perkasie 18944.
Dierolf Farms, Inc., Post Office Box 26, Rural Delivery 2, Boyertown 19512.
Sam Esposito, Box 137, Rural Delivery 1, Quakertown 18951.
Patricia Haab, Daisy M. Grosso, and Walter Haab, partners, doing business as Pocono Rabbit Farm and Laboratory, Dutch Hill Road, Canadensis 18325.
W. J. Haas, doing business as Three Springs Kennels, 146 Bascom Street, Pittsburgh 15214.
Haycock Kennels, Inc., Rural Delivery 4, Quakertown 18951.
Charles Hazzard, doing business as North Creek Kennels, Box 121, West Chester 19380.
M. L. Kredovski, doing business as Lone Trail Kennels, Post Office Box 46, Friedensburg 17933.
Dale M. Lightner and Myrtle M. Mehring, partners, doing business as The Orange and Black Farm, Rural Delivery 5, Hanover 17331.
William R. Miller, doing business as Broken Arrow Kennels, Box 111, McConnelsburg 17233.
Vincent Neamond and Janet Neamond, partners, doing business as White Eagle Farms, 2015 Lower State Road, Rural Delivery 3, Doylestown 18901.
George F. Pierce, doing business as Pleasant View Kennel, Box 131, Rural Delivery 3, Hummelstown 17036.
Harry Pratt, doing business as Pratt Laboratories, 1739 South 54th Street, Philadelphia 19143.
Frances V. Stinson, doing business as Hy-Line Beagles, Kellers Church Road, Bedminster 18910.
Marlin U. Zartman, Rural Delivery 2, Douglassville 19518.

RHODE ISLAND

James Leo Burke, doing business as Shangri-La Kennels, 750 Greenville Avenue, Johnston 02919.

TENNESSEE

Barney, Inc., 4119 Hillsboro Road, Nashville 37215.
Terrell Fisher, Route 1, Greenbrier 37073.
William L. Hargrove Jr., West Avenue, Medina 38355.
James B. Wampler, doing business as Rocky Mountain Kennels, Post Office Box 991, Cleveland 37311.

TEXAS

Carmon Nichols, doing business as Carmon Nichols Kennels, 100 South Elm Street, Bonham 75418.
Dr. James E. Teague, doing business as Dublin Veterinary Clinic, Post Office Box 206, Dublin 76446.
Carl Walden, doing business as Clayco Kennels, Box 506, Henrietta 76365.

UTAH

Thomas F. Imlay, doing business as Dogs for Research, 4996 South Redwood Road, Murray 84107.

VERMONT

Allen Clark, Box 171, Hartford 05047.
Harold I. Johnson, Star Route 2, Windsor 05089.
Richard Frank Lahue, doing business as Shady Maples Animal Farm, Box 132, East Berkshire 05447.

VIRGINIA

ANTEC Corp., 1162 Daleview Drive, McLean 22101.
Dublin Laboratory Animals, Inc., Box 875, Dublin 24084.
Sidney J. Edwards, 2014 West Norfolk Road, Chesapeake 23703.
Hazelton-Saunders, Inc., Post Office Box 8, Midlothian 23113.
Leslie H. Judd and Ronnie Judd, partners, doing business as Rockey Lane Kennels, Route 1, Edinburg 22824.
Noel E. Leach, doing business as Leach Kennels, Route 3, Chase City 23924.
Jack T. Musick, 2333 Shakeville Road, Bristol 24201.
Earl Saunders, doing business as Myers Creek Kennel and Supply Co., Route 2, Box 666, Lancaster 22503.

John F. Thompson, R.F.D. 2, Box 63, Saltville 24370.
E. W. Wilson, Box 413, Tazewell 24651.

WASHINGTON

H. D. Cowan, 18015 140th Avenue SE., Renton 98055.
Robert L. Dry and Margot F. Dry, partners, doing business as Berliner Zwinger Kennels, Route 1, Box 302, Colbert 99005.
Charles C. Kruger, D.V.M., doing business as Schaferhaus Kennels, 33707 30th Avenue South, Auburn 98002.
Mrs. Janet R. Wilcox, doing business as Jareaux Kennels, 26607 Pacific Highway South, Kent 98031.

WEST VIRGINIA

Mrs. Ella Jane Custer, doing business as Custer's Boarding, Kennels, Dallas Pike, Triadelphia 26059.
John F. Troxell, doing business as The "Show Me" Farm, Route 4, Box 197d, Martinsburg 25401.

WISCONSIN

Fred J. Barr, doing business as Bar Beagle Kennels, Route 2, Greenwood 54437.
Richard Bubolz, R.F.D. 2, Rio 53960.
Mrs. Doris Carlstrom, Ellsworth 54011.
John W. Evans, doing business as Merry Hill Kennel, Route 1, Box 177, Sun Prairie 53590.
Felix A. Hartmeister, doing business as Northern Biological Supply, 455 South Arch Avenue, New Richmond 54017.
Walter Peuschel, 13101 North Wauwatosa Road, 76 West, Mequon 53092.
Ridglan Farms, Inc., 301 West Main Street, Mount Horeb 53572.
Joseph R. Schettle Frog Farm, Inc., Houlton.
Leonard Tauber, Route 1, Waldo 53093.
Stanley Wilke, R.F.D. 2, Waunakee 53597.

Done at Washington, D.C., this 19th day of December 1967.

E. E. SAULMON,
Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 67-14917; Filed, Dec. 21, 1967; 8:50 a.m.]

Office of the Secretary

INDIANA, OHIO, AND TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Indiana, Ohio, and Texas, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

INDIANA

Adams.	Grant.
Allen.	Hamilton.
Benton.	Hendricks.
Blackford.	Henry.
Boone.	Howard.
Cass.	Huntington.
Clay.	Jasper.
Decatur.	Jay.
De Kalb.	Kosciusko.
Elkhart.	Lagrange.
Fayette.	Lake.
Fountain.	La Porte.
Fulton.	Marion.
Marshall.	Steuben.
Miami.	Sullivan.
Montgomery.	Tippecanoe.
Morgan.	Tipton.
Newton.	Union.
Noble.	Vermillion.
Parke.	Vigo.
Porter.	Wabash.
Pulaski.	Warren.
Putnam.	Wayne.
Rush.	Wells.
St. Joseph.	Whitley.
Starke.	

OHIO

Allen.	Madison.
Ashtabula.	Mercer.
Auglaize.	Morrow.
Brown.	Ottawa.
Champaign.	Paulding.
Clark.	Putnam.
Defiance.	Richland.
Delaware.	Sandusky.
Erie.	Seneca.
Fulton.	Van Wert.
Hancock.	Williams.
Highland.	Wood.
Huron.	Wyandot.
Lucas.	

TEXAS

Van Zandt.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

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

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-14861; Filed, Dec. 21, 1967; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

UNIVERSITY OF WASHINGTON MEDICAL SCHOOL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00169-33-46040. Applicant: University of Washington Medical School, Department of Pathology, Seattle, Wash. 98105. Article: Electron Microscope, Model EM6-B, and Anticontamination Device. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The article will be used in research projects that include studies of amyloid fibers, morphologic variations of elementary particles of mitochondrial membranes, renal ultrastructure, various disease tissue, and experimentally altered tissues. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which the article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article provides a guaranteed resolution of 5 Angstroms. The only known domestic instrument, the Model EMU-4 electron microscope manufactured by the Radio Corporation of America (RCA), provides a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolution.) For the purposes for which the foreign article is intended to be used, the additional resolving capabilities of the foreign article are pertinent. (2) The foreign article provides 5 accelerating voltages, 30, 40, 50, 60, and 80 kilovolts, whereas the RCA Model EMU-4 provides only two accelerating voltages, 50 and 100 kilovolts. It has been experimentally established that the lower accelerating voltage of the foreign article affords optimum contrast for unstained biological specimens and that the voltages intermediate between 50 and 100 kilovolts afford optimum contrast for negatively stained specimens. For the purposes for which the foreign article is intended to be used, the additional accelerating voltages provided by the foreign article are pertinent.

For the foregoing reasons, we find that the RCA Model EMU-4 electron microscope is not of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used which is being manufactured in the United States.

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

[F.R. Doc. 67-14885; Filed, Dec. 21, 1967; 8:49 a.m.]

LOUISIANA 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 pur-

poses for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Office of Scientific and Technical Equipment, Business and Defense Services Administration, Washington, D.C. 20230, within 20 calendar days after date on which this notice of application is published in the FEDERAL REGISTER.

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

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

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose 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. 68-00246-00-76560. Applicant: Louisiana State University in New Orleans, Lakefront, New Orleans, La. 70122. Article: Extension for Steinheil Universal Spectrograph. Manufacturer: Optische Werke C.A. Steinheil Soehne, GMBH, West Germany. Intended use of article: The article will be used as a high (f/4) aperature attachment for the Steinheil Universal Spectrometer now used at the applicant institution. Application received by Commissioner of Customs: November 22, 1967.

Docket No. 68-00247-15-40500. Applicant: Bartol Research Foundation, Whittier Place, Swarthmore, Pa. 19081. Article: Automatically Controlled Fabry-Perot Interferometer. Manufacturer: Scientific Optical Laboratories of Australia, Pty. Ltd., Australia. Intended use of article: Applicant states: The article will be used for "astronomical research." Application received by Commissioner of Customs: November 22, 1967.

Docket No. 68-00249-33-46040. Applicant: University of Pennsylvania, Administrative Offices, Philadelphia, Pa. 19104. Article: Electron Microscope, Model Elmiskop IA, and attachments. Manufacturer: Siemens AG, West Germany. Intended use of article: The article will be used to continue studies of central nervous system disorders with special concentration on morphological studies of membrane systems and of particles of probable viral nature by analysis of subunit structures. The applicant lists 44 publications as references to these intended uses. Application received by Commissioner of Customs: November 27, 1967.

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

[F.R. Doc. 67-14886; Filed, Dec. 21, 1967; 8:49 a.m.]

NEW HAVEN COLLEGE

Notice of Applications for Duty-Free Entry of Scientific Articles

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

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

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

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose 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. 68-00250-01-77030. Applicant: New Haven College, 300 Orange Avenue, West Haven, Conn. 06505. Article: Nuclear Magnetic Resonance Spectrometer, Model JNM-C-60H, with 60 MHz RF unit and probe for observing proton resonance with other attachments for other nuclei studies. Manufacturer: Japan Electron Optics Laboratory Co., Inc., Japan. Intended use of article. The article will be used for teaching purposes and various specific analytical chemistry research projects as listed in the application. Application received by Commissioner of Customs: November 27, 1967.

Docket No. 68-00251-33-46040. Applicant: Stanford University, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Electron Microscope, Model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article will be used to correlate morphological observations with biochemical findings. The observations will include localization and description of developing subcellular organelles as well as development of morphological criteria for recognition of cells growing in tissue culture. Localization of specific enzyme proteins on particular membrane structures during development will also be studied. Application received by Commissioner of Customs: November 27, 1967.

Docket No. 68-00252-01-77030. Applicant: East Tennessee State University, Johnson City, Tenn. 37601. Article: Nuclear Magnetic Resonance Spectrometer, Model JNM-C-60H with attachments. Manufacturer: Japan Electron Optics Laboratory Co., Inc., Japan. Intended use of article: The article will be used for teaching purposes and various specific analytical chemistry research projects as listed in the application. Application received by Commissioner of Customs: November 28, 1967.

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

[F. R. Doc. 67-14887; Filed, Dec. 21, 1967; 8:49 a.m.]

UNIVERSITY OF MISSOURI ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

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

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

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

A copy of each comment filed with the Director of the Office of Scientific and Technical Equipment must also be mailed or delivered to the applicant, or its authorized agent, if any, to whose 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. 68-00242-01-77040. Applicant: University of Missouri at Rolla, General Services Building, Purchasing Department, Rolla, Mo. 65401. Article: Mass Spectrometer, Model Atlas GD-150. Manufacturer: Atlas Messund AnalysenTechnik GMBH, West Germany. Intended use of article: The article will be used for graduate teaching and research at the applicant institution. The application further shows that the instrument will be used for the kinetic measurement of one isotope in a particu-

lar mass range and that the mass range of remaining isotopes may be studied by a determination of the isotope ratios in that mass range. Investigations will be conducted over a period of several days duration as the isotope composition is of low abundance. Application received by Commissioner of Customs: November 17, 1967.

Docket No. 68-00243-80-46040. Applicant: The City College Research Foundation of The City College of New York, 138th Street and Convent Avenue, New York, N.Y. 10031. Article: Electron Microscope, Model EM 300 with Plate Camera, Rotating Tilting Stage, High Temperature Holder, Low Temperature Holder, Temperature Control, Decontamination Device, High Resolution Diffraction Attachment, Water Recirculator, 70-mm. Film Holder equipped with Auto Translation between exposures, TV display witth Plumbicon, monitor and recorder. Manufacturer: Philips Electronics NVD, The Netherlands. Intended use of article: Applicant states:

. . . [The article will be used for] investigation of the fine structure of materials in such diverse disciplines as biology, metallurgy, polymers, ceramics, as well as physical and organic chemistry.

Projects which will involve immediate use of this facility are cited below:

1. The morphology and structure of organic polymer crystals.
2. The structure of protozoan cell membranes.
3. Cryptocotyle lingua and its significance for problems of trematode structure and function.
4. Analytic and odor studies of organic aerosols in air.
5. The mechanism of particle nucleation in emulsion polymerization.
6. Fundamentals of the oxidation protection of columbium and tantalum.
7. Vacuum deposition of aluminum oxide and the refractory metals to form coatings and structures.
8. Hard facing of steel by vacuum deposition for high temperature dies.

Application received by Commissioner of Customs: November 17, 1967.

Docket No. 68-00244-60-73610. Applicant: University of Hawaii, Plant Pathology, 1825 Edmundson Road, Henke Hall, Room 311, Honolulu, Hawaii 96822. Article: Spore Trap, Model T 13500/1007. Manufacturer: C. F. Casella & Co., Limited, United Kingdom. Intended use of article: Applicant states: "[The article will be used for the] sampling of air to determine what types of micro spores are present volumetrically and by the hour." Application received by Commissioner of Customs: November 22, 1967.

Docket No. 68-00245-33-46040. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street, Cambridge, Mass. 02138. Article: Electron Microscope, Model EM 200. Manufacturer: Philips Electronics N.V.D., The Netherlands. Intended use of article: Applicant states:

The electron microscope will be used for continuing research programs in medical and biological research. The project includes diverse activities, some of which are outlined below:

a. Study of the fine structure of the junctional complexes in epithelia, mesothelia, and endothelia.* * *

b. Fine structural investigation of the localization of various enzymes in skeletal muscle, cardiac muscle, and interstitial cells of the testes.* * *

c. Study of a large variety of pathological lesions both in experimental animals and in the human disease, specifically related to states of acute and chronic inflammation.* * *

d. Study of interactions between macrophages and red cells under immunological conditions.* * *

Application received by Commissioner of Customs: November 22, 1967.

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

[F.R. Doc. 67-14888; Filed, Dec. 21, 1967; 8:49 a.m.]

OHIO STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00122-85-91000. Applicant: The Ohio State University, 190 North Oval Drive, Columbus, Ohio 43210. Article: Stereoplotter, Model B-8 Aviograph. Manufacturer: Wild Heerbrugg Instruments, Inc., Switzerland. Intended use of article: Applicant states:

* * * The instrument embodies the principle of optical-mechanical system geared to medium and small scale mapping from wide and super wide angle photographs * * *. The B-8 Stereoplotter is to be used in the instruction of the optical mechanical principle in stereophotogrammetry and the instruction and research in mapping and revision of topographic maps at medium scales, compilation of small-scale maps from aerial photographs, investigation based on aerial wide and super wide angle images for scientific and engineering purposes.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is intended to be used for graduate research and instruction in the principles of stereophotogrammetry. The only known domestic photogrammetric instruments are either completely automatic or are of a highly complex design that is not generally used in photogrammetric laboratories. Neither of these two classes of photogrammetric instruments are suitable for the purposes for which the foreign article is intended to be used.

The Department of Commerce therefore finds that no instrument of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States.

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

[F.R. Doc. 67-14889; Filed, Dec. 21, 1967; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68-00087-33-46040. Applicant: U.S. Department of Agriculture, Agricultural Research Service, Crops Research Division, Plant Industry Station, Beltsville, Md. 20705. Article: Electron Microscope, Model EM-200 with power supply cabinet, specimen-chamber cooling device, heated objective aperture with power supply, closed circuit water cooling unit with automatic water shut off. Manufacturer: N. V. Philips, Holland. Intended use of article: Applicant states:

The instrument for which free entry is requested will be used for determination of both gross particle morphology and particle size and for studies of internal particle structure, including studies of virus synthesis and degradation. Development of viral inclusions will also be studied within the cell.

The instrument will also be used to study subcellular structure including mitochondria, plastids and other cell organelles.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article provides accelerating voltages of 40, 60, 80, and 100 kilovolts. The only known comparable domestic instrument, the Model EMU-4 electron microscope manufactured by the Radio Corporation of America (RCA), provides accelerating voltages of only 50 and 100 kilovolts. It has been experimentally established that

the lower accelerating voltage provided by the foreign article affords optimum contrast for unstained specimens and that the voltages intermediate between 50 and 100 kilovolts afford optimum contrast for negatively stained specimens. We find the additional accelerating voltages provided by the foreign article to be pertinent to the purposes for which such article is intended to be used. (2) The foreign article provides a magnification range from 300 × to 350,000 × whereas the RCA Model EMU–4 provides a magnification range from 1,400 × to 200,000 ×. For the purposes for which the foreign article is intended to be used, we find that magnifications from 400 × to 250,000 × are necessary.

For the foregoing reasons, we find that the RCA Model EMU–4 is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 67–14890; Filed, Dec. 21, 1967; 8:49 a.m.]

UNIVERSITY OF NORTH CAROLINA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651; 80 Stat. 897) and the regulations issued thereunder (32 F.R. 2433 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Scientific and Technical Equipment, Department of Commerce, Room 5123, Washington, D.C. 20230.

Docket No. 68–00105–33–46040. Applicant: University of North Carolina, Center for Research in Pharmacology and Toxicology, Research Triangle Institute, Research Triangle, Chapel Hill, N.C. 27514. Article: Electron Microscope EM6B and Plate Desiccator. Manufacturer: Associated Electrical Industries, Ltd., England. Intended use of article: Biological research which involves: (1) Developing and applying techniques for high-resolution autoradiography of soluble compounds, (2) in the fields of pharmacology and toxicology the localization of drug concentrations within cell structures at the biomolecular level requiring the ultimate in resolution. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, is being manufactured in the United States. Reasons: (1) The foreign article provides a guaranteed resolution of five Angstroms. The only known comparable domestic instrument, the Model EMU–4 electron microscope manufactured by the Radio Corporation of America (RCA), provides a guaranteed resolution of 8 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolution.) For the purposes for which the foreign article is intended to be used, we find the difference between 5 and 8 Angstroms in resolution to be pertinent. (2) The foreign article provides five accelerating voltages, 30, 40, 50, 60, and 80 kilovolts, whereas the RCA Model EMU–4 provides only two accelerating voltages, 50 and 100 kilovolts. It has been experimentally established that the accelerating voltages below 50 kilovolts afford the optimum contrast for unstained biological specimens and that the accelerating voltages intermediate between 50 and 100 kilovolts afford the optimum contrast for negatively stained specimens. We therefore find that the accelerating voltages provided by the foreign article, but not possessed by the RCA Model EMU–4 electron microscope are pertinent to the purposes for which the foreign article is intended to be used.

For the foregoing reasons, we find that the RCA Model EMU–4 electron microscope is not of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for the purposes for which such article is intended to be used, which is being manufactured in the United States.

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

[F.R. Doc. 67–14891; Filed, Dec. 21, 1967; 8:49 a.m.]

Office of the Secretary

[Dept. Order 5–B]

ECONOMIC DEVELOPMENT ADMINISTRATION

Organization and Functions

This order supersedes the material appearing at 31 F.R. 16729, December 30, 1966; and 32 F.R. 10386, July 14, 1967.

SECTION 1. *Purpose.* The purpose of this order is to prescribe the organization and assignment of functions within the Economic Development Administration.

SEC. 2. *Organization structure.* The principal organization structure and line of authority of the Economic Development Administration shall be as depicted in the attached organization chart.

SEC. 3. *Functions of the Office of the Assistant Secretary for Economic Development.* .01 The Assistant Secretary directs the programs and is responsible for the conduct of all activities of the Economic Development Administration subject to the policies and directives prescribed by the Secretary of Commerce. He assists the Secretary in the general supervision and coordination of the Federal cochairmen and in the resolution of policy questions between the Federal cochairmen, the Federal Development Committees and other Federal agencies.

.02 The Deputy Assistant Secretary directs and coordinates the Area Offices, assists the Assistant Secretary in all matters affecting the Economic Development Administration, and performs the duties of the Assistant Secretary during the latter's absence.

SEC. 4. *Functions of the Office of the Deputy Assistant Secretary for Policy Coordination.* The Deputy Assistant Secretary for Policy Coordination, as the principal advisor to the Assistant Secretary on matters of policy coordination shall:

a. Exercise responsibility for EDA's interagency and intergovernmental relations and its relations with those quasi-public and private agencies interested in economic development;

b. Develop policies for improving Federal, State, and local government economic development programing;

c. Provide staff assistance in defining policy issues, coordinate the development and formulation of policy for consideration by the Assistant Secretary, explain the position of the Administration, and exercise principal staff responsibility for policy review and evaluation;

d. Represent the Administration on international organizations when so designated;

e. Coordinate and manage Administration representation on interagency committees;

f. Serve as Executive Secretary and, as required, provide or arrange for staff support for the National Public Advisory Committee on Regional Economic Development;

g. Act as an alternate to the Assistant Secretary in serving as Chairman of EDA's Policy Planning Board and provide secretariat services for the Policy Planning Board; and

h. Review and evaluate legislative and administrative proposals related to economic development and intergovernmental relations for substantive and policy implications.

SEC. 5. *Functions of the Office of the Deputy Assistant Secretary for Economic Development Planning.*—.01 The Deputy Assisant Secretary for Economic Development Planning is the principal advisor to the Assistant Secretary on matters of development planning. Through the offices reporting to him, he shall:

a. Coordinate and direct EDA economic development planning relating to regions, districts (including economic development centers), redevelopment areas, and other areas of substantial need;

b. Formulate and recommend to the Assistant Secretary standards and criteria for administration of economic development planning by Area Officers;

c. Inform the Deputy Assistant Secretary for Policy Coordination of signifi-

cant developments and problems affecting interagency and intergovernmental development planning for regions, districts, and areas;

d. Maintain an information system to support development planning in regions, districts, and redevelopment areas, and to support program evaluation, budget planning and reporting, and administrative control of project applications and projects;

e. Maintain a central reference collection of economic development materials;

f. Designate economic development districts, economic development centers, redevelopment areas, and Title I areas which fulfill the statutory criteria;

g. Conduct an annual review of the areas and districts designated for assistance under the Act and make such modifications or terminations of eligibility as may be appropriate;

h. Provide economic data, analyses, and studies, and, in coordination with the Deputy Assistant Secretary for Economic Development Operations, provide administrative funds to Regional Commissions, and planning grants to development districts and areas;

i. Recommend technical assistance proposals for areas, districts, and regions; and

j. Provide a principal point of liaison with and support to the Federal cochairmen and Regional Commissions.

.02 The Deputy Assistant Secretary for Economic Development Planning shall direct and supervise the following organization elements:

a. The Office of Regional Development Planning which shall:

1. Provide and evaluate information to aid the Assistant Secretary in designating economic development regions, and subsequently, in modifying their boundaries, in accordance with provisions of the Act;

2. Assist States to establish Regional Action Planning Commissions (hereinafter called "Regional Commissions") within designated regions;

3. Develop suggested criteria, methods, and guidelines for use by the Regional Commissions in developing economic development programs;

4. Provide, on request, staff assistance to the Regional Commissions in preparing work and study programs for regional development planning;

5. Advise Regional Commissions on the consistency and compatibility of regional plans and programs with Federal programs and policies and on the regional implications of national, social, economic, and technological trends;

6. Arrange for administrative and informational services for the Regional Commissions, including the following: budgeting, publications, office, statistical, library, map and graphics;

7. Develop suggested program innovations to prevent regional decline and accelerate regional growth based on studies and research findings on the nature, causes, and processes of regional growth and decline;

8. Specify requirements for research, technical assistance, and similar services to the appropriate offices of EDA and assist those offices, as required, in arranging and monitoring such research, technical assistance, and other activities;

9. Serve as a source of information and special services for domestic and international regional development planning;

10. Develop program guidance in order to facilitate the coordination of efforts among EDA offices and with the Regional Commissions; and

11. Provide staff assistance and support to the Federal cochairmen of the Regional Commissions.

b. The Office of Development Districts which shall:

1. Design and carry out a program to establish multicounty development districts in consultation and with the assistance and cooperation of EDA Area Offices, and with the concurrence of the States affected;

2. Advise and assist Area Offices in implementing economic planning activities after the formal designation of Economic Development Districts (EDD);

3. Initiate policy guidelines and criteria concerning the economic development district program for use by other elements of EDA, and by appropriate State and local agencies;

4. Evaluate and approve proposed economic development district organizations and programs for economic soundness, and for compatibility with the requirements and intent of Title IV, part B of the Act;

5. Assist State and local efforts to organize economic development districts, including the preparation of district Overall Economic Development Programs (OEDP's) and the recruitment of professional staff;

6. Develop and recommend model EDD administrative budgets, planning programs, reporting procedures, and job specifications;

7. Provide guidance to EDD organizations on the techniques and methods of district economic analysis, budgeting, and program planning;

8. Maintain a system of records to indicate progress as compared to planned objectives on all grants made under section 301(b) of the Act;

9. Evaluate, recommend approval, and administer planning grants made under the Act to State and district agencies;

10. Evaluate and recommend candidates for appointments to professional staff positions in economic development districts;

11. Recommend the designation and/or termination of economic development districts and economic development centers;

12. Promptly advise interested Federal, State, and local agencies of all changes affecting the eligibility status of existing or proposed economic development districts;

13. Prepare and distribute maps and related materials showing organizational and designation status of economic development districts; and

14. Formulate planning and development policies and procedures for guiding the preparation and submittal of District OEDP's, including the establishment of policies and standards for their review by Area Offices.

c. The Office of Area Planning and Program Support which shall:

1. Develop and maintain a system for the collection, compilation, and reporting of project statistics for planning, operational, and program management purposes;

2. Have prime responsibility for coordinating the preparation and distribution of Area Policy Papers;

3. Develop through these Area Policy Papers an analysis of redevelopment areas and a recommended strategy for each area's economic development to include a system of priorities for EDA's financial assistance;

4. Develop, evaluate, and recommend approval of planning assistance grant applications in redevelopment areas not located in economic development districts, and monitor planning assistance projects for program content;

5. Provide reports on the demand for specified commodities and services, efficient capacity, and existing competitive enterprises in industries for use by the Deputy Assistant Secretary for Economic Development Operations in making determinations on excess capacity, pursuant to section 702 of the Act;

6. Administer a comprehensive economic and administrative information and data base system for the Administration;

7. Develop and recommend procedures for the preparation of redevelopment area and Title I area Overall Economic Development Programs (OEDP's) and policies and standards for their review and approval by Area Offices, and evaluate and maintain surveillance of the administration and certification of area OEDP's by Area Offices;

8. Determine whether an area meets the statistical criteria to qualify as a redevelopment area or a Title I area;

9. Initiate changes in the qualification status of redevelopment areas and Title I areas;

10. Initiate designation or change in the designation status of redevelopment or Title I areas;

11. Conduct an annual review of area eligibility and initiate termination of areas no longer eligible for designation;

12. Recommend minor adjustments in boundaries of redevelopment areas; and

13. Initiate suspension of the receipt and processing of all applications for assistance from areas and districts which fail to submit acceptable OEDP progress reports.

SEC. 6. *Functions of the Office of the Deputy Assistant Secretary for Economic Development Operations.*—.01 The Deputy Assistant Secretary for Economic Development Operations, through the offices reporting to him shall:

a. Provide coordinated direction of all EDA activities related to financial assistance for or to physical projects which will improve local economies and supervise the execution of this aspect of the EDA programs;

b. Recommend standards, policies and criteria for the technical evaluation and processing of project applications for financial assistance, including public works grants and loans, business loans, technical assistance and supplementary Appalachian assistance grants;

c. Direct, conduct, coordinate, monitor and, where appropriate, originate technical assistance projects (including management assistance and feasibility studies) subject to coordination with the Deputy Assistant Secretary for Economic Development Planning on proposed technical assistance projects related to area, district, center or regional planning;

d. Review and recommend approval or denial of project applications;

e. Evaluate activities of the Area Offices in applying policies, standards, and procedures for processing project applications to assure efficient, effective, and economical accomplishment of approved projects;

f. Execute agreements with other Federal departments and agencies in consultation with the Deputy Assistant Secretary for Policy Coordination for the conduct of specialized technical assistance; and

g. Study and devaluate the manpower development and training needs of redevelopment areas and of economic development districts, and recommend appropriate joint action with the Departments of Labor and Health, Education, and Welfare.

.02 The Deputy Assistant Secretary for Economic Development Operations shall direct and supervise the following organization elements:

a. The Office of Public Works which shall:

1. Recommend policies, standards and procedures for accepting, processing, reviewing, and approving requests for public works grants and loans, consistent with the procedures contained in the Act;

2. Review and recommend for approval or denial public works grant and loan project applications, and suggest alternate methods of financing where indicated;

3. Maintain surveillance, evaluate progress, and submit reports on the application by Area Offices of standards, policies, and procedures to assure efficient, effective, and economical accomplishment of the approved projects;

4. Arrange for services from other Federal agencies for the administration of approved public works grants and loans;

5. Maintain operating liaison with Federal agencies having grant-in-aid programs which may supplement EDA programs, and with those Federal agencies delegated responsibility for administering or servicing EDA projects; and

6. Plan and conduct a program to assure the orderly discharge of any Departmental responsibilities pursuant to section 214 of the Appalachian Regional Development Act of 1965.

b. The Office of Business Development which shall:

1. Recommend policies, standards, and procedures for processing and approving applications for financial assistance for industrial or commercial usage, consistent with the criteria contained in the Act;

2. Review applications for commercial or industrial loans and working capital guarantees, and recommend approval or denial;

3. Maintain surveillance over the implementation by Area Officers of policies, standards and procedures related to processing loan applications for business development to assure efficient, effective, and economical accomplishment of the business development programs;

4. Develop and implement EDA approved agreements with the Small Business Administration and other Federal agencies to secure support of the business development programs;

5. Monitor operations of industrial and commercial projects approved by the Administration, including outstanding loans for projects approved under provisions of the Area Redevelopment Act, and prepare reports of accomplishments;

6. Arrange for or provide needed specialized assistance to recipients of EDA industrial and commercial loans and guarantees and ARA loans;

7. Develop policies, plans, and procedures to improve or terminate projects in default of loan conditions;

8. Provide assistance in the liquidation of the affairs and functions conducted under the Area Redevelopment Act; and

9. Maintain operating liaison with other agencies concerned with the activities of this office.

c. The Office of Technical Assistance which shall:

1. Propose policies, standards, and procedures pertaining to the acceptance, review, and approval of requests for technical assistance, consistent with the criteria of the Act;

2. Plan and develop technical assistance projects in cooperation with other offices, where appropriate;

3. Direct or monitor the performance and implementation of approved technical assistance projects;

4. Recommend policies, standards, and procedures for evaluating and utilizing the results of technical assistance projects;

5. Execute agreements with other Federal departments and agencies for the conduct of specialized technical assistance, in consultation with the Deputy Assistant Secretary for Policy Coordination;

6. Recommend, to the Deputy Assistant Secretary for Policy Coordination, policies and practices to facilitate effective relationships with other Government agencies which have complementary programs for technical assistance;

7. Maintain surveillance over the application of policies, standards, and procedures by the Area Offices in processing project applications;

8. Review and recommend project applications for approval or denial; and

9. Coordinate the efforts of EDA in the manpower training program.

SEC. 7. *Functions of the Office of Program Analysis and Economic Research.* The Office of Program Analysis and Economic Research shall:

a. Develop and implement measures of resource utilization for programing and budgeting purposes and develop alternative long-range plans;

b. Establish and implement a Program Planning and Budgeting System by identifying objective-oriented program categories and developing a multiyear program budget;

c. Prepare the annual Program Memorandum and other analytical studies required by the Bureau of the Budget;

d. Develop and prepare the annual budget for EDA;

e. Develop cost benefit studies to aid the Assistant Secretary in making choices and decisions, employing advanced techniques of operations research analysis, econometrics, and mathematical economics to determine the relative merit between, and the optimum balance among, alternative programs for economic development;

f. Evaluate the effectiveness of economic development projects, activities, and programs in achieving the objectives of the Act and EDA;

g. Direct and conduct a program of internal and external economic research designed to meet both planning and operating needs;

h. Arrange for and monitor EDA sponsored research by other elements of the Department, other Government agencies, or private organizations;

i. Encourage and stimulate research and data collection on economic development both in and out of Government;

j. Coordinate, review, analyze, and disseminate research findings and analysis of economic development processes;

k. Study and evaluate the effects of Government policies on sub-national economic development; and

l. Plan and organize seminars, institutes, and workshops on economic development in cooperation with, and for, interested persons in the public and private sectors.

SEC. 8. *Functions of the Office of the Chief Counsel.* The Office of the Chief Counsel shall:

a. Render all necessary legal services, subject to the provisions of Department Order 104; and

b. Have primary responsibility for the preparation, coordination, and clearance of all legislation, regulations, and external orders subject to the provisions of applicable Department and Administrative Orders.

SEC. 9. *Functions of the Office of Public Affairs.* The Office of Public Affairs shall:

a. Advise on all public information matters;

b. Conduct a public information program under the policy guidance of the Assistant Secretary for Economic Development; and

c. Provide assistance in the editing, printing, or reproduction, and distribution of technical materials and publications.

SEC. 10. *Functions of the Office of Congressional Relations.* The Office of Congressional Relations shall:

a. Advise on all Congressional matters pertinent to the activities under the direction of the Assistant Secretary; and

b. Serve as the primary point of coordination for continuing liaison with the Congress in collaboration with the Special Assistant to the Secretary for Congressional Relations.

SEC. 11. *Functions of the Office of Equal Opportunity.* The Office of Equal Opportunity shall:

a. Advise the Assistant Secretary in the development and implementation of policy and guidance affecting equality of opportunity connected with economic development programs;

b. Maintain liaison with Federal, State and local governmental organizations and with nongovernmental organizations to coordinate and assist in planning operations aimed at achieving nondiscrimination and equality of opportunity;

c. Provide leadership, staff services and advice in matters affecting nondiscrimination to economic development program units, to organizations obligated as participants in an economic development program to achieve nondiscrimination, and to ultimate beneficaries of economic development program activities;

d. Conduct, sponsor, or coordinate meetings, conferences, and training courses for equal employment specialists, program managers, and executives to achieve nondiscrimination in economic development programs;

e. Establish effective systems throughout the Economic Development Administration to obtain and monitor accurate reports concerning the program of equality of opportunity and assure conformance thereto;

f. Establish report requirements to insure equality of opportunity by participants in economic development programs, conduct on-site inspections, and receive, investigate, and resolve complaints; and

g. Receive, investigate, review, adjust and adjudicate complaints, and evaluate EDA experience relating to the Equal Employment Opportunity program and make recommendations to the Assistant Secretary for improvement of employment practices within the Economic Development Administration.

SEC. 12. *Functions of the Office of Administration.* The Office of Administration shall:

a. Develop, promulgate, and administer administrative management policies, programs, and standards;

b. Plan and conduct an investigations program;

c. Conduct organization and management studies and surveys;

d. Plan and conduct a program for achieving maximum economy, effectiveness and efficiency and for obtaining optimum personnel utilization;

e. Provide office services for the headquarters and, as required, for Area Offices;

f. Develop and conduct a program for the efficient management of all official records and the design and control of official forms;

g. Plan, arrange for, and coordinate any administrative management services obtained through the Departmental staff offices;

h. Plan and conduct a comprehensive personnel program, and an equal opportunity program as relates to employment within the Administration;

i. Develop and maintain an accounting system and prepare financial reports for internal and external use; and

j. Develop, interpret, and administer travel regulations for the Economic Development Administration in accordance with Bureau of the Budget and Department of Commerce directives.

SEC. 13. *Economic Development Area Offices.* .01 The Economic Development Area Offices, headed by Area Directors, are as follows:

Name	Located at—	Serves
Northeastern	Portland, Maine	Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont.
Mid-Atlantic	Wilkes Barre, Pa	Delaware, Maryland, New Jersey, Pennsylvania, and Puerto Rico.
Mideastern	Huntington, W. Va	Kentucky, North Carolina, Ohio, Virginia, and West Virginia.
Southeastern	Huntsville, Ala	Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee.
North-central	Duluth, Minn	Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.
Southwestern	Austin, Tex	Arizona, Arkansas, Colorado, Kansas, Louisiana, New Mexico, Nevada, Oklahoma, Texas, Utah, and Wyoming.
Western	Seattle, Wash	Alaska, American Samoa, California, Guam, Hawaii, Idaho, Montana, Oregon, and Washington.

.02 Each Area Director is responsible within the limits of his delegated authority for the programs of the Administration in his area and, in this connection, shall:

a. Coordinate with local communities in economic planning and in development of Overall Economic Development Programs (OEDP's) which are related to the needs of designated areas and districts serviced by the Area Office;

b. Manage the Economic Development Administration's resources available for use for the economic development of designated areas and districts serviced by the Area Office; and

c. Process applications for economic development assistance, monitor and service approved projects and, when appropriate, liquidate projects.

Effective date: December 1, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67-14892; Filed, Dec. 21, 1967; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

SPECIAL NUCLEAR MATERIAL

Notice of Proposed New Lease Agreement

The U.S. Atomic Energy Commission hereby announces the proposed adoption of a new Lease Agreement for all special nuclear material leased by the Commission to persons other than agencies of the Federal Government. The new agreement, which combines and revises the current Agreement for Supply of Enriched Uranium for Conversion and Fabrication and the current Special Nuclear Material Lease Agreement, is being made available for public comment.

Copies of the proposed new Lease Agreement may be obtained from: Oak Ridge Operations Office, U.S. Atomic Energy Commission, Attention: AEC Materials Leasing Office, Oak Ridge, Tenn. 37830. Any comments on the new Lease Agreement should be addressed to that office so as to be received prior to March 1, 1968.

The new Lease Agreement incorporates those changes which 3 years' experience indicate are desirable, and also certain changes which are considered appropriate to implement the Private Ownership of Special Nuclear Materials Act, Public Law 88-489. The proposed new uniform expiration date of December 31, 1970, was selected because it coincides with the date after which the Commission will no longer distribute special nuclear material by lease for use in a nuclear power reactor.

Neither the execution of the Lease Agreement nor its expiration will alter or affect the rights and obligations of any Commission licensee under its license or construction permit or any allocation of special nuclear material in connection therewith.

All current Agreements for Supply of Enriched Uranium for Conversion and Fabrication and current Special Nuclear Materials Lease Agreements have an expiration date of March 31, 1968. As of that date, persons possessing special nuclear material under the expiring terms and conditions of either form of agreement must have executed the new Lease Agreement or must purchase or return the affected material to the Commission. The new Lease Agreement must be executed by each person other than agencies of the Federal Government desiring to lease special nuclear material from the Commission, whether received directly from the Commission or from another lessee of the Commission.

Dated at Germantown, Md., this 18th day of December 1967.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[F.R. Doc. 67-14884; Filed, Dec. 21, 1967; 8:49 a.m.]

STATE OF COLORADO

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

On October 10 (32 F.R. 14069), October 17 (32 F.R. 14337), October 24 (32 F.R. 14698), and October 31 (32 F.R. 15049), 1967, the U.S. Atomic Energy Commission published in the FEDERAL REGISTER for public comment a proposed agreement received from the Governor of the State of Colorado for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended. The proposed agreement as published included a proposed effective date of January 1, 1968.

Notice is hereby given that the proposed effective date is changed from January 1, 1968, to February 1, 1968.

Dated at Washington, D.C., this 5th day of December 1967.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary.

[F.R. Doc. 67-14359; Filed, Dec. 7, 1967; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 17849; FCC 67M-2040]

AMERICAN TELEVISION CO., INC.

Order Regarding Procedural Dates

In re applications of American Television Co., Inc., Fort Smith, Ark., Docket No. 17,849, File No. BPH-5831, for construction permit.

As a result of agreements reached at a prehearing conference held this date in the above matter, *It is ordered*, That:

(1) Exhibits are to be exchanged on or before March 11, 1968; and

(2) The hearing now scheduled to commence on February 1, 1968 is hereby rescheduled to commence on March 25, 1968, at a place and time in Fort Smith, Ark., to be announced in a subsequent order.

Issued: December 7, 1967.

Released: December 18, 1967.

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

[F.R. Doc. 67-14871; Filed, Dec. 21, 1967; 8:48 a.m.]

[Docket Nos. 17884, 17885; FCC 67-1289]

BERWICK BROADCASTING CORP. AND P.A.L. BROADCASTERS, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: Berwick Broadcasting Corp., Berwick, Pa., Requests: 103.1 mc, No. 276; 420 watts (H), 420 watts (V); 691 feet, Docket No. 17884, File No. BPH-5812; P.A.L. Broadcasters, Inc., Pittston, Pa., Requests: 103.1 mc, No. 276; 930 watts (H), 930 watts (V); 500 feet, Docket No. 17885, File No. BPH-5924; for construction permits.

1. The Commission has before it for consideration the above-captioned and described applications for construction permits which are mutually exclusive in that operation by the applicants as proposed would cause mutually destructive interference.

2. Examination of the Berwick Broadcasting Corp. application indicates that a total of approximately $16,008 will be required to finance construction and first-year operation. This amount includes the down payment on equipment ($2,985), first-year equipment payments including interest ($3,523), miscellaneous costs ($1,500), and working capital ($8,000). To meet these requirements Berwick relies on cash on hand of $3,800 and a bank loan of $20,000. The bank's letter indicates that its willingness to provide this amount is subject to unstated satisfactory terms and conditions. Thus it will be necessary to determine whether, and under what circumstances, this amount is available to Berwick.

3. The respective proposals, which are for different communities,[1] would serve substantially different areas and populations. Consequently, it will be necessary to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

4. Except as indicated by the issues specified below the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make a statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether, and subject to what terms and conditions, the bank loan will be available to Berwick Broadcasting Corp. to provide the necessary funds to demonstrate its financial qualifications.

2. To determine the areas and populations which would receive FM service of 1 mv/m or greater intensity from the respective proposals and the availability of other FM services of 1 mv/m or greater intensity in such areas.

3. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

4. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications for construction permit should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: November 22, 1967.

Released: December 19, 1967.

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

[F.R. Doc. 67-14872; Filed, Dec. 21, 1967; 8:48 a.m.]

[1] Channel 276 is assigned to White Haven, Pa., and is available for use in either Berwick or Pittston pursuant to the "25-mile" rule.

[Docket No. 17882; FCC 67-1281]

BUCKEYE CABLEVISION, INC.

Memorandum Opinion and Order Designating Proceeding for Hearing

In re Buckeye Cablevision, Inc., Toledo, Ohio, request for special relief pursuant to § 74.1109.

1. The Commission has before it for consideration a "Petition to Impose Special Requirements With Respect to the Operation of the CATV System Operated by Buckeye Cablevision, Inc., in Toledo, Ohio," and a supplement thereto, filed on April 29, and August 25, 1966, respectively, by D. H. Overmyer Telecasting Co., Inc., permittee of UHF Station WDHO-TV, Toledo. Buckeye began CATV operations in March 1966, and currently provides 5,000 subscribers with the following Grade B or better signals: WTOL-TV, WSPD-TV, WGTE-TV,[1] and WDHO-TV, Toledo, Ohio; WJBK-TV, WWJ-TV, WXYZ-TV, and WKBD-TV, Detroit, Mich.; and CKLW-TV, Windsor, Ontario.[2] Overmyer seeks to prevent Buckeye's continued carriage of the De-

[1] In Buckeye Cablevision, Inc. (CATV 100-102), FCC 66-817, released Sept. 22, 1966, the Commission's rules were waived to permit Buckeye to carry any other educational signal when WGTE-TV is not on the air.

[2] On Sept. 18, 1967, pursuant to request of applicant, Buckeye's microwave application (BPCAR-31), to relay Detroit and Windsor signals, was dismissed.

troit-Windsor stations pending an evidentiary hearing to determine whether such carriage is consistent with the public interest.[3] Buckeye has opposed the petition and supplement. It also filed a motion to dismiss the petition on September 8, 1967; Overmyer opposed the motion and Buckeye replied.

2. In support of its request for hearing, Overmyer alleges that public interest considerations, referred to in paragraph 151 and footnote 69 of the Second Report and Order, 2 FCC 725, 786, are raised by the Grade B contour overlap of the Detroit and Toledo markets[4] and should be resolved in an evidentiary hearing; and that Buckeye should be precluded from continued carriage of the Detroit-Windsor stations pending Commission determination whether such carriage is consistent with the public interest.

3. Buckeye replies that the Overmyer petition lacks factual support; that its economic analysis is based on assumptions and comparisons with unrelated situations in other television markets, and thus fails to show in precise terms the actual impact of CATV in Toledo, or any exceptional circumstances there to justify the extraordinary relief requested; that Overmyer was aware of the existing off-the-air competition between Detroit-Windsor and Toledo stations prior to applying for Channel 24; that CATV benefits WDHO-TV by making it available on nonconverted television sets; that Buckeye will suffer discrimination if it is precluded from carrying Detroit-Windsor signals, because Toledo antenna dealers advertise and sell special equipment capable of bringing in signals from 125 miles distant; that compliance with Overmyer's request would rearrange the whole concept of television markets and normally-served areas, rendered CATV subscribers "captives" of the Toledo market, and insulate Toledo stations from natural competition from Detroit signals; and that in any event, no Commission action should be taken pending the outcome of current copyright legislation.

4. In the motion to dismiss, Buckeye further alleges that despite Overmyer's original classification of WDHO-TV as an independent station carrying a "modest" number of network shows on a per program basis, the station's prime time schedule for Fall 1967 includes 40 quarter-hours of NBC and 39 quarter-hours of CBS programing; that as a result, a full schedule of all three networks is now available on the Toledo stations and Toledo's network fare is no longer "inferior," as implied by Overmyer's economic analysis. It also contends that Overmyer has failed to supplement its analysis with any specific facts on viewing habit shifts during more than 1 year of operation by Buckeye and WDHO-TV; that Overmyer has likewise failed to bring its showing up to date with specific facts on WDHO-TV's current financial condition, Toledo market data, or evidence of any actual impact of private injury to WDHO-TV. Overmyer opposes the motion to dismiss and Toledo Telecasting Corp., permittee of a new television station to be operated on Channel 54, Toledo (BPCT-3887) has adopted Overmyer's allegations in a statement which also opposes the motion to dismiss.

5. Overmyer's petition to impose special requirements on Buckeye will be granted to the extent that an evidentiary hearing will be ordered in order to determine whether carriage of Detroit-Windsor signals on the CATV system is consistent with the public interest and healthy maintenance of television broadcast service in Toledo.[5] The petition raises questions which, under the policies expressed in the second report and order, require factual examination. The lack of information concerning the impact of CATV upon UHF activity in Toledo compels that a meaningful record be established before we render a decision. Because of the passage of time and duration of the Buckeye and WDHO-TV operations, both parties should now be able to substantiate their allegations with appropriate factual information. Commission action based on such a record should thus have some valid relationship to the facts of CATV effect in the market.

6. Finally, Overmyer requests that Buckeye be precluded from carrying any Detroit-Windsor stations pending the outcome of the evidentiary hearing. The second report and order makes clear the impracticability of withdrawing service, once established, because of its disruptive effect. Second Report and Order, supra, 784–786. However, we will grant temporary relief, pending final disposition of this proceeding, in the form of an order requiring Buckeye to confine delivery of the Detroit-Windsor stations carried on its system to areas where feeder cable is located as of the date of this order. Buckeye may continue to expand its system beyond the above limits within its franchised area, so long as the expansion is confined to carriage of the Toledo signals. See Midwest Television, Inc., FCC 66-683, 4 FCC 2d 612, vacated in part, sub nom. Southwestern Cable Co., et al. v. United States of America and Federal Communications Commission, 378 F. 2d 118 (9th Cir. 1967), cert. granted Oct. 23, 1967 (Nos. 363, 428); Ultravision Broadcasting Company, FCC 66-907, 5 FCC 2d 217.

7. Accordingly, in view of the above, and pursuant to § 74.1109 of the Commission's rules, *It is ordered*, That this proceeding is hereby designated for hearing, at a time and place to be specified in a further order, upon the following issues:

1. To determine the present and proposed penetration and extent of CATV service, including television signals carried, in the market area.

2. To determine the effects of current and proposed CATV service in the Toledo area upon existing, proposed and potential television broadcast stations in the market.

3. To determine the present policy and proposed future plans of Buckeye Cablevision, Inc. with respect to the initiation of pay-TV operations based upon or in connection with its CATV operations.

4. To determine whether expansion of Buckeye Cablevision, Inc., CATV system should be limited and, if so, the appropriate conditions thereof.

It is further ordered, That Buckeye Cablevision, Inc., and D. H. Overmyer Telecasting Co., Inc., are made parties to this proceeding, and to participate must comply with the applicable provisions of § 1.221 of the Commission's rules.

It is further ordered, That petitioner D. H. Overmyer Telecasting Co., Inc., has the burden of proceeding and the burden of proof with respect to Issues 1, 2, and 3, except that with respect to Issue 3 Buckeye has the burden of proceeding. Issue 4 is conclusory.

It is further ordered, That pending the outcome of this proceeding, respondent Buckeye Cablevision, Inc., is directed to limit the operation of its CATV system at Toledo as set forth in paragraph 6, supra.

It is further ordered, That the motion to dismiss filed by Buckeye Cablevision, Inc., is denied.

It is further ordered, That the petition to impose special requirements filed by D. H. Overmyer Telecasting Co., Inc.,

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[3] Overmyer's petition was filed at the time the Commission was considering issuance of a cease and desist order against Buckeye for alleged violations of § 74.1107. Overmyer sought to broaden that proceeding (Docket No. 16551) to include the question of continued carriage of the Detroit-Windsor stations. The relief was denied, Buckeye Cablevision, Inc., FCC 66-449, 3 FCC 2d 798, but the Commission stated that the issues raised by Overmyer's petition would be considered in a separate action. In the interim, Buckeye had filed a petition for declaratory ruling concerning those operations which were the subject of the cease and desist proceeding. In Buckeye Cablevision, Inc., FCC 66-455, 3 FCC 2d 808, the petition was treated as a request for waiver of the evidentiary hearing requirement of section 74.1107; was denied by the Commission; and the matter was assigned Case No. CATV 100-5. The Commission's memorandum opinion and order also specified that Overmyer's petition would be ruled on at the time CATV 100-5 was designated for hearing. However, CATV 100-5 was dismissed by request of counsel before designation (Public Notice-B, Dec. 7, 1966, FCC Mimeo No. 93033, Report No. 43); hence, Overmyer's petition is now before us on the merits.

[4] Six channels have been assigned to Toledo: 11 (WTOL-TV, CBS); 13 (WSPD-TV, ABC); 24 (WDHO-TV, Ind.); *30 (WGTE-TV, Educ.); 54 (construction permit held by Toledo Telecasting Corp.); and 60 (idle).

[5] In Buckeye Cablevision, Inc., FCC 66-449, 3 FCC 2d 798, we held that a Detroit station whose Grade B contour penetrates Toledo's city limits was entitled to carriage on CATV throughout the community, under § 74.1103 of the rules. The sole issue in that case, however, was Buckeye's compliance with the rules; the Commission specifically reserved judgment on the overall Toledo-Detroit question raised by Overmyer, including any public interest questions presented by such carriage. Thus, our determination that a paragraph 69 situation exists in Toledo and that the broad public interest questions inherent therein must be explored in evidentiary hearing does not conflict with our earlier decision on the single issue of compliance.

and the supplement thereto, to the extent indicated above, is granted, and, in all other respects, is denied.

It is further ordered, That the ruling as to temporary relief shall be effective on the 3d day, not counting Saturdays, Sundays, and holidays, after the day of release of this opinion, provided that the ruling on temporary relief shall not be effective until judicial determination of the motion for a stay if respondent notifies the Commission within 2 days that it intends to seek judicial review and seeks judicial review and a judicial stay within 14 days of release of this opinion.

Adopted: November 22, 1967.

Released: December 19, 1967.

FEDERAL COMMUNICATIONS COMMISSION,*

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

[F.R. Doc. 67-14873; Filed, Dec. 21, 1967; 8:48 a.m.]

[Docket Nos. 17898, 17899; FCC 67-1305]

LEBANON BROADCASTING CO. AND RISNER BROADCASTING, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: Lebanon Broadcasting Co., Lebanon, Mo., Req: 103.7mc, No. 279; 100 kw; 347 ft., Docket No. 17898, File No. BPH-5167; Risner Broadcasting, Inc., Lebanon, Mo., Req: 103.7mc, No. 279; 25.5 kw; 251 ft., Docket No. 17899, File No. BPH-5207; for construction permits.

1. The Commission has under consideration (a) the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference, (b) informal objection against the Risner application filed by Lebanon, and (c) informal responsive pleadings filed by both Risner and Lebanon.

2. Lebanon Broadcasting Co. ("Lebanon") filed an informal objection to the Risner Broadcasting, Inc. ("Risner") application, pursuant to § 1.587 of the Commission's rules, alleging that Risner had misrepresented its efforts to determine local programing needs and interests and that in fact such efforts were meager at best. This dispute, which has continued through the filing of a total of five informal pleadings, centers on Risner's statement in response to Paragraph 1B of section IV-A that it conducted "extensive personal interviews with persons in the city of Lebanon and the surrounding community", and in response to Paragraph 1A of section IV-A, that it had conducted "Personal interviews with a good representative number of persons in the city of Lebanon, Mo., and Laclede County." The latter exhibit continued with a listing of 19 categories of persons said to have been interviewed, categories such as doctors, merchants, lawyers, and car dealers. Lebanon attacked these statements, contending that many of these individuals had not been interviewed, and in support submitted statements from some or all members of seven of these groups indicating that as of December 3, 1965,[1] they had not been contacted regarding the need for a second radio station in Lebanon, Mo.[2]

3. Risner's opposition pleadings argued that the signers of Lebanon's statements did not include all of the members of the relevant groups and that contacts with a number of other individuals had been made. In addition, a sample post card used in a mail survey conducted after the filing of the application was submitted in support of its efforts to obtain views from the citizenry in general.

4. Even taking the view most favorable to Risner, there is a serious question regarding the extent of the contacts which were made before the filing of the application. Risner acknowledged that it used the plural in describing some of the contacts when in fact only a single contact was made. Moreover, these contacts were said to have been with persons in the city of Lebanon and surrounding area, when in fact the persons contacted in at least two of the categories appeared to have only a limited connection with the Lebanon area. Rather, in both of these instances, the individuals are primarily associated with the Osage Beach area where the Risner stations are located. Finally, affidavits have been submitted which deny that the contacts in question took place before December 3, 1965.[3] Under these circumstances questions are raised regarding the truthfulness of Risner's statements regarding its efforts to ascertain local needs and interests and of the adequacy of its efforts. In this connection we note that Risner did not indicate what information, if any, it was able to obtain from its belated mail survey regarding programing needs and interests. Nor did it indicate the significance of such information in terms of its programing proposal which was not altered as a result of the post-card survey.

5. Mr. and Mrs. Risner, who control Risner also control the licensee of Station KRMS-FM, Osage Beach, Mo. Because of their proximity, the proposed station would be precluded from significantly increasing their facilities without causing 1 mv/m overlap in contravention of § 73.240(a)(1) of the Commission's rules. Accordingly, we will specify an issue to determine whether grant of the Risner application would impede or prevent a full and efficient utilization of this channel.

6. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations within the 1 mv/m contours together with the availability of other FM services of 1 mv/m or greater intensity in such areas will be considered under the contingent comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, as is of the opinion that the applications must be designated for hearing on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the above captioned application of Risner Broadcasting, Inc., contained misrepresentations and/or distortions or omissions of fact.

2. To determine the efforts made by Risner Broadcasting, Inc., to ascertain the programing needs and interests of the area to be served and the manner in which Risner Broadcasting, Inc., proposes to meet such needs and interests.

3. To determine whether grant of the Risner Broadcasting, Inc., application would impede or prevent a full and efficient utilization of the Lebanon, Mo., channel.

4. To determine, if issues 1, 2, and 3 are resolved in favor of Risner Broadcasting, Inc., which of the proposals would better serve the public interest.

5. To determine in the light of the evidence adduced pursuant to the foregoing issues which of the applications for construction permit should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence of the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner pre-

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* Dissenting Statement of Commissioner Bartley filed as part of the original document. Commissioner Loevinger dissenting. Commissioner Wadsworth concurring in the result.

[1] The date Risner's application was executed.

[2] Lebanon is licensee of an AM station there.

[3] Originally, certain of these individuals signed statements which indicated that no contacts had been made; then they submitted counterstatements saying they had been contacted; finally they denied that such contacts as had been made occurred before Dec. 3, 1965.

scribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: November 29, 1967.

Released: December 19, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-14874; Filed, Dec. 21, 1967; 8:48 a.m.]

[Docket Nos. 17896, 17897; FCC 67-1304]

LUCAS TOMAS MUNIZ AND ARECIBO BROADCASTING CORP., INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Lucas Tomas Muniz, Toa Alta, P.R., Docket No. 17896, File No. BPH-5625; Req: 96.9 mc, No. 245; 48.3 kw (H), 46 kw (V); 214.03 feet; Arecibo Broadcasting Corp., Inc., Manati, P.R., Docket No. 17897, File No. BPH-5897; Req: 96.9 mc, No. 245; 18.25 kw; 0 feet; for construction permits.

1. The Commission has under consideration the above captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. The respective proposals, which are for different communities, would serve substantially different areas and populations. Consequently, it will be necessary to determine pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

3. According to the Lucas Tomas Muniz application the main studio location is to be determined, presumably in Toa Alta. However, he proposes to duplicate approximately 99.25 percent of the programing of his Bayamon AM station. Thus it appears that the vast majority of the programs will originate from the AM main studio location which is neither in Toa Alta nor at the proposed FM transmitter site. Under these circumstances we will specify an issue to determine whether the proposed main studio location complies with the requirements of § 73.210(a)(2) of the Commission's rules, and if not, whether waiver of these requirements is justified.

4. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the main studio location proposed by Lucas Tomas Muniz meets the requirements of § 73.-210(a)(2) of the Commission's rules, and if not, whether waiver of this provision is justified.

2. To determine the areas and populations which would receive FM service of 1 mv/m or greater intensity from the respective proposals and the availability of other FM services of 1 mv/m or greater intensity in such areas.

3. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: November 29, 1967.

Released: December 19, 1967.

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

[F.R. Doc. 67-14875; Filed, Dec. 21, 1967; 8:48 a.m.]

[Docket No. 17626; FCC 67M-2077]

NATCHEZ BROADCASTING CO. (WMIS)

Order Continuing Hearing

In re application of Natchez Broadcasting Co. (WMIS), Natchez, Miss., Docket No. 17626, File No. BP-16963; for construction permit.

The Chief Hearing Examiner having under consideration a motion in behalf of the applicant, filed December 13, 1967, that the hearing heretofore scheduled for December 14, 1967, in the above-entitled proceeding be continued to January 23, 1968;

It appearing, that a delay in the commencement of the hearing herein is found to be essential and that all parties to the proceeding consent to the continuance sought by the applicant;

It is ordered, That the motion is granted and that the hearing in the above-entitled proceeding is hereby rescheduled and will be convened in the offices of the Commission, Washington, D.C., at 10 a.m., on January 23, 1968.

Issued: December 13, 1967.

Released: December 18, 1967.

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

[F.R. Doc. 67-14876; Filed, Dec. 21, 1967; 8:48 a.m.]

[Docket Nos. 17788, 17789; FCC 67M-2091]

SOUTH JERSEY RADIO, INC., AND ATLANTIC CITY TELEVISION CO.

Order Scheduling Further Prehearing Conference

In re applications of South Jersey Radio, Inc., Atlantic City, N.J., Docket No. 17788, File No. BPCT-3898; Victor M. Ruby, Mid-Atlantic Broadcasting Co., Frederick Perone and James Edghill, a partnership and joint venture, doing business as Atlantic City Television Co., Atlantic City, N.J., Docket No. 17789, File No. BPCT-3951; for construction permit for new television broadcast station (Channel 53).

To formalize the ruling made on the record at a prehearing conference held this date: *It is ordered*, That a further prehearing conference shall be scheduled for January 9, 1968 at 9 a.m., and that the hearing presently scheduled for January 9, 1968, is hereby continued to a date to be set at said further conference.

Issued: December 14, 1967.

Released: December 19, 1967.

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

[F.R. Doc. 67-14877; Filed, Dec. 21, 1967; 8:48 a.m.]

[Docket Nos. 17886-17888; FCC 67-1291]

OUTER BANKS RADIO CO. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Douglas Lystra Craddock and Lacy Phil Wicker doing business as Outer Banks Radio Co., Wanchese, N.C., Docket No. 17886, File No. BP-16917; Requests: 1530 kc, 250 w, Day; J. M. Farlow and William D. Mills doing business as Onslow County Broadcasters, Midway Park, N.C., Docket No. 17887, File No. BP-17272; Requests: 1530 kc, 1 kw, 250 w(CH), Day; Hendon M. Harris, Maysville, N.C., Docket No. 17888, File No. BP-17275; Requests: 1530 kc, 500 w, Day; for construction permits.

[4] Commissioner Wadsworth absent.

[1] Commissioner Wadsworth absent.

1. The Commission has before it the above-captioned applications which are mutually exclusive in that simultaneous operation of the stations proposed would result in prohibitive overlap of contours as defined by § 73.37 of the Commission's rules.

2. Hendon M. Harris estimates that $14,850 will be required for construction and $27,500 for first-year operating expense, bringing to $42,350 the total projected cost of operating his proposed station for 1 year without revenues. The applicant has available existing capital of $2,000. His balance sheet lists $25,000 in bonds, but does not further describe the type or nature of these bonds. No other liquid assets are listed. The applicant, therefore, has failed to show sufficient cash and liquid assets to meet the amount required to construct and operate the proposed station for 1 year without revenues. Accordingly, a financial issue will be specified.

3. From the information before the Commission is appears that except as indicated by the issues below, the applicants are qualified to construct and operate as proposed. However, because the applications are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether Hendon M. Harris is financially qualified to construct and operate his proposed station.

3. To determine whether there is a reasonable possibility that the tower height and location proposed by Onslow County Broadcasters would constitute a menace to air navigation.

4. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient, and equitable distribution of radio service.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the applications should be granted.

It is further ordered, That, the Federal Aviation Administration is made a party to the proceeding.

It is further ordered, That in the event of grant of the applications of either Onslow County Broadcasters or Hendon H. Harris, the construction permit shall provide that the permittee accept such overlap as may be received due to a grant of the application filed by 1530 Radio (File No. BP-17270) requesting the facilities 1530 kc, 5 kw, DA(CH), Day, at Chapel Hill, N.C.

It is further ordered, That, in the event of a grant of any of the applications, the construction permit shall contain the following condition:

Any presunrise operation must conform with §§ 73.87 and 73.99 of the rules, as amended June 28, 1967 (32 F.R. 10437), supplementary proceedings (if any) involving Docket No. 14419, and/or the final resolution of matters at issue in Docket No. 17562.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: November 22, 1967.

Released: December 19, 1967.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-14878; Filed, Dec. 21, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7383]

NORTHERN STATES POWER CO. (WISCONSIN)

Notice of Application

DECEMBER 15, 1967.

Take notice that on December 7, 1967, Northern States Power Co. (Applicant), a public utility incorporated and doing business in the State of Wisconsin with its principal place of business office at Eau Claire, Wis., filed an application with the Federal Power Commission seeking authority pursuant to section 204 of the Federal Power Act to issue up to $11 million in promissory notes.

According to the application the promissory notes will be issued from time to time to evidence short-term borrowings from commercial banks, but no note will mature more than 12 months after the date of issue or renewal thereof, nor shall the maturity date of any note be later than December 31, 1969. Applicant states that the interest rate of the notes will be at a rate that to the best knowledge and belief of the Applicant's officers does not exceed the prime loan interest rate at the time and place of the issuance thereof.

Proceeds from the promissory notes to be issued by the Applicant during 1968 will be added to general funds of the Applicant and will be used among other things to pay in part expenditures made and to be made in 1968 and 1969 in connection with the Applicant's construction program. During 1968, Applicant's construction program calls for the expenditures of $9,800,000 and for $5,240,000 subsequent to 1968.

Any person desiring to be heard or to make any protest with reference to the application should on or before January 8, 1968, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-14839; Filed, Dec. 21, 1967; 8:45 a.m.]

[1] Commissioner Cox concurring in the result.

[Docket No. RI68-170]

STANDARD OIL COMPANY OF TEXAS

Order Amending Order Accepting Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates, To Permit Substitute Rate Filing

DECEMBER 15, 1967.

On September 21, 1967, Standard Oil Company of Texas, a division of Chevron Oil Co. (Standard), filed with the Commission a proposed change in rate from 16.832 cents to 17.919 cents per Mcf[1] which pertains to its jurisdictional sales of natural gas from the SW Enville Field, Sadler Unit, Love County, Okla. (Oklahoma "Other" Area), to Cimarron Gas Transmission Co. The Commission by order issued October 13, 1967, suspended for 5 months Standard's rate filing until March 22, 1968, and thereafter until made effective in the manner prescribed by the Natural Gas Act. Standard's suspended rate has not been made effective pursuant to section 4(e) of the Natural Gas Act.

On November 17, 1967, Standard submitted an amended notice of change in rate[2] amending Supplement No. 6 to its aforementioned rate schedule to provide for a rate increase to 17.9015 cents instead of the 17.919 cents per Mcf, inclusive of tax reimbursement, filed on September 21, 1967. The proposed rate of 17.919 cents erroneously reflected a tax reimbursement of 0.035 cent. Standard now proposes to amend such filing to reflect a total proposed rate of 17.9015 cents including a corrected tax reimbursement of 0.0175 cent. Such correction reduces the annual amount suspended by $19.

[1] Designated as Supplement No. 6 to Standard's FPC Gas Rate Schedule No. 30.

[2] Designated as Supplement No. 1 to Supplement No. 6 to Standard's FPC Gas Rate Schedule No. 30.

Standard's proposed corrected rate of 17.9015 cents per Mcf exceeds the area ceiling 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 Standard's instant rate filing reflects a corrected tax reimbursement increase under the rate schedule involved, we believe that it would be in the public interest to accept the corrective rate filing subject to the suspension proceeding in Docket No. RI68–170 with the suspension period of such corrective rate filing to terminate concurrently with the suspension period (Mar. 22, 1968) of the original filing in said docket.

The Commission orders:

(A) The suspension order issued October 13, 1967, in Docket No. RI68–170, is amended only so far as to permit the 17.9015 cents per Mcf rate contained in Supplement No. 1 to Supplement No. 6 to Standard's FPC Gas Rate Schedule No. 30 to be filed to supersede the 17.919 cents per Mcf rate provided by Supplement No. 6 to the aforementioned rate schedule, subject to the suspension proceeding in Docket No. RI68–170. The suspension period for such substitute filing shall terminate concurrently with the suspension period (Mar. 22, 1968) presently in effect in said docket.

(B) In all other respects, the order issued by the Commission on October 13, 1967, in Docket No. RI68–170, shall remain unchanged and in full force and effect.

By the Commission.

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

[F.R. Doc. 67–14840; Filed, Dec. 21, 1967; 8:45 a.m.]

[Docket Nos. RI68–270 etc.]

MANCO CORP. ET AL.

Order Permitting Rate Filings, Accepting Contract Amendment, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

DECEMBER 15, 1967.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf: Rate in effect	Cents per Mcf: Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI68–270	Manco Corp. (Operator) et al., Post Office Box 637, Corpus Christi, Tex. 78403.	3	2	Valley Gas Transmission, Inc. (C. A. Winn Field, Live Oak County, Tex.) (R.R. District No. 2).	$1,440	11–24–67	[2] 12–25–67	5–25–68	[3] 14.0	[4] [5] 15.0	
RI68–271	Atlantic Richfield Co., Post Office Box 2819, Dallas, Tex. 75221.	230	16	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Grand Isle Block 47 Field, Jefferson Parish, La.) (Offshore Louisiana).	5,454	11–27–67	[6] 12–28–67	5–28–68	[3] 19.0	[7] [8] 20.5	
RI68–272	The Midland National Bank, Trustee, Midland, Tex. 79701, Attn: Barry S. Welton, Trust Officer.	1	[9] 11	El Paso Natural Gas Co. (Spraberry Field, Reagan County, Tex.) (R.R. District No. 7–C) (Permian Basin Area).	.....	11–27–67	[2] 12–28–67	(Accepted)	.....	.....	
		1	12		1,713	11–27–67	[2] 12–28–67	5–28–68	11.1066	[4] [10] 18.2430	
RI68–273	George E. Cameron, Inc., 801 Random Dr., Palm Springs, Calif. 92262.	1	2	Cimarron Transmission Co., (Southwest Enville Field, Love County, Okla.) (Oklahoma "Other" Area).	12,957	11–24–67	[2] 12–25–67	5–25–68	[11] 16.275	[4] [12] 18.375	
RI68–274	Samedan Oil Corp. et al., Post Office Box 909, Ardmore, Okla. 73401.	14	[13] 4	Natural Gas Pipeline Co. of America (Putman Field, Dewey County, Okla.) (Oklahoma "Other" Area).	18,613	11–16–67	[2] 12–17–67	5–17–68	[11] 15.015	[4] [14] 20.49	RI68–174.
RI68–275	Union Texas Petroleum, a division of Allied Chemical Corp. (Operator) et al., Post Office Box 2120, Houston, Tex. 77001.	56	3	Cities Service Gas Co. (Moore Field, Cleveland County, Okla.) (Oklahoma "Other" Area).	1,500	11–21–67	[6] 12–23–67	5–23–68	[3] 12.0	[4] [5] 13.0	RI64–762.

[2] The stated effective date is the first day after expiration of the statutory notice.
[3] Periodic rate increase.
[4] Pressure base is 14.65 p.s.i.a.
[5] Subject to a downward B.t.u. adjustment.
[6] The stated effective date is the effective date requested by Respondent.
[7] "Fractured" rate increase. Contractually due 22.5 cents per Mcf.
[8] Pressure base is 15.025 p.s.i.a.
[9] Initial rate as conditioned in temporary certificate issued June 3, 1964, in Docket No. G–20020.
[10] Contract amendment dated Nov. 9, 1967, eliminates favored-nation clause and provides for proposed 18 cents per Mcf rate, plus tax, with 1 cent per Mcf periodic escalations.
[11] Renegotiated rate increase due to a favored-nation clause triggered by Pan American Oil Corp.'s rate increase made effective subject to refund in Docket No. RI65–111.
[12] Rate being collected subject to refund by Pan American Petroleum Corp. under Docket No. RI65–111.
[13] Includes base rate of 15.5 cents plus upward B.t.u. adjustment before increase and 17.5 cents plus upward B.t.u. adjustment after increase for 1,050 B.t.u. gas shown in filing. Base rate subject to upward and downward B.t.u. adjustment.
[14] As corrected by letter dated Dec. 4, 1967, filed Dec. 7, 1967.
[15] Includes base rate of 19.5 cents plus 0.015 cent Excise Tax reimbursement plus 0.975 cent production tax reimbursement. Base rate subject to downward B.t.u. adjustment.
[16] Includes base rate of 15 cents plus 0.015 cent Excise Tax reimbursement. Base rate subject to downward B.t.u. adjustment.

Manco Corp. (Operator) et al., (Manco) requests that its proposed rate increase be permitted to become effective on the fifth anniversary date of first delivery of gas in October, 1965. The Midland National Bank, Trustee (Midland) requests a retroactive effective date of January 1, 1965, for its proposed contract amendment and rate increase. 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 earlier effective dates for Manco and Midland's rate filings and such requests are denied.

George E. Cameron, Inc. (Cameron), requests waiver of the statutory notice to permit an effective date of July 1, 1967, for his proposed rate filing. In the alternative, Cameron requests the date of filing or 30-days thereafter, and waiver of any suspension period, or, if suspended, the suspension period be shortened to 1 day. Good cause has not been shown for authorizing the requested effective date, the date of filing or 30-days thereafter, or for waiving the 30 days notice period, or for limiting the suspension period to 1 day, and such request is denied.

Concurrently with the filing of its proposed rate increase, Midland submitted a contract amendment dated November 9, 1967, designated as Supplement No. 11 to Midland's FPC Gas Rate Schedule No. 1, which provides the basis for its proposed rate increase. We believe that it would be in the public interest to accept for filing Midland's proposed contract amendment

to become effective on December 28, 1967, the expiration date of the statutory notice, but not the proposed rate contained therein which is suspended as hereinafter ordered for the reason that it exceeds the applicable area rate of 14.5 cents per Mcf as determined in the rate schedule quality statement accepted pursuant to Opinion No. 468, as amended. Except for the stay of the moratorium in Opinion No. 468, Midland's proposed rate increase would be rejectable because it is in excess of the applicable area ceiling determined in Opinion No. 468. If the moratorium is ultimately upheld upon judicial review, Midland's rate increase will be rejected ab initio.

The sale related to Atlantic Richfield Co.'s (Atlantic) rate increase was initially made under a temporary certificate containing a Condition (2) provision, prohibiting changes in the initial rate unless changed by the Commission order in the related certificate proceeding in Docket No. G–20020. Atlantic requests waiver of such condition inasmuch as 3 years have elapsed since Atlantic initiated service under its temporary certificate (date of initial delivery is June 3, 1964). Consistent with Commission action involving sales being made pursuant to temporary certificates containing a Condition (2) provision where such sales commenced more than 3 years from date of initial delivery and request for a rate increase, we believe that it would be in the public interest that Condition (2) in Atlantic's temporary certificate in Docket No. G–20020 be waived to permit Atlantic's proposed notice of change in rate contained in Supplement No. 16 to its FPC Gas Rate Schedule No. 230 to be filed.

Samedan Oil Corp. et al. (Samedan), proposes a periodic rate increase plus tax reimbursement for production and excise taxes for a sale of gas in the Oklahoma "Other" Area, which has been designated as Supplement No. 4 to Samedan's FPC Gas Rate Schedule No. 14. The sale is presently being made under a conditioned temporary certificate issued October 9, 1962, in Docket No. CI62–1503, which provides for an initial rate not to exceed 15 cents per Mcf. The temporary certificate also contained a Condition (2) which states that the conditioned rate shall remain in effect until changed by Commission order in the related certificate proceeding. Consistent with the Commission's action involving sales being made pursuant to temporary certificates containing a Condition (2) provision where such sales commenced more than 3 years from date of initial delivery, we conclude that it would be in the public interest that Condition (2) of Samedan's temporary certificate in Docket No. CI62–1503 be waived to permit Samedan's proposed notice of change in rate to be filed. Samedan requests that 0.975 cent of its proposed rate relating to the Oklahoma production tax reimbursement be made effective as of November 29, 1962, and the remainder of the rate be made effective as of November 29, 1967. Samedan also requests waiver of the statutory notice and waiver of any suspension period and any other relief to which it may be entitled. Adequate notice has not been given for any of the aforementioned dates and Samedan's gives no reasons in support of such requests. Good cause has not been shown for granting Samedan's requests and they are denied. The proposed rate shall be suspended herein for 5 months from the expiration of the statutory notice period.

With the exception of the rate increase filed by Midland, which exceeds the area rate established in the related quality statement filed pursuant to Opinion No. 468, as amended, all of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR Ch. I, Part 2, § 2.56).

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

The Commission finds:

(1) Good cause exists for waiving Condition (2) in the temporary certificate issued in Docket No. G–20020 with respect to Atlantic's notice of change, designated as Supplement No. 16 to Atlantic's FPC Gas Rate Schedule No. 230, and for allowing such notice of change to be filed.

(2) Good cause exists for waiving Condition (2) in the temporary certificate issued in Docket No. CI62–1503 with respect to Samedan's notice of change, designated as Supplement No. 4 to Samedan's FPC Gas Rate Schedule No. 14, and for allowing such notice of change to be filed.

(3) Good cause has been shown for accepting for filing Midland's contract amendment dated November 9, 1967, designated as Supplement No. 11 to Midland's FPC Gas Rate Schedule No. 1, and for permitting such supplement to become effective on December 28, 1967, the date of expiration of the statutory notice.

(4) 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 public hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered (except for the supplement set forth in paragraph (3) above).

The Commission orders:

(A) Condition (2) in the temporary certificate issued in Docket No. G–20020 is hereby waived with respect to Atlantic's notice of change in rate, designated as Supplement No. 16 to Atlantic's FPC Gas Rate Schedule No. 230, and such rate change is permitted to be filed.

(B) Condition (2) in the temporary certificate issued in Docket No. CI62–1503, with respect to Samedan's notice of change in rate, designated as Supplement No. 4 to Samedan's FPC Gas Rate Schedule No. 14, and such rate change is permitted to be filed.

(C) Midland's contract amendment dated November 9, 1967, designated as Supplement No. 11 to Midland's FPC Gas Rate Schedule No. 1, is accepted for filing and permitted to become effective on December 28, 1967, the expiration date of the statutory notice.

(D) 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), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated rate supplements (except for the supplement set forth in (C) above).

(E) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(F) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(G) 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 February 1, 1968.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 67–14843; Filed, Dec. 21, 1967; 8:45 a.m.]

[Docket No. CS68–38]

J. FRANK STRINGER

Notice of Application for Small Producer Certificate

DECEMBER 15, 1967.

Take notice that on November 27, 1967, J. Frank Stringer, Post Office Box 3037, San Angelo, Tex. 76901, filed in Docket No. CS68–38 an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 8, 1968.

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

providing no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificate is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-14841; Filed, Dec. 21, 1967; 8:45 a.m.]

[Docket No. E-7384]

UNION LIGHT, HEAT AND POWER CO.

Notice of Application

DECEMBER 15, 1967.

Take notice that on December 7, 1967, the Union Light, Heat & Power Co. (Applicant) filed an application pursuant to section 203 of the Federal Power Act seeking authority to acquire certain electric transmission facilities from Kentucky Power Co., a Kentucky corporation.

Applicant is incorporated under the laws of Kentucky with its principal business office at Covington, Ky., and is engaged in the electric utility business in seven counties in north-central Kentucky.

The facilities to be acquired consist of an existing 3.2 mile segment of a 345 kv. single circuit, metal structured, electric transmission tower line located in Boone County, Ky. The proposed purchase price is to be in net original cost of the facilities as shown on the books of Kentucky Power Co., as of the date of transfer. As of October 31, 1967, the purchase price would have been $357,607.

Any person desiring to be heard or to make any protest with reference to the application should on or before January 10, 1968, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-14842; Filed, Dec. 21, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2233]

AMERICAN GENERAL INSURANCE CO.

Notice of Filing of Application

DECEMBER 19, 1967.

Notice is hereby given that American General Insurance Co. ("American General"), 2727 Allen Parkway, Houston, Tex., 77019, has filed an application pursuant to the Investment Company Act of 1940 ("Act") for an order pursuant to section 17(b) exempting from the provisions of section 17(a) of the Act the issuance by American General of two-tenths of a share of its convertible preferred stock and eight-tenths of a share of its common stock in exchange for each outstanding share of capital stock of Life and Casualty Insurance Company of Tennessee ("Life and Casualty") owned by Insurance Securities Trust Fund ("ISTF"), a registered open-end, diversified investment company. Such exchange is part of a plan ("Plan") for the merger of Life and Casualty into American General. The application also requests an order pursuant to section 6(c) of the Act exempting the proposed transactions from section 17(d) and Rule 17d-1 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

ISTF owns 933,748 shares (6.91 percent) of the outstanding common stock of American General and 709,493 shares (9.48 percent) of the outstanding capital stock of Life and Casualty. Maryland Casualty Co., a 98.6 percent owned subsidiary of American General, owns 969,600 shares (12.96 percent) of the outstanding capital stock of Life and Casualty.

American General, incorporated in 1926 under the laws of the State of Texas, is engaged, together with its subsidiaries, in the life insurance and fire and casualty insurance business. American General has outstanding 3,279,558 shares of convertible preferred stock and 13,505,430 shares of common stock. The preferred stock has three votes per share and votes with the common stock, which has one vote per share, for the election of directors and other matters.

Life and Casualty, incorporated in 1903 under the laws of the State of Tennessee, is engaged in the business of writing life, accident and health insurance on an ordinary, weekly premium (industrial) and group basis. Life and Casualty has outstanding 7,480,585 shares of capital stock.

Pursuant to the plan, Life and Casualty has created a wholly owned Tennessee subsidiary ("New Life and Casualty"). On the effective date of the plan, the business of Life and Casualty will be transferred to New Life and Casualty; and Life and Casualty will be merged into American General which will survive the merger and succeed to the then assets (consisting of shares of New Life and Casualty) of Life and Casualty. Upon the merger, each outstanding share of Life and Casualty capital stock will automatically be converted into two-tenths of a share of convertible preferred stock and eight-tenths of a share of common stock of American General.

The application states that the ratio at which shares of Life and Casualty are to be converted into shares of American General was established by the boards of directors of the two companies. The ratio was recommended by the investment firm of Lehman Brothers which was retained by the board of directors of American General and by Goldman, Sachs & Co. and Equitable Securities Corp. who were retained by the board of directors of Life and Casualty to advise each board respectively in respect to an appropriate ratio. The boards of directors based their determination on these recommendations and consideration of the relative per share market prices, the per share earnings and capital stock equities of both companies, dividend payments and other factors.

The Plan has been approved by the Commissioner of Insurance and Banking of Tennessee. Final approval of the Plan by the Insurance Commissioner of Texas has not yet been obtained. The holders of each class of the outstanding stock of American General and the holders of Life and Casualty capital stock have approved the Plan.

Upon effectuation of the Plan, New Life and Casualty will become a wholly owned subsidiary of American General. ISTF will own 8.62 percent of the outstanding shares of American General common stock and 3.91 percent of the outstanding shares of American General convertible preferred stock. Maryland Casualty Co. proposes as soon as practicable after the merger to sell to underwriters for distribution in a public offering the shares of American General preferred and common stock which it will receive in the merger.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered company any securities or other property unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of such investment company and with the general purposes of the Act.

Section 17(d) and Rule 17d-1 prohibit any affiliated person of a registered investment company, or any affiliated person of such person, acting as principal from effecting any transaction in which such registered company is a joint or a joint and several participant with such affiliated person, unless the Commission, upon application pursuant to Rule 17d-1, grants an application regarding such matter prior to the submission of the matter to security holders for approval. Rule 17d-1 provides that in passing upon such application the Commission will consider whether participation of such registered company in such joint enterprise on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which its participation is on a basis different from or less advantageous than that of other participants.

Section 6(c) authorizes the Commission by order upon application to exempt

any person or transaction from any provisions of the Act or the rules and regulations thereunder if the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act.

Notice is further given that any interested person may, not later than December 29, 1967, at 1 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon American General at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-14913; Filed, Dec. 21, 1967; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 19, 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. 41192—*Alfalfa from and to points in western trunkline territory.* Filed by Western Trunk Line Committee, agent (No. A-2531), for interested rail carriers. Rates on alfalfa, chopped or ground, in carloads, as described in the application, from points in Colorado, Kansas (except Kansas City, Atchison, and Leavenworth), Nebraska (except Omaha and South Omaha), and South Dakota, to points in Illinois, Iowa, and Missouri, on traffic destined to points east of the Illinois-Indiana State Line.

Grounds for relief—Rate relationship.

Tariff—Western Trunk Line Committee, agent, tariff ICC A-4436.

FSA No. 41193—*Class and commodity rates from and to Gold Kist, Ga.* Filed by O. W. South, Jr., agent (No. A-5073), for interested rail carriers. Rates on property moving on class and commodity rates between Gold Kist, Ga., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

By the Commission.

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

[F.R. Doc. 67-14865; Filed, Dec. 21, 1967; 8:47 a.m.]

[Notice 514]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 19, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 59120 (Sub-No. 31 TA), filed December 12, 1967. Applicant: EAZOR EXPRESS, INC., Eazor Square, Pittsburgh, Pa. 15201. Applicant's representative: R. T. Hefferin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plant of Jones & Laughlin Steel Corp. at Hennepin, Putnam County, Ill., to points in Indiana, Iowa, Arkansas, Kentucky, Minnesota, Michigan, Missouri, Ohio, Oklahoma, Nebraska, Tennessee, and Wisconsin, for 180 days. Supporting shipper: Jones & Laughlin Steel Corp., 3 Gateway Center, Pittsburgh, Pa. 15230. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2109 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 65697 (Sub-No. 38 TA), filed December 11, 1967. Applicant: THEATRES SERVICE COMPANY, 830 Willoughby Way NE., Post Office Box 1695, Atlanta, Ga. 30301. Applicant's representative: Guy H. Postell, 1375 Peachtree Street NE., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), from Conyers, Ga., to Atlanta, Ga., over U.S. Highway 278 and U.S. Interstate Highway 20. NOTE: Applicant states it intends to tack this authority at Atlanta, Ga., so as to provide service from Conyers, Ga., to all points applicant is already authorized to serve in the transportation of general commodities in the States of Alabama, Tennessee, and Kentucky, for 180 days. Supporting shipper: Frank M. Cushman Associates, 36 South Main Street, Sharon, Mass., agent for Sweetheart Plastics, Inc., Wilmington, Mass., and Conyers, Ga. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 95876 (Sub-No. 76 TA) (Correction), filed November 24, 1967, published FEDERAL REGISTER, issue of December 2, 1967, and republished as corrected this issue. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, Post Office Box 844, St. Cloud, Minn. 56301. Applicant's representative: Grant J. Merritt, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood paneling, hardboard, wallboard, or wood particle board and materials, supplies, and accessories* used in connection therewith, from Phillips, Wis., to points in Colorado, Iowa, Kansas, Minnesota, Montana, Nebraska, New Mexico, North Dakota, South Dakota, and Wyoming, for 180 days. NOTE: The purpose of this republication is to correctly set forth the territory proposed to be served. Supporting shipper: Conwed Corp., Cloquet, Minn. 55720. Send protests to: C. H. Bergquist, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 100 South Fourth Street, Minneapolis, Minn.

No. MC 103435 (Sub-No. 199 TA), filed December 11, 1967. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, INC., East 4005 Broadway Avenue, 99202, Post Office Box 2726, Spokane, Wash. 99220. Applicant's representative: George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from the plantsite of Jones & Laughlin Steel Corp. at Hennepin, Putnam County,

Ill., to points in Indiana, Iowa, Arkansas, Kentucky, Minnesota, Michigan, Missouri, Ohio, Oklahoma, Nebraska, Tennessee, and Wisconsin. NOTE: Applicant states it intends to tack with other authority at Minneapolis, Des Moines, Omaha, Cleveland, and St. Louis for 180 days. Supporting shipper: Jones & Laughlin Steel Corp., 3 Gateway Center, Pittsburgh, Pa. 15230. Send protests to: L. C. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 401 U.S. Post Office Building Spokane, Wash. 99201.

No. MC 117934 (Sub-No. 6 TA), filed December 11, 1967. Applicant: HOWARD L. JORGENSEN, doing business as B & T TRUCK LINE, Brigham City, Utah 84302. Applicant's representative: Bartly G. McDonough, 755 Windsor Street, Salt Lake City, Utah 84102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel wire*, on spools or stems, from the railroad yards at Ogden, Utah, to the fabricating plant of Sauk Valley Manufacturing Co. at Brigham City, Utah, and *empty spools or stems* on return, for 180 days. Supporting shipper: Sauk Valley Manufacturing Co., Post Office Box 659, Brigham City, Utah 84302. Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 121534 (Sub-No. 1 TA), filed December 12, 1967. Applicant: CASHMERE TRANSFER COMPANY, 435 Rock Island Road, East Wenatchee, Wash. 98801. Applicant's representative: George R. LaBissoniere, 920 Logan Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Okanogan, Douglas, Chelan, Kittitas, Grant, and Yakima Counties, Wash., and between points in Kittitas County, Wash., on the one hand, and Seattle or Tacoma, Wash., on the other hand: *household goods, heavy machinery, and building materials* (excluding cement, in bulk, in tank or hopper bottom vehicles or similar specialized equipment) between points in Washington. NOTE: Applicant intends to interline with another carrier at Yakima, Seattle, Spokane, and Wenatchee, Wash., for 180 days. Supporting shippers: H. R. Spinner Co., 1550 South Wenatchee Avenue, Post Office Box 1409, Wenatchee, Wash. 98801; Keyes Fibre Co., Post Office Box 460, Wenatchee, Wash. 98801; Van Doren Sales, Inc., Post Office Box 623, Wenatchee, Wash. 98801; Chamberlin Distributing Co., Post Office Box 665, Wenatchee, Wash. 98801. Send protests to: L. C. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 401 U.S. Post Office Building, Spokane, Wash. 99201.

No. MC 124554 (Sub-No. 6 TA), filed December 11, 1967. Applicant: HILARD F. LANG AND MEDARD SCHMITZ, a partnership, doing business as LANG CARTAGE, 338 South 17th Street, Milwaukee, Wis. 53233. Applicant's representative: William C. Dineen, 412 Empire Building, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by Stanley Home Products, Inc., Westfield, Mass.*, from La Crosse, Wis., to points in Winona, Wabasha, Goodhue, Dakota, Houston, Freeborn, Steele, Dodge, Mower, Olmsted, Fillmore, and Wazeca Counties, Minn.; and *returned merchandise* from points in the above-named destination counties in Minnesota, to La Crosse, Wis., for 180 days. Supporting shipper: Stanley Home Products, Inc., Westfield, Mass. (Mark Reply Attention—Distributing Station, Box No. 58, Dubuque, Iowa 52003, John Walachy, Manager). Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 129510 TA (Correction), filed November 3, 1967, published FEDERAL REGISTER, issue of November 15, 1967, and republished as corrected this issue. Applicant: CHESTER W. ENGLUND, doing business as W. ENGLUND CO., 740 Old Stage Road, Salinas, Calif. 93901. Applicant's representative: Stuart J. Shoob, 1510 Arizona Title Building, 111 West Monroe Street, Phoenix, Ariz. 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Used automobile bumpers*, to and from plantsites of Electro Chemical Industries in San Diego, Ontario, and North Hollywood, Calif.; Las Vegas, Nev.; St. Louis, Mo.; Chicago, Ill.; Cleveland, Ohio; Minneapolis, Minn.; Newark and Palmyra, N.J.; Allentown, Pa.; and Baltimore, Md. (b) *Stone and finished stone products, steel products, finished wood products, and finished epoxy resin products;* from Nashua, N.H.; Hicksville, Long Island; Schuyler, Va.; Elkins, W. Va.; Monroe, N.C.; McDermott, Ohio; Dayton, Ohio, to construction jobsites in New Mexico, Arizona, Colorado, Wyoming, Utah, Idaho, Montana, Nevada, California, Washington, Oregon, and Texas; and from points of origin named to the plantsite of Permalab-Metalab Equipment Corp. in Los Angeles, Calif., for 180 days. NOTE: The purpose of this republication is to add certain destination States in (b) above, inadvertently omitted from previous publication. Supporting shippers: Electro Chemical Industries, 709 East Bonita Avenue, Pomona, Calif. 91767; Permalab-Metalab Equipment Corp., 1717 North Main Street, Los Angeles, Calif. 90012. Send protests to: Wm. R. Murdoch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

By the Commission.

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

[F.R. Doc. 67-14866; Filed, Dec. 21, 1967, 8:47 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—DECEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during December.

3 CFR

Page

PROCLAMATIONS:
- 2761A (see Proc. 3822) 19002
- 3548 (see Proc. 3822) 19002
- 3821 17571
- 3822 19002

EXECUTIVE ORDERS:
- Dec. 5, 1913 (revoked in part by PLO 4327) 16531
- Mar. 21, 1914 (revoked in part by PLO 4327) 16531
- June 24, 1914 (revoked in part by PLO 4327) 16531
- 11075 (see Proc. 3822) 19002
- 11248:
  - Amended by EO 11384 17423
  - Amended by EO 11385 18081
- 11383 17421
- 11384 17423
- 11385 18081

5 CFR

- 210 16474
- 213 ..... 16477, 17615, 17849, 20627, 20701
- 315 16474
- 351 16474
- 352 16474
- 353 16475
- 430 16475
- 511 16475
- 531 16475
- 713 16476
- 731 16476
- 752 16476
- 754 16476
- 771 16477
- 772 16477
- 831 16477
- 891 16477
- 2200 17573
- 2300 17651

7 CFR

- 301 ..... 18015, 18017
- 401 ..... 16478, 17425, 17513
- 718 17513
- 722 ..... 17467, 17887, 17923
- 724 16478
- 725 16479
- 729 17887
- 792 20629
- 794 19155
- 811 18083
- 815 16525
- 842 20701
- 905 ..... 16525, 17615, 17616, 17925
- 907 ..... 16526, 17515, 17888, 20629
- 909 17849
- 910 ..... 16526, 17617, 17651, 18017, 18018, 18085
- 944 17425
- 946 20702
- 959 20702
- 982 16527
- 987 19156
- 989 ..... 17467, 18086
- 1062 16479
- 1073 16480
- 1094 16527
- 1103 16527
- 1106 16480

7 CFR—Continued

Page

- 1126 16480
- 1421 16528
- 1427 ..... 16528, 19156
- 1464 17849
- 1474 17888
- 1488 18018

PROPOSED RULES:
- 51 17893
- 58 17893
- 812 17669
- 817 17669
- 911 17431
- 915 17431
- 948 17671
- 950 17433
- 989 ..... 17625, 20732
- 993 17434
- 1001 17626
- 1008 17626
- 1036 17626
- 1048 17626

8 CFR

- 238 17651
- 280 17651

PROPOSED RULES:
- 242 17624
- 243 17624
- 244 17624
- 299 17624

9 CFR

- 71 19157
- 76 19157
- 78 18086
- 79 19157
- 95 19157
- 96 19158
- 97 17618
- 151 19158

12 CFR

- 1 ..... 17574, 17926
- 12 17468
- 206 17469
- 224 17425
- 265 19159
- 335 17470
- 545 17926
- 556 20630
- 561 17515
- 605 17652
- 610 20703
- 670 20703

PROPOSED RULES:
- 16 20657
- 563 17544

14 CFR

- 21 17850
- 39 ..... 16481, 17426, 17515, 17516, 17652, 17927
- 61 16481
- 71 ..... 16482, 16483, 17426, 17427, 17516–17518, 17574–17576, 17653, 17851, 18020, 20630, 20631, 20704, 20705.
- 73 ..... 17427, 17653, 18087

14 CFR—Continued

Page

- 75 17518
- 91 ..... 16483, 17654
- 97 ..... 16484, 17577, 17928, 19170, 20706
- 121 ..... 16481, 17889
- 141 17851
- 151 17471
- 214 18020
- 217 18020
- 221 18022
- 241 18023
- 243 20711
- 301 16491
- 303 16491
- 311 16491
- 320 16491
- 421 16491
- 430 16491
- 431 16491
- 435 16491
- 1209 20714

PROPOSED RULES:
- 1 16495
- 21 17485
- 25 17487
- 39 ..... 17439, 17672, 17673, 17895
- 71 ..... 16495, 17488, 17543, 17596–17598, 17673–17675, 17861, 17982, 18060–18062, 20657, 20658, 20737, 20738.
- 73 17488
- 75 18062
- 77 20658
- 91 ..... 16495, 19190
- 207 20739
- 214 16535
- 241 17983
- 295 16535
- 298 17598
- 399 20739

15 CFR

- 373 17471

16 CFR

- 13 ..... 17427, 17618, 17853–17855, 18025, 20631
- 15 ..... 17582, 17856, 18087, 20716

PROPOSED RULES:
- 301 17544
- 415 17601

17 CFR

- 230 17933
- 239 17933
- 240 17583
- 270 17583
- 274 17583

PROPOSED RULES:
- 240 ..... 17983, 18063
- 270 17861

19 CFR

- 5 17619
- 12 17428
- 16 19159
- 19 17619
- 23 16528
- 24 17619

20 CFR

Page

404 ..... 18026, 19159
405 ..... 18026, 18027
422 18030
PROPOSED RULES:
405 ..... 18050, 18054

21 CFR

19 18096
29 17654
120 ..... 16529, 17472, 18096
121 ..... 16529, 16530, 17472, 17587, 17654, 17655, 17856, 17857, 18096, 20631, 20632
130 16531
146 16531
146a 16491, 17657
148q 18096
166 17473
191 19176
PROPOSED RULES:
1 18113
15 18114
31 16533
46 ..... 17482, 17671, 18114
128 17980
130 17671
138 ..... 16533, 17626

22 CFR

10 17454

23 CFR

255 ..... 17938, 18032, 18033
PROPOSED RULES:
255 16534

24 CFR

203 20716
207 20716
220 20716
234 17587

25 CFR

PROPOSED RULES:
221 17543

26 CFR

1 ..... 17479, 17518, 17657, 17890, 17938, 18039
31 18039
46 18039
48 18039
49 18039
147 17858
601 20645
701 17890
PROPOSED RULES:
1 20727
151 17861

28 CFR

0 16531

29 CFR

1610 16491

30 CFR

PROPOSED RULES:
12 20730
18 18098
34 18098

31 CFR

Page

1 17519
82 17859
214 18044
365 20717

32 CFR

52 17661
54 17619
57 18087
504 18089
537 17519
701 17588
710 20717
721 20719
881 20720
888c 20648
1703 20722

32A CFR

OEP (Ch. I):
Reg. 6 20726

33 CFR

109 ..... 17726, 17890
110 ..... 17726, 17890
114 ..... 17726, 17890
115 ..... 17726, 17890
116 ..... 17726, 17890
117 ..... 17726, 17890, 17939
209 17522

36 CFR

7 17661

39 CFR

123 17479
171 20633
224 18045
232 ..... 18045, 20643
261 20643
742 ..... 17479, 17860

41 CFR

1-1 ..... 16491, 18045
1-2 18049
1-16 18049
9-1 17542
Ch. 18 17002
101-26 17939

42 CFR

53 17662

43 CFR

2210 17890
PUBLIC LAND ORDERS:
334 (revoked in part by PLO 4333) 17480
1796 (revoked in part by PLO 4331) 17479
2764 (see PLO 4331) 17479
4327 16531
4328 17429
4329 16532
4330 17479
4331 17479
4332 17479
4333 17480
4334 17429
4335 17429

43 CFR—Continued

Page

PUBLIC LAND ORDERS—Continued
4336 17620
4337 17662
4338 17891

45 CFR

30 17891
1105 17663

46 CFR

39 17621
55 19180
61 19180
72 19180
76 19180
77 19181
78 19181
98 17621
111 19181
112 19182
113 19182
221 17595
255 17595
308 17891
510 17480
526 17667
PROPOSED RULES:
Ch. II 17980
510 19182
514 16496
536 19192

47 CFR

73 ..... 19183, 19187
97 17429
PROPOSED RULES:
2 ..... 16495, 18115
73 ..... 19191, 20659, 20739
87 ..... 16495, 18115
91 17440

48 CFR

501 17940

49 CFR

Ch. X 20003
290 17941
291 17941
292 17941
293 17941
294 17941
295 ..... 17892, 17941
296 17941
297 17941
890 17480
1100 20654
1200 17480
1306 20654
PROPOSED RULES:
177 ..... 18114, 20739
239 18062
294 ..... 18114, 20739
1056 20659

50 CFR

13 20655
28 17623
32 ..... 17542, 20656
33 ..... 16532, 17430, 17481, 17623, 17667, 17668, 18049, 20656, 20704.
254 16492