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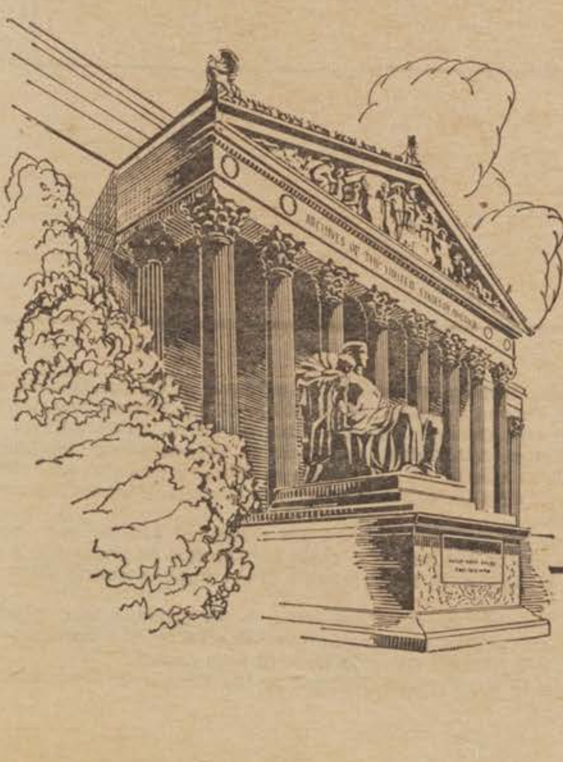

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List of CFR Parts Affected

(Codification Guide)

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Navy

Section 213.3108 is amended to show that five postdoctoral research associate positions a year may be filled under Schedule A at the U.S. Naval Ordnance Test Station, China Lake, Calif., under specified conditions. Effective on publication in the FEDERAL REGISTER, paragraph (e) of § 213.3108 is amended as set out below.

§ 213.3108 Department of the Navy.

* * * * *

(e) *U.S. Naval Research Laboratory, Washington, D.C.; U.S. Navy Electronics Laboratory, San Diego, Calif.; U.S. Naval Ordnance Laboratory, White Oak, Silver Spring, Md.; U.S. Naval Weapons Laboratory, Dahlgren, Va.; David Taylor Model Basin, Washington, D.C.; and U.S. Naval Ordnance Test Station, China Lake, Calif.* (1) Scientific and professional research associate positions when filled on a temporary basis by persons having a doctoral degree in physical science or related fields of study, for research activities of mutual interest to appointees and the installations. Appointments under this provision may not exceed 20 each calendar year at the Naval Research Laboratory, 6 each calendar year at the Navy Electronics Laboratory, 5 each calendar year at the Naval Ordnance Test Station, and 10 each calendar year at the Naval Ordnance Laboratory, Naval Weapons Laboratory, and David Taylor Model Basin. Employment under this provision may not exceed 1 year in any individual case, except that with the approval of the Commission, such employment may be extended for not to exceed one additional year.

* * * * *

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-11442; Filed, Oct. 19, 1966; 8:49 a.m.]

PART 351—REDUCTION IN FORCE

Subpart J—Establishment and Maintenance of Reemployment Priority List

ESTABLISHMENT OF LIST

Section 351.1001 is amended to show an exception from the right to entry on an overseas reemployment priority list where entry would be inconsistent with the limits on overseas service under an agency's rotation program. Effective upon publication in the FEDERAL REGISTER, paragraph (b) of § 351.1001 is amended as set out below.

§ 351.1001 Establishment of list.

* * * * *

(b) When an agency separates a group I or II employee from a competitive position overseas or in Alaska, it shall enter his name on the reemployment priority list for the area in which the position is located, except (1) when he leaves that area or (2) when the agency has a general program for rotating employees between overseas areas and the United States, and the employee's immediately preceding overseas service or residence combined with prospective overseas service under available appointments exceeds the maximum duration of an overseas duty tour in the agency's rotation program. On the request of an employee who leaves the area, the agency shall enter his name on its reemployment priority list for the commuting area from which he was employed for overseas or Alaskan service or for another area (except overseas or Alaska) mutually acceptable to him and the agency. An agency may delete an employee's name from the list for one of the reasons in paragraph (a) of this section, and shall delete it from an overseas or Alaskan list when he leaves the area covered by that list or becomes disqualified for overseas appointment because of his previous service or residence.

(5 U.S.C. 1302, 3502)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-11441; Filed, Oct. 19, 1966; 8:49 a.m.]

PART 534—PAY UNDER OTHER SYSTEMS

Maximum Stipends

Section 534.202(b) is amended to show the maximum stipend prescribed for certain student nurses, Department of Health, Education, and Welfare. Effective October 2, 1966, the following item is added to paragraph (b) of § 534.202 as set out below.

§ 534.202 Maximum stipends.

* * * * *

(b) * * *

Student nurses, Department of Health, Education, and Welfare:
Approved training during clinical affiliation ______ L–1.

* * * * *

(5 U.S.C. 5102, 5351, 5352, 5541)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 66-11413; Filed, Oct. 19, 1966; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Docket No. 802; Amdt. 39-294]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Model F–27 Series and FH–227 Airplanes

Amendment 308 (26 F.R. 6265), AD 61–15–2, as amended by Amendments 323 (26 F.R. 7761) and 331 (26 F.R. 8375), requires repetitive inspection of the gimbal nuts in the wing flap actuating screwjacks on Fairchild Model F–27 Series airplanes. Subsequent to the issuance of Amendment 331, the Model FH–227 airplane was certificated, which is a modification of the Model F–27 airplane. Therefore, the AD is being further amended to apply to the Fairchild Model F–27 Series and FH–227 airplanes.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 308 (26 F.R. 6265), AD 61–15–2, as amended by Amendments 323 (26 F.R. 7761) and 331 (26 F.R. 8375), is further amended by amending the applicability statement to read as follows:

Applies to Model F–27 Series and FH–227 airplanes.

This amendment becomes effective October 20, 1966.

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

Issued in Washington, D.C., on October 13, 1966.

C. W. WALKER,
Director, Flight Standards Service.

[F.R. Doc. 66-11392; Filed, Oct. 19, 1966; 8:45 a.m.]

[Regulatory Docket No. 7258; Amdts. 61-25; 63-7; 65-9; 143-2]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

PART 143—GROUND INSTRUCTORS

Airman and Ground Instructor Administrative Requirements

The purpose of these amendments to Parts 61, 63, 65, and 143 of the Federal Aviation Regulations is to resolve several inconsistent administrative requirements applicable to airman and ground instructor certificate holders, and to standardize these provisions. The requirements concern presentation of certificates for inspection; application during suspension or after revocation; changes of name, and replacement of lost or destroyed certificates; and retesting after failure (written and flight tests). Several additional changes clarify certain provisions or remove others that are considered unnecessary. The changes were proposed in Notice No. 66-9 issued on March 28, 1966 (31 F.R. 5324), except for those making consistent the provisions on return of certificates that are suspended or revoked.

Several comments concurred generally with the proposals. Other comments were addressed to individual proposals, principally those concerned with presenting certificates for inspection, and with clarifying and incorporating in § 61.39 the interpretation that a flight instructor may not log as instrument time (and receive credit for) periods when he is serving as a flight instructor but not manipulating the controls.

(1) *Presentation of certificates for inspection.* Three comments opposed adding Federal law enforcement officers to the list of persons to whom the holder of an airman or ground instructor certificate must present it for inspection upon request. One comment expressed apprehension that a law enforcement officer might use the regulations to deprive an individual of his license. However, neither the proposed change nor the existing regulations (already requiring presentation upon request of the Administrator or an authorized representative of the Civil Aeronautics Board or of any State or local law enforcement officer) purport to extend to other agencies authority to enforce FAA safety regulations. The authority to enforce those regulations by a civil penalty or certificate action remains with the FAA, and only this Agency may suspend or revoke an airman certificate issued by it, subject to review by the CAB. This comment also questioned the existing requirements for presentation to other than authorized personnel of the regulatory agencies. However, the requirements, as expanded by these amendments, are appropriate to implement the enforcement of criminal provisions of the Federal Aviation Act of 1958 such as sections 902(b)—Forgery of certificates, and 902(i) through (m)—Aircraft piracy, etc. (for whose investigation the FBI is responsible), as well as to implement regulations issued thereunder and other regulatory provisions. The second adverse comment believed that presentation should be required only to authorized persons who understand what the certificates are, namely, the FAA and CAB. The concern of the third adverse comment was with the question who constitutes a law enforcement officer. However, no difficulty has been encountered in these respects in connection with the existing regulatory provisions, and none can reasonably be expected in the future.

(2) *Application during suspension or after revocation.* Several comments felt it was too harsh to prohibit a pilot whose pilot certificate has been revoked from applying for any pilot or flight instructor certificate or rating for 1 year, or to prohibit a person whose flight instructor certificate only is revoked from applying for any flight instructor certificate for 1 year. One of these comments suggested that a pilot who flies for a living could not sustain himself for a year without an opportunity to regain his certificate, and that he should be permitted to requalify without a time limit if he shows evidence of up-dating and training. These comments lose sight of the punitive as well as corrective nature of revocation action. Furthermore, the revocation order may allow application in less than 1 year.

(3) *Changes of name, and replacement of lost or destroyed certificates.* One comment objected to requiring a brief statement of the circumstances of loss or destruction of a certificate when a person applies for a replacement certificate. The Agency agrees that this requirement serves no useful purpose, and these amendments therefore omit the requirement from Part 61 where it already exists and from the additions made to the other Parts involved. This comment also criticized the requirement to supply documentary evidence verifying a change of name. However, this is a reasonable requirement to safeguard the integrity of certificates that, once issued, are reissued under changed names. Although the comment asserted that some people change their names without marriage or court order, it is reasonable to require at least some documentary evidence in such a case, as is permitted.

One comment mistakenly believed a "user charge" was being introduced into the regulations, that is, the $2 charge for a replacement certificate. This is not a new charge. The charge already was provided for in § 61.13, and the other regulations here involved merely repeat what is already included in Part 187.

(4) *Retesting after failure (written and flight tests).* One comment suggested that in § 61.27(d) as amended, the applicant for an airline transport pilot certificate or associated rating should be required, after a second failure of a maneuver of the flight test, to demonstrate competency on related maneuvers. These amendments make no substantive change at this time. A substantive change has been proposed by Notice No. 66-6 (31 F.R. 4735), upon which final action has not yet been completed.

(5) *Other changes.* As proposed, the word "civil" is inserted before the word "aircraft" in § 61.3(f), thus making the language of this prohibition concerning the lack of instrument rating consistent with § 61.3(a) concerning in general the lack of a pilot certificate. Also, § 61.3(f) is amended to reflect the changes recently made by Amendment 61-24, as well as those proposed by Notice No. 66-9.

Strong opposition was expressed to the proposed change in § 61.39(e) that would specifically express the limitation, already existing and confirmed by interpretation, that a flight instructor may not log (and receive credit for) as instrument time, periods when he is serving as a flight instructor but not manipulating the controls. Since the change is clarifying only, it is made as proposed. However, the Agency intends to fully reconsider this provision in view of the public response to Notice 66-9 and, if relaxation of the rule then appears appropriate, to issue a notice of proposed rule making in order to allow full public participation in making the rule change.

These amendments make the remaining changes proposed by Notice No. 66-9. In addition, the provisions requiring the return of suspended or revoked certificates are made consistent throughout these regulations. Thus, §§ 61.9(g), 63.15(b), 65.15(c), and 143.7(b) are all amended to provide that the holder of a suspended or revoked certificate shall, upon the Administrator's request, return it to the Administrator. This change was not proposed by Notice No. 66-9; however, since the provision is considered procedural only, notice and public procedure thereon is not necessary.

Interested persons have been afforded an opportunity to participate in the making of these amendments (except those concerning return of suspended or revoked certificates), and due consideration has been given to all matter presented.

In consideration of the foregoing, Parts 61, 63, 65, and 143 of the Federal Aviation Regulations are amended effective November 19, 1966, as follows:

1. Part 61 is amended as follows:

a. By amending paragraphs (e) and (f) of § 61.3 to read as follows:

§ 61.3 Certificates and ratings required.

* * * * *

(e) *Inspection of certificate.* Each person who holds a pilot certificate or medical certificate shall present either or both for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

(f) *Instrument rating.* No person may act as pilot in command of a civil aircraft under instrument flight rules or in weather conditions less than the minimums prescribed for VFR flight unless—

(1) In the case of a helicopter, he holds a helicopter instrument rating, or an airline transport pilot certificate with a rotorcraft category and helicopter class rating not limited to VFR;

(2) In the case of an airship, he holds a commercial pilot certificate with lighter-than-air category and airship class ratings; or

(3) In the case of an aircraft other than a helicopter or airship, he holds an instrument rating or an airline transport pilot certificate.

b. By amending paragraphs (e) and (f) of § 61.5 to read as follows:

§ 61.5 **Application and issue.**

* * * * *

(e) Unless authorized by the Administrator—

(1) A person whose pilot certificate is suspended may not apply for any pilot or flight instructor certificate or rating during the period of suspension; and

(2) A person whose flight instructor certificate only is suspended may not apply for any rating to be added to that certificate during the period of suspension.

(f) Unless the order of revocation provides otherwise—

(1) A person whose pilot certificate is revoked may not apply for any pilot or flight instructor certificate or rating for 1 year after the date of revocation; and

(2) A person whose flight instructor certificate only is revoked may not apply for any flight instructor certificate for 1 year after the date of revocation.

c. By amending paragraph (g) of § 61.9 to read as follows:

§ 61.9 **Duration of certificate.**

* * * * *

(g) *Return of certificate.* The holder of any certificate issued under this part that is suspended or revoked shall, upon the Administrator's request, return it to the Administrator.

d. By striking out subparagraph (b) (1) of § 61.13, and redesignating subparagraphs (b) (2) and (b) (3) as subparagraphs (b) (1) and (b) (2) respectively.

e. By amending paragraph (c) of § 61.13 to read as follows:

§ 61.13 **Change of name; replacement of lost or destroyed certificate.**

* * * * *

(c) An application for replacement of a lost or destroyed medical certificate is made by letter to the Aeromedical Certification Branch, Civil Aeromedical Institute, Federal Aviation Agency, Post Office Box 1082, Oklahoma City, Okla. 73101, accompanied by a check or money order for $2.

* * * * *

f. By amending paragraph (a) of § 61.27 to read as follows:

§ 61.27 **Retesting after failure.**

(a) *Written test.* An applicant for a certificate or rating under this part who fails a written test for that certificate or rating may apply for retesting—

(1) After 30 days after the date he failed that test; or

(2) Upon presenting a statement from whichever of the following is applicable, certifying that he has given additional instruction to the applicant and considers him ready for retesting:

(i) For a private or commercial pilot certificate or associated rating—a certificated flight instructor with an appropriate category rating or a certificated ground instructor with an appropriate rating.

(ii) For an instrument rating—a certificated flight instructor with an instrument rating on his flight instructor certicate or a certificated ground instructor with an appropriate rating.

(iii) For a flight instructor certificate—a certificated flight instructor with an appropriate category or instrument rating on his flight instructor certificate.

(iv) For an airline transport pilot certificate—a person employed by an airline to instruct in airline transport pilot subjects, a certificated airline transport pilot, a certificated ground instructor with an appropriate rating, or a person qualified to instruct in instrument flight theory.

g. By striking out paragraphs (c), (e), and (f) of § 61.27.

h. By amending the lead-in sentence of paragraph (d) of § 61.27 to read as follows:

§ 61.27 **Retesting after failure.**

* * * * *

(d) *Airline transport; flight test.* An applicant for an airline transport pilot certificate or associated rating who fails a flight test under this part may apply for retesting upon presenting a statement from his instructor (as to required instruction) certifying that he has given the additional instruction to the applicant and considers him ready for retesting, and satisfactory evidence that he has—

* * * * *

i. By amending § 61.29 to read as follows:

§ 61.29 **Graduates of certificated flying schools: Special rules.**

(a) A graduate of a flying school that is certificated under Part 141 of this chapter is considered to meet the applicable aeronautical experience requirements of this part if he presents an appropriate graduation certificate within 60 days after the date he is graduated. However, if he applies for a flight test for an instrument rating or a flight instructor certificate, he must hold a commercial pilot certificate, or hold a private pilot certificate and meet the requirements of § 61.115 (except paragraphs (a) (3) and (4) thereof).

(b) An applicant for a certificate or rating under this part may be considered to meet the aeronautical knowledge or skill requirements, or both, applicable to that certificate or rating, if he applies within 90 days after being graduated from an appropriate course of a flying school that is certificated under Part 141 of this chapter and is authorized by the Administrator to test applicants on aeronautical knowledge or skill, or both.

j. By amending paragraph (e) of § 61.39 by inserting the word "only" between the words "log" and "that".

k. By striking out § 61.49.

2. Part 63 is amended as follows:

a. By amending paragraph (c) of § 63.3 to read as follows:

§ 63.3 **Certificates required.**

* * * * *

(c) Each person who holds a flight engineer or flight navigator certificate, or medical certificate, shall present either or both for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

b. By adding new paragraphs (c) and (d) to § 63.11 to read as follows:

§ 63.11 **Application and issue.**

* * * * *

(c) Unless authorized by the Administrator, a person whose flight engineer certificate is suspended may not apply fo rany rating to be added to that certificate during the period of suspension.

(d) Unless the order of revocation provides otherwise, a person whose flight engineer or flight navigator certificate is revoked may not apply for the same kind of certificate for 1 year after the date of revocation.

c. By amending paragraph (b) of § 63.15 to read as follows:

§ 63.15 **Duration of certificates.**

* * * * *

(b) The holder of any certificate issued under this part that is suspended or revoked shall, upon the Administrator's request, return it to the Administrator.

d. By inserting the following new section after § 63.15:

§ 63.16 **Change of name; replacement of lost or destroyed certificate.**

(a) An application for a change of name on a certificate issued under this part must be accompanied by the applicant's current certificate and the marriage license, court order, or other document verifying the change. The documents are returned to the applicant after inspection.

(b) An application for a replacement of a lost or destroyed certificate is made by letter to the FAA Airman Certification Branch, Federal Aviation Agency, Oklahoma City, Okla. The letter must—

(1) Contain any available information regarding the grade, number, and date of issue of the certificate, the name in which it was issued, and the ratings on it; and

(2) Be accompanied by a check or money order for $2, payable to the Federal Aviation Agency.

(c) An application for replacement of a lost or destroyed medical certificate is made by letter to the Aeromedical Certification Branch, Civil Aeromedical Institute, Federal Aviation Agency, Post Office Box 1082, Oklahoma City, Okla.

73101, accompanied by a check or money order for $2.

(d) A person whose certificate issued under this part or medical certificate, or both, has been lost may obtain a telegram from the Federal Aviation Agency confirming that it was issued. The telegram may be carried as a certificate pending his receiving a duplicate certificate under paragraph (b) or (c) of this section, unless he has been notified that the certificate has been suspended or revoked. The request for such a telegram may be made by prepaid telegram, stating the date upon which a duplicate certificate was requested, or including the request for a duplicate and a money order for the necessary amount. The request for a telegraphic certificate should be sent to the office prescribed in paragraph (b) or (c) of this section, as appropriate. However, a request for both at the same time should be sent to the office prescribed in paragraph (b) of this section.

3. Part 65 is amended as follows:

a. By adding new paragraphs (c) and (d) to § 65.11 to read as follows:

§ 65.11 **Application and issue.**

* * * * *

(c) Unless authorized by the Administrator, a person whose air traffic control tower operator, mechanic, or parachute rigger certificate is suspended may not apply for any rating to be added to that certificate during the period of suspension.

(d) Unless the order of revocation provides otherwise—

(1) A person whose air traffic control tower operator, aircraft dispatcher, or parachute rigger certificate is revoked may not apply for the same kind of certificate for 1 year after the date of revocation; and

(2) A person whose mechanic or repairman certificate is revoked may not apply for either of those kinds of certificates for 1 year after the date of revocation.

b. By amending paragraph (c) of § 65.15 to read as follows:

§ 65.15 **Duration of certificates.**

* * * * *

(c) The holder of any certificate issued under this part that is suspended or revoked shall, upon the Administrator's request, return it to the Administrator.

* * * * *

c. By inserting the following new section after § 65.15:

§ 65.16 **Change of name; replacement of lost or destroyed certificate.**

(a) An application for a change of name on a certificate issued under this part must be accompanied by the applicant's current certificate and the marriage license, court order, or other document verifying the change. The documents are returned to the applicant after inspection.

(b) An application for a replacement of a lost or destroyed certificate is made by letter to the FAA Airman Certification Branch, Federal Aviation Agency, Oklahoma City, Okla. The letter must—

(1) Contain any available information regarding the grade, number, and date of issue of the certificate, the name in which it was issued, and the ratings on it; and

(2) Be accompanied by a check or money order for $2, payable to the Federal Aviation Agency.

(c) An application for replacement of a lost or destroyed medical certificate is made by letter to the Aeromedical Certification Branch, Civil Aeromedical Institute, Federal Aviation Agency, Post Office Box 1082, Oklahoma City, Okla. 73101, accompanied by a check or money order for $2.

(d) A person whose certificate issued under this part or medical certificate, or both, has been lost may obtain a telegram from the FAA confirming that it was issued. The telegram may be carried as a certificate pending his receiving a duplicate certificate under paragraph (b) or (c) of this section, unless he has been notified that the certificate has been suspended or revoked. The request for such a telegram may be made by prepaid telegram, stating the date upon which a duplicate certificate was requested, or including the request for a duplicate and a money order for the necessary amount. The request for a telegraphic certificate should be sent to the office prescribed in paragraph (b) or (c) of this section, as appropriate. However, a request for both at the same time should be sent to the office prescribed in paragraph (b) of this section.

d. By amending paragraph (a) of § 65.45 to read as follows:

§ 65.45 **General operating rules.**

(a) Each person who holds an air traffic control tower operator certificate shall keep it readily available when performing duties under it, and shall present that certificate or a medical certificate held by him or both for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

* * * * *

e. By amending paragraph (b) of § 65.51 to read as follows:

§ 65.51 **Certificate required.**

* * * * *

(b) Each person who holds an aircraft dispatcher certificate shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

f. By amending § 65.89 to read as follows:

§ 65.89 **Display of certificate.**

Each person who holds a mechanic certificate shall keep it within the immediate area where he normally exercises the privileges of the certificate and shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

g. By amending paragraph (b) of § 65.95 to read as follows:

§ 65.95 **Inspection authorization: privileges and limitations.**

* * * * *

(b) When he exercises the privileges of an inspection authorization the holder shall keep it available for inspection by the aircraft owner, the mechanic submitting the aircraft, repair, or alteration for approval (if any), and shall present it upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

* * * * *

h. By amending § 65.105 to read as follows:

§ 65.105 **Display of certificate.**

Each person who holds a repairman certificate shall keep it within the immediate area where he normally exercises the privileges of the certificate and shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

i. By amending paragraph (c) of § 65.111 to read as follows:

§ 65.111 **Certificate required.**

* * * * *

(c) Each person who holds a parachute rigger certificate shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

* * * * *

4. Part 143 is amended as follows:

a. By adding new paragraphs (c) and (d) to § 143.3 to read as follows:

§ 143.3 **Application and issue.**

* * * * *

(c) Unless authorized by the Administrator, a person whose ground instructor certificate is suspended may not apply for any rating to be added to that certificate during the period of suspension.

(d) Unless the order of revocation provides otherwise, a person whose ground instructor certificate is revoked may not apply for any ground instructor certificate for 1 year after the date of revocation.

b. By amending paragraph (b) of § 143.7 to read as follows:

§ 143.7 **Duration of certificates.**

* * * * *

(b) The holder of any certificate issued under this part that is suspended or revoked shall upon the Administrator's request, return it to the Administrator.

c. By inserting the following new section after § 143.7:

§ 143.8 Change of name; replacement of lost or destroyed certificate.

(a) An application for a change of name on a certificate issued under this part must be accompanied by the applicant's current certificate and the marriage license, court order, or other document verifying the change. The documents are returned to the applicant after inspection.

(b) An application for a replacement of a lost or destroyed certificate is made by letter to the FAA, Airman Certification Branch, Federal Aviation Agency, Oklahoma City, Okla. The letter must—

(1) Contain any available information regarding the grade, number, and date of issue of the certificate, the name in which it was issued, and the ratings on it; and

(2) Be accompanied by a check or money order for $2, payable to the Federal Aviation Agency.

(c) A person whose certificate issued under this part has been lost may obtain a telegram from the FAA confirming that it was issued. The telegram may be carried as a certificate pending his receiving a duplicate certificate under paragraph (b) of this section, unless he has been notified that the certificate has been suspended or revoked. The request for such a telegram may be made by prepaid telegram, stating the date upon which a duplicate certificate was requested, or including the request for a duplicate and a money order for the necessary amount. The request for a telegraphic certificate should be sent to the office prescribed in paragraph (b) of this section.

d. By striking out § 143.13.

e. By amending § 143.21 to read as follows:

§ 143.21 Display of certificate.

Each person who holds a ground instructor certificate shall keep it readily available to him while instructing and shall present it for inspection upon the request of the Administrator or an authorized representative of the Civil Aeronautics Board, or of any Federal, State, or local law enforcement officer.

(Secs. 313(a), 601, 602, and 607 of the Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1422, 1427)

Issued in Washington, D.C., on October 14, 1966.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 66-11393; Filed, Oct. 19, 1966; 8:45 a.m.]

[Airspace Docket No. 66-EA-87]

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

Alteration of Control Areas

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to make an editorial change in the description of Control Areas 1141 and 1143.

The Canadian Department of Transport has advised that the Yarmouth, Nova Scotia, radio range was converted to a radio beacon on September 21, 1966. Action is taken herein to correct the descriptions of Control 1141 and Control 1143 by substituting the Yarmouth RBN for the Yarmouth RR. The extent of controlled airspace associated with these control areas will not be altered.

Since these amendments are editorial in nature and do not involve the designation of airspace, notice and public procedure are unnecessary and may be made effective immediately.

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

In § 71.163 (31 F.R. 2050) Control 1141 and Control 1143 are amended by deleting "Yarmouth, Nova Scotia, Canada, RR" and "Yarmouth RR" wherever it appears and substitute "Yarmouth, Nova Scotia, Canada, RBN" and "Yarmouth RBN" therefor.

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

Issued in Washington, D.C., on October 13, 1966.

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

[F.R. Doc. 66-11394; Filed, Oct. 19, 1966; 8:45 a.m.]

[Docket No. 7264; Amdt. 91-33]

PART 91—GENERAL OPERATING AND FLIGHT RULES

Authorization for Ferry Flight With One Engine Inoperative

The purpose of these amendments to § 91.45 of the Federal Aviation Regulations is to provide rules for ferry flight of a turbine engine powered airplane equipped with either three or four engines, with one engine inoperative, to a base for repair of that engine. These amendments also change § 91.45 to require the use of temperature accountability for the takeoff field length in flight tests of four-engine reciprocating engine powered airplanes under that section; to require the addition of certain data to the Airplane Flight Manual, and certain limitations to the operator's manual; and to make the rules of the section applicable to the same kind of ferry flights by commercial operators of large aircraft, in addition to air carriers.

These amendments (except as now changed) were proposed in Notice No. 66-10 and published in the FEDERAL REGISTER on April 5, 1966 (31 F.R. 5381). Public comment was received from five sources. One comment expressed opposition to all ferry flights with one engine inoperative. However, the safety record of these flights supports the extension of the rules accomplished by the amendments. The other comments did not oppose the objectives of the proposals as such, but offered a number of suggestions some of which have been adopted, others not.

Several comments dealt with the proposed or existing general criteria of § 91.45(a). Thus, some concern was expressed as to the inclusion, in the operator's manual, of limitations that the operating weight on any ferry flight must be the minimum necessary therefor, and takeoffs must be made from dry runways. Responsive to these comments, these amendments provide in § 91.45(a)(3)(i) and (ii) that the weight may include the necessary reserve fuel load, and that takeoffs may be made from wet runways after approval of an operator's showing of actual takeoff techniques with full controllability from wet runways. One comment was adverse to the provision of § 91.45(a)(4)(ii), already contained in the regulations, that no person may take off an airplane if weather conditions at the takeoff or destination airport are less than those required for VFR flight, and it suggested "circling minimums" of 500 feet and 1 or 2 miles visibility. However, the Agency believes that VFR conditions are essential for safe ferry operations, especially in the event of an additional engine failure at takeoff and destination landing areas, in order to allow the crewmembers to concentrate on the emergency and to minimize the necessity of holding or making an instrument approach.

Several comments dealt with the criteria for flight tests. One comment felt that the speed of not less than $1.3V_{S_1}$, already contained in § 91.45(b)(1), is too high. However, the experience with this speed indicates it is satisfactory for the purpose and its use should be continued. Several comments objected to the proposed requirement, for both reciprocating and turbine engine powered airplanes, of attainment of a speed not less than the two-engine inoperative minimum control speed before the airplane reaches 400 feet above the surface after takeoff. This requirement has been dropped from the amendments, since upon reconsideration the Agency agrees with the observations made by these comments that the new requirement is not necessary in view of past satisfactory operations without it, and that the minimum cleanup altitude is 400 feet under the airworthiness standards for takeoff path in § 25.111(c)(2) and (4) of Part 25 of the Federal Aviation Regulations.

The preamble of Notice 66-10 referred to the use of "full" temperature accountability for the takeoff field length in flight tests for reciprocating engine powered airplanes, but the word "full" was not used in the proposed regulations themselves (§ 91.45(b)(5)). The operating factors for the weight and takeoff distance may be as little as one-half of the full accountability values, under § 25.61, the provision under which temperature accountability is to be computed. Accordingly, the rule as written governs in this respect, and not the language employed in the preamble of the Notice.

Two comments suggested that the minimum final climb gradient in the test flight for a three-engine turbine engine powered airplane with two engines inoperative should be 1 percent at the end of the takeoff rather than 1.2 percent as proposed for § 91.45(c)(4)(i). The Agency does not concur with this suggestion. Section 25.121(c), the provision to which reference is made for maximum weight for the performance, requires a 1.2 percent gradient for a two-engine airplane for one engine inoperative, and it is proper to require the same gradient for the similar situation of a three-engine airplane with two engines inoperative.

Two other suggestions made by comments with respect to criteria for flight tests have been adopted. Thus, § 91.45 (c)(2) has been clarified as to its inclusion of V_2 speed with respect to takeoff field length; and the word "original" has been dropped from the reference to type certification in § 91.45(c) (1) and (2) (iii) as issued, with respect to the power selection, since use of the word might be confusing when applied to airplanes recertified for engine thrust increases.

Some concern was expressed that the proposals made in Notice 66-10 would require additional flight tests for aircraft for which approved Airplane Flight Manual data for one engine-out ferry flights already had been obtained. Pending these amendments of the rules to provide for the distinction between reciprocating and turbine engine powered airplanes, the Agency has approved the use of jet ferry data contained in Airplane Flight Manuals based upon flight tests determined to meet the existing requirements of §91.45(a)(1) for three- or four-engine turbine engine powered airplanes. Therefore, it was also determined that this data might be used for compliance with § 91.45(a)(2). Also, the criterion (temperature accountability) added to the regulatory requirements for flight tests in the case of reciprocating engine powered airplanes, and to the criteria used for approval in the case of turbine engine powered airplanes, is a comparatively minor change. In view of these circumstances, these amendments include a provision in § 91.45(a)(1) that each operator who before the effective date of the amendments has shown that a model of airplane with one engine inoperative is satisfactory for safe flight by a test flight conducted in accordance with performance data contained in the applicable Airplane Flight Manual under § 91.45(a)(2) need not repeat that test flight.

Interested persons have been afforded an opportunity to participate in the making of these amendments, and due consideration has been given to all matter presented.

In consideration of the foregoing, and for the reasons stated in Notice No. 66-10, § 91.45 of Part 91 of the Federal Aviation Regulations is amended effective November 19, 1966, to read as follows:

§ 91.45 Authorization for ferry flight with one engine inoperative by air carriers and commercial operators of large aircraft.

(a) *General.* An air carrier or commercial operator of large aircraft may conduct a ferry flight of a four-engine airplane or a turbine engine powered airplane equipped with three engines, with one engine inoperative, to a base for the purpose of repairing that engine subject to the following:

(1) The airplane model has been test flown and found satisfactory for safe flight in accordance with paragraph (b) or (c) of this section, as appropriate. However, each operator who before November 19, 1966, has shown that a model of airplane with an engine inoperative is satisfactory for safe flight by a test flight conducted in accordance with performance data contained in the applicable Airplane Flight Manual under subparagraph (2) of this paragraph need not repeat the test flight for that model.

(2) The approved Airplane Flight Manual contains the following performance data and the flight is conducted in accordance with that data:

(i) Maximum weight.

(ii) Center of gravity limits.

(iii) Configuration of the inoperative propeller (if applicable).

(iv) Runway length for takeoff (including temperature accountability).

(v) Altitude range.

(vi) Certificate limitations.

(vii) Ranges of operational limits.

(viii) Performance information.

(ix) Operating procedures.

(3) The operator's manual contains operating procedures for the safe operation of the airplane, including specific requirements for—

(i) A limitation that the operating weight on any ferry flight must be the minimum necessary therefor with the necessary reserve fuel load;

(ii) A limitation that takeoffs must be made from dry runways unless, based on a showing of actual operating takeoff techniques on wet runways with one engine inoperative, takeoffs with full controllability from wet runways have been approved for the specific model aircraft and included in the Airplane Flight Manual;

(iii) Operations from airports where the runways may require a takeoff or approach over populated areas; and

(iv) Inspection procedures for determining the operating condition of the operative engines.

(4) No person may take off an airplane under this section if—

(i) The initial climb is over thickly populated areas; or

(ii) Weather conditions at the takeoff or destination airport are less than those required for VFR flight.

(5) No air carrier or commercial operator of large aircraft may carry any persons other than required flight crewmembers on board the airplane during the flight.

(6) No air carrier or commercial operator of large aircraft may use a flight crewmember unless he is thoroughly familiar with the operating procedures for one-engine inoperative ferry flights listed in its manual and the limitations and performance information listed in the Airplane Flight Manual.

(b) *Flight tests: Reciprocating engine powered airplanes.* The airplane performance of a reciprocating engine powered airplane with one engine inoperative must be determined by flight test as follows:

(1) A speed not less than $1.3V_{S1}$ must be chosen at which the airplane may be controlled satisfactorily in a climb with the critical engine inoperative (with its propeller removed or in a configuration desired by the operator) and with all other engines operating at the maximum power determined in subparagraph (3) of this paragraph.

(2) The distance required to accelerate to the speed listed in subparagraph (1) of this paragraph and to climb to 50 feet must be determined with—

(i) The landing gear extended;

(ii) The critical engine inoperative and its propeller removed or in a configuration desired by the operator; and

(iii) The other engines operating at not more than the maximum power established under subparagraph (3) of this paragraph.

(3) The takeoff, flight, and landing procedures such as the approximate trim settings, method of power application, maximum power, and speed must be established.

(4) The performance must be determined at a maximum weight not greater than the weight that allows a rate of climb of at least 400 feet a minute in the en route configuration set forth in § 25.67(d) of this chapter at an altitude of 5,000 feet.

(5) The performance must be determined using temperature accountability for the takeoff field length, computed in accordance with § 25.61 of this chapter.

(c) *Flight tests: Turbine engine powered airplanes.* The airplane performance of a turbine engine powered airplane with one engine inoperative must be determined in accordance with the following, by flight tests including at least three takeoff tests:

(1) Takeoff speeds V_R and V_2, not less than the corresponding speeds under which the airplane was type certificated under § 25.107 of this chapter, must be chosen at which the airplane may be controlled satisfactorily with the critical engine inoperative (with its propeller removed or in a configuration desired by the operator, if applicable) and with all other engines operating at not more than the power selected for type certification, as set forth in § 25.101 of this chapter.

(2) The minimum takeoff field length must be the horizontal distance required to accelerate, and climb to the 35-foot height at V_2 speed (including any additional speed increment obtained in the tests), multiplied by 115 percent, and determined with—

(i) The landing gear extended;

(ii) The critical engine inoperative and its propeller removed or in a configuration desired by the operator (if applicable); and

(iii) The other engines operating at not more than the power selected for type certification, as set forth in § 25.101 of this chapter.

(3) The takeoff, flight, and landing procedures such as the approximate trim settings, method of power application, maximum power, and speed, must be established. The airplane must be satis-

factorily controllable during the entire takeoff run when operated according to these procedures.

(4) The performance must be determined at a maximum weight not greater than the weight determined under § 25.121(c) of this chapter, but with—

(i) The actual steady gradient of the final takeoff climb requirement not less than 1.2 percent at the end of the takeoff path with two critical engines inoperative; and

(ii) The climb speed not less than the two-engine inoperative trim speed for the actual steady gradient of the final takeoff climb prescribed by subdivision (i) of this subparagraph.

(5) The airplane must be satisfactorily controllable in a climb with two critical engines inoperative. Climb performance may be shown by calculations based on, and equal in accuracy to, the results of testing.

(6) The performance must be determined using temperature accountability for takeoff distance and final takeoff climb, computed in accordance with § 25.101 of this chapter.

For the purposes of subparagraphs (4) and (5), "two critical engines" means two adjacent engines on one side of an airplane with four engines, and the center engine and one outboard engine on an airplane with three engines.

(Secs. 307, 313(a), 603, and 607 of the Federal Aviation Act of 1958; 49 U.S.C. 1348, 1354, 1424, 1427)

Issued in Washington, D.C., on October 14, 1966.

WILLIAM F. MCKEE,
Administrator.

[F.R. Doc. 66-11395; Filed, Oct. 19, 1966; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Miscellaneous Amendments

Under authority contained in the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.), the U.S. Department of Agriculture hereby amends the Regulations Governing the Inspection of Poultry and Poultry Products (7 CFR Part 81, as amended) as set forth below.

Statement of considerations. On July 21, 1966, there was published in the FEDERAL REGISTER (31 F.R. 9871) a notice regarding proposed amendments to the Regulations Governing the Inspection of Poultry and Poultry Products (7 CFR Part 81). Interested persons were given an opportunity to submit written data, views, or arguments in connection with the proposed amendments not later than August 22, 1966. The time for submitting such written data, views, or arguments was extended to September 23, 1966, in a notice published in the FEDERAL REGISTER of August 24, 1966 (31 F.R. 11185).

The amendments now adopted are essentially the same as the proposed amendments except as indicated below and except that § 81.25 *Suspension of plant approval and withdrawal of service* and § 81.205 *Termination of exemptions* are not being amended at this time. Comments were received indicating concern in a broad segment of the poultry industry with respect to the proposed amendment of § 81.25. The Department is considering modification of the proposed amendment to § 81.25 and will publish such modification in a notice of proposed rule-making at a later date. Further consideration is also being given to what action if any should be taken with respect to § 81.205.

Certain sections of the amendments have been modified slightly in the light of comments received during the rule-making procedure. The proposed temperature of 96° F. for incubating canned products has been changed to 95° F. based on additional information available to the Department. The amendments also provide for the thawing of frozen ready-to-cook poultry in recirculated water maintained at a temperature not in excess of 50° F. Clarifying changes have also been made in the amendments.

1. The heading and text of § 81.7 are hereby amended to read, respectively:

§ 81.7 Poultry, poultry products, meat and meat food products entering or prepared in official establishments.

All poultry and poultry products processed in an official establishment shall be inspected, handled, prepared, marked and labeled as required by the regulations in this part. All dressed poultry and poultry products entering an official establishment shall have been prepared and inspected and passed in accordance with the regulations in this part, and not otherwise prepared, and shall be properly marked as so inspected and passed in accordance with § 81.130. All meat and meat food products of cattle, sheep, swine, goats, or horses entering an official establishment shall have been prepared and inspected and passed in accordance with the Meat Inspection Act, as amended and extended (21 U.S.C. 71 et seq.) or the Imported Meat Act (19 U.S.C. 1306(b)-(c)) and the regulations under such Acts (9 CFR Ch. III, Subchapter A), and not otherwise prepared, and shall be properly marked as so inspected and passed.

2. In § 81.35 *Draining and plumbing,* paragraph (b)(1) is hereby amended to read:

§ 81.35 Draining and plumbing.

* * * * *

(b) *Sewage and plant wastes.* (1) The sewer system shall have adequate slope and capacity to remove readily all waste from the various processing operations and to minimize or, if possible, prevent stoppage and surcharging of the system. When the sewage disposal system is a private system which is required to be approved by a state or local health authority, the applicant should furnish the Administrator a letter from the proper health authority indicating that the sewage disposal system is acceptable to such authority.

* * * * *

3. In § 81.41 *Equipment and utensils,* paragraph (e)(4) is hereby amended to read:

§ 81.41 Equipment and utensils.

* * * * *

(e) *Conveyors.* * * *

(4) When individual trays are not used during eviscerating operations, each carcass shall be suspended and a metal trough or a trough constructed of other acceptable impervious material shall be provided beneath the conveyor. Such troughs shall be flushed continuously by a water spray and shall extend beneath the conveyor at all places where processing operations are conducted from the point where the carcass is opened to the point where the viscera have been completely removed.

* * * * *

4. In § 81.49 *Operations and procedures,* paragraph (g) is hereby amended to read:

§ 81.49 Operations and procedures.

* * * * *

(g) Thawing poultry in water:

(1) *Ready-to-cook poultry.* When frozen ready-to-cook poultry is to be thawed in water, the thawing practices and procedures shall be such as will prevent product from becoming adulterated by the absorption of moisture and such poultry shall be thawed by one of the following methods:

(i) Thawed in continuous running tap water of sufficient volume and for such limited time as is necessary to thaw such poultry. The thawing media shall not exceed 70° F. in temperature.

(ii) Thawed in cooking kettles provided the temperature of the water is raised to cooking temperature as rapidly as possible.

(iii) Thawed in recirculated water, maintained at a temperature not in excess of 50° F., for such limited time as is necessary to thaw such poultry.

(2) *Dressed poultry.* Frozen dressed poultry shall not be thawed in tanks with continuously running water or residual water, but shall be thawed on metal racks or in perforated metal containers under a continuous water spray at a temperature not in excess of 70° F.

* * * * *

5. In § 81.50 *Temperatures and cooling and freezing procedures,* paragraph (d) is hereby amended to read:

§ 81.50 Temperatures and cooling and freezing procedures.

* * * * *

(d) *Cooling giblets.* Giblets shall be chilled to 40° F. or lower within 2 hours from the time they are removed from the inedible viscera, except that when they are cooled with the carcass the requirements of paragraphs (b)(2) and (f)(4) of this section shall apply. Any of the acceptable methods of chilling the poultry carcass may be followed in cooling giblets, except that unwrapped livers shall not be cooled in agitated ice and water chilling media for a period in excess of 20 minutes, but may be cooled in perforated containers which are immersed in noncirculated ice and water chilling media: *Provided,* That the livers are removed from the chilling containers when their temperature has been lowered to 40° F. When ready-to-cook birds are to be consumer packaged, the giblets shall be handled in a manner that will prevent free water from being included in the giblet package. The average basis weight of giblet wrapping material shall be not more than 30 pounds per standard ream (24'' x 36''—500 sheets) when tested in accordance with the Technical Association of the Pulp and Paper Industry (T.A.P.P.I.) Standard T-410 except the basis weight may exceed 30 pounds per standard ream when the absorbent capacity is such that the total weight of the material after moisture absorption is no greater than the total weight, after moisture absorption, of material weighing 30 pounds per standard ream. Test samples shall be conditioned in accordance with T.A.P.P.I. Standard T-402. The sample to be tested shall consist of 10 sheets representative of the shipment or lot, and individual sheets within the sample may vary within normal tolerance from the required basis weight, but the average of the sample (10 sheets) shall not weigh in excess of 30 pounds per standard ream (24'' x 36''—500 sheets) except as specified above. The moisture absorption shall not exceed 200 percent of the dry weight (as conditioned in accordance with T.A.P.P.I. Standard T-402) and giblet wrappers (uncreped) shall not exceed the following sizes or equivalents: Chickens and Ducks, 9'' x 12'', Turkeys, 12'' x 14''.

* * * * *

6. Section 81.71 *Evisceration,* is hereby amended to read:

§ 81.71 Evisceration.

A post mortem inspection shall be made on a bird-by-bird basis on all poultry eviscerated in an official establishment. No viscera or any part thereof shall be removed from any dressed poultry which is to be processed under inspection in any official establishment, except at the time of evisceration and inspection. Each carcass to be eviscerated shall be opened so as to expose the organs and the body cavity for proper examination by the inspector and shall be prepared immediately after inspection as ready-to-cook poultry. If a carcass is frozen, it shall be thoroughly thawed before being opened for examination by the inspector. Each carcass, or all parts comprising such carcass, shall be examined by the inspector. However, the Administrator may, whenever he deems it advisable and under such conditions as he may require to carry out the purposes of the Act, authorize the removal, from any carcass or parts thereof, prior to inspection, of any part which will not be used in the preparation of any edible product.

§ 81.81 [Amended]

7. Section 81.81 is hereby amended by placing a period immediately after the word "condemned" and deleting the remainder of the sentence.

8. In § 81.95 *Reinspection of poultry products; ingredients,* the heading and paragraphs (a) and (c) are hereby amended to read, respectively:

§ 81.95 Reinspection of poultry and other products; ingredients.

(a) No poultry or poultry product may be brought into an official establishment unless it has been prepared and inspected and passed in accordance with the regulations in this part, and not otherwise prepared, and the container of such product is marked so as to identify the article as so inspected and passed, in accordance with § 81.130, and no meat or meat food product of cattle, sheep, swine, goats or horses may be brought into an official establishment unless it has been prepared and inspected and passed in accordance with the Meat Inspection Act, as amended and extended (21 U.S.C. 71 et seq.), or the Imported Meat Act (19 U.S.C. 1306(b)-(c)) and the regulations under such Acts (9 CFR Ch. III, Subchapter A), and has not been otherwise prepared, and is properly marked as so inspected and passed. All poultry, poultry products, meat and meat food products shall be reinspected by an inspector at the time they are brought into the official establishment. Upon reinspection, if any such product or portion thereof is found to be unsound, unwholesome, adulterated or otherwise unfit for human food, such product, or portion thereof, shall, in the case of poultry and poultry products, be condemned and shall receive such treatment as that provided in § 81.92, and shall, in the case of other products, be disposed of according to applicable law.

* * * * *

(c) All substances and ingredients used in the manufacture or preparation of any poultry product shall be clean, sound, wholesome, and fit for human food. Liquid, frozen and dried egg products used in the preparation of any poultry product shall have been prepared under continuous inspection of the Department.

* * * * *

9. Section 81.96 *Retention tags,* is hereby amended to read:

§ 81.96 Retention tags.

An inspector may use such retention tags or other devices and methods as may be approved by the Administrator, for the identification and control of (a) products which are not in compliance with the regulations and/or which are held for further examination and (b) any equipment, utensils, rooms, or compartments which are found to be unclean or otherwise in violation of any of the regulations. No product, equipment, utensil, room, or compartment so identified shall be released for use until it has been made acceptable. Such identification shall not be removed by anyone other than an inspector.

§ 81.100 [Amended]

10. In § 81.100 *Manner in which canned products shall be processed and handled,* the second sentence of paragraph (g) is hereby amended by changing "98° F." to read "95° F.".

11. A new § 81.105 is hereby added to read:

§ 81.105 Coding requirements.

Either the shipping container or the immediate container of frozen poultry food products shall be plainly and permanently marked, by code or otherwise, with the date of packaging. If the marking is by code, the inspector-in-charge shall be informed as to its meaning.

12. In § 81.130 *Wording on labels,* the introductory provision of paragraph (a) and paragraph (a)(3) are hereby amended to read:

§ 81.130 Wording on labels.

(a) Each label approved for use on immediate containers for poultry products shall bear the following items of information which shall be in distinctly legible form, shall read in the same general direction, and shall be generally parallel to each other:

* * * * *

(3) The net weight or other appropriate measure of the contents, except that the Administrator may approve the use of labels for certain types of consumer packages which do not bear the net weight: *Provided,* That the shipping container bears a statement "Net weight to be marked on consumer packages prior to display and sale": *And provided further,* That the total net weight of the contents of the shipping container is marked on such container: *And provided further,* That the shipping container bears a statement "Tare weight of consumer package" and in close proximity thereto, the actual tare weight (weight of packaging material), weighed to the nearest one-eighth ounce or less, of the individual consumer package in the shipping container. The above specified statements may be added to approved shipping container labels upon approval by the inspector-in-charge. The net weight marked on containers of poultry products shall be the net weight of the poultry products and shall not include the weights of the wet or dry packaging materials and giblet wrapping materials. When a poultry product and a nonpoultry product are separately wrapped and are placed in a single immediate container bearing the name of both products, the net weight shown on such immediate container may be the total net weight of the two products, or such immediate container may show the net weights of the

poultry product and the nonpoultry product separately.

* * * * *

13. In § 81.134 *Product specifications for labeling purposes*, paragraph (c) (4) (iii) is hereby amended to read:

§ 81.134 Product specifications for labeling purposes.

* * * * *

(c) *Poultry meat content of poultry food products.* * * *

(4) *Poultry rolls.* * * *

(iii) Heat processed rolls which have more than 2 percent liquid remaining with or returned to the product shall be labeled as "(Kind) Roll with Natural Juices." If more than 2 percent of any liquid other than natural cookout juices is added, the product must be labeled to indicate that fact; e.g., "Turkey Roll with Broth." Liquid shall not be returned or added to product within this subdivision (iii) in excess of the amount normally cooked out during preparation.

* * * * *

14. In § 81.301 *Eligibility of foreign countries for importation of products into the United States*, paragraph (a) is hereby amended to read:

§ 81.301 Eligibility of foreign countries for importation of products into the United States.

(a) Whenever it is determined by the Administrator that the system of poultry inspection maintained by any foreign country is the substantial equivalent of the system maintained by the United States, notice of that fact will be given by listing the name of such foreign country in paragraph (b) of this section. Thereafter slaughtered poultry and poultry products from the countries so listed shall be eligible, subject to the provisions of this subpart and other applicable laws and regulations, for importation into the United States. Such products to be imported into the United States from these foreign countries must meet, to the extent applicable, the same standards and requirements that apply to comparable domestic products as set forth in the regulations in this entire part. Slaughtered poultry and poultry products from foreign countries not listed herein are not eligible for importation into the United States, except as provided by § 81.311. In determining whether the inspection system of a foreign country is the substantial equivalent of the system maintained by the United States, the Administrator shall review the inspection regulations of the foreign country and make a survey to determine the manner in which the inspection system is administered within the foreign country. The survey of the foreign inspection system may be expedited by payment by the interested Government agency in the foreign country of the travel expenses incurred in making the survey. After approval of the inspection system of a foreign country, the Administrator may, as often and to the extent deemed necessary, authorize representatives of the Department to review the system to determine that it is maintained in such a manner as to be the equivalent of the system maintained by the United States.

* * * * *

(Sec. 14, 71 Stat. 447, 21 U.S.C. 463; 29 F.R. 16210, as amended; 30 F.R. 1260, as amended; 30 F.R. 2160)

The differences between the amendments of the provisions of the regulations set forth above and the amendments of such provisions proposed in the July 21, 1966, notice of rule-making are due to changes made pursuant to comments received from interested persons or in the interests of clarity and consistency. It does not appear that further public rule-making procedure with respect to the amendments set forth above would make additional information available to this Department. Therefore under the provisions in 5 U.S.C. 553, it is found for good cause that such further public procedure is impracticable and unnecessary.

Done at Washington, D.C., this 14th day of October 1966, to become effective the 1st day of December 1966.

R. K. SOMERS,
Deputy Administrator,
Consumer Protection.

[F.R. Doc. 66-11389; Filed, Oct. 19, 1966; 8:45 a.m.]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 9]

PART 722—COTTON

Subpart—Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton

NOTICES OF FARM ALLOTMENT

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment of § 722.417 is to express in specific terms what has been previously stated in more general terms with respect to the authority of the county committee to issue original and revised notices of farm allotment and marketing quota. Every notice of farm acreage allotment and marketing quota issued to the farm operator in past years has contained substantially the following statement: "Revision of Allotment. This allotment is subject to such changes as may be necessary under the procedure for determination of allotments for the designated crop year, taking into account (1) any incorrect data or information used in establishing this allotment or (2) any change in the total land in the farm for such year from that shown on the reverse. If any change occurs for the crop year designated on the reverse in the ownership, operation, or control of the farm, or if there is any change for such year in the total land in the farm from that shown on the reverse as a result of subdivision, sale or renting of part of the land, or purchase or renting of additional land, it is the responsibility of the farm operator to report any such change to the ASCS County Office promptly and in any event before planting the crop. If a change is made in the farm for the crop year designated on the reverse which affects the allotment, this notice shall not be effective and a revised notice of the corrected allotment will be furnished."

The present regulations have for many years been uniformly interpreted by the Department to authorize revisions of farm allotment and marketing quota where the farm is reconstituted, transfers of allotment are approved, allotments are released and reapportioned or where errors are discovered. Such authority has been exercised even though the prior quota was not appealed to the review committee by the farmer under section 363 of the act. The only exception to the exercise of such authority is that a county committee cannot revise a quota during the pendency of an appeal before the review committee or the courts.

Another purpose of this amendment is to require the county committee to issue a notice of "None" as the farm allotment and marketing quota for the year in which an old cotton farm loses eligibility to receive an allotment as an old cotton farm. This amendment also contains clarifications as to the procedures to be followed by the county committee in issuing notices of farm allotment and marketing quota.

Since notices are now being issued with respect to the 1967 crop, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon publication in the FEDERAL REGISTER.

Section 722.417 of the Regulations for Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton (31 F.R. 5300, as amended) is amended to read as follows:

§ 722.417 Notices of farm allotment and marketing quota.

(a) *Initial notice of farm allotment and marketing quota.* The county committee shall mail a written notice of farm allotment and marketing quota to the operator of each old cotton farm and each new cotton farm for which a farm allotment for the current year is established and approved as soon as possible after the farm allotment is established. Insofar as practicable, the notice for each old cotton farm shall be mailed so as to be received prior to the referendum under section 343 of the act to determine whether cotton farmers favor or oppose marketing quotas for the current year. If application for a new cotton farm allotment is made but the county committee determines that no new farm allotment shall be established, the county committee shall mail a written notice of "None" as the farm allotment and marketing quota to the operator of such farm. If an old cotton farm loses eligibility for a farm allotment as an old cotton farm for the current year, the county committee shall mail a written notice of "None" as the farm allotment and marketing quota to the operator of such farm showing the reason no farm allotment was established for the farm.

(b) *Revised notice of farm allotment and marketing quota.* The county committee shall mail a written notice of revised farm allotment and marketing quota to the operator of the farm as soon as possible after the county committee determines that a revision is required under §§ 722.401 to 722.460 or the Regulations for Reconstitution of Farms, Allotments, and Bases in Part 719 of this chapter; or to correct errors committed by the county committee, or to correct errors caused by fraud or misrepresentation of facts by or on behalf of the producers on the farm. Such revised notice shall be issued prior to the date when planting of cotton normally becomes general on farms in the county, if at all possible, but if not possible to do so, such revised notice shall be issued after such date and the county committee shall determine whether the erroneous notice of cotton allotment provisions of § 722.425 are applicable.

(c) *Notice to operator constitutes notice to other persons.* Each notice shall contain a statement substantially as follows: "To all persons who as operator, landlord, tenant, or sharecropper will for the crop year shown below be interested in the cotton produced on the farm for which this allotment and marketing quota are established." Notice so given shall constitute notice to all such persons. A copy of each notice showing the date of mailing to the operator shall be kept among the records of the county committee and upon request, a certified copy thereof shall be furnished without charge to any person who as operator landlord, tenant, or sharecropper is interested in the cotton produced on the farm in the year for which the notice is issued.

(d) *Effectiveness of notice.* Each notice shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeeman or an employee of the county office. Farm allotments shall not become effective unless the notice is properly signed, approved in accordance with § 722.423 and mailed in accordance with this section.

(e) *Farm operator obligation to inform county committee of changes.* The farm operator shall immediately inform the county committee of any change in the ownership, operation, or control of the farm, or any part thereof, and any change in the total land in the farm, for a farm with a current farm allotment.

(f) *Review of farm allotment.* Each notice shall contain a brief statement of the procedure for application to obtain a review of the farm allotment and marketing quota by a review committee in accordance with section 363 of the act and the Marketing Quota Review Regulations in Part 711 of this chapter. Unless application for such review is timely filed within 15 days after the mailing of a notice under this section, the farm allotment and marketing quota established by such notice shall be final and not subject to review by the review committee: *Provided,* That the failure of the farmer to apply for such review shall not preclude the county committee from issuing any required revised notice of farm allotment. If such notice is subsequently revised in accordance with this section, the revised farm allotment and marketing quota shall be subject to review in the same manner as the previous allotment and quota in accordance with section 363 of the act and the regulations in Part 711 of this chapter.

(Secs. 362, 363, 375, 52 Stat. 62, as amended, 63, as amended, 66, as amended; 7 U.S.C. 1362, 1363, 1375)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 14, 1966.

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

[F.R. Doc. 66-11435; Filed, Oct. 19, 1966; 8:49 a.m.]

[Amdt. 1]

PART 722—COTTON

Subpart—Acreage Allotments for 1966 and Succeeding Crops of Extra Long Staple Cotton

NOTICES OF FARM ALLOTMENT

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment of § 722.516 is to express in specific terms what has been previously stated in more general terms with respect to the authority of the county committee to issue original and revised notices of farm allotment and marketing quota. Every notice of farm acreage allotment and marketing quota issued to the farm operator in past years has contained substantially the following statement: "Revision of Allotment. This allotment is subject to such changes as may be necessary under the procedure for determination of allotments for the designated crop year, taking into account (1) any incorrect data or information used in establishing this allotment or (2) any change in the total land in the farm for such year from that shown on the reverse. If any change occurs for the crop year designated on the reverse in the ownership, operation, or control of the farm, or if there is any change for such year in the total land in the farm from that shown on the reverse as a result of subdivision, sale or renting of part of the land, or purchase or renting of additional land, it is the responsibility of the farm operator to report any such change to the ASCS County Office promptly and in any event before planting the crop. If a change is made in the farm for the crop year designated on the reverse which affects the allotment, this notice shall not be effective and a revised notice of the corrected allotment will be furnished."

The present regulations have for many years been uniformly interpreted by the Department to authorize revisions of farm allotment and marketing quota where the farm is reconstituted, allotments are released and reapportioned or where errors are discovered. Such authority has been exercised even though the prior quota was not appealed to the review committee by the farmer under section 363 of the act. The only exception to the exercise of such authority is that a county committee cannot revise a quota during the pendency of an appeal before the review committee or the courts.

Another purpose of this amendment is to require the county committee to issue a notice of "None" as the farm allotment and marketing quota for the year in which an old cotton farm loses eligibility to receive an allotment as an old cotton farm. This amendment also contains clarifications as to the procedures to be followed by the county committee in issuing notices of farm allotment and marketing quota.

Since notices are now being issued with respect to the 1967 crop, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon publication in the FEDERAL REGISTER.

Section 722.516 of the regulations for Acreage Allotments for 1966 and Succeeding Crops of Extra Long Staple Cotton (31 F.R. 6247) is amended to read as follows:

§ 722.516 Notices of farm allotment and marketing quota.

(a) *Initial notice of farm allotment and marketing quota.* The county committee shall mail a written notice of farm allotment and marketing quota to the operator of each old ELS cotton farm and each new ELS cotton farm for which a farm allotment for the current year is established and approved as soon as possible after the farm allotment is established. Insofar as practicable, the notice for each old ELS cotton farm shall be mailed so as to be received prior to the referendum under section 343 of the act to determine whether ELS cotton farmers favor or oppose marketing quotas for the current year. If application for a new ELS cotton farm allotment is made but the county committee determines that no new farm allotment shall be established, the county committee shall mail a written notice of "None" as the farm allotment and marketing quota to the operator of such farm. If an old ELS cotton farm loses eligibility for a farm allotment as an old ELS cotton farm for the current year, the county committee shall mail a written notice of "None" as the farm allotment and marketing quota to the operator of such farm showing the reason no farm allotment was established for the farm.

(b) *Revised notice of farm allotment and marketing quota.* The county committee shall mail a written notice of revised farm allotment and marketing quota to the operator of the farm as soon as possible after the county committee determines that a revision is required under §§ 722.501 to 722.550 or the regulations for Reconstitution of Farms, Allotments, and Bases in Part 719 of this chapter; or to correct errors committed by the county committee, or to correct errors caused by fraud or misrepresentation of facts by or on behalf of the producers on the farm. Such revised notice shall be issued prior to the date when planting of ELS cotton normally becomes general on farms in the county, if at all possible, but if not possible to do so, such revised notice shall be issued after such date and the county committee shall determine whether the erroneous notice of ELS cotton allotment provisions of § 722.525 are applicable.

(c) *Notice to operator constitutes notice to other persons.* Each notice shall contain a statement substantially as follows: "To all persons who as operator, landlord, tenant, or sharecropper will for the crop year shown below be interested in the ELS cotton produced on the farm for which this allotment and marketing quota are established." Notice so given shall constitute notice to all such persons. A copy of each notice showing the date of mailing to the operator shall be kept among the records of the county committee and upon request, a certified copy thereof shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the ELS cotton produced on the farm in the year for which the notice is issued.

(d) *Effectiveness of notice.* Each notice shall bear the actual or facsimile signature of a member of the county committee. The facsimile signature may be affixed by the county committeeman or an employee of the county office. Farm allotments shall not become effective unless the notice is properly signed, approved in accordance with § 722.523 and mailed in accordance with this section.

(e) *Farm operator obligation to inform county committee of changes.* The farm operator shall immediately inform the county committee of any changes in the ownership, operation, or control of the farm, or any part thereof, and any change in the total land in the farm, for a farm with a current farm allotment.

(f) *Review of farm allotment.* Each notice shall contain a brief statement of the procedure for application to obtain a review of the farm allotment and marketing quota by a review committee in accordance with section 363 of the act and the Marketing Quota Review Regulations in Part 711 of this chapter. Unless application for such review is timely filed within 15 days after the mailing of a notice under this section, the farm allotment and marketing quota established by such notice shall be final and not subject to review by the review committee: *Provided,* That the failure of the farmer to apply for such review shall not preclude the county committee from issuing any required revised notice of farm allotment. If such notice is subsequently revised in accordance with this section, the revised farm allotment and marketing quota shall be subject to review in the same manner as the previous allotment and quota in accordance with section 363 of the act and the regulations in Part 711 of this chapter.

(Secs. 362, 363, 375, 52 Stat. 62, as amended, 63, as amended, 66, as amended; 7 U.S.C. 1362, 1363, 1375)

Effective date: Date of publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on October 14, 1966.

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

[F.R. Doc. 66-11436; Filed, Oct. 19, 1966; 8:49 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 5]

PART 751—LAND USE ADJUSTMENT PROGRAM

Subpart—1963 Cropland Conversion Program

USE OF DESIGNATED ACREAGE AND ADJUSTMENT PAYMENT

The regulations governing the 1963 Cropland Conversion Program, 28 F.R. 1206, as amended, are hereby further amended as follows:

§ 751.19 [Amended]

1. Section 751.19 is amended by adding at the end thereof a sentence as follows: "Destruction of the vegetative cover is authorized (a) during the last 6 months of the agreement period for the purpose of planting a crop which matures for harvest in a later year, and (b) during the last year of the agreement period for carrying out summer fallow operations or planting of small fruit, bush fruit, orchard, and vineyard crops."

2. Section 751.21 is amended by adding at the end thereof a new paragraph (g) to read as follows:

§ 751.21 Adjustment payment.

* * * * *

(g) On farms from which all or part of the cotton allotment is transferred under the Acreage Allotment Regulations for the 1966 and Succeeding Crops of Upland Cotton, §§ 722.435 through 722.439 of this chapter, the adjustment payment made under the cropland conversion program agreement shall be handled as follows: (1) If the transferred cotton allotment acreage is greater than the acreage which could be devoted to nonconserving crops under the agreement, reduce the adjustment payment by an amount equal to the highest annual adjustment payment rate times the transferred allotment acreage in excess of the acreage which could be devoted to nonconserving crops under the agreement, or (2) if the transferred cotton allotment acreage is equal to or less than the acreage which could be devoted to nonconserving crops under the agreement, the adjustment payment shall remain unchanged.

(Sec. 16(e), 76 Stat. 606, 16 U.S.C. 590p(e))

Effective date: Date of signature.

Signed at Washington, D.C., on October 14, 1966.

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

[F.R. Doc. 66-11437; Filed, Oct. 19, 1966; 8:49 a.m.]

PART 751—LAND USE ADJUSTMENT PROGRAM

Subpart—1964–65 Cropland Conversion Program

DESIGNATION AND USE OF ACREAGE AND ADJUSTMENT PAYMENT

The regulations governing the 1964–65 Cropland Conversion Program, 29 F.R. 13559, are hereby amended as follows:

§ 751.61 [Amended]

1. Section 751.61 is amended by adding at the end thereof a sentence as follows: "Destruction of the vegetative cover is authorized (a) during the last 6 months of the agreement period for the purpose of planting a crop which matures for harvest in a later year, and (b) during the last year of the agreement period for carrying out summer fallow operations or planting of small fruit, bush fruit, orchard, and vineyard crops."

2. Section 751.63 is amended by adding at the end thereof a new paragraph (f) to read as follows:

§ 751.63 Adjustment payment.

* * * * *

(f) On farms from which all or part of the cotton allotment is transferred under the Acreage Allotment Regulations for the 1966 and Succeeding Crops of Upland Cotton, §§ 722.435 through 722.439 of this chapter, the adjustment payment made under the cropland conversion program agreement shall be handled as follows: (1) If the transferred cotton allotment acreage is greater than the row and small grain crop permitted acreage, reduce the adjustment payment by an amount equal to the highest annual adjustment payment rate times the transferred allotment acreage in excess of the permitted acreage, or (2) if the transferred cotton allotment acreage is equal to or less than the row and small grain permitted acreage, the adjustment payment shall remain unchanged.

(Sec. 16(e), 76 Stat. 606, 16 U.S.C. 590p(e))

Effective date: Date of signature.

Signed at Washington, D.C., on October 14, 1966.

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

[F.R. Doc. 66-11438; Filed, Oct. 19, 1966; 8:49 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Rev. 3, Amdt. 3]

PART 1475—EMERGENCY FEED PROGRAM

Subpart—Livestock Feed Program

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation published in 29 F.R. 13475, 30 F.R. 2854, and 30 F.R. 6909 which contain specific requirements for the continuing Livestock Feed Program are amended as follows:

1. Section 1475.201 is revised to read:

§ 1475.201 General statement.

The regulations in this subpart contain the terms and conditions of a Livestock Feed Program formulated under Public Law 86-299, and sections 407 and 421 of the Agricultural Act of 1949 as amended. The objective of the program is to give assistance to eligible livestock owners in designated emergency areas through sales of feed grain at 90 percent of the county base price (as defined in § 1475.208) to provide feed for foundation herds and at 115 percent of such county base price to provide feed for other eligible livestock. The program shall be in effect in those designated emergency areas where the Secretary determines there is a shortage of feed because of flood, drought, fire, hurricane, storm, tornado, earthquake, disease, insect infestation, or other catastrophe.

2. In § 1475.205, subparagraph (2) of paragraph (d) is amended to read:

§ 1475.205 Application and approval.

* * * * *

(d) * * *

(2) The feed grain gross allowance for the authorized period shall not exceed 5 pounds per day per animal unit (or whatever lesser quantity is established by the State committee or county committee), times the number of days in the authorized period.

* * * * *

3. Section 1475.208 is revised to read:

§ 1475.208 Pricing of grains.

(a) *Price for primary livestock.* The sale price of feed grain approved for primary livestock shall be 90 percent of the applicable county base price. Such price for grain other than farm stored grain shall be f.o.b. purchaser's conveyance at point of delivery.

(b) *Price for secondary livestock.* The sale price of feed grain approved for secondary livestock shall be 115 percent of the applicable county base price. Such price for grain other than farm stored grain shall be f.o.b. purchaser's conveyance at point of delivery.

(c) *Base price.* (1) The county base price shall be the total of the basic support rate for loans on and purchases of the feed grain by CCC for the county in which the grain is delivered as set forth in the applicable CCC Price Support Bulletin plus: 13 cents per bushel for barley; 19 cents per bushel for corn; and 34 cents per hundredweight for grain sorghums.

(2) If no such county basic support rate for loans on and purchases of the feed grain is set forth in the Bulletin, it shall be a comparable rate as determined by DASCO. Notwithstanding the foregoing, in cases where it results in savings of delivery costs to CCC and it is determined to be necessary to effectuate the purposes of the program, DASCO may authorize delivery of grain in a county other than the county in which the application is filed using the base price for the county in which the application is filed.

(d) *Inadvertent overdeliveries.* Inadvertent overdelivery of the properly determined total approved quantity stated in the application which is delivered to an owner from a binsite under § 1475.210(b), carrier's conveyance under § 1475.210(d), or because of an error on the part of CCC, shall be settled between the owner and CCC at the larger of the county base price, or the price charged the buyer on the delivery order or other document on which the overdelivery occurred. Overdeliveries in excess of such total approved quantity by warehouses, handlers or dealers not due to error by CCC shall be settled between them and the owner.

(Secs. 1-4, 73 Stat. 574 as amended; secs. 407 421, 63 Stat. 1055 as amended; secs. 4, 5, 62 Stat. 1070 as amended; 7 U.S.C. 1427; 15 U.S.C. 714 b and c)

Effective date: Upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on October 12, 1966.

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

[F.R. Doc. 66-11388; Filed, Oct. 19, 1966; 8:45 a.m.]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 22 (Rev. 3)]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES

Collection or Compromise of Licensee's Indebtedness

Pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, there is amended, as set forth below, Part 107 of Subchapter B, Chapter I, of Title 13 of the Code of Federal Regulations, as revised in 29 F.R. 16946-16961, and amended in 30 F.R. 534, 1187, 2652, 2653, 2654, 3635, 3856, 7597, 7651, 8775, 8900, 11960, 13005, 14095, 14850, 14851, and 31 F.R. 2815, 4954-4955, 9720, and 10114, by adding a new § 107.404.

Information and effective date. The present amendment adds a new § 107.404 to the SBIC Regulation, declaring that the Administrator may collect or compromise (1) all obligations assigned to or held by him pursuant to sections 302 and 303 of the Act and (2) all legal or equitable rights accruing to him in connection with such obligations.

Section 5(b)(2) of the Small Business Act authorizes the Administrator to "collect or compromise" all obligations and legal or equitable rights arising in connection with loans made by SBA under the provisions of that Act. Section 201 of the Small Business Investment Act incorporates by reference and extends to the SBIC program all of the Administrator's powers, duties, and functions under the Small Business Act. Accordingly, the Administrator may provide, by regulation, for the collection or compromise of all obligations and attendant legal or equitable rights acquired as a result of loans made by SBA pursuant to sections 302 and 303 of the Small Business Investment Act.

Notice and public rule-making procedure are unnecessary since the present amendment merely constitutes an interpretative rule which is declaratory of the Administrator's statutory authority relating to public property and loans. Furthermore, in view of the determination made by the Administration that it is in public interest that the amendment be promptly applied to the SBIC program, it shall become effective upon publication in the FEDERAL REGISTER.

The Regulations Governing Small Business Investment Companies are hereby amended by adding a new § 107.404, which shall read as follows:

§ 107.404 Collection or compromise of licensee's indebtedness.

SBA may, in its discretion, and upon such terms and conditions and for such consideraiton as it shall deem reasonable, collect or compromise all obligations assigned to or held by it under section 302 and section 303 of the Act and all legal and equitable rights accruing to it in connection with such obligations.

Dated: October 10, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 66-11409; Filed, Oct. 19, 1966; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Subpart C—Canons of Ethics

PREAMBLE

Commission action. In order to conform its existing Canons of Ethics for Members of the Securities and Exchange Commission to the recent revision of its Regulation Concerning Conduct of Members and Employees and Former Members and Employees of the Commission which were adopted as Subpart M of this part, the Commission has amended its Canons of Ethics set forth in Subpart C of this part in the following respects:

I. Paragraph (b) of § 200.53 is amended by deleting all of the language following the second sentence thereof, and by making certain minor editorial changes therein.

II. Paragraph (c) of § 200.53 is amended by making certain minor editorial changes therein.

As so amended, the affected portions of § 200.53 read as follows:

§ 200.53 Preamble.

* * * * *

(b) It is imperative that the members of this Commission continue to conduct themselves in their official and personal relationships in a manner which commands the respect and confidence of their fellow citizens. Members of this Commission shall continue to be mindful of, and strictly abide by, the standards of personal conduct set forth in its Regulation regarding Conduct of Members and Employees and Former Members and Employees of the Commission, which is set forth in Subpart M of this Part 200, most of which has been in effect for many years, and which was originally codified in 1953.

(c) However, in addition to the continued observance of those principles of personal conduct, it is fitting and proper for the members of the Commission to restate and resubscribe to the standards of conduct applicable to its executive, legislative and judicial responsibilities.

(Secs. 19, 23, 48 Stat. 85, 901, as amended, 15 U.S.C. 77s, 78w; sec. 20, 49 Stat. 833, 15 U.S.C 79t; sec. 319, 53 Stat. 1173, 15 U.S.C. 77sss; secs. 38, 211, 54 Stat. 841, 855, 15 U.S.C. 80a-37, 80b-11)

Since the foregoing amendments affecting members of the Commission relate solely to the Commission's internal management and personnel, the Commission finds that the procedures specified in section 4 of the Administrative Procedure Act are unnecessary.

Effective date. The foregoing amendments shall become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

OCTOBER 14, 1966.

[F.R. Doc. 66-11428; Filed, Oct. 19, 1966; 8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Reg. No. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950–)

Subpart D—Special Payments at Age 72 to Certain Uninsured Individuals

Regulations No. 4 of the Social Security Administration, as amended (20 CFR 404.1 et seq.), are further amended to read as follows:

1. New §§ 404.374, 404.375, 404.376, 404.377, 404.378, 404.379, and 404.380 are added to read as follows:

§ 404.374 Special payments at age 72 to certain uninsured individuals.

(a) *Requirements for entitlement.* An individual is entitled under section 228 of the Act to special payments at age 72 if such individual:

(1) (i) Attained age 72 before 1968 (no quarters of coverage required), or

(ii) Attained age 72 after 1967, and has not less than 3 quarters of coverage (see § 404.103), including compensation quarters of coverage as defined in § 404.1412, whenever acquired, for each calendar year elapsing after 1966 and before the year in which he attained age 72;

(2) Has filed application for special payments under section 228, as provided in paragraphs (b) and (c) of this section; and

(3) Is a resident of one of the 50 States or the District of Columbia and is:

(i) A citizen of the United States; or

(ii) An alien lawfully admitted for permanent residence who has resided in the United States (as defined in sec. 210(i) of the Act, i.e., the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa) continuously during the 5 years immediately preceding the month in which he files application for special payments under section 228.

(b) *Applications; general.* Except as provided in paragraph (c) of this section, an application which is filed by an individual more than 3 months before the first month in which he meets the requirements of paragraph (a) of this section is not regarded as an application for purposes of entitlement to special payments under section 228. No special payments under section 228 may be made to an individual for any month before the month in which he filed application therefor.

(c) *Application for hospital insurance entitlement by uninsured individuals.* An application for hospital insurance entitlement filed by an uninsured individual before July 1966 in accordance with the provisions of § 404.371 is regarded as an application for special payments under section 228 and is deemed to have been filed in July 1966, unless the person by whom or on whose behalf such application was filed notifies the Secretary that he does not want such application so regarded.

§ 404.375 Duration of entitlement to payments under section 228.

An individual is entitled to special payments under section 228 for each month beginning with the first month after September 1966 in which he meets the requirements of § 404.374(a) and ending with the month preceding the month in which he dies.

§ 404.376 Amount of special payments under section 228.

(a) *General.* Except as provided in paragraph (b) of this section, the special payment under section 228 to which an individual is entitled for any month is $35.

(b) *Husband and wife both entitled.* If both husband and wife are entitled (or upon application would be entitled) to special payments under section 228 for any month, the amount of the special payment to the husband for such month is $35 and the amount of the special payment to the wife for such month is $17.50. For purposes of this paragraph, the determination of whether an individual has the relationship of husband or wife to another individual is made in accordance with the provisions of § 404.1101 without regard to the provisions of § 404.1103 or § 404.1106.

§ 404.377 Reduction of special payments under section 228 for governmental pension system benefits.

(a) *General.* The special payment to which an individual is entitled for any month is reduced (but not below zero) by the amount of any periodic benefit under a governmental pension system (as defined in paragraph (i) of this section) for which he is eligible for such month. The term "periodic benefit" includes a benefit payable in a lump sum if it is a commutation of, or a substitute for, periodic payments.

(b) *Husband or wife entitled.* In the case of a husband and wife, if one of such individuals, but not the other, is entitled to a special payment under section 228 for any month, the special payment, after any reduction under paragraph (a) of this section, is further reduced (but not below zero) by the excess (if any) of (1) the total amount of any periodic benefits under governmental pension systems for which the entitled individual's spouse is eligible for such month, over (2) $17.50.

(c) *Husband and wife entitled.* In the case of a husband and wife both of whom are entitled to a special payment under section 228 for any month:

(1) The special payment of the wife, after any reduction under paragraph (a) of this section, is further reduced (but not below zero) by the excess (if any) of (i) the total amount of any periodic benefits under governmental pension systems for which the husband is eligible for such month, over (ii) $35, and

(2) The special payment of the husband, after any reduction under paragraph (a) of this section, is further reduced (but not below zero) by the excess (if any) of (i) the total amount of any periodic benefits under governmental pension systems for which the wife is eligible for such month, over (ii) $17.50.

(d) *Determining whether individual is eligible for periodic benefits.* For purposes of this section, in determining whether an individual is eligible for periodic benefits under a governmental pension system:

(1) Such individual is deemed to have filed application for such benefits,

(2) To the extent that entitlement depends on an application by such individual's spouse, such spouse is deemed to have filed application, and

(3) To the extent that entitlement depends on such individual or his spouse having retired, such individual and his spouse are deemed to have retired before the month for which the determination of eligibility is being made.

(e) *Periodic benefit payable on basis other than calendar month.* For purposes of this section, if any periodic benefit is payable on any basis other than a calendar month, the amount of such benefit is allocated to the appropriate calendar months.

(f) *Amount payable less than $1.* If, under this section, the amount payable for any month is less than $1, such amount is reduced to zero. In the case of a husband and wife both of whom are entitled to a special payment under section 228 for the month, the preceding sentence is applied with respect to the aggregate amount payable. Thus, if the aggregate amount payable is less than $1, such amount is reduced to zero. However, if the aggregate amount payable to a husband and wife is $1 or more it is not so reduced.

(g) *Special payment not a multiple of $0.10.* If any special payment computed under the foregoing provisions of this section is not a multiple of $0.10, it is raised to the next higher multiple of $0.10.

(h) *Special payments of less than $5.* If, under this section, special payments due an individual (or aggregate payments in the case of a husband and wife) amount to less than $5, such special payments may be accumulated until they equal or exceed $5.

(i) *"Governmental pension system" defined.* The term "governmental pension system" means the insurance system established by title II of the Social Security Act or any other system or fund established by the United States, a State, any political subdivision of a State, or any wholly owned instrumentality of any one or more of the foregoing which provides for payment of (1) pensions, (2) retirement or retired pay, or (3) annuities or similar amounts payable on account of personal services performed by any individual (not including any payment under any workmen's compensation law or any payment by the Veterans' Administration as compensation for service-connected disability or death).

§ 404.378 Nonpayment of special payments under section 228 for months in which cash payments are made under public assistance.

(a) *General.* Except as provided in paragraph (b) of this section, no special payment under section 228 may be paid to an individual for any month if:

(1) Such individual receives aid or assistance in the form of money payments in such month under a State plan approved under title I, IV, X, XIV, or XVI of the Social Security Act (which titles relate to (i) old-age assistance and medical assistance for the aged, (ii) aid to dependent children, (iii) aid to the blind, (iv) aid to the permanently and totally disabled, and (v) aid to the aged, blind, or disabled, or for such aid and medical assistance for the aged, respectively), or

(2) Such individual's husband or wife receives such aid or assistance in such month, and under the State plan the needs of such individual were taken into account in determining eligibility for (or amount of) such aid or assistance.

(b) *State agency notification of termination of aid or assistance.* No special payment with respect to which paragraph (a) of this section applies may be paid for a month in the absence of receipt by the Social Security Administration of a notice from the State agency administering or supervising the administration of the applicable State plan that the aid or assistance referred to in such paragraph (a) has been or will be terminated with the payment or payments made in such month. To be effective for this purpose the notice shall identify the name of the individual age 72 or over on whose behalf aid or assistance was paid, his social security account number, and the last month in which the aid or assistance was or will be paid to him or on his behalf. The notice also should show the individual's date of birth or age, his current address, that the notice is being filed in compliance with section 228(d) of the Act as amended, and, where the State agency has the information, whether the individual has filed an application for social security benefits. To permit prompt payment of the special payments under section 228, such notice should be filed as soon as it is determined that the pertinent aid or assistance will be terminated. The notice should be sent to the social security district office servicing the area in which the individual age 72 or over resides. The special payment under section 228 may be paid for the last month in which the aid or assistance was paid.

§ 404.379 Suspension where individual is residing outside the United States.

No special payment under section 228 for any month may be paid if, during such month, the individual entitled to such special payment is not a resident of one of the 50 States or the District of Columbia.

§ 404.380 When special payment treated as monthly insurance benefits.

A special payment under section 228 is treated as a monthly insurance benefit payable under section 202 of the Act for purposes of section 202(t) of the Act, relating to suspension of benefits of aliens who are outside the United States, for purposes of section 202(u) of the Act, relating to conviction of subversive activities and other offenses, and for purposes of section 1840 of the Act, relating to payment of premiums of individuals enrolled under Part B of title XVIII of the Act. However, a special payment under section 228 is not treated as a monthly insurance benefit under section 202 of the Act for purposes of entitlement to hospital insurance benefits under Part A of title XVIII of the Act (see § 404.367), for purposes of section 202(m) of the Act, relating to minimum benefits, or for purposes of section 1843(b) or section 1843(d)(3)(B) of the Act pertaining to State agreements for coverage under Part B of title XVIII of the Act of certain public assistance recipients.

2. The foregoing amendments shall become effective on the date of publication in the FEDERAL REGISTER.

(Secs. 205, 228, and 1102, 53 Stat. 1368, as amended, 80 Stat. 67, 49 Stat. 647, as amended; sec. 5 of Reorg. Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405, 428, and 1302)

Dated: October 4, 1966.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: October 11, 1966.

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

[F.R. Doc. 66-11424; Filed, Oct. 19, 1966; 8:48 a.m.]

[Reg. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965–)

Subpart C—Exclusions, Recovery of Overpayment, and Liability of a Certifying Officer

1. Chapter III, Title 20, is amended by adding thereto Subpart C of new Part 405 to read as follows:

AUTHORITY: The provisions of this Subpart C issued under secs. 1102, 1842, 1862, 1870, 1871, 49 Stat. 647, as amended, 79 Stat. 309, 79 Stat. 325, 79 Stat. 331; 42 U.S.C. 1302, 1395 et seq.

§ 405.301 Scope of subpart.

Sections 405.310 to 405.320 describe certain exclusions from coverage applicable to hospital insurance benefits (Part A of title XVIII) and supplementary medical insurance benefits (Part B of title XVIII). The exclusions in this subpart are applicable in addition to any other conditions and limitations in this Part 405 and in title XVIII of the Act. Sections 405.350 to 405.359 relate to the adjustment or recovery of an incorrect payment, or a payment made under section 1814(e) of the Health Insurance for the Aged Act.

§ 405.310 Types of expenses not covered.

Notwithstanding any other provisions of this Part 405, no payment may be made for any expenses incurred for the following items or services:

(a) Routine physical checkups—such as examinations performed not for the purpose of treatment or diagnosis of a specific illness, symptom, complaint, or injury, or examinations required by third parties, such as insurance companies;

(b) Eyeglasses or contact lenses for refractive error only—however, payment may be made for postsurgical eyeglasses customarily used during convalescence from eye surgery, or prosthetic lenses for aphakic patients;

(c) Eye examinations for the purpose of prescribing, fitting, or changing eyeglasses or contact lenses for refractive error only (however, examinations in conjunction with eye diseases, such as glaucoma or cataracts, are covered);

(d) Hearing aids or examinations for the purpose of prescribing, fitting, or changing hearing aids;

(e) Immunizations—no payment is made for vaccinations or innoculations unless directly related to the treatment of an injury or direct exposure such as antirabies treatment, tetanus antitoxin or booster vaccine, botulin antitoxin, antivenom sera, or immune globulin;

(f) Orthopedic shoes or other supportive devices for the feet—except when shoes are integral parts of leg braces;

(g) Custodial care;

(h) Cosmetic surgery, or in connection therewith, except as required for the prompt repair of accidental injury or for the improvement of the functioning of a malformed body member;

(i) Routine dental services in connection with the care, treatment, filling, removal, or replacement of teeth, or structures directly supporting the teeth;

(j) Personal comfort items and services (for example, a television set, or telephone service, etc.);

(k) Which are not reasonable and necessary for the diagnosis or treatment of illness or injury or to improve the functioning of a malformed body member (thus, payment could not be made for the rental of a special hospital bed to be used by an individual in his home if it was not a reasonable and necessary part of the individual's treatment).

§ 405.311 Nonreimbursable expenses; individual has no legal obligation to pay for items or services.

Payment may not be made under title XVIII of the Act for expenses incurred for items or services for which the individual who is furnished such items or services has no legal obligation to pay, and which no other person (by reason of the individual's membership in a prepayment plan or otherwise) has a legal obligation to provide or pay for. For example, no payment may be made for items or services, such as a chest X-ray, that are rendered free of charge by health organizations without regard for the individual's ability to pay. This exclusion does not prevent payment for items or services furnished by a group health prepayment plan to a member of the plan. Neither does it apply to items or services paid for by a governmental entity (with respect to such items or services, see § 405.312).

§ 405.312 Nonreimbursable expenses; items or services paid for by governmental entity.

Payment may not be made under title XVIII of the Act for expenses incurred for items or services that are paid for directly or indirectly by a governmental entity, except:

(a) Payment may be made for items or services furnished under a health insurance plan established for employees of the governmental entity.

(b) Payment may be made for items or services furnished an individual under a program based on one of the titles of the Social Security Act.

(c) Payment may be made for items and services furnished an individual in or by a participating hospital operated by a State or local governmental entity, where such hospital is a general or special hospital serving the general community, including a mental or tuberculosis hospital or a hospital for treatment of infectious disease.

(d) Payment may be made for items and services paid for by a State or local governmental entity and furnished an individual as a means of controlling infectious diseases or because of the individual's medical indigency, whether or not such services are furnished in a hospital.

(e) Payment may be made to a participating Federal hospital for items and services which it furnishes to the general public as a community institution or agency, but not for any items or services which it is required to furnish at public expense under a law of, or contract with, the United States.

(f) Payment may be made in other cases as specified by the Secretary under authority of section 1862(a)(3) of the Act.

§ 405.313 Nonreimbursable expenses; items or services not provided in United States.

Payment may not be made under title XVIII of the Act for expenses incurred for items or services which are not provided within the United States (that is, the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa), except for emergency inpatient hospital services furnished in accordance with the provisions of section 1814(f) of the Act.

§ 405.314 Nonreimbursable expenses; items or services required as a result of war.

Payment may not be made under title XVIII of the Act for expenses incurred for items or services which are required as a result of war, or of an act of war, occurring after the effective date of such individual's current coverage for hospital insurance benefits or supplementary medical insurance benefits.

§ 405.315 Nonreimbursable expenses; charges imposed by immediate relatives or members of beneficiaries' household.

Payment may not be made under title XVIII of the Act for expenses which constitute charges imposed by immediate relatives of the individual or members of his household.

(a) The term "immediate relatives" means spouse, father, mother, son, daughter, brother, or sister—by blood, marriage or adoption.

(b) The term "members of his household" means those persons sharing a common abode as part of a single family unit, including those related by blood, marriage, or adoption as well as domestic employees and others who live together as part of this family unit, but not including a mere roomer or boarder.

(c) The exclusion refers to the person imposing the charges, who might not be the person rendering the services. For example, where the charges are imposed by a:

(1) Physician or other practitioner in practice by himself, the exclusion would apply if the physician or other practitioner has the excluded relationship to the beneficiary.

(2) Partnership, the exclusion would apply only if all of the partners have the excluded relationship to the beneficiary.

(3) Corporation, the exclusion would not apply, regardless of the beneficiary's relationship to the directors, officers, stockholders of the corporation, or person rendering the services.

(4) Individual proprietorship, the exclusion applies if the individual who owns and operates the business has the excluded relationship to the beneficiary.

§ 405.316 Nonreimbursable expenses; payment for services made under workmen's compensation law.

(a) Payment may not be made under title XVIII of the Act with respect to any item or service to the extent that payment has been made, or can reasonably be expected to be made, under a workmen's compensation law or plan of the United States or a State.

(b) Any payment under title XVIII of the Act with respect to any item or service shall be made on the condition that repayment will be made to the appropriate fund if information is received that a workmen's compensation payment for the item or service has been made.

(c) For purposes of this exclusion, a workmen's compensation plan or system of the United States includes the workmen's compensation plans of the 50 States, the District of Columbia, and Puerto Rico, as well as the systems provided under the Federal Employees' Compensation Act and the Longshoremen's and Harbor Workers' Compensation Act.

§ 405.317 Effect of workmen's compensation payment.

(a) *Spell of illness.* Even though inpatient hospital or extended care services received by an individual are (or are expected to be) completely paid for under a workmen's compensation plan, rather than under title XVIII because of the provisions described in § 405.316(a), the services will be considered in determining whether a spell of illness (see sec. 1861 (a) of the Act) has started.

(b) *Expenses paid in full by workmen's compensation.* Where an injury or illness is covered under a workmen's compensation plan that pays all hospital and medical expenses, the services so paid for in full are not counted towards:

(1) The 90-day limitation on inpatient hospital services in each spell of illness (see § 405.110(c)).

(2) The 100-day limitation on posthospital extended care services in each spell of illness (see § 405.120(b)).

(3) The 190-day lifetime limitation for inpatient psychiatric hospital services (see § 405.110(d)).

(4) The 100 home health visits limitation under Part A or Part B of title XVIII (see § 405.130).

(5) Determining the first day for which payment for inpatient hospital or extended care services is reduced by the applicable coinsurance amount (see §§ 405.115 and 405.124).

(c) *Limited workmen's compensation payments.* Certain workmen's compensation plans specify limits on the number of days of hospitalization for which payment may be made or the total amount that can be paid under workmen's compensation. Services provided after these limits have been exhausted may be paid for under title XVIII, but the days of service or home health visits so paid for under title XVIII are included in applying the respective limitations under title XVIII.

(d) *Deductibles and coinsurance.* Payments made under workmen's compensation cannot be counted toward the deductibles or coinsurance provisions of title XVIII. Thus, if an individual is hospitalized twice in the same spell of illness and the first hospitalization is completely paid for under workmen's compensation, the inpatient hospital deductible would apply to the second hospitalization. In the same way, medical expenses otherwise reimbursable under Part B must first be reduced by any workmen's compensation payment before applying the deductible and coinsurance provisions.

§ 405.318 Responsibility of the individual concerning workmen's compensation payments.

The individual is responsible for taking whatever action is necessary to obtain payment under workmen's compensation where payment under that system can reasonably be expected. Failure to take proper and timely action under such circumstances will preclude payment under title XVIII to the extent that payment could have been made under workmen's compensation if such action had been taken. Thus, so long as the facts indicate a reasonable expectation that payment may be made under a workmen's compensation statute, the individual must exhaust his administrative remedies under that system before any payment may be made under title XVIII. Where the time limit for taking action under workmen's compensation has expired and the intermediary determines payment could reasonably have been expected if timely action had been taken, payment under title XVIII will be denied to the extent that payment could have been made under workmen's compensation.

§ 405.319 Responsibility of intermediary concerning workmen's compensation payments.

Since title XVIII payments are precluded not only where payments have been made under workmen's compensation but also where they can reasonably be expected to be made, it is the responsibility of the intermediary to determine that neither of these conditions apply before making payment where there is possible workmen's compensation involvement. Where the intermediary has information that a claim may be work related (either directly or from the nature of the injury or illness), and where the injury is of a type compensable under pertinent State or Federal law, the intermediary will immediately ascertain whether a workmen's compensation claim has been filed. Where such a claim has been filed, the claimant will be notified that no payment can be made under title XVIII until a determination as to liability under workmen's compensation is made.

§ 405.320 Effect of lump-sum workmen's compensation settlement.

Where a lump sum is awarded as payment of a workmen's compensation claim, payment for hospital and medical expenses may or may not be included in such a settlement. It is not necessary, however, to examine the settlement to determine what items or services for which payment has been made. Since in these cases an award has in fact been made, no payment may be made under title XVIII for items and services for which payment could have reasonably been expected to be made. Thus, in those States where there is no limitation on payment for hospital and medical expenses, no payment may be made for such services.

§ 405.350 Individual's liability for payments made to providers and other persons for items and services furnished the individual.

Any payment made under title XVIII of the Act to any provider of services or other person with respect to any item or service furnished an individual shall be regarded as a payment to the individual, and adjustment shall be made pursuant to § 405.352, where:

(a) More than the correct amount is paid to a provider of services or other person and the Secretary determines, that within a reasonable period of time, the excess over the correct amount cannot be recouped from the provider of services or other person, or

(b) A payment has been made under the provisions described in section 1814 (e) of the Act, to a provider of services or other person for items and services furnished the individual.

§ 405.351 Incorrect payments for which the individual is not liable.

Where an incorrect payment has been made to a provider of services or other person, the individual is liable only to the extent that he has benefited from such payment.

§ 405.352 Adjustment of title XVIII overpayments.

Where an individual is liable for an overpayment (as described in § 405.350 (a)) or a payment (as described in § 405.-

350(b)) adjustment is made (to the extent of such liability) by:

(a) Decreasing any payment under title II of the Act, or under the Railroad Retirement Act of 1937, to which the individual is entitled; or

(b) In the event of the individual's death before adjustment is completed, by decreasing any payment under title II of the Act, or under the Railroad Retirement Act of 1937 payable to the estate of the individual or to any other person, that are based on the individual's earnings record (or compensation).

§ 405.353 Certification of amount that will be adjusted against individual title II or railroad retirement benefits.

As soon as practicable after any adjustment is determined to be necessary, the Secretary, for purposes of this subpart, shall certify the amount of the overpayment or payment (see § 405.350) with respect to which the adjustment is to be made. If the adjustment is to be made by decreasing subsequent payments under the Railroad Retirement Act of 1937, such certification shall be made to the Railroad Retirement Board.

§ 405.355 Waiver of adjustment or recovery.

The provisions of § 405.352, may not be applied and there may be no adjustment or recovery of an overpayment (§ 405.350 (a)) or payment (§ 405.350(b)) in any case where the overpayment has been made with respect to an individual who is without fault, and where such adjustment or recovery would defeat the purpose of title II of the Act, or of the Railroad Retirement Act of 1937, or would be against equity and good conscience.

§ 405.359 Liability of certifying or disbursing officer.

No certifying or disbursing officer shall be held liable for any amount certified or paid by him to any provider of services or other person:

(a) Where the adjustment or recovery of such amount is waived (see § 405.355); or

(b) Where adjustment (see § 405.352) or recovery is not completed prior to the death of all persons against whose benefits such adjustment is authorized.

2. *Effective date.* The addition of Subpart C to Part 405 of Chapter III, Title 20, shall become effective on the date of publication in the FEDERAL REGISTER.

Dated: October 4, 1966.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: October 11, 1966.

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

[F.R. Doc. 66-11423; Filed, Oct. 19, 1966; 8:48 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Oral Prenatal Drugs Containing Fluorides for Human Use

A number of vitamin-mineral preparations containing fluorides for prenatal use and intended or represented to be beneficial to tooth development in the fetus or in the prevention of dental caries in the offspring have appeared on the market in the last few years. These preparations and any other fluoride-containing drugs offered for the same uses are not generally recognized as effective for these purposes by experts qualified by scientific training and experience to evaluate the effectiveness of drugs.

Accordingly, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 502 (a), (f), 505, 701(a), 52 Stat. 1050, 1051, 1052, as amended, 1055; 21 U.S.C. 352 (a), (f), 355, 371(a)) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3008), Part 3 is amended by adding thereto a new statement of policy, as follows:

§ 3.53 Oral prenatal drugs containing fluorides intended for human use.

(a) The Food and Drug Administration finds that there is neither substantial evidence of effectiveness nor a general recognition by qualified experts that prenatal drug preparations containing fluorides are beneficial to tooth development in the fetus or in the prevention of dental caries in the offspring.

(b) Any such drug preparation that is so labeled, represented, or advertised will be regarded as misbranded and subject to regulatory proceedings unless such recommendations are covered by a new-drug application, including substantial evidence of effectivenes, approved pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act.

(c) A completed and signed "Notice of Claimed Investigational Exemption for a New Drug," Form FD-1571 set forth in § 130.3 of this chapter, must be submitted to cover clinical investigations to obtain evidence that such preparations are effective for such uses.

(d) Regulatory proceedings may be initiated with respect to drug preparations labeled contrary to the provisions of this statement and shipped within the jurisdiction of the act after 60 days from the date of publication of this statement in the FEDERAL REGISTER.

(Secs. 502 (a), (f), 505, 701(a); 52 Stat. 1050, 1051, 1052, as amended, 1055; 21 U.S.C. 352 (a), (f), 355, 371(a))

Dated: October 12, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66-11422; Filed, Oct. 19, 1966; 8:48 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER F—NATIONALITY AND PASSPORTS

[Departmental Reg. 108.541]

REVISION OF SUBCHAPTER

By the authority of Executive Order 11295 and Presidential Proclamation 3004 I hereby revoke the present regulations appearing as Part 50, Nationality Procedures under the Immigration and Nationality Act; Part 51, Passports; Part 52, Births and Marriages; and Part 53, Travel Control of Citizens and Nationals in Time of War or National Emergency. I prescribe the following regulations on these subjects:

PART 50—NATIONALITY PROCEDURES

AUTHORITY: The provisions of this Part 50 issued under sec. 4, 63 Stat. 111 as amended, secs. 104, 360, 66 Stat. 174, 273; 5 U.S.C. 151c, 8 U.S.C. 1104, 1503.

§ 50.1 Definitions.

The following definitions shall be applicable to this part:

(a) "United States" means the continental United States, the State of Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, the Canal Zone, American Samoa, Guam and any other islands or territory over which the United States exercises jurisdiction.

(b) "Department" means the Department of State of the United States of America.

(c) "Secretary" means the Secretary of State.

(d) "National" means a citizen of the United States or a noncitizen owing permanent allegiance to the United States.

(e) "Passport" means a travel document issued under the authority of the Secretary of State attesting to the identity and nationality of the bearer.

(f) "Passport Agent" means a person designated by the Department to accept passport applications and to administer oaths in connection therewith.

Subpart A—Procedures for Determination of United States Nationality of a Person Abroad

§ 50.2 Determination of U.S. nationality of persons abroad.

The Department shall determine claims to United States nationality when made by persons abroad on the basis of an application for registration, for a passport, or for registration of birth.

§ 50.3 Application for registration.

(a) A person abroad who claims U.S. nationality, or a representative on his behalf, may apply at a consular post for registration to establish his claim to U.S. nationality or to make his residence in the particular consular area a matter of record.

(b) The applicant shall execute the registration form prescribed by the Department and shall submit the suporting evidence required by Subpart C of Part 51 of this chapter. The diplomatic or consular officer shall determine the period of time for which the registration will be valid.

§ 50.4 Application for passport.

A claim to U.S. nationality in connection with an application for passport shall be determined by posts abroad in accordance with the regulations contained in Part 51 of this chapter.

§ 50.5 Application for registration of birth abroad.

Upon application by the parents or their representative, a consular officer may record the birth of a U.S. citizen child in his consular district. The officer shall require the applicant to submit evidence meeting the requirements of Subpart C of Part 51 of this chapter and shall include:

(a) *Proof of child's birth.* Proof of child's birth usually consists of, but is not limited to, an authentic copy of the record of the birth filed with local authorities, a baptismal certificate, a military hospital certificate of birth, or an affidavit of the doctor or the person attending the birth. If no proof of birth is available, the person seeking to register the birth shall submit his affidavit explaining why such proof is not available and setting forth the facts relating to the birth.

(b) *Proof of child's citizenship.* Evidence of parent's citizenship and, if pertinent, evidence of parent's physical presence in the United States as required for transmittal of claim of citizenship by the Immigration and Nationality Act of 1952 shall be submitted.

§ 50.6 Registration at the Department of birth abroad.

In the time of war or national emergency, passport agents may be designated to complete consular reports of birth for children born at military facilities which are not under the jurisdiction of a consular office. An officer of the Armed Forces having authority to administer oaths may take applications for registration under this section.

§ 50.7 Report of birth.

(a) Upon submission of satisfactory proof of birth and nationality, and at the time of the recording of the birth, the consular officer shall issue to the parent or person in interest, when requested and upon payment of the prescribed fee, a consular report of birth. The Authentication Officer of the Department may issue additional copies of the report of birth.

(b) When it records a birth under § 50.6, the Department shall furnish a copy of the "Report of Birth" without fee to the parent or person in interest.

§ 50.8 Certification of birth.

(a) At the time of registration of birth, the consular officer shall furnish without fee to the parent or person in interest a certificate entitled "Certification of Birth."

(b) At any time subsequent to the registration of birth, when requested and upon payment of the required fee, the Authentication Officer of the Department of State shall issue to the parent or person in interest a "Certification of Birth."

§ 50.9 Certificate of identity and registration.

When authorized by the Department, a consular officer may issue a certificate of identity and registration for travel to the United States to a national of the United States being deported from a foreign country, to nationals involved in a common disaster abroad, or to a returning national whose passport facilities have been denied or withdrawn under the provisions of this Part 50 or Part 51 or 53 of this chapter.

§ 50.10 Certificate of nationality.

(a) Any person who acquired the nationality of the United States at birth and who is involved in any judicial or administrative proceedings in a foreign state and needs to establish his U.S. nationality may apply for a certificate of nationality in the form prescribed by the Department.

(b) An applicant for a certificate of nationality must submit evidence of his nationality and documentary evidence establishing that he is involved in judicial or administrative proceedings in which proof of his U.S. nationality is required.

§ 50.11 Certificate of identity for travel to the United States to apply for admission.

(a) A person applying abroad for a certificate of identity under section 360 (b) of the Immigration and Nationality Act shall complete the application form prescribed by the Department and submit evidence to support his claim to U.S. nationality. The applicant shall sign the application and swear to or affirm the statements made therein before a diplomatic or consular officer.

(b) When a diplomatic or consular officer denies an application for a certificate of identity under this section, the applicant may submit a written appeal to the Secretary, stating the pertinent facts, the grounds upon which U.S. nationality is claimed and his reasons for considering that the denial was not justified. If the applicant includes in his appeal information not set forth in the original application, he shall swear to or affirm the appeal before a diplomatic or consular officer.

Subpart B—Retention and Resumption of Nationality

§ 50.20 Retention of nationality.

(a) *Section 350 of the Immigration and Nationality Act.* A person who desires to retain his U.S. nationality under the provisions of section 350 of the Immigration and Nationality Act may satisfy the requirement of section 350(1) by taking an oath of allegiance, within the time period specified in the statute, in connection with an application for a passport or for registration as a United States national.

(b) *Section 351(b) of the Immigration and Nationality Act.* (1) A person who desires to claim U.S. nationality under the provisions of section 351(b) of the Immigration and Nationality Act must, within the time period specified in the statute, assert his claim to U.S. nationality and subscribe to an oath of allegiance before a diplomatic or consular officer.

(2) In addition, the person shall submit to the Department a statement reciting his identity and acquisition or derivation of U.S. nationality, the facts pertaining to the performance of any act which would otherwise have been expatriative, and his desire to retain his U.S. nationality.

§ 50.30 **Resumption of nationality.**

(a) *Section 324(c) of the Immigration and Nationality Act.* (1) A woman formerly a citizen of the United States at birth who wishes to regain her citizenship under section 324(c) of the Immigration and Nationality Act may apply abroad to a diplomatic or consular officer on the form prescribed by the Department to take the oath of allegiance prescribed by section 337 of that Act.

(2) The applicant shall submit documentary evidence to establish her eligibility to take the oath of allegiance. If the diplomatic or consular officer or the Department determines, when the application is submitted to the Department for decision, that the applicant is ineligible for resumption of citizenship because of section 313 of the Immigration and Nationality Act, the oath shall not be administered.

(b) *The Act of June 25, 1936.* (1) A woman who has been restored to citizenship by the Act of June 25, 1936, as amended by the Act of July 2, 1940, but who failed to take the oath of allegiance prior to December 24, 1952, as prescribed by the nationality laws, may apply abroad to any diplomatic or consular officer to take the oath of allegiance as prescribed by section 337 of the Immigration and Nationality Act.

(2) The applicant shall submit documentary evidence to establish her eligibility to take the oath of allegiance. If the diplomatic or consular officer or the Department determines, when the application is submitted to the Department, that the applicant is ineligible for resumption of citizenship under section 313 of the Immigration and Nationality Act, the oath shall not be administered.

(c) *Certification of repatriation.* Upon request and payment of the prescribed fee, a diplomatic or consular officer or the Department shall issue a certified copy of the application and oath administered to a woman repatriated under this section.

Subpart C—Loss of Nationality

§ 50.40 **Revocation of naturalization under section 340(d).**

(a) Whenever a diplomatic or consular officer determines that an individual, within 5 years of the date upon which he was naturalized, has established permanent residence abroad, and has failed to overcome the presumption set forth in section 340(d) of the Immigration and Nationality Act, the officer shall prepare and forward to the Department an affidavit setting forth his findings. Before forwarding the affidavit to the Department, the diplomatic or consular officer shall give written notice to the person affected of his contemplated action and afford the person a reasonable opportunity to present countervailing evidence.

(b) If the Department agrees that the provisions of section 340(d) of the Immigration and Nationality Act are applicable, it shall forward an authenticated copy of the consular officer's affidavit, and other relevant evidence to the Department of Justice for appropriate action.

§ 50.41 **Certification of loss of U.S. nationality.**

(a) Whenever a diplomatic or consular officer has reason to believe that a person, while in a foreign country, has lost his U.S. nationality under any provision of Chapter 3 of Title III of the Immigration and Nationality Act of 1952, or under any provision of Chapter IV of the Nationality Act of 1940, as amended, he shall prepare a certificate of loss of nationality containing the facts upon which such belief is based and shall forward the certificate to the Department.

(b) If the diplomatic or consular officer determines that any document containing information relevant to the statements in the certificate of loss of nationality should not be attached to the certificate, he may summarize the pertinent information in the appropriate section of the certificate and send the documents together with the certificate to the Department.

(c) Whenever a person admits that he has expatriated himself by the voluntary performance of one of the acts or fulfillment of one of the conditions specified in Chapter 3, Title III of the Immigration and Nationality Act of 1952 or section 401 of the Nationality Act of 1940, and consents to the execution of an affidavit to that effect, the diplomatic or consular officer shall recite in or attach to the certificate the person's affidavit.

(d) If the certificate of loss of nationality is approved by the Department, a copy shall be forwarded to the Immigration and Naturalization Service, Department of Justice. The diplomatic or consular office in which the certificate was prepared shall then forward a copy of the certificate to the person to whom it relates or his representative.

§ 50.42 **Determination of loss of nationality abroad in connection with application for passport in the United States.**

The Department shall determine that a person in the United States has lost his U.S. citizenship while abroad only in connection with an application for a passport.

§ 50.50 **Renunciation of nationality.**

(a) A person desiring to renounce his U.S. nationality under section 349(a)(6) of the Immigration and Nationality Act shall appear before a diplomatic or consular officer of the United States and take an oath of renunciation of nationality of the United States in the manner and form prescribed by the Department. The renunciant must include on the form he signs a statement that he absolutely and entirely renounces his U.S. nationality together with all rights and privileges and all duties of allegiance and fidelity thereunto pertaining.

(b) The diplomatic or consular officer shall forward to the Department for approval the oath of renunciation together with a certificate of loss of nationality as provided by section 358 of the Immigration and Nationality Act. If the officer's report is approved by the Department, copies of the certificate shall be forwarded to the Immigration and Naturalization Service, Department of Justice, and to the person to whom it relates or his representative.

§ 50.51 **Certification of expatriation.**

The procedures under this part shall also apply to the preparation, approval or disapproval of certificates of expatriation. Where loss of nationality occurs under provisions of law other than those specified in section 358 of the Immigration and Nationality Act of 1952, the diplomatic or consular officer shall prepare a certificate of expatriation instead of a certificate of loss of nationality.

Subpart D—Board of Review on Loss of Nationality

§ 50.60 **Appeal by nationality claimant.**

A person who contends that the Department's administrative holding of loss of nationality or expatriation in his case is contrary to law or fact shall be entitled, upon written request made within a reasonable time after receipt of notice of such holding, to appeal to the Board of Review on Loss of Nationality.

§ 50.61 **Organization of the Board of Review on Loss of Nationality.**

The Board of Review on Loss of Nationality shall consist of three officers of the Department designated as members by the Secretary of State. The Secretary may also designate alternate members and a legal assistant to the Board. Each member or alternate shall be an attorney experienced in the law of nationality and citizenship of the United States.

§ 50.62 **Chairman.**

One of the members of the Board shall be designated by the Secretary as Chairman. The Chairman or his designee shall preside at all hearings of the Board and shall be empowered in all respects to regulate the conduct of the hearing and to pass on all issues relating thereto. The Chairman or his designee shall be empowered to administer oaths and affirmations.

§ 50.63 **Functions of the Board.**

The Board shall consider all appeals under § 50.60 and shall take any action it considers necessary and proper to the disposition of the cases appealed to it. The Board may adopt and make public rules of procedure approved by the Secretary.

§ 50.64 **Scope of review on appeal.**

The Board shall receive evidence and, if there is a hearing, hear argument on the facts and the law applicable to the case under consideration. The Board shall not consider argument challenging the constitutionality of any law.

§ 50.65 Appearance before the Board.

Any party to any proceeding before the Board may appear in person or by or with his attorney or any other representative who has his written authority to represent him.

§ 50.66 Hearing before the Board.

The appellant shall be entitled, at his or his representative's request, to a hearing before the Board. The appellant may appear and testify in his own behalf and may present witnesses and offer evidence. The Passport Office may also present witnesses and offer other evidence and make argument. The appellant and witnesses may be examined by any member of the Board and by the representative of the Passport Office. If any witness whom the appellant or the Passport Office wishes to call is unable to appear personally, the Board may, in its discretion, accept an affidavit by the witness or order evidence to be taken by deposition. The appellant shall be entitled to be informed of all evidence before the Board and of the source of such evidence, and shall be entitled to confront and cross-examine any adverse witness. The Board may request a stipulation of facts prior to or at the beginning of the hearing and may request supplemental statements on issues presented to it or confirmation, verification, or authentication of any evidence submitted by or on behalf of the appellant.

§ 50.67 Admissibility of evidence.

The appellant and the Passport Office may introduce such evidence as the Board deems proper. Formal rules of evidence shall not apply, but reasonable restrictions shall be imposed as to the relevancy, competency and materiality of evidence presented.

§ 50.68 Privacy of hearings.

Hearings shall be private. There shall be present at the hearing only the appellant, his counsel or representative, the members of the Board, official stenographers, Department employees, and the witnesses. Witnesses shall be present at the hearing only while actually giving testimony or when otherwise directed by the Board.

§ 50.69 Transcript of hearing.

A complete verbatim transcript shall be made of the hearing, if any, by a qualified reporter. Upon request, the appellant or his counsel shall have the right to inspect the complete transcript and to purchase a copy thereof.

§ 50.70 Record of the proceedings.

The record of the hearing shall consist of the stipulation of facts, if any, the evidence admitted, the transcript of hearing and the appellant's file. If a hearing is not held, the record shall consist of the appellant's written petition, supporting evidence, and the appellant's file. All decisions of the Board shall be made on the basis of the record.

§ 50.71 Decision of the Board.

The decision shall be by majority vote, in writing, and shall set out with particularly the finding of fact and conclusions of law on which it is based.

§ 50.72 Notification of appellant.

The Board's decision shall be promptly communicated in writing to the appellant.

PART 51—PASSPORTS

AUTHORITY: The provisions of this Part 51 issued under sec 1, 44 Stat. 887, sec. 4, 63 Stat. 111, as amended; 22 U.S.C. 211a, 5 U.S.C. 151c. E.O. 11295, 31 F.R. 10603.

§ 51.1 Definitions.

The following definitions shall be applicable to this part:

(a) "United States" means the continental United States, the State of Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, the Canal Zone, American Samoa, Guam and any other islands or territory over which the United States exercises jurisdiction.

(b) "Department" means the Department of State of the United States of America.

(c) "Secretary" means the Secretary of State.

(d) "National" means a citizen of the United States or a noncitizen owing permanent allegiance to the United States.

(e) "Passport" means a travel document issued under the authority of the Secretary of State attesting to the identity and nationality of the bearer.

(f) "Passport Agent" means a person designated by the Department to accept passport applications and to administer oaths in connection therewith.

(g) "Passport Issuing Office" means the Passport Office, a Passport Agency, a Passport Agent of the Department, or a Foreign Service Post authorized to issue passports.

Subpart A—General

§ 51.2 Passports issued to nationals only.

(a) A United States passport shall be issued only to a national of the United States and can include therein only nationals of the United States (22 U.S.C. 212).

(b) Unless authorized by the Department, no person shall bear or be included in more than one valid or potentially valid U.S. passport at any one time.

§ 51.3 Types of passports.

(a) *Regular passport.* A regular passport is issued to a national of the United States proceeding abroad for personal or business reasons.

(b) *Official passport.* An official passport is issued to an official or employee of the U.S. Government proceeding abroad in the discharge of official duties. Where appropriate, dependents of such persons may be issued official passports.

(c) *Diplomatic passport.* A diplomatic passport is issued to a Foreign Service Officer, a person in the diplomatic service or to a person having diplomatic status either because of the nature of his foreign mission or by reason of the office he holds. Where appropriate, dependents of such persons may be issued diplomatic passports.

§ 51.4 Validity of passports.

(a) *Signature of bearer.* A passport is valid only when signed by the bearer in the space designated for his signature.

(b) *Period of validity of a regular passport.* A regular passport is normally valid for a period of 3 years and may be renewed for an additional period of 2 years. The validity of a regular passport cannot in any event extend more than 5 years from the original date of issue.

(c) *Period of validity of an official passport.* An official passport is normally valid for a period of 3 years and may be renewed for an additional period of 2 years so long as the bearer maintains his official status. In no event is it valid for more than 5 years. It must be returned to the Department upon termination of the bearer's official status.

(d) *Period of validity of a diplomatic passport.* A diplomatic passport is valid so long as the bearer maintains his diplomatic status and must be returned to the Department upon the termination of such status or at such other time as the Secretary shall determine.

(e) *Limitation and extension of validity.* The original or renewal period of a passport may be limited, when necessary, to less than the normal period of validity. A person requiring the extension of a passport so limited, shall apply in writing to a passport issuing office which may extend the passport to the normal period of validity.

§ 51.5 Persons who may be included in one passport.

The following persons may be included in one passport:

(a) The spouse of the bearer.

(b) Unmarried minor children of the bearer including stepchildren and adopted children.

(c) Unmarried minor brothers or sisters of the bearer.

§ 51.6 Mutilation and alteration of passports.

Any passport which has been materially changed in physical appearance or composition, or which includes unauthorized changes, obliterations, entries or photographs may be invalidated.

§ 51.7 Verification of passports.

When required by the officials of a foreign government, an American Foreign Service office may verify a U.S. passport at the request of the bearer or of the foreign government.

§ 51.8 Cancellation of previously issued passport.

(a) Upon applying for a new passport, an applicant shall submit for cancellation any previous passport still valid or potentially valid.

(b) If an applicant is unable to produce such a passport for cancellation, he shall submit a statement under oath setting forth the circumstances surrounding the disposition of the passport and if it is claimed to have been lost, the efforts made to recover it. A determination will then be made whether to issue a new passport and whether such passport shall be limited as to place and periods of validity.

§ 51.9 Passport property of the U.S. Government.

A passport shall at all times remain the property of the United States and shall be returned to the Government upon demand.

Subpart B—Application

§ 51.20 General.

An application for a passport or for the renewal or amendment of a passport shall be made on forms prescribed by the Department. The applicant shall truthfully answer every question and recite each and every matter of fact called for by the application. All information and evidence submitted in connection with an application shall be considered a part thereof. For the purposes of this section a written request for renewal, amendment or extension is considered an application.

§ 51.21 Execution of passport application.

Upon execution of a passport application, the applicant shall take an oath of allegiance and shall swear to or affirm the truthfulness of the statements in the application before one of the following persons:

(a) A duly authorized passport agent of the Department.

(b) A clerk of a Federal Court or of a State Court authorized to naturalize aliens.

(c) A diplomatic or consular officer stationed abroad.

(d) Any other person designated by the Secretary.

§ 51.22 Execution of passport form by person over 18 years of age to be included in passport.

A person over 18 years of age to be included in a passport shall take the oath of allegiance, and shall swear to or affirm the facts pertaining to his identity and citizenship.

§ 51.23 Names of applicant and persons to be included.

The passport application shall contain the full name of the applicant and of any person to be included in the passport. The applicant shall explain any material discrepancies between the names to be placed in the passport and the names recited in the evidence of citizenship and identity submitted. The passport issuing office may require documentary evidence or affidavits of persons having knowledge of the facts to support the explanation of the discrepancies.

§ 51.24 Change of name.

An applicant whose name has been changed by court order or decree shall submit with his application a certified copy of the order or decree. An applicant who has changed his name by the adoption of a new name without formal court proceedings shall submit with his application evidence that he has publicly and exclusively used the adopted name over a long period of time.

§ 51.25 Photographs.

(a) *General.* The applicant shall submit with his application duplicate photographs of the size specified in the application which are a good likeness of and satisfactorily identify the applicant. The photographs shall be signed by the applicant in the same manner and form as the application.

(b) *Group photographs.* An applicant who wishes to include members of his family shall submit a group photograph consistent with the photograph requirements in paragraph (a) of this section. If group photographs are not feasible, duplicate photographs of each member accompanying the applicant shall be submitted.

(c) *Photographs of uniformed personnel.* Only applicants who are in the active service of the Armed Forces and proceeding abroad in the discharge of their duties may submit photographs in the uniform of the Armed Forces of the United States.

(d) *Unacceptable photographs.* A photograph with a waxed back or other coating which lessens adhesiveness is not acceptable. Newspaper or magazine pictures, snapshots, or full length photographs are not acceptable. Photographs of persons in the uniform of a civilian organization, except religious dress, will not generally be accepted.

§ 51.26 Incompetents.

A parent, a legal guardian, or a person in loco parentis shall execute a passport application on behalf of a person declared incompetent.

§ 51.27 Minors.

(a) *Definition.* A minor is an unmarried person under the age of 18 years.

(b) *Execution of application by minors.* A minor may execute an application in his own behalf if he can understand the statements contained in the application. The passport issuing office may require a minor to obtain and submit the written consent of a parent, a legal guardian, or a person in loco parentis to the issuance of the passport.

(c) *Execution of applications for minors by parent or guardian.* A parent, a legal guardian, or a person in loco parentis may execute a passport application on behalf of a minor under 18 years of age if in the judgment of the person before whom the application is executed it is not desirable for the minor to execute his own application. In such instances the oath of allegiance may be omitted.

(d) *Objection by parent or guardian in cases not involving the custody of the minor.* At any time prior to the issuance of a passport to a minor and upon receipt of a written objection from a person having legal control of the minor, the passport issuing office may disapprove the minor's application.

(e) *Objection by parent or guardian in cases involving the custody of the minor.* When there is controversy concerning the custody of a minor, the passport issuing office will issue a passport to the minor unless it receives a court order giving custody of the minor to the objecting parent, legal guardian, or person in loco parentis.

§ 51.28 Identity of applicant.

If the applicant is not personally known by the official receiving the application he shall establish his identity by submission of a previous passport, or other identifying documents or by an identifying witness. The official receiving the application or the Department may require such evidence of identity as deemed necessary.

§ 51.30 Persons unacceptable as witnesses.

The passport issuing office will not accept as witness to a passport application a person who has received or expects to receive a fee for his services in connection with executing the application or obtaining the passport.

§ 51.31 Affidavit of identifying witness.

(a) An identifying witness shall execute an affidavit stating: That he resides at a specific address; that he knows or has reason to believe that the applicant is a citizen of the United States; the basis of his knowledge concerning the applicant; and that the information set out in his affidavit is true to the best of his knowledge and belief.

(b) If the witness has a U.S. passport, he shall state the place of issue and, if possible, the number and approximate date of issue.

(c) The identifying witness shall subscribe and swear or affirm to his statement before the same person who took the passport application.

§ 51.32 Amendment of passports.

(a) *Request for amendment.* Applications for amendment of a passport shall be made on forms prescribed by the Department.

(b) *Inclusion by amendment.* An amended passport may include any of the persons entitled to inclusion under § 51.5. However, a passport may not be amended to include:

(1) A person who bears or is already included in a valid passport, unless that passport is submitted for cancellation or amendment to exclude such person, or satisfactory explanation is made why the passport cannot be submitted.

(2) A person previously excluded from that same passport.

(c) *Exclusion of the bearer by amendment.* A passport cannot be amended to exclude the person to whom the passport was issued.

§ 51.33 Release of passport information.

Information in passport files is privileged and shall not be released except:

(a) At the request of an applicant or a person acting in his behalf for copies of documents executed or submitted by the applicant.

(b) Pursuant to a subpoena or court order directing the production of passport records.

(c) At the request of another Government agency.

(d) When expressly authorized by the Secretary.

Subpart C—Evidence of U.S. Citizenship or Nationality

§ 51.40 Burden of proof.

The applicant has the burden of proving that he and any persons to be included in the passport are nationals of the United States.

§ 51.41 Documentary evidence.

Every application shall be accompanied by evidence of the U.S. nationality of the applicant and of any other person to be extended passport services.

§ 51.42 Previously issued passport.

(a) When an applicant has available a previously issued passport, he may submit it with his application as evidence of his citizenship or nationality.

(b) If the applicant does not have available a previously issued passport he may identify the passport by stating the name in which it was issued, the number if known, and the date or approximate date of issue.

§ 51.43 Persons born in the United States.

(a) *Primary evidence of birth in the United States*—(1) *Birth certificate.* A person born in the United States in a place where official records were kept at the time of his birth may submit a birth certificate under the seal of the official custodian of birth records. To be acceptable, a certificate must show that the birth was recorded at the time of birth or within a reasonable time thereafter.

(2) *Baptismal certificate.* If a birth certificate is not available, the applicant may submit a baptismal or other church record as evidence of birth. The certificate must recite the name of the child, the date and place of birth, the date of baptism or other ceremony which is the basis of the record, the name and location of the church, and the date the record was made. The certificate must bear the signature of the official custodian of the church, if it has one. The certificate must also show that the baptism or other ceremony took place within a reasonable time after birth and was recorded shortly after the ceremony.

(b) *Secondary evidence of birth in the United States.* If the applicant cannot submit primary evidence of birth, he shall submit the best obtainable secondary evidence. As secondary evidence of birth an applicant may submit for consideration documentary evidence such as census records, newspaper files, family Bibles, ships' logs and affidavits of persons with personal knowledge of the facts of the birth. The passport issuing office will consider secondary evidence if the applicant submits a certificate of "no record of birth" by the official custodian of the birth records of the place at which the birth occurred.

§ 51.44 Persons born abroad.

(a) *Naturalization in own right.* A person naturalized in his own right as a U.S. citizen shall submit with his application his certificate of naturalization.

(b) *Derivative citizenship at birth.* (1) An applicant who claims to have derived citizenship by virtue of his birth abroad to a U.S. citizen parent or parents may submit his own certificate of citizenship (Section 1993, Revised Statutes, as amended by Act of May 24, 1934; section 201 of the Nationality Act of 1940; section 301 of the Immigration and Nationality Act of 1952).

(2) In lieu of a certificate of citizenship, the applicant may submit evidence of his parent(s)' citizenship at the time of his birth, and evidence of his and his parent(s)' residence and physical presence in the United States. The passport issuing office may require the applicant to establish the marriage of his parents and/or grandparents and his relationship to them.

(c) *Derivative citizenship subsequent to birth.* (1) An applicant who claims U.S. citizenship by virtue of the naturalization of his parent or parents subsequent to his birth may submit his own certificate of citizenship.

(2) In lieu of a certificate of citizenship the applicant may submit the naturalization certificate of the parent or parents through whom he claims U.S. citizenship. In this case, he must also show that he resided in the United States during minority as required by the law under which he claims citizenship.

(3) If an applicant claims citizenship through a mother who resumed citizenship or a parent who was repatriated, he must submit evidence thereof. The applicant must establish also that he resided in the United States for the period prescribed by law.

MARRIED WOMEN

§ 51.45 Marriage to an alien prior to March 2, 1907.

A woman citizen of the United States who married an alien prior to March 2, 1907, did not lose her U.S. citizenship unless she acquired as a result of the marriage the nationality of her husband and thereafter took up a permanent residence abroad prior to September 22, 1922.

§ 51.46 Marriage to an alien between March 2, 1907 and September 22, 1922.

(a) A woman citizen of the United States who married an alien between March 2, 1907, and September 22, 1922, lost her U.S. citizenship, except as provided in paragraph (b) of this section. At the termination of the marital relation she could resume her U.S. citizenship, if abroad, by registering as a U.S. citizen within 1 year with a Consul of the United States, or by returning to reside in the United States, or, if resident in the United States, by continuing to reside therein. (Section 3 of the Act of March 2, 1907.)

(b) A woman citizen of the United States who married an alien between April 6, 1917, and July 2, 1921, did not lose her citizenship, if the marriage terminated by death or divorce prior to July 2, 1921, or if her husband became a U.S. citizen prior to that date. She may establish her citizenship by proving her U.S. citizenship prior to marriage and the termination of the marriage or acquisition of U.S. citizenship by her husband prior to July 2, 1921.

§ 51.47 Marriage prior to September 22, 1922, to an alien who acquired U.S. citizenship by naturalization prior to September 22, 1922.

A woman citizen of the United States who lost her citizenship by virtue of her marriage to an alien between March 2, 1907, and September 22, 1922, and who reacquired U.S. citizenship through the naturalization of her husband prior to September 22, 1922, may establish her U.S. citizenship by submitting her husband's certificate of naturalization.

§ 51.48 Marriage between September 22, 1922, and March 3, 1931, to an alien ineligible to citizenship.

A woman citizen of the United States who lost her U.S. citizenship by virtue of her marriage to an alien ineligible to citizenship between September 22, 1922, and March 3, 1931, but who reacquired her citizenship by naturalization in accordance with applicable law shall submit with her application her certificate of naturalization (sec. 3 of the Act of Mar. 3, 1931).

§ 51.49 Marriage on or after September 22, 1922, to an alien eligible to naturalization.

A woman citizen of the United States who on or after September 22, 1922, married an alien eligible for naturalization did not thereby lose her U.S. citizenship and need only submit evidence of her own citizenship before a passport issuing office.

§ 51.50 Alien born woman—marriage to citizen prior to September 22, 1922.

An alien woman who acquired U.S. citizenship by virtue of her marriage to a citizen of the United States prior to September 22, 1922, shall submit with her application evidence of her husband's citizenship and of the marriage. (Section 1994 of the Revised Statutes.)

CITIZENSHIP BY ACT OF CONGRESS OR TREATY

§ 51.51 Former nationals of Spain or Denmark.

Former nationals of Spain or Denmark who acquired nationality or citizenship of the United States under an act of Congress or treaty by virtue of residence in territory under the sovereignty of the United States shall submit evidence of their former nationality and of their residence in such territory.

§ 51.52 Citizenship by birth in territory under sovereignty of the United States.

A person claiming nationality or citizenship of the United States under an act of Congress or treaty by virtue of his birth in territory under the sovereignty of the United States shall submit evidence of his birth in such territory.

§ 51.53 Proof of resumption of U.S. citizenship.

An applicant who claims that he resumed U.S. citizenship or was repatriated under any of the nationality laws of the United States shall submit with the application a certificate of naturalization, a certificate of repatriation or evidence of the fact that he took an oath of allegiance in accordance with the applicable provisions of the law. (Act of June 29, 1906, as amended by Act of May 9, 1918; Act of June 25, 1936, as amended by Act of July 2, 1940, sections 317(b) and 323 of the Nationality Act of 1940 as amended by Acts of April 2, 1942, and August 7, 1946; Act of August 16, 1951, as amended by section 402(j) of the Immigration and Nationality Act of 1952; sections 324 and 327 of the Immigration and Nationality Act of 1952; Act of July 20, 1954.)

§ 51.54 Requirement of additional evidence of U.S. citizenship.

Nothing contained in §§ 51.43 through 51.53 shall prohibit the Department from requiring an applicant to submit other evidence deemed necessary to establish his U.S. citizenship or nationality.

§ 51.55 Return or retention of evidence of citizenship.

The passport issuing office will generally return to the applicant evidence submitted in connection with an application for passport facilities. However, the passport issuing office may retain evidence when it deems necessary.

Subpart D—Fees

§ 51.60 Form of remittance.

Passport fees in the United States shall be paid in U.S. currency or by draft, check, or money order payable to the Department of State or the Passport Office. Passport fees abroad shall be paid in U.S. currency, travelers checks, money order, or the equivalent value of the fees in foreign exchange.

§ 51.61 Statutory fees.

(a) The fee for a U.S. passport is $9 except as provided in § 51.63.

(b) The fee for renewal of a U.S. passport is $5.

(c) If an applicant executes his passport application before a Federal official authorized to take passport applications, the applicant shall pay an execution fee of $1. If an applicant executes his passport application before the clerk of a State court or other State official authorized to take applications, the applicant shall pay the execution fee of $2 to the clerk or other State official for this service.

§ 51.62 Regulatory fees.

The Secretary may authorize the collection of additional fees in connection with passport services. Upon publication of the fees in the FEDERAL REGISTER, the passport issuing office may collect them in the same manner as statutory fees.

§ 51.63 Exemption from payment of passport or renewal fee.

The following persons are exempt from the payment of passport or renewal fees:

(a) An officer or employee of the United States proceeding abroad on official business, or the members of his immediate family authorized to accompany or reside with him abroad. The applicant shall submit evidence of the official purpose of his travel and if applicable his authorization to have dependents accompany or reside with him abroad.

(b) An American seaman who requires a passport in connection with his duties aboard an American flag vessel.

(c) A widow, child, parent, brother, or sister of a deceased American serviceman proceeding abroad to visit the grave of such serviceman.

§ 51.64 Refunds.

A collected passport or renewal fee shall be refunded:

(a) To any person exempt from the payment of passport or renewal fees under § 51.63 from whom fees were erroneously collected.

(b) To any person refused a visa within the United States by the appropriate officer of a foreign government, provided that the unused passport is returned and a written request for a refund is made within 6 months of the date of issue of the passport.

(c) To any applicant whose passport is not issued or renewed.

(d) To the executor or administrator of the estate of the deceased bearer of an unused passport.

§ 51.65 Replacement passports.

A passport issuing office shall issue a replacement passport without payment of a fee:

(a) To correct an error or rectify a mistake of the Department.

(b) When exceptional circumstances exist as determined by the Secretary.

§ 51.66 Execution fee not refundable.

The fee for the execution of a passport application cannot be refunded.

Subpart E—Limitation on Issuance, Renewal or Extension of Passports

§ 51.70 Denial of passports.

(a) A passport, except for direct return to the United States, shall not be issued or renewed in any case in which:

(1) The applicant is the subject of an outstanding Federal warrant of arrest for a felony, including a warrant issued under the Federal Fugitive Felon Act (18 U.S.C. 1073); or

(2) The applicant is subject to a court order, or conditions of parole, or conditions of probation forbidding his departure from the United States; or

(3) The applicant is subject to a court order committing him to a mental institution.

(b) A passport or renewal of a passport may be refused in any case in which:

(1) The applicant has not repaid a loan received from the United States to effectuate his return from a foreign country in the course of travel abroad; or

(2) The applicant has been legally declared incompetent unless accompanied on his travel abroad by the guardian or other person responsible for the national's custody and well being; or

(3) The applicant is under the age of 18, unmarried, and not in the military service of the United States unless a person having legal custody of such national authorizes issuance or renewal of the passport and agrees to reimburse the United States for any moneys advanced by the United States to enable the minor to return to the United States; or

(4) The national has violated the provisions of § 51.74; or

(5) The Secretary determines that the national's activities abroad are causing or are likely to cause serious damage to the national security or the foreign policy of the United States; or

(6) The applicant has been the subject of a prior adverse action under this section, § 51.71, or § 51.75 and has not shown that a change in circumstances since that adverse action warrants issuance or renewal of a passport.

§ 51.71 Revocation or restriction of passports.

A passport may be revoked, restricted or limited where:

(a) The national would not be entitled to issuance of a new passport under § 51.70; or

(b) The passport has been obtained by fraud, or has been fraudulently altered, or has been fraudulently misused; or

(c) The national's activities abroad are in violation of the laws of the United States.

§ 51.72 Passports invalid for travel to restricted areas.

Upon publication by public notice in the FEDERAL REGISTER of a determination by the Secretary that a country or area is:

(a) A country with which the United States is at war or

(b) A country or area where armed hostilities are in progress or

(c) A country or area to which the Secretary has determined that travel must be restricted in the national interest because such travel would seriously impair the conduct of United States foreign affairs,

U.S. passports shall cease to be valid for travel to, in or through such country or area unless specifically validated therefor: *Provided, however*, That restrictions existing as of the effective date of these regulations in this part on the validity of passports for travel to certain countries or areas shall remain in effect for a period of 60 days from the effective date of the regulations in this part. Any restriction imposed under this section shall expire at the end of 1 year from the date of publication of such public notice in the FEDERAL REGISTER, unless extended by the Secretary by public notice.

§ 51.73 Special validation of passport for travel to restricted areas.

(a) An application of a U.S. national for validation of his passport for travel to, in or through a restricted country or area will be considered only when such action is determined to be in the national interest of the United States.

(b) An application will be considered to be in the national interest of the United States if:

(1) The applicant is a professional reporter, the purpose of whose trip is to obtain, and make available to the public, information about the restricted area; or

(2) The applicant is a doctor or scientist in the field of medicine or public health, the purpose of whose trip is directly related to his professional responsibilities; or

(3) The applicant is a scholar with a postgraduate degree, or its equivalent, the purpose of whose trip is to obtain for public dissemination, further information in his field of research; or

(4) The applicant is a representative of the American Red Cross.

(c) In the discretion of the Secretary, an application may be considered to be in the national interest of the United States, depending upon the restricted area to be visited, the benefit to the United States of such a visit, and the applicant's need to visit the restricted area, if:

(1) The applicant, although not a reporter by profession, establishes that one of the news media has indicated an interest in publishing a report of the applicant's trip; or

(2) The applicant's activities in cultural, athletic, commercial, educational, professional, or other fields or in public affairs demonstrate that his visit to the restricted area would be of benefit to the United States; or

(3) The applicant establishes that his trip is justified by compelling humanitarian considerations.

(d) An application for validation of a passport for travel to a restricted area must be accompanied by evidence that the application falls within paragraph (b) or (c) of this section or would otherwise serve the national interest of the United States.

§ 51.74 Violation of geographical limitations.

Travel to, in or through a restricted country or area without a passport or without a passport specifically validated for such travel is ground for revocation or cancellation of a passport and for denial of an application for a passport or renewal of a passport until such time as the Secretary receives formal assurance and is satisfied that the person will not again travel in violation of the travel restrictions. Unauthorized travel to a restricted country or area may also be a violation of 8 U.S.C. 1185 and/or 18 U.S.C. 1544 and subject to the penalties provided therein.

§ 51.75 Notification of denial or withdrawal of passport.

Any person whose application for the issuance or renewal of a passport has been denied, or who has otherwise been the subject of an adverse action taken on an individual basis with respect to his right to receive or use a passport shall be entitled to notification in writing of the adverse action. The notification shall set forth the specific reasons for the adverse action and the procedures for review available under §§ 51.81–51.105.

§ 51.76 Surrender of passport.

The bearer of a passport which is revoked shall surrender it to the Department or its authorized representative upon demand and upon his refusal to do so such passport may be invalidated by notifying the bearer in writing of the invalidation.

Subpart F—Procedures for Review of Adverse Action

§ 51.80 Applicability of §§ 51.81–51.105.

The provisions of §§ 51.81–51.105 apply to any action of the Secretary taken on an individual basis in denying, restricting, revoking, or invalidating a passport or in any other way adversely affecting the ability of a person to receive or use a passport except action taken by reason of noncitizenship or refusal to grant a discretionary exception from geographical limitations of general applicability. The provisions of this subpart shall constitute the administrative remedies provided by the Department to persons who are the subject of adverse action under § 51.70, § 51.71 or § 51.74.

§ 51.81 Time limits on hearing to review adverse action.

A person who has been the subject of an adverse action with respect to his right to receive or use a passport shall be entitled, upon request made within 60 days after receipt of notice of such adverse action, to require the Department or the appropriate Foreign Service post, as the case may be, to establish the basis for its action in a proceeding before a hearing officer. If no such request is made within 60 days, the adverse action will be considered final and not subject to further administrative review. If such request is made within 60 days, the adverse action shall be automatically vacated unless such proceeding is initiated by the Department or the appropriate Foreign Service post, as the case may be, within 60 days after request, or such longer period as is requested by the person adversely affected and agreed to by the hearing officer.

§ 51.82 Notice of hearing.

The person adversely affected shall receive not less than 5 business days' notice in writing of the scheduled date and place of the hearing.

§ 51.83 Functions of the hearing officer.

The hearing officer shall act on all requests for review under § 51.81. He shall make findings of fact and submit recommendations to the Administrator of the Bureau of Security and Consular Affairs. In making his findings and recommendations, the hearing officer shall not consider confidential security information unless that information is made available to the person adversely affected and is made part of the record of the hearing.

§ 51.84 Appearance at hearing.

The person adversely affected may appear at the hearing in person or by his attorney who must possess the qualifications prescribed for practice before the Board of Passport Appeals.

§ 51.85 Proceedings before the hearing officer.

The person adversely affected may appear and testify in his own behalf and may himself, or by his attorney, present witnesses and offer other evidence and make argument. If any witness whom the person adversely affected wishes to call is unable to appear in person, the hearing officer may, in his discretion, accept an affidavit by the witness or order evidence to be taken by deposition. The person adversely affected shall be entitled to be informed of all the evidence before the hearing officer and of the source of such evidence, and shall be entitled to confront and cross-examine any adverse witness. The person shall, upon request by the hearing officer, confirm his oral statements in an affidavit for the record.

§ 51.86 Admissibility of evidence.

The person adversely affected and the Department may introduce such evidence as the hearing officer deems proper. Formal rules of evidence shall not apply, but reasonable restrictions shall be imposed as to relevancy, competency and materiality of evidence presented.

§ 51.87 Privacy of hearing.

The hearing shall be private. There shall be present at the hearing only the person adversely affected, his attorney, the hearing officer, official stenographers, employees of the Department directly concerned with the presentation of the case, and the witnesses. Witnesses shall be present at the hearing only while actually giving testimony or when otherwise directed by the hearing officer.

§ 51.88 Transcript of hearing.

A complete verbatim stenographic transcript shall be made of the hearing by a qualified reporter, and the transcript shall constitute a permanent part of the record. Upon request, the appellant or his counsel shall be entitled to inspect the complete transcript and to purchase a copy thereof.

§ 51.89 Decision of Administrator of the Bureau of Security and Consular Affairs.

The person adversely affected shall be promptly notified in writing of the decision of the Administrator of the Bureau of Security and Consular Affairs and, if the decision is adverse to him, the notification shall state the reasons for the decision and inform him of his right to appeal to the Board of Passport Appeals under § 51.90.

§ 51.90 Time limit on appeal to Board of Passport Appeals.

A person who has been subject of an adverse decision under § 51.89 shall be entitled, upon request made within 30 days after receipt of notice of such decision, to appeal the decision to the Board of Passport Appeals. If no appeal is made within 30 days, the decision will be considered final and not subject to further administrative review.

§ 51.91 Organization of Board of Passport Appeals.

The Board of Passport Appeals shall consist of not less than three officers of the Department designated as members by the Secretary of State. Three members of the Board shall constitute a quorum to hear an appeal.

§ 51.92 Chairman.

One of the members of the Board shall be designated by the Secretary as Chairman. The Chairman shall insure that there is a quorum, including himself or his designee, to hear an appeal. The Chairman or his designee shall preside at all hearings of the Board and shall be empowered in all respects to regulate the conduct of the hearing and to pass on all issues relating thereto. The Chairman or his designee shall be empowered to administer oaths and affirmations.

§ 51.93 Legal Assistant to the Board.

A Legal Assistant, to be designated by the Secretary, shall be responsible to the Board for the scheduling and presentation of cases; for assistance in legal and procedural matters; for providing information to the appellant as to his procedural rights before the Board; for maintenance of records; and for such other duties as the Board, or the Chairman on its behalf, may determine.

§ 51.94 Functions of the Board.

The Board shall act on all appeals under § 51.90 and shall recommend to the Secretary the action it considers necessary and proper to the disposition of the cases appealed to it. The Board may adopt and make public rules of procedure approved by the Secretary.

§ 51.95 Scope of review on appeal.

In hearing an appeal, the Board shall review the record of the hearing held under §§ 51.81–51.89. The Board shall not receive or consider evidence or testimony not presented at that hearing unless it shall determine that such evidence or testimony could not, by reasonable diligence, have been presented at the hearing. In reaching its decision, the Board shall not take into consideration any confidential security information which is not part of the record.

§ 51.96 Notice of hearing on appeal.

An appellant shall receive not less than 5 business days' notice in writing of the scheduled date and place of any hearing on his appeal, which shall be set for a time as soon as possible after receipt by the Board of the appeal. Hearings will be held at the Department of State in Washington, D.C., unless the Board determines otherwise.

§ 51.97 Appearance at hearing on appeal.

Any party to any proceeding before the Board may appear in person, or by or with his attorney, who must possess the requisite qualifications, as hereinafter set forth, to practice before the Board.

§ 51.98 Appellant's attorney.

(a) Attorneys at law in good standing who are admitted to practice before the Federal courts or before the courts of any State or Territory of the United States may practice before the Board.

(b) No officer or employee of the Department of State whose official duties have, in fact, included participation in the investigation, preparation, presentation, decision or review of the appellant's case shall, within two (2) years after the termination of such duties, appear as attorney in behalf of the appellant in any case of such nature, nor shall any one appear as such attorney in the case if in the course of prior government service he has dealt with any aspects of the appellant's activities relevant to a determination of the case.

§ 51.99 Proceedings before the Board.

The record of the hearing held under §§ 51.81–51.89 shall be made available to the appellant in connection with his appeal to the Board. Subject to the provisions of § 51.95, the appellant and the Passport Office may present witnesses and offer other evidence and make argument. The appellant and any witnesses appearing before the Board may be examined by any member of the Board or by counsel. The appellant shall be entitled to be informed of all the evidence before the Board and of the source of such evidence, and shall be entitled to confront and cross-examine any adverse witness appearing before the Board.

§ 51.100 Admissibility of evidence on appeal.

Subject to the provisions of § 51.95, the Passport Office and the appellant may introduce such evidence as the Board deems proper. Formal rules of evidence shall not apply, but reasonable restrictions shall be imposed as to the relevancy competency and materiality of evidence presented.

§ 51.101 Privacy of hearing.

Unless otherwise requested by the person adversely affected, the hearing shall be private. There shall be present at the hearing only the appellant, his counsel, the members of the Board, the Legal Assistant to the Board, official stenographers, Departmental employees directly concerned with the presentation of the case, and the witnesses. Witnesses shall be present at the hearing only while actually giving testimony or when otherwise directed by the Board.

§ 51.102 Transcript of hearing.

A complete verbatim stenographic transcript shall be made of the hearing by a qualified reporter, and the transcript shall constitute a permanent part of the record. Upon request, the appellant or his counsel shall be entitled to inspect the complete transcript and to purchase a copy thereof.

§ 51.103 Decision of the Board.

The decision shall be by majority vote, in writing, and shall set out with particularity the findings of fact and conclusions of law on which it is based.

§ 51.104 Finality of decision.

The decision of the Board shall be final unless:

(a) The Secretary directs the Board to refer the case to him for decision; or

(b) The Board by majority vote decides to refer its findings and conclusions to the Secretary for decision.

§ 51.105 Notification of appellant.

The Department's decision shall be promptly communicated in writing to the appellant.

PART 52—MARRIAGES

AUTHORITY: The provisions of this Part 52 issued under sec. 4, 63 Stat. 111, as amended; 5 U.S.C. 151c.

§ 52.1 Celebration of marriage.

Foreign Service officers are forbidden to celebrate marriages.

§ 52.2 Official witness at marriage ceremony.

(a) *Diplomatic representative.* A diplomatic representative shall not act as an official witness at a marriage ceremony.

(b) *Consular officer.* A consular officer, when requested, may act as an official witness at a marriage ceremony, in accordance with Title 22 U.S.C. 1172, provided that one of the contracting parties is a national of the United States and provided the consular officer has assured himself, as far as practicable, that the parties have complied with requirements of the applicable law of the place of celebration.

§ 52.3 Certificate of witness to marriage.

Whenever a consular officer witnesses a ceremony of marriage he shall complete a Certificate of Witness to Marriage form, affix thereto the seal of the consulate, certify that the marriage took place in his presence, and sign such certificate.

§ 52.4 Authentication of marriage and divorce documents.

(a) Whenever a consular officer is requested to authenticate the signature of local authorities on a document of marriage when he was not a witness to the marriage, he shall include in the body of his certificate of authentication the qualifying statement, "For the contents of the annexed document, the Consulate (General) assumes no responsibility."

(b) A consular officer shall include the same statement in certificates of authentication accompanying decrees of divorce.

§ 52.5 Certification as to marriage laws.

Although a consular officer may have knowledge respecting the laws of marriage, he shall not issue any official certificate with respect to such laws.

PART 53—TRAVEL CONTROL OF CITIZENS OF UNITED STATES IN TIME OF WAR OR NATIONAL EMERGENCY

AUTHORITY: The provisions of this Part 53 issued under sec. 215, 66 Stat. 190; 8 U.S.C. 1185. Proc. 3004, 18 F.R. 489; 3 CFR 1949–1953 Comp.

§ 53.1 Passport requirement.

Under section 215(b) of the Immigration and Nationality Act (8 U.S.C. 1185 (b)), it is unlawful except as otherwise provided for any citizen of the United States to depart from or enter, or attempt to depart from or enter, the United States without a valid passport.

§ 53.2 Exceptions.

A U.S. citizen is not required to bear a valid passport to enter or depart the United States:

(a) When traveling directly between parts of the United States as defined in § 50.1 of this chapter;

(b) When traveling between the United States and any country, territory, or island adjacent thereto in North, South or Central America excluding Cuba; provided, that this exception is not applicable to any such person when proceeding to or arriving from a place outside the United States for which a valid passport is required under this part if such travel is accomplished within 60 days of departure from the United States via any country or territory in North, South or Central America or any island adjacent thereto;

(c) When traveling as a bona fide seaman or air crewman who is the holder of record of a valid merchant mariner identification document or air crewman identification card;

(d) When traveling as a member of the Armed Forces of the United States on active duty;

(e) When he is under 21 years of age and is a member of the household of an official or employee of a foreign government or of the United Nations and is in possession of or included in a foreign passport;

(f) When he is a child under 12 years of age and is included in the foreign passport of an alien parent; however, such child will be required to provide evidence of his U.S. citizenship when entering the United States;

(g) When the citizen entering the United States presents a certificate of identity and registration issued by a consular office abroad to facilitate travel to the United States; or

(h) When specifically authorized by the Secretary of State through appropriate official channels to depart from or enter the United States, as defined in § 50.1 of this chapter. The fee for a waiver of the passport requirement under this section is $25.

§ 53.3 Attempt of a citizen to enter without a valid passport.

The appropriate officer at the port of entry shall report to the Secretary of State for the purpose of invoking the waiver provisions of § 53.2(h), any citizen of the United States who attempts to enter the United States contrary to the provisions of this part.

§ 53.4 Optional use of a valid passport.

Nothing in this part shall be construed to prevent a citizen from using a valid passport in a case in which that passport is not required by this Part 53, provided such travel is not otherwise prohibited.

The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rulemaking are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

For the Secretary of State.

WILLIAM J. CROCKETT,
Deputy Under Secretary for Administration.

SEPTEMBER 19, 1966.

[F.R. Doc. 66-11421; Filed, Oct. 19, 1966; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER W—AIR FORCE PROCUREMENT INSTRUCTION

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Chapter VII is amended as follows:

PART 1003—PROCUREMENT BY NEGOTIATION

Subpart G—Negotiated Overhead Rates

1. Sections 1003.704–1, 1003.704–2, 1003.705, and 1003.706 are revised to read as follows:

§ 1003.704–1 Contracts with concerns other than educational institutions.

It is AF policy not to incorporate provisional rates in contracts with commercial organizations. The contractor will be reimbursed on basis of billing overhead rates negotiated by the administrative contracting office as provided in the ASPR clause.

§ 1003.704–2 Contracts with educational institutions.

It is AF policy to incorporate provisional rates in contracts with colleges, universities, and research institutes. Provisional overhead rates for research institutes will be negotiated by AFSC (SCKPF). Provisional overhead rates for colleges and universities will be negotiated by OAR (RRMK). Such rates will be negotiated as part of the final overhead rate negotiations.

§ 1003.705 Procedure.

(a) AFSC (SCKPF) will conduct or monitor all negotiated final overhead rates when the Air Force is the only procurement activity concerned or when the Air Force is the cognizant negotiating service for coordinated negotiations as described under § 3.706 of this title.

(1) With the exception of colleges, universities and research institutes, the contractor's proposal will be forwarded through the ACO for distribution to the cognizant auditor. The audit report will be forwarded by the cognizant auditor to AFSC (SCKPF) or OAR (RRMK) through the DCAA liaison office nearest the office responsible for the negotiation, with copies provided to the ACO. In addition to the auditor's responsibility to obtain the contractor's reaction to the costs questioned, it will normally be standard procedure to furnish one copy of the audit report, exclusive of narrative comments, to the contractor.

(2) Under the monitorship of AFSC (SCKPF), authority to conduct such negotiations with colleges and universities has been delegated to OAR (RRMK) without redelegation authority.

(3) ACOs are authorized to negotiate final overhead rates to close out completed contracts provided the total of such actions does not become so significant as to have impact on final overhead rate negotiations. Generally, it may be considered that no substantial impact will occur when the total amount of indirect cost involved in closing the contracts does not exceed 10 to 15 percent of the total indirect cost allocable to cost type contracts for the contractor's fiscal year. Emphasis should be given to closing contracts with small dollar balances. However, in no event should such indirect costs applicable to any one contract in 1 fiscal year exceed $100,000. ACO will coordinate with the cognizant contract auditor to assure application of jointly acceptable rates.

(b) Advisory audit reports will be used in all final overhead negotiations except where AFSC (SCKPF) or OAR (RRMK), as appropriate, decides that the amount of overhead involved is so small that the cost of auditing is not justified and the cognizant audit agency is so notified.

(c) and (d) No implementation.

(e) AFSC (SCKPF) or OAR (RRMK), as appropriate, will distribute the negotiation report to all Air Force and other military department buying activities holding affected contracts and audit activity.

§ 1003.706 Coordination.

Where one or more military departments, other than the Air Force, have cost-reimbursement type contracts with a contractor, AFSC (SCKPF) will coordinate with the other military departments in determining the cognizant negotiating activity. If the determination is made that the Air Force will be the cognizant negotiating activity, SCKPF will (a) for negotiations pursuant to § 3.704–1 of this title, schedule the negotiation, or (b) for negotiations pursuant to § 3.704–2 of this title, notify OAR (RRMK) who will be responsible for scheduling the negotiation meeting, notifying the other interested services, and conducting the negotiation.

PART 1007—CONTRACT CLAUSES

Subpart F—Clauses for Construction and Architect-Engineer Contracts

Subpart U—Clauses for Fixed-Price Nonpersonal Service Contracts

2. A new Subpart F is added; and § 1007.2103–1 is deleted as follows:

§ 1007.602–36 Preparation of progress schedules and reports.

(a) The following clause will be included in all contracts for construction where it is contemplated that Progress Schedules and Reports will be required.

Preparation of Progress Schedules and Reports (August 1966).

(b) The reports contemplated by the clause herein entitled "Progress Charts and Requirements for Overtime Work" shall be accomplished on and in accordance with instructions pertaining to AFPI Forms 78 and 78A.

§ 1007.2103–1 Changes. [Deleted]

3. In § 1007.4047, the clause is revised; in § 1007.4048, paragraph (d) of the clause in paragraph (a) is revised; and § 1007.4050 is revised as follows:

§ 1007.4047 Safety and accident prevention.

* * * * *

SAFETY AND ACCIDENT PREVENTION (MARCH 1966)

In performing any work under this contract on premises which are under the direct control of the Government, the Contractor shall (i) conform to all safety rules and requirements prescribed in Air Force Manual 127–101, as in effect on the date of this contract and (ii) take such additional precautions as the Contracting Officer may reasonably require for safety and accident prevention purposes. The Contractor agrees to take all reasonable steps and precautions to prevent accidents and preserve the life and health of Contractor and Government personnel performing or in any way coming in contact with the performance of this contract on such premises. Any violation of such rules and requirements, unless promptly corrected, as directed by the Contracting Officer, shall be grounds for termination of this contract in accordance with the default provisions hereof.

NOTE: In construction contracts the reference to AF Manual 127–101 appearing in the above clause will be deleted and the following substituted therefor: "Corps of Engineer Manual EM-385-1-1."

§ 1007.4048 Safety precautions for all types of dangerous materials.

(a) * * *

SAFETY PRECAUTIONS FOR DANGEROUS MATERIALS (NOVEMBER 1964)

* * * * *

(d) Insofar as applicable to contract or subcontract work or services hereunder, requirements of the following exhibits are hereby invoked: MIL–STDs 129D, to the extent called out by MIL–L–9931, 130B to the extent called out by MIL–L–9931, 444 and 709; MIL–STD–1167, MIL–STD–1168 and MIL–L–9931; AF TO 11A–1–47; ICC Regulations T. C. George's Tariff No. 15; Freund's Tariff No. 11, Motor Carrier Explosives and Dangerous Articles Tariff; Restricted Articles Tariff No. 6C (including ATB No. 14 and CAB No. 18); U.S. Coast Guard Regulations and Federal Aviation Agency Regulations.

* * * * *

§ 1007.4050 Government bill of lading and mailing indicia.

(a) All central procurement contracts (except purchase orders issued on DD Form 1155 and contracts issued under small purchase procedures, Subpart F, Part 1003 of this subchapter) which provide for delivery of supplies will contain the clause set forth below. Other contracts may contain this clause or a GBL clause adapted to the particular contract.

GOVERNMENT BILL OF LADING AND MAILING INDICIA (AUGUST 1966)

(a) When it is provided in this contract that the supplies shall be delivered other than f.o.b. specified destinations, or freight prepaid, shipment(s) shall be made on U.S. Government Bills of Lading or U.S. Government Mailing Indicia. The required number of Government Bills of Lading and Mailing Indicia shall be furnished to the Contractor by the cognizant transportation or other activity. The Contractor shall acknowledge receipt of Government Bills of Lading and Mailing Indicia in the manner prescribed by the issuing office. As shipments are made, the Contractor shall prepare, or complete, and distribute Government Bills in accordance with instructions of the issuing office.

(b) U.S. Government Mailing Indicia shall be used in lieu of U.S. Government Bills of Lading when weight, cube, and character of commodity permit movement within the U.S. Postal System.

(c) The Contractor agrees that Government Bills of Lading and Mailing Indicia in excess of the requirements of this contract shall be returned to the issuing office(s) not later than submission time of final invoice for payment. The Contractor also agrees that no mailing charge is, or will be, included in the cost/price for postage fees in those instances wherein Government Mailing Indicia is authorized and used.

(d) For the purpose of this clause, the term supplies shall include correspondence, publications, and other written material.

(b) Paragraph (d) of the above clause will be omitted if mailing indicia is not to be furnished the contractor for mailing written material. Based on the provisions of AFR 182-15 (Official Mail—Policies and Procedures) and the particular procurement involved, the contracting officer will determine the feasibility of including mailing indicia for written material. A major area of consideration should be that the anticipated savings exceed the cost of implementation.

PART 1012—LABOR

Subpart A—Basic Labor Policies

4. Section 1012.102-4 is revised to read as follows:

§ 1012.102-4 **Approvals.**

(a) No implementation.

(b) The following are designated to approve overtime according to § 12.102-4 of this title. The commander or vice commander of each major command; Deputy or Assistant Deputy Chief of Staff, Procurement and Production, HQ AFSC; the Director or Deputy Director of Procurement and Production, HQ AFLC; the director or deputy director of procurement of the other major commands; the Commander, Deputy Commander, and DCS/Materiel of the Office of Aerospace Research; the Director, Special Projects Office (OSAF), for those special projects under personal supervision of the Secretary of the Air Force (Program—Book—RED APPLE); the commander, deputy commander, chief of the procurement and production office, directors of buying offices, and systems program directors of AFSC divisions; the commander, deputy commander, and director of procurement of AFSC centers; and the commander, deputy commander, and director of procurement of AFLC AMAs, Air Procurement Region European (APRE), and Air Procurement Region Far East (APRFE).

(Sec. 8012, 70A Stat. 488, secs. 2301-2314, 70A Stat. 126-133; 10 U.S.C. 8012, 2301-2314) [AFPI Revision No. 69, 31 August 1966]

By order of the Secretary of the Air Force.

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

[F.R. Doc. 66-11386; Filed, Oct. 19, 1966; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

General Counsel and Chief Attorneys

In § 2.6(e), subparagraph (5) is added to read as follows:

§ 2.6 **Administrator's delegations of authority to certain officials (38 U.S.C. 212(a)).**

* * * * *

(e) *General Counsel and Chief Attorneys.* * * *

(5) Authority is hereby delegated to each of the personnel designated in this subparagraph, or those authorized to act for them, to consider, ascertain, adjust, determine and settle tort claims cognizable under 38 U.S.C. 236:

General Counsel.
Deputy General Counsel.
Assistant General Counsel (Professional Staff Group IV).

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

This VA Regulation is effective October 28, 1965.

Approved: October 13, 1966.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 66-11411; Filed, Oct. 19, 1966; 8:47 a.m.]

PART 14—LEGAL SERVICES, GENERAL COUNSEL

Tort Claims

In Part 14, immediately following § 14.610, a new center title and §§ 14.615, 14.616, and 14.617 are added to read as follows:

ADMINISTRATIVE SETTLEMENT OF TORT CLAIMS ARISING IN FOREIGN COUNTRIES

§ 14.615 **General.**

(a) *Authority.* 38 U.S.C. 236, provides that the Administrator of Veterans' Affairs may pay tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 (i.e., claims for money damages of $2,500 or less), when such claims arise in foreign countries in connection with Veterans Administration operations abroad.

(b) *Action by claimant.* Claims for property loss or damage may be filed by the owner of the property or his duly authorized agent or legal representative. If the property was insured and the insurer is subrogated, in whole or in part, and if both the owner and the insurer desire to file a claim for their respective losses, they should join in one claim. Claims for personal injury may be filed by the injured person or his agent or legal representative. Claims for death may be filed by the personal representative of the decedent or any other legally qualified person. When filed by an agent or legal representative, the claim must show the title or capacity of the person representing the claimant and be accompanied by evidence of the appointment of such person as agent, legal representative, executor, administrator, guardian, or other fiduciary.

(c) *Time for filing.* A claim may not be allowed under 38 U.S.C. 236 unless it is presented to the Administrator or his designee within 2 years after the claim accrues.

§ 14.616 **Form and place of filing claim.**

(a) *Form of claim.* Claims arising under 38 U.S.C. 236, should be prepared in the form of a sworn statement and submitted in duplicate. The original copy of the claim should be sworn to or affirmed before an official with authority to administer oaths or affirmations and should contain the following information, at least:

(1) The name and address of claimant;

(2) The amount claimed for injury or death, and for property loss or damage;

(3) If property was lost or damaged, the amount paid or payable by the insurer together with the name of the insurer;

(4) A detailed statement of the facts and circumstances giving rise to the claim, including the time, place, and date of the accident or incident;

(5) If property was involved, a description of the property and the nature and extent of the damage and the cost of repair or replacement based upon at least two impartial estimates;

(6) If personal injury was involved, the nature of the injury, the cost of medical and/or hospital services and time and income lost due to the injury;

(7) If death is involved, the names and ages of claimants and their relationship to decedent;

(8) The name and official position of the employee of the United States allegedly responsible for the accident or injury, or loss or damage of property;

(9) The names and addresses of any witnesses to accident or incident; and

(10) If desired, the law applicable to the claim.

(b) *Place of filing claim.* Claims arising in the Philippines under 38 U.S.C. 236 will be filed with the Chief Attorney, Veterans Administration Regional Office, Manila, Republic of the Philippines. Claims arising in other foreign countries will be filed with the American Embassy or Consulate nearest the place where the incident giving rise to the claim took place.

(c) *Evidence to be submitted by claimant*—(1) *General.* The amount claimed on account of damage to or loss of property or on account of personal injury or death should, so far as possible, be substantiated by competent evidence. Supporting statements, estimates and the like should, if possible, be obtained from disinterested parties. All evidence should be submitted in duplicate. Original evidence or certified copies should be attached to the original copy of the claim, and simple copies should be attached to the other copy of the claim. All documents in other than the English language should be accompanied by English translations.

(2) *Personal injury or death.* In support of claims for personal injury or death, the claimant should submit, as may be appropriate, itemized bills for medical, hospital or burial expenses actually incurred; a statement from the claimant's or decedent's employer as to time and income lost from work; and a written report by the attending physician with respect to the nature and extent of the injury, the nature and extent of treatment, the degree of disability, the period of hospitalization or incapacitation, and the prognosis as to future treatment, hospitalization and the like.

(3) *Damage to personal property.* In support of claims for damage to personal property which has been repaired, the claimant should submit an itemized receipt, or, if not repaired, itemized estimates of the cost of repairs by two reliable parties who specialize in such work. If the property is not economically repairable, the claimant should submit corroborative statements of two reliable qualified persons with respect to cost, age of the property and salvage value.

(4) *Damage to real property.* In support of claims for damage to land, trees, buildings, fences, or other improvements to real property, the claimant should submit an itemized receipt if repairs have been made, or, if repairs have not been made, itemized estimates of the cost of repairs by two reliable persons who specialize in such work. If the property is not economically repairable, the claimant should submit corroborative statements of two reliable qualified persons with respect to the value of the improvements both before and after the accident or incident and the cost of replacements.

(5) *Damage to crops.* In support of claims for damage to crops, the claimant should submit an itemized signed statement showing the number of acres, or other unit measure of crop damaged, the probable yield per unit, the gross amount which would have been realized from such probable yield and an estimate of the costs of cultivating, harvesting and marketing the crop. If the crop is one which need not be planted each year, the diminution in value of the land beyond the damage to the current year's crop should also be stated.

§ 14.617 Disposition of Claims.

(a) *Disposition of claims arising in Philippines.* All claims arising under 38 U.S.C. 236 in the Philippines, including a complete investigation report and a brief résumé of applicable law, will be forwarded directly by the Chief Attorney to the General Counsel, together with his recommendation as to disposition. Sections 14.601, 14.602, 14.604, and 14.605, insofar as feasible, will be for application in connection with investigation of claims arising in the Philippines.

(b) *Disposition of claims arising in foreign countries other than the Philippines.* When a claim is received in an American Embassy or Consulate, the Embassy or Consulate receiving such claim shall make such investigation as may be necessary or appropriate for a determination of the validity of the claim and thereafter shall forward the claim, together with all pertinent material, including a résumé of applicable law and a recommendation regarding allowance or disallowance of the claim, through regular channels of the Department of State to the General Counsel, Veterans Administration Central Office, Washington, D.C.

(c) *Payment of claims.* Upon determining that there is liability on the part of the United States under 38 U.S.C. 236, the General Counsel, or such other personnel as may be designated by the Administrator, will take the necessary action to effect payment.

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

These VA Regulations are effective October 28, 1965.

Approved: October 13, 1966.

By direction of the Administrator.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 66-11412; Filed, Oct. 19, 1966; 8:47 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 4105]

[New Mexico 259 (Okla.)]

OKLAHOMA

Restoration of Lands to Ownership of Kiowa, Comanche, and Apache Tribes

By virtue of the authority contained in section 3 of the act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 463), and pursuant to recommendations of the Tribal Council and the Commissioner of Indian Affairs, and a finding by the Secretary of the Interior that such action is in the public interest, it is ordered as follows:

The following described lands, ceded by the Kiowa, Comanche, and Apache Tribes of Indians to the United States pursuant to agreement ratified by the act of June 6, 1900 (31 Stat. 672, 676), having been reserved for use of the Bureau of Indian Affairs for administrative purposes and being now surplus for such use, are hereby restored to tribal ownership for the use and benefit of the Kiowa, Comanche, and Apache Tribes of Indians and are added to and made a part of the existing reservation, subject to any valid existing rights:

INDIAN MERIDIAN

T. 2 N., R. 11 W.,
Sec. 19, lot 4, SE¼SW¼, S½SE¼;
Sec. 20, NW¼, and that part of the SW¼ lying west of east line of the SL&SF Railroad right-of-way;
Sec. 29, lots 2, 4, 5, 6, 7, 13, 15, 16, 17, that part of lot 1 lying west of east line of CRI&P Railroad right-of-way, and NE¼SW¼ and SW¼SE¼.
T. 4 N., R. 12 W.,
Sec. 31, SW¼NE¼.
T. 5 N., R. 12 W.,
Sec. 23, S½SW¼.
T. 1 N., R. 13 W.,
Sec. 3, NE¼SE¼.
T. 4 N., R. 13 W.,
Sec. 36, NE¼SE¼SW¼.
T. 2 N., R. 14 W.,
Sec. 27, NE¼.
T. 5 N., R. 14 W.,
Sec. 28, SE¼SE¼.
T. 6 N., R. 15 W.,
Sec. 20, SE¼.
T. 6 N., R. 18 W.,
Sec. 27, SW¼NE¼.

The areas described aggregate 1,166.31 acres in Kiowa, Comanche, and Caddo Counties.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

OCTOBER 13, 1966.

[F.R. Doc. 66-11404; Filed, Oct. 19, 1966; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Piedmont National Wildlife Refuge, Ga.

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

F.R. Doc. 66-10064, appearing at page 12057 of the issue for September 15, 1966, is amended by adding the following sentence to subparagraph 14 of § 32.22: "Applications received after October 7, 1966, and postmarked no later than October 29, 1966, will be considered on a first-come, first-serve basis until a maximum of 4,000 permits have been issued for the hunt."

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 66-11402; Filed, Oct. 19, 1966; 8:46 a.m.]

PART 32—HUNTING

Arrowwood and Chase Lake National Wildlife Refuges, N. Dak.

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

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Arrowwood National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 9,400 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) Hunting is permitted from 12 noon to sunset on November 11, 1966, and from sunrise to sunset November 12, 1966, through November 20, 1966.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 20, 1966.

CHASE LAKE NATIONAL WILDLIFE REFUGE

Public hunting of deer on Chase Lake National Wildlife Refuge, N. Dak., is permitted only on the area designated by signs as open to hunting. This open area, comprising 4,600 acres, is delineated on a map available at the refuge headquarters—Edmunds, N. Dak., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following special conditions:

(1) Hunting is permitted from 12 noon to sunset on November 11, 1966, and from sunrise to sunset November 12, 1966, through November 20, 1966.

(2) All hunters must exhibit their hunting license, deer tag, game and vehicle contents to Federal and State officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 20, 1966.

ARNOLD D. KRUSE,
Refuge Manager, Arrowwood National Wildlife Refuge, Edmunds, N. Dak.

[F.R. Doc. 66-11403; Filed, Oct. 19, 1966; 8:46 a.m.]

PART 33—SPORT FISHING

Tishomingo National Wildlife Refuge, Okla.

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.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Sport fishing on the Tishomingo National Wildlife Refuge, Tishomingo, Okla., is permitted only on the area designated by signs as open to fishing. These open areas, comprising 10,000 acres, are delineated on maps available at refuge headquarters, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office 1306, Albuquerque, N. Mex. 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following condition:

(1) The open seasons for sport fishing on the refuge extend from January 1 through December 31, 1967, inclusive, on the waters of Lake Texoma east of the north-south center line of secs. 19, 30, and 31, T. 4 S., R. 7 E., and in Rock Creek, Polecat Creek, Bell Creek, Big Sandy Creek, Dick's Pond, and Goose Pen Pond; from April 1 through September 30, 1967, inclusive, for waters of Lake Texoma west of the north-south center line of secs. 19, 30, and 31, T. 4 S., R. 7 E.; and from January 15 through September 30, 1967, inclusive, for all other refuge waters.

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 December 31, 1967.

EARL W. CRAVEN,
Refuge Manager, Tishomingo National Wildlife Refuge, Tishomingo, Okla.

OCTOBER 11, 1966.

[F.R. Doc. 66-11418; Filed, Oct. 19, 1966; 8:47 a.m.]

PART 33—SPORT FISHING

Hagerman 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

HAGERMAN NATIONAL WILDLIFE REFUGE

Sport fishing including frog gigging on the Hagerman National Wildlife Refuge, Tex., is permitted from April 1 through September 30, 1967, inclusive, only on areas designated by signs as open to fishing. These open areas, comprising 2,900 acres, are delineated on maps available at refuge headquarters, Sherman, 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.

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 September 30, 1967.

RONALD S. SULLIVAN,
Refuge Manager, Hagerman National Wildlife Refuge, Sherman, Tex.

OCTOBER 10, 1966.

[F.R. Doc. 66-11419; Filed, Oct. 19, 1966; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 52]

DRIED FIGS

Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering certain amendments to the U.S. Standards for Grades of Dried Figs (7 CFR 52.1021–52.1033) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090; as amended; 7 U.S.C. 1624).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment should file the same in duplicate, not later than 60 days after publication hereof in the FEDERAL REGISTER, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of consideration leading to the proposed amendment. The current U.S. Standards for Grades of Dried Figs which have been in effect since December 27, 1955, include separate limits for moisture for two basic groups of packaging. The moisture limits of 23 percent to 24 percent cover figs in containers which do not completely enclose and seal the figs, such as wood or fiber boxes. A higher moisture limit of 30 percent applies to figs packaged in completely sealed containers such as transparent films, metal-foil wraps, or sealed metal cans.

The Dried Fruit Association of California has requested that the moisture limits be revised to 30 percent for bulk packages when a suitable and safe preservative is added. Current industry practices of treating figs with suitable food additives and improved packaging methods permit shipment of dried figs in wood or fiber boxes at higher moistures than in the past, without loss in quality characteristics.

To bring the 1955 grade standards in closer harmony with current industry practices, a specific amendment is proposed to permit dried figs in containers which do not completely seal the figs to have a moisture content of not more than 30 percent if suitable and safe preservatives are added.

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

1. In § 52.1026, delete paragraph (b) in its entirety.

2. In § 52.1026, Table I, include a footnote "1" after each percent figure in the column heading of "Group I" and a footnote at the end of the table, so Table I will be corrected to read:

* * *	Group I	* * *
	[1] 24	
	[1] 23	
	[1] 23	
	[1] 23	
	[1] 23	
	[1] 23	

[1] Except Dried Figs of this group may have a maximum moisture of 30 percent when a safe and suitable mold inhibitor is used.

Dated: October 17, 1966.

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

[F.R. Doc. 66-11439; Filed, Oct. 19, 1966; 8:49 a.m.]

[7 CFR Part 971]

LETTUCE GROWN IN LOWER RIO GRANDE VALLEY OF SOUTH TEXAS

Limitation of Shipments

Consideration is being given to the issuance of the limitation of shipments regulation, as hereinafter set forth, which was recommended by the South Texas Lettuce Committee, established pursuant to Marketing Agreement No. 144 and Marketing Order No. 971 (7 CFR Part 971) regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7) U.S.C. 601 et seq.).

All persons who desire to submit written data, views or arguments in connection with these proposals shall file the same, in quadruplicate, with the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 15th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposals are as follows:

§ 971.309 Limitation of shipments.

During the period November 21, 1966, through March 25, 1967, no person may handle any lot of lettuce grown in the production area unless the lettuce meets requirements of paragraphs (a) grade, (b) size and pack, and (c) containers, or unless the lettuce is handled in accordance with paragraphs (d) or (e), of this section. Further, no person may package lettuce during the above period on any Sunday.

(a) *Grade.* Each lot of lettuce shall average no more than 5 percent decay (no more than three decayed heads permitted in any container) or other serious damage, except:

(1) Mildew may affect no more than three head leaves when associated with discoloration.

(2) Tipburn may not exceed an aggregate area 1¼ inches wide by 3 inches in length when affecting compact portion of head.

(3) No more than three head leaves with pink rib (having areas of deep pink color as viewed on the outer surface of the leaf) or other rib discoloration when either seriously detracts from appearance or edible quality.

(4) No more than six head leaves, in the compact portion of the head, affected by insects.

(5) (i) No more than four outer head leaves with blistering, peeling, or discoloration resulting from freezing that seriously detracts from appearance or edible quality.

(ii) All other defects, such as seedstems, shall have same meaning as described under serious damage in U.S. Standards for grades of lettuce.

(iii) Tolerances: 10 percent by count of heads of lettuce in any lot may be below these requirements with no more than six heads below these requirements in any individual package.

(b) *Sizing and pack.* (1) Lettuce heads, packed in container Nos. 7303, 7306, or 7313, if wrapped, may be packed only 18, 20, 22, 24, or 30 heads per container; if not wrapped, only 18, 24, or 30 heads per container.

(2) Lettuce heads in container No. 85–40 may be packed only 24 heads per container.

(c) *Containers.* Containers may be only—

(1) Cartons with inside dimensions of 10 inches x 14¼ inches x 21⁹⁄₁₆ inches (designated as carrier container No. 7303), or

(2) Cartons with inside dimensions of 9¾ inches x 14 inches x 21 inches (designated as carrier container Nos. 7306 and 7313), or

(3) Cartons with inside dimensions of 21½ inches x 16⅛ inches x 10¾ inches (designated as carrier container No. 85–40—flat pack).

(d) *Minimum quantities.* Any person may handle up to, but not to exceed two cartons of lettuce a day without regard to inspection, assessment, grade, size, and pack requirements, but it must meet container requirements. This exception may not be applied to any portion of a shipment of over two cartons of lettuce.

(e) *Special purpose shipments.* Lettuce not meeting grade, size, or container requirements of paragraphs (a), (b), or

(c) of this section may be handled for any purpose listed, if handled as prescribed, in this paragraph. Inspection or assessments are not required on such shipments.

(1) For relief, charity, experimental purposes, or export to Mexico, if, prior to handling, the handler pursuant to §§ 971.120–971.125 obtains a Certificate of Privilege applicable thereto and reports thereon.

(2) For export to Mexico, if the handler of such lettuce loads or transports it only in a vehicle bearing Mexican registration (license).

(f) *Inspection.* (1) No handler may handle any lettuce for which an inspection certificate is required unless an appropriate inspection certificate has been issued with respect thereto.

(2) No handler may transport, or cause the transportation of, by motor vehicle, any shipment of lettuce for which an inspection certificate is required unless each such shipment is accompanied by a copy of an inspection certificate or by a copy of a shipment release form (SPI–23) furnished by the inspection service verifying that such shipment meets the current grade, size, pack and/or container regulations promulgated under this part. A copy of the inspection certificate, or shipment release form applicable to each truck lot shall be available and surrendered upon request to authorities designated by the committee.

(3) For administration of this part, an inspection certificate or shipment release form required by the committee as evidence of inspection is valid for only 72 hours following completion of inspection, as shown on such certificate or form.

(g) *Definitions.* (1) "Wrapped" heads of lettuce refers to those which are enclosed individually in parchment, plastic, or other commercial film (cf. AMS 481) and then packed in cartons or other containers.

(2) "U.S. No. 1" and "serious damage" shall have the same meaning as in the U.S. Standards for Lettuce (§§ 51.2510–51.2531 of this title).

(3) All other terms used in this section shall have the same meaning as when used elsewhere in this part.

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

Dated: October 17, 1966.

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

[F.R. Doc. 66–11390; Filed, Oct. 19, 1966; 8:45 a.m.]

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Notice of Proposed Rule Making

Notice is hereby given of a proposal, based upon the unanimous recommendation of the Raisin Administrative Committee, to amend certain provisions of the Subpart—Administrative Rules and Regulations, including those provisions with respect to definitions, and the inspection, identification, transfer, disposition, substitution, and reporting of raisins. The subpart is operative pursuant to 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, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Experience in the operation of this marketing agreement and order program has indicated the desirabiltiy of making the proposed changes in the administrative rules and regulations, as hereinafter set forth.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 989.105 [Amended]

1. In the first sentence of § 989.105, delete "weighing of samples,".

2. After § 989.107 add a new section, § 989.108, to read:

§ 989.108 Other failing raisins.

"Other failing raisins" means any raisins received or acquired by a handler either as standard raisins or off-grade raisins which are processed to a point where they qualify as packed raisins but fail to meet the applicable grade standards for packed raisins.

§ 989.158 [Amended]

3. In subparagraph (1) of § 989.158 (a), delete the first two sentences and substitute therefor: "Each handler shall, at his expense, provide at each of his inspection points reasonably safe and adequate facilities (not necessarily scales) for receiving raisins, drawing samples, and efficient inspection of natural condition raisins. At the time of inspection of any lot, the handler shall, at his expense, provide the inspector with any assistance necessary in the inspection of the raisins, including the movement of individual containers. Each handler, other than a processor, shall maintain with the Committee a current written description, defining the boundaries and other pertinent details, of each of his inspection points. In the event the Committee determines that any inspection point, or any modification thereof, does not comply with the definition or the requirements of this part, it shall notify the handler of the changes necessary for compliance. The handler shall make such changes promptly. In the event any of his inspection points is the same as that of another handler or person receiving raisins or grapes in any form, the handler shall maintain his raisins separate and apart from any other raisins."

4. In subparagraph (2) of § 989.158 (a), delete the second, third, and fourth sentences.

5. In subparagraph (1) of § 989.158 (c), beginning with the fourth sentence revise the remaining portion of the subparagraph to read: "Any such lot of off-grade raisins shall be identified immediately following inspection by fixing to a container on each pallet a prenumbered RAC control card (to be furnished by the Committee), and kept separate and apart from any other raisins in the handler's possession. In the event the handler does not normally use pallets in his operation the RAC control card shall be affixed to one or more of the containers in each lot. The RAC control cards shall remain fixed to the containers until the raisins are (i) disposed of by the handler in eligible nonnormal outlets, (ii) returned unstemmed to the tenderer, or (iii) submitted for reconditioning. The cards shall be removed only by an inspector of the inspection service or authorized Committee personnel, except control cards designating lots held only for fumigation may be removed by the handler after the completion of fumigation to the satisfaction of the inspection service. Each lot of off-grade raisins not returned to the tenderer shall be stored by the handler separate and apart by varietal types from all other raisins and by disposition and conditioning categories which preserve the lot identity and, if for reconditioning, the defect identity. Off-grade raisins shall be stored in such a manner as to be accessible to the Committee."

6. Revise subparagraph (3) of § 989.158(c) to read:

(3) *Interplant and interpacker transfer of off-grade raisins.* Any packer may, pursuant to § 989.58(e)(2) and under the surveillance of the inspection service, transfer to or from another packer's plant in California, any off-grade raisins for reconditioning. Such transfer may be for the packer's convenience or that of a financially interested person. Where a tenderer or other person has a financial interest in the raisins, the handler shall first obtain the tenderer's or other interested person's written agreement to the transfer. The handler shall notify the inspection service in advance and in writing on a form to be provided by the Committee, of the time he plans to transfer each lot and shall send a copy of the notification to the Committee. The notification shall be at least 1 business day in advance of the transfer unless a shorter period is acceptable to the inspection service. In the same manner except for the tenderer's or other person's written agreement, any packer may transfer off-grade raisins from one of his plants or inspection points to another of his plants in California. In both cases such raisins may be removed directly to the premises of the receiving packer or another plant of the packer under the surveillance of the inspection service. Upon completion

of the transfer all applicable provisions of this part shall apply with respect to such raisins and the packer receiving them.

7. Revise subparagraph (6) of § 989.158(c) to read:

(6) *Off-grade raisins which are not reconditioned successfully.* Except as provided in subdivision (ii) of this subparagraph, no handler shall return to the tenderer any off-grade raisins received for reconditioning which, after his reconditioning of them is complete, have been stemmed and which then fail to meet the applicable minimum grade standards (and thus are "other failing raisins"). Any raisins which fail to meet the applicable minimum grade and condition standards or grade standards after reconditioning and all residual material from reconditioning, held by the handler, shall be identified promptly by affixing to one or more containers in each lot, or to a container in each pallet if pallets are used, a prenumbered RAC control card as prescribed in subparagraph (1) of this paragraph: *Provided*, That such failing raisins and residual material which are placed directly into trucks or trailers for immediate disposition need not be identified by affixing thereto an RAC control card. The handler shall hold the failing raisins and the residual material separate and apart from all other raisins. The control cards shall be removed from the containers only by an inspector of the inspection service or authorized Committee personnel. The handler shall physically dispose of the residual material, and any failing raisins which he does not return unstemmed to the tenderer, only in eligible nonnormal outlets as provided in § 989.159(g)(2).

(ii) Any packer may arrange for or permit the tenderer to remove the stemmed raisins (described in subdivision (i) of this subparagraph), but not the residual, directly to the premises, within California, of another packer for further reconditioning of the raisins at the latter's premises. Such removal and transfer shall be made under the surveillance of the inspection service. The packer shall notify the inspection service as required in § 989.158(c)(3) and shall obtain from the receiving packer a written statement that he will receive the raisins for reconditioning. The notification shall be on a form provided by the Committee, and a copy thereof and of the receiving packer's statement shall be forwarded by the transferring packer to the Committee. Such raisins may be received by the other packer without inspection. On and after such receipt of the raisins for further reconditioning, all applicable provisions of this part shall apply with respect to such raisins and the packer so receiving them.

§ 989.159 [Amended]

8. Revise paragraph (a) of § 989.159 to read:

(a) *Inspection facilities.* At each of the premises where packed raisins are to be inspected each handler shall, at his expense, provide reasonably safe and adequate space and other facilities necessary for the proper and efficient inspection of such raisins.

9. In paragraph (g) of § 989.159, revise the caption to read: "*Off-grade raisins, other failing raisins, and raisin residual material.*"

10. In subparagraph (2) of § 989.159 (g), revise the caption and subdivision (i) to read:

(2) *Disposition.* (i) Except as authorized in this part, no handler shall ship or otherwise dispose of any off-grade raisins, other failing raisins, or raisin residual material (including defective raisins, stemmer waste, sweepings, and other residue). Any handler may ship, transfer, or otherwise dispose of off-grade raisins, other failing raisins, and raisin residual material to or at points within the continental United States (other than Alaska) for use in eligible nonnormal outlets only after filing with the Committee a written application to make such shipment, transfer, or other disposition and receiving its written approval thereof. However, the requirements of prior filing and approval of any such application shall not apply to:

(*a*) The transfer of any such raisins or residual material by a handler from one of his plants to another of his plants in the State of California, except any transfer of raisins which are for reconditioning shall be in accordance with § 989.158(c)(3);

(*b*) Any interpacker transfer or removal of off-grade raisins made in accordance with § 989.158(c)(3) and of unsuccessfully reconditioned off-grade raisins (which have been stemmed) made in accordance with § 989.158(c)(6)(ii);

(*c*) Any return by a handler of unstemmed off-grade raisins to the tenderer in accordance with § 989.158(c)(7);

(*d*) Any shipment or transfer of off-grade raisins, other failing raisins, or raisin residual material by any handler to a processor within the State of California for use, within the State, in eligible nonnormal outlets;

(*e*) Any shipment or transfer of off-grade raisins, other failing raisins, or raisin residual material by a handler to any person with an effective agreement with the Committee, in which he agrees (*1*) To use such raisins and raisin residual material only in eligible non-normal outlets, (*2*) if not so used, to pay to the Committee liquidated damages in the amount and under the conditions specified in subdivision (iii) of this subparagraph, and (*3*) to maintain complete, accurate, and current records regarding his dealings in raisins and raisin residual material, retain the records for at least 2 years, and permit representatives of the Committee and Secretary of Agriculture to examine all of his books and records relating to raisins and residual material; and

(*f*) Any direct use by the handler of such raisins or material in eligible nonnormal outlets within the State of California.

11. In subdivision (ii) of § 989.159 (g)(2), revise (*f*)(*3*) to read as follows: "(*3*) To maintain complete, accurate, and current records regarding his dealings in raisins, retain the records for at least 2 years, and permit representatives of the Committee and of the Secretary of Agriculture to examine all of his books and records relating to raisins and residual material."

§ 989.166 [Amended]

12. Delete paragraph (b) of § 989.166.

13. In the third sentence of § 989.166 (d)(2), delete the following words which appear after the first "Provided": "That, in the event reserve or surplus pool raisins which are held in portable containers other than sweat or picking boxes are to be transferred from the premises of the handler storing them, such handler shall at his own expense, place such raisins in either sweat or picking boxes: *Provided further,*".

14. Revise subparagraph (3) of § 989.166(d) to read:

(3) *Substitution of free tonnage.* A handler may, pursuant to § 989.66(b)(3), after giving the Committee reasonable advance notice in writing and under its direction and supervision, substitute free tonnage raisins of like quality (i.e., any level of standard raisins) for reserve tonnage or surplus tonnage raisins.

§ 989.167 [Amended]

15. Delete the second sentence of § 989.167(b) and replace it with: "In the event reserve pool raisins are transferred by the Committee, the purchasing handler shall promptly empty the raisins from the containers used in the transfer so that the Committee may return the containers and pallets used in the transfer to the handler from whom the raisins were transferred within 10 business days from the date of transfer. Any handler who refuses to permit the containers, in which reserve pool raisins are stored, to leave his premises, shall, at his expense, place such raisins in containers supplied by the Committee."

§ 989.168 [Amended]

16. Designate the present provisions of § 989.168 as paragraph (a) and add a new paragraph, paragraph (b), to read:

(b) In the event the Committee transfers surplus pool raisins to a handler for purchase or for other reasons, the receiving handler shall promptly empty the containers used in the transfer so that the Committee may return the containers and pallets used in the transfer to the handler from whom the raisins were transferred within 10 business days from the date transfer. Any handler who refuses to permit the containers in which the pool raisins are stored to leave his premises shall, at his expense, place such raisins in containers supplied by the Committee.

§ 989.169 [Deleted]

17. Delete § 989.169.

§ 989.173 [Amended]

18. In subdivision (i) of § 989.173(b) (1), revise the second parenthetical expression to read: "(Sunday through Saturday or such other 7-day period for which the handler has submitted a pro-

posal to and received approval from the Committee)".

19. In the caption of subparagraph (4) of § 989.173(b), delete "(producers or dehydrators)."

20. In subdivision (ii) of § 989.173(b) (4), delete "as indicated on the inspection certificate".

21. In subdivision (iii) of § 989.173(b) (4), delete "and address".

22. In subdivision (i) of § 989.173(b) (5), delete "and address".

23. In § 989.173(b)(5), delete subdivision (v), and designate subdivision (vi) as (v), and (vii) as (vi), and add a sentence at the end of subparagraph (5) to read: "Each nonacquiring handler shall report also the weight of standard raisins recovered from reconditioning, their inspection certificate number(s) and the handler or other person to whom the standard raisins were delivered."

24. In subparagraph (6) of § 989.173 (b), revise the second sentence to read: "Each report shall show for each varietal type:

"(i) The name and address of each handler, producer, or other persons from whom such raisins or raisin residual material was received or acquired; and

"(ii) The net weight of such raisins and raisin residual material."

25. Revise subparagraph (2) of § 989.173(d) to read:

(2) *Off-grade and other failing raisins.* Any handler who transfers off-grade raisins or other failing raisins (including off-grade raisins unsuccessfully reconditioned) to another handler, other than a processor within the State of California, shall submit to the Committee (on forms furnished by it) no later than Wednesday following the week of the transfer:

(i) The date of transfer;

(ii) The name and address of the receiving handler and the location of his plant;

(iii) The name and address of the tenderer of each lot included in the transfer and the inspection certificate numbers applicable to the lot; and

(iv) The varietal type, net weight, and condition of the raisins.

Dated: October 17, 1966.

PAUL A. NICHOLSON,
Deputy Director,
Fruit and Vegetable Division.

[F.R. Doc. 66-11391; Filed, Oct. 19, 1966; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 7678]

AIRWORTHINESS DIRECTIVES

Piper Model PA-32-260 Airplanes

The Federal Aviation Agency is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Piper Model PA-32-260 airplanes. There have been failures of the fuel selector valve that have been attributed to improper sealing of the valve spheres, which allows fuel to gravity feed from the outboard tip tanks into the inboard main tanks and then overboard through the main tank vent line on these airplanes. Since this condition is likely to exist or develop in other airplanes of the same design, the proposed AD would require replacement of the fuel tank selector valve on Piper Model PA-32-260 airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before November 21, 1966, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

PIPER. Applies to Model PA-32-260 airplanes, serial numbers 32-151 through 32-535.

Compliance required within the next 50 hours' time in service after the effective date of this AD unless already accomplished.

To prevent inadvertent fuel transfer from the outboard tanks to the inboard main tanks through a malfunctioning fuel tank selector valve, replace Airborne Mechanism fuel selector valve, Model 1H26-1, with Airborne Mechanism fuel selector valve, Model 1H26-2 (Piper P/N 492 104).

(Piper Service Letter No. 476 pertains to this subject)

Issued in Washington, D.C., on October 13, 1966.

C. W. WALKER,
Director, Flight Standards Service.

[F.R. Doc. 66-11397; Filed, Oct. 19, 1966; 8:46 a.m.]

[14 CFR Part 39]

[Docket No. 1019]

AIRWORTHINESS DIRECTIVES

Fairchild Model F-27 Series and FH-227 Airplanes

Amendment 383 (27 F.R. 204), AD 62-1-1, requires repetitive replacement of the Walter Kidde Chemical Drier Housings on Fairchild Model F-27 Series airplanes. Subsequent to the issuance of Amendment 383, the Model FH-227 airplane was certificated, which is a modification of the Model F-27 airplane. Therefore, it is proposed to amend AD 62-1-1 to apply to Fairchild Model F-27 Series and FH-227 airplanes equipped with certain Walter Kidde Chemical Drier Housings.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before November 21, 1966, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 383 (27 F.R. 204), AD 62-1-1, by amending the applicability statement to read as follows:

Applies to Model F-27 Series and FH-227 airplanes equipped with Walter Kidde Company Chemical Drier Housings, P/N 890395 and P/N 890800-0001.

Issued in Washington, D.C., on October 13, 1966.

C. W. WALKER,
Director, Flight Standards Service.

[F.R. Doc. 66-11398; Filed, Oct. 19, 1966; 8:46 a.m.]

[14 CFR Part 61]

[Docket No. 7679; Notice No. 66-37]

PREREQUISITES FOR FLIGHT TESTS

Notice of Proposed Rule Making

The Federal Aviation Agency is considering amending Part 61 of the Federal Aviation Regulations by adding a new § 61.22 that would allow applicants for private or commercial pilot certificates or instrument ratings to credit certain flight instruction received from flight instructors who are not certificated by the Agency. These would be flight instructors authorized to give the required flight instruction by an Armed Force of the United States, or by the licensing authority or an Armed Force of a foreign contracting State to the Convention on International Aviation (ICAO). A related change in § 61.21(a)(4) would except an applicant for a flight test from needing a written flight instructor recommendation if he holds a foreign pilot license, issued by an ICAO member, authorizing at least the pilot privileges of the airman certificate he seeks, or if he is a member of an Armed Force of the United States applying for an airline transport pilot certificate and has passed an official military checkout as pilot in command of the type of aircraft to be used in the flight test. Related changes would be made in § 61.27, concerned with flight tests upon retesting after failure. The change in § 61.21(a)(4) also would impose a 60-day limit on the flight instructor's statement where needed. The Agency also is considering amending § 61.115(a) to require an applicant for a commercial pilot certificate (airplane rating) to have, as a part of the required 200 hours of flight time, both the 10 hours of instrument instruction prescribed by subparagraph (4) and the 10 hours of other flight instruction prescribed by subparagraph (3) of that paragraph.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, and arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before December 19, 1966, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

(1) *Crediting flight instruction received from flight instructors not certificated by FAA.* Currently there is no provision in Part 61 for crediting flight instruction toward private or commercial pilot certificates or instrument ratings that is received from any person except a flight instructor certificated by the FAA (although in specified circumstances, not here involved, the credited instruction may be received from persons other than flight instructors). This circumstance precludes crediting flight instruction received from persons authorized by licensing authorities of foreign countries or their Armed Forces, or by the Armed Forces of the United States.

At one time, when applicants for private pilot certificates needed "dual instruction from a rated flight instructor," under § 20.25 of the Civil Air Regulations, this provision was interpreted to include instruction given by pilots authorized to instruct by foreign countries or the military services. When a flight instructor certificate was substituted for a rating on a pilot certificate, in the 1957 revision of Part 20, the interpretation previously relevant to a "rated flight instructor" lost significance. Attention has been directed to this situation especially during the last several years by the circumstance that a number of requests for exemption have been received from foreign military and civilian pilots for whom it would be unduly burdensome to comply with the requirement that their instruction must be received from FAA certificated flight instructors.

Under the proposed amendments, the regulations would allow crediting flight instruction received from flight instructors authorized by foreign ICAO countries or their Armed Forces, or from flight instructors authorized by the Armed Forces of the United States. In the former case flight instruction given inside the United States would be excluded, in order to avoid compromising the Agency's continuing efforts to increase responsibilities placed upon FAA certificated flight instructors. In the latter case, however, action recognizing flight instruction received from flight instructors authorized by the Armed Forces of the United States, wherever received, is consistent with § 61.31 (Military pilots or former military pilots: special rules) that already accomplishes the same objective in authorizing the issue of a private or commercial pilot certificate without an FAA flight test.

Adoption of the proposed amendment would save time and expense for the applicants affected, as well as for the Agency. It is considered that there would be no adverse effect upon safety, since this action would not reduce the amount of instruction required by the regulations for the several kinds of pilot certificates and ratings, and it would not eliminate the need to take the flight test, that would reveal any areas of pilot skill in which the flight instruction may have been inadequate. As an added safeguard, the proposed amendments also would add to the present requirements in §§ 61.85, 61.115, 61.119, and 61.123, as to additional flight instruction required for private and commercial pilot certificate applicants, respectively, a provision that the instruction must be in procedures and maneuvers required for the applicable flight test.

In several instances, flight instruction from an FAA certificated flight instructor is considered necessary, and crediting would not otherwise be permissible, such as where the holder of an airline transport pilot certificate, airplane or VFR rotorcraft rating, applies for the other of these two ratings. The proposed amendments therefore would change § 61.157 (a)(2) and (c)(2) to assure that the instructor is one with an FAA flight instructor certificate.

In connection with these changes, the proposed amendments would remove the requirement of §§ 61.85, 61.89, and 61.93 that an applicant for a private pilot certificate must hold a student pilot certificate endorsed for solo and cross-country flights, and with this the requirement of § 61.111(e) that an applicant for a commercial pilot certificate free balloon class rating must hold a student pilot certificate, the only case in which the requirement appears in connection with commercial pilot certificates. The endorsement provisions have significance only to authorize solo and cross-country flight by student pilots. The aeronautical experience needed for a private or commercial pilot certificate must be shown in any event, by logged entries, and no purpose is served by the solo and cross-country endorsements as prerequisites for these pilot certificates. Upon allowing the crediting of flight instruction received in an Armed Force or from a foreign rated flight instructor (when the instruction is given outside the United States), the student pilot certificate requirement in §§ 61.85, 61.89, and 61.93 would become a burdensome stumbling block since it would require the applicant to obtain flight instruction from an FAA certificated flight instructor to obtain the needed endorsement.

Removing the requirement from the sections specified would not in any manner affect the other provisions of Part 61 that require the holder of a student pilot certificate to obtain the appropriate flight instructor endorsement before he may solo or make cross-country flights in civil aircraft of U.S. registry, or the requirement of § 61.3, that to act as pilot in command of a civil aircraft, even in a flight test, a person must hold a current pilot certificate.

(2) *Certain exceptions from requirement for flight instructor's statement before flight test.* Section 61.21(a)(4) requires the applicant for a flight test to have a statement from a flight instructor certifying he has given the applicant flight instruction in preparation for the flight test and considers him ready for the test. Already excepted from this requirement is an applicant for a type rating. The proposed amendments would change § 61.21(a) in three respects.

First, the section would designate the essential rating needed by the flight instructor (the category or instrument rating on his flight instructor certificate that is sought by the applicant).

Second, the section would require the flight instructor's statement to have been made within 60 days, since the validity of the statement with respect to readiness for a flight test would only be in terms of relative recency. The 60-day limit coincides with the duration of the validity period of a graduation certificate from a certificated flying school under § 61.29. As a correlative action, the 6-month recency requirement currently provided in § 61.115(a)(3) would be deleted since it would no longer be needed in view of the revised provisions of § 61.21(a)(4).

Third, the proposed amendments to § 61.21(a)(4) would except from the need for a flight instructor's statement two kinds of applicants: Those holding foreign pilot licenses issued by ICAO members that authorize at least the pilot privileges of the airman certificate sought by the applicant, and those who are members of Armed Forces of the United States applying for airline transport pilot certificates who have passed approved military checkouts as pilots in command of the type of aircraft to be used in the flight test. These exceptions would be made because these applicants can offer equivalents to the instructor's recommendation as a means of assuring that adequate and effective flight instruction has been received. They already have been tested by an ICAO State and hold foreign licenses of at least the grade applied for, or are airline transport pilot applicants who are members of Armed Forces of the United States and have passed the relevant military checkouts (including instrument check). It should be noted that the exception with respect to an airline transport pilot is not extended to an applicant for a private or commercial pilot certificate who is a rated pilot in the Armed Forces of the United States, since he may qualify under § 61.31 without an FAA flight test.

Correlative with these changes, § 61.27 (Retesting after failure) also would be changed to allow alternative preflight test instruction requirements for the two kinds of applicants originally qualifying for flight testing under the exceptions that would be added to § 61.21(a)(4) by the proposed amendments. The first situation involves an applicant for retesting after failure (other than an applicant for a type rating only, an airline transport pilot certificate or associated rating, or a pilot certificate with a lighter-than-air category or associated class rating) who would originally qualify for flight testing on the basis of holding a foreign pilot license under proposed § 61.21(a)(4)(i). This applicant would be allowed to show he has received 5 additional hours of flight instruction instead of presenting a statement from a certificated flight instructor. The additional instruction could be received from a flight instructor who is authorized to give that flight instruction by an Armed Force of the United States, or by the licensing authority or an Armed Force of a foreign ICAO member (and that flight instruction is given outside the United States). Allowing this alternative would relieve the foreign pilot license holder from obtaining additional instruction, for retesting purposes, from an FAA certificated flight instructor, in the same manner as this burden would be removed with respect to crediting flight instruction under proposed new § 61.22. However, some preparation for retesting would be required, consisting of the 5 hours of additional instruction. The second situation involves an applicant (for retesting after failure) seeking an airline transport pilot certificate or associated rating who would originally qualify for flight testing as a member of an Armed Force of the United States under the provisions of § 61.21(a)(4)(ii). This applicant would be allowed to apply for retesting either in the manner already provided by § 61.27(d) or upon presenting satisfactory evidence, without an instructor's statement, of the same additional experience and the same amount of flight instruction but received from a flight instructor authorized to give that flight instruction by an Armed Force of the United States (or additional practice or instruction that is necessary in the opinion of the Administrator). Here too, the burden of obtaining the additional instruction, for retesting purposes, from an FAA certificated flight instructor or an airline transport pilot would be removed.

(3) *Requirement of 20 hours of flight instruction for commercial pilot certificate (airplane)*. Sections 61.115(a)(3) and (4) provide that the 200 hours of flight time required of an applicant for a commercial pilot certificate (airplane) must include, first, 10 hours of flight instruction preparing for the commercial pilot flight test within the 6 months immediately before the flight test, in addition to any flight instruction received before obtaining the private pilot certificate and, second, 10 hours of instrument instruction. This has been interpreted to mean that flight time used to meet the latter requirement may also be used to satisfy the former if received within the 6 months. The proposed amendments would change the regulations to provide that these hours of instruction must be acquired separately, since the 10 hours of instrument instruction were intended to supplement, and not to satisfy, the other 10 hours of instruction. The intent of the regulations has been a problem in only a few instances, involving military pilots or foreign pilot license holders seeking to take the commercial flight test. Since the proposed amendments would permit crediting of flight instruction in those situations, precluding the need for additional flight instruction from FAA certificated flight instructors, the clarification of the original intent would not impose a substantive burden upon the persons regulated.

In consideration of the foregoing, it is proposed to amend Part 61 of the Federal Aviation Regulations as follows:

1. By amending paragraph (a)(4) of § 61.21 to read as follows:

§ 61.21 Prerequisites for flight tests.

* * * * *

(4) Have a written statement made not more than 60 days before applying for the flight test, from a flight instructor whose flight instructor certificate bears the category rating of the aircraft to be used in the flight test (or an instrument rating if that rating is sought), certifying that he has given the applicant flight instruction in preparation for the flight test and considers him ready to take the test. However, an applicant need not have this written statement if he—

(i) Holds a foreign pilot license issued by a contracting State to the Convention on International Civil Aviation (ICAO), that authorizes at least the pilot privileges of the airman certificate sought by him;

(ii) Is a member of an Armed Force of the United States applying for an airline transport pilot certificate, and has passed an official military checkout (including instrument check) as pilot in command of the type of aircraft to be used in the flight test; or

(iii) Is applying for a type rating only.

* * * * *

2. By inserting a new § 61.22 to read as follows:

§ 61.22 Flight instruction received from flight instructors not certificated by FAA.

Flight instruction received to satisfy the requirements for the certificate or rating sought by the applicant may be credited toward a pilot certificate or rating under §§ 61.17 (b) or (c), 61.35(c), 61.85(a), 61.89(a), 61.93 (a) or (b), 61.115(a), 61.119(a), or 61.123(b) if it is received from a flight instructor who is authorized to give that flight instruction—

(a) By an Armed Force of the United States; or

(b) By the licensing authority or an Armed Force of a foreign contracting State to the Convention on International Civil Aviation (ICAO), and the flight instruction is given outside the United States.

3. By amending § 61.27 as follows:

a. By adding the following sentence at the end of paragraph (b):

§ 61.27 Retesting after failure.

* * * * *

(b) *Flight test.*

* * * * *

However, an applicant who qualified for flight testing under § 61.21(a)(4)(i) need not present this statement if he shows that he has received at least 5 additional hours of flight instruction in procedures and maneuvers required for the flight test from a flight instructor who is authorized to give that flight instruction by an Armed Force of the United States, or by the licensing authority or an Armed Force of a foreign contracting State to the Convention on International Civil Aviation (ICAO) and that flight instruction was given outside the United States.

* * * * *

b. By amending paragraph (d) to read as follows:

§ 61.27 Retesting after failure.

* * * * *

(d) *Airline transport; flight test.* An applicant for an airline transport pilot certificate or associated rating who fails a flight test under this Part may apply for retesting under subparagraph (1) or (2) of this paragraph.

(1) If he qualified for flight testing other than under § 61.21(a)(4)(ii), he may apply upon presenting a statement from his instructor (as to required instruction) certifying that he has given the additional instruction to the applicant and considers the applicant ready for retesting, and satisfactory evidence that he has—

(i) Logged at least 5 additional hours of flying solely by instrument and at least 5 additional hours of flight instruction from an appropriately rated flight instructor or an airline transport pilot; or

(ii) Received additional practice or instruction (flight, synthetic trainer, or ground training, or any combination thereof) that is necessary, in the opinion of the Administrator or the applicant's instructor (if the Administrator has authorized him to determine the additional instruction necessary) to prepare the applicant for retesting.

(2) If he qualified for flight testing under § 61.21(a)(4)(ii), he may apply either upon presenting the statement and evidence described in subparagraph (1) of this paragraph, or upon presenting satisfactory evidence that he has—

(i) Logged at least five additional hours of flying solely by instrument and at least 5 additional hours of flight instruction from a flight instructor authorized to give that flight instruction by an Armed Force of the United States; or

(ii) Received additional practice or instruction (flight, synthetic trainer, or ground training, or any combination thereof) that is necessary, in the opinion of the Administrator, to prepare the applicant for retesting.

However, in retesting, only the maneuvers failed need be repeated. An applicant who meets the requirement of subparagraph (1) or (2) of this paragraph is considered to meet the 5-hour flight time requirements of § 61.145(b)(2)(i).

* * * * *

4. By amending § 61.85 as follows:

a. By amending the introductory language of paragraph (a) to read as follows:

§ 61.85 Airplane rating: Aeronautical experience.

(a) An applicant for a private pilot certificate (airplane) must have had—

* * * * *

b. By striking out the words "in preparation for the private pilot flight test" from paragraph (a)(4), and substituting the words "in procedures and maneuvers required for the private pilot flight test" therefor.

5. By amending the introductory language of paragraph (a) of § 61.89 to read as follows:

§ 61.89 Rotorcraft rating: Aeronautical experience.

(a) An applicant for a private pilot certificate (rotorcraft) must have had at least—

* * * * *

6. By amending the introductory language of § 61.93 to read as follows:

§ 61.93 Glider rating: Aeronautical experience.

An applicant for a private pilot certificate (glider) must have had at least—

* * * * *

7. By striking out the words "a student pilot certificate and" from paragraph (e) of § 61.111.

8. By amending § 61.115 as follows:

a. By striking out paragraph (a)(4), and amending paragraph (a)(3) to read as follows:

§ 61.115 Airplane rating: Aeronautical experience.

* * * * *

(3) 20 hours of flight instruction in airplanes, including—

(i) At least 10 hours of flight instruction in operating an airplane by referring solely to flight instruments, including at least 5 hours of flight instruction from a flight instructor with an instrument rating on his flight instructor certificate, and the remaining hours, if any, from a flight instructor with an airplane rating on his flight instructor certificates; and

(ii) At least 10 hours of flight instruction from a flight instructor with an airplane rating on his flight instructor certificate in operating an airplane in other procedures and maneuvers required for the commercial pilot flight test, in addition to any flight instruction received before his private pilot certificate was issued to him.

* * * * *

b. By striking out the figures "(4)" in the flush paragraph at the end of paragraph (a), and substituting the figures "(3)(i)" therefor.

9. By striking out the words "preparing for the commercial pilot flight test" from paragraph (a)(3) of § 61.119, and substituting the words "in procedures and maneuvers required for the commercial pilot flight test" therefor.

10. By striking out the words "preparing for the commercial pilot flight test" from paragraph (b) of § 61.123, and substituting the words "in procedures and maneuvers required for the commercial pilot flight test" therefor.

11. By amending § 61.157 as follows:

a. By adding the words "FAA certificated" after the words "appropriately rated" and before the words "flight instructor" in paragraph (a)(2).

b. By adding the words "FAA certificated" after the words "appropriately rated" and before the words "flight instructor" in paragraph (c)(2).

These amendments are proposed under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1422).

Issued in Washington, D.C., on October 13, 1966.

C. W. WALKER,
Director, Flight Standards Service.

[F.R. Doc. 66-11399; Filed, Oct. 19, 1966; 8:46 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 141, 260]

[Docket No. R-309]

ANNUAL REPORTS OF PUBLIC UTILITIES, LICENSEES AND NATURAL GAS COMPANIES

Independent Certification of Compliance With Accounting Requirements

OCTOBER 12, 1966.

1. Notice is given pursuant to section 4 of the Administrative Procedure Act that the Commission is proposing to add a new General Instruction to the annual report forms (FPC Nos. 1 and 2) prescribed, respectively, by §§ 141.1 and 260.1 of its regulations under the Federal Power and Natural Gas Acts. The instruction would provide that every Class A and B public utility, licensee, and natural gas company subject to the jurisdiction of the Commission, required to file Form No. 1 or 2, submit, in addition, a report from independent certified public accountants attesting to the conformity, in all material respects, of certain schedules in the annual report with the relevant accounting requirements of the Commission.

2. The proposed instruction offers several advantages: (1) It would provide more current evidence of compliance with the Commission's accounting requirements than is presently available to the staff and to State Commissions; (2) it would provide jurisdictional companies with immediate notice of noncompliance and would thereby eliminate the uncertainties attendant to accumulated adjustments experienced under the present program; (3) it would make possible more effective utilization of manpower; and (4) it would be accomplished largely within the framework of present annual examination by independent accountants.

3. This amendment is proposed to be issued under the authority granted to the Federal Power Commission by the Federal Power Act, as amended, particularly sections 301, 304, and 309 (49 Stat. 854, 855, and 858 (1935), 16 U.S.C. 825, 825c, and 825h (1964)), and by the Natural Gas Act, as amended, particularly sections 8, 10, and 16 (52 Stat. 825, 826, and 830 (1938), 15 U.S.C. 717g, 717i, and 717o (1964)).

4. Accordingly, it is proposed to amend the General Instructions to Annual Report FPC Form Nos. 1 and 2 prescribed, respectively, by § 141.1, Subchapter D, and § 260.1, Subchapter G, Chapter I, Title 18 of the Code of Federal Regulations, by adding the following instruction:

The respondent, if it is under the jurisdiction of the Commission,[1] shall file, together with this form, a letter or report signed by independent certified public accountants, attesting to the conformity, in all material respects, of the following schedules in this report with the Commission's applicable Uniform System of Accounts:

Description	Schedule pages	
	Form No. 1	Form No. 2
Statement A—Comparative Balance Sheet	110-111	110-111
Notes to Balance Sheet	112	112
Statement B—Summary Utility Plant and Accumulated Provisions for Depreciation, Amortization and Depletion	113	113
Statement C—Statement of Income	114-115	114-115
Notes to Statement of Income	116	116
Statement D—Statement of Earned Surplus	117	117
Materials and Supplies	207	207
Prepayments	210	210
Plant Materials and Operating Supplies	208	208
Long-Term Debt	219	219
Reconciliation of Recorded Net Income With Taxable Income for Federal Income Taxes	223	223
Accumulated Deferred Income Taxes	227	227
Common Utility Plant and Expenses	351	351
Distribution of Salaries and Wages	355-356	355-356
Electric or Gas Plant in Service	401-403	501-504
Plant Held for Future Use	405	506
Construction Work in Progress and Completed Construction Not Classified	406	507
Accumulated Provision for Depreciation of Electric or Gas Plant	408	508
Electric or Gas Operating Revenues	409	514
Electric or Gas Operation and Maintenance Expenses	417-420	527-532
Depreciation, Depletion and Amortization of Electric Plant	429	545

[1] The qualifying phrase "if it is under the jurisdiction of the Commission" would be included only in the Form No. 1 instruction.

The letter or report shall be in the following form:

In connection with our regular examination of the financial statements of [respondent] for the year ended ________, ____, on which we have reported separately under date of ________, ____, we have also reviewed schedules ____ of Form 1 [Form 2] for the year filed with the Federal Power Commission, for conformity in all material respects with the requirements of the Federal Power Commission as set forth in its applicable Uniform System of Accounts and published accounting releases. Our review for this purpose included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

Based on our review, in our opinion the accompanying schedules identified in the preceding paragraph (except as noted below)[2] conform in all material respects with the accounting requirements of the Federal Power Commission as set forth in its applicable Uniform System of Accounts and published accounting releases.

The letter shall state, additionally, which, if any, of the schedules set forth above do not conform to the Commission's requirements, and shall describe the discrepancies that exist.

5. Any person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than December 1, 1966, data, views, comments, and suggestions in writing concerning the proposed amendment to the General Instructions accompanying Annual Report Forms 1 and 2, as prescribed by the Commission's regulations under the Federal Power Act and Natural Gas Act. An original and 14 conformed copies of each submittal should be filed. The Commission will consider any such written submittals before acting on the proposed regulations.

[2] Parenthetical phrase inserted only when exceptions are to be reported.

By direction of the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11401; Filed, Oct. 19, 1966; 8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—ATS 643.3–b]

TUBELESS TIRE VALVES FROM ITALY

Withholding of Appraisement Notice

OCTOBER 14, 1966.

Pursuant to section 201(b) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect, from information presented to me, that the purchase price is less or likely to be less than the foreign market value of valves, tubeless tire, finished, imported from Italy as defined by sections 203 and 205, respectively, of the Antidumping Act, 1921, as amended (19 U.S.C. 162 and 164).

In accordance with the provisions of § 14.9(a) of the Customs Regulations (19 CFR 14.9(a)), customs officers are being directed to withhold appraisement of valves, tubeless tire, finished, imported from Italy. All importations entered, or withdrawn from warehouse, for consumption, after the date of publication of this notice in the FEDERAL REGISTER are subject to this order.

The information alleging that the merchandise under consideration was being sold at less than fair value within the meaning of the Antidumping Act was received in proper form on April 26, 1966. This information was the subject of an "Antidumping Proceeding Notice" which was published on page 9751 of the FEDERAL REGISTER of July 19, 1966, pursuant to § 14.6(d), Customs Regulations (19 CFR 14.6(d)).

This notice is published pursuant to § 14.6(e) of the Customs Regulations (19 CFR 14.6(e)).

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

[F.R. Doc. 66–11433; Filed, Oct. 19, 1966; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Modification of Grazing Districts

Pursuant to the authority vested in the Secretary of the Interior by the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended.

The north boundary of Grazing District No. 4, Bureau of Land Management, is adjusted so as to transfer administrative responsibility for all public land within the following described legal subdivisions from Grazing District No. 4 to Grazing District No. 7 which headquarters in Grand Junction, Colo.

All vacant, unappropriated public land in:

6TH PRINCIPAL MERIDIAN, COLORADO

T. 15 S., R. 103 W.,
  Secs. 1 to 36, inclusive.
T. 15 S., R. 104 W.,
  Secs. 1 to 36, inclusive.

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 51 N., R. 20 W.,
  Secs. 1 to 36, inclusive (unsurveyed).
T. 51 N., R. 19 W.,
  Secs. 1 to 36, inclusive (unsurveyed).
T. 51 N., R. 18 W.,
  Secs. 7 and 8 (unsurveyed);
  Sec. 9, W½ (unsurveyed);
  Sec. 16, W½ (unsurveyed);
  Secs. 17 and 18 (unsurveyed);
  Secs. 19 to 22, inclusive;
  Secs. 27 to 34, inclusive.
T. 50 N., R. 20 W.,
  Secs. 1 and 2;
  Secs. 11 to 14, inclusive;
  Secs. 23 to 26, inclusive;
  Secs. 35 and 36.
T. 50 N., R. 19 W.,
  Secs. 1 to 36, inclusive (unsurveyed).
T. 50 N., R. 18 W.,
  Secs. 1 to 36, inclusive (partially unsurveyed).
T. 50 N., R. 17 W.,
  Sec. 7;
  Secs. 17 to 21, inclusive;
  Secs. 27 to 32, inclusive;
  Sec. 33, W½, NE¼, and N½SE¼;
  Sec. 34, N½N½.
T. 49 N., R. 20 W.,
  Sec. 1 (unsurveyed).
T. 49 N., R. 19 W.,
  Secs. 1 to 17, inclusive (unsurveyed);
  Sec. 18, N½, and SE¼;
  Secs. 20 to 28, inclusive (unsurveyed);
  Sec. 29, N½ and SE¼;
  Sec. 36.
T. 49 N., R. 18 W.,
  Secs. 1 to 35, inclusive (partially unsurveyed);
  Sec. 36, W½.
T. 49 N., R. 17 W.,
  Sec. 4, N½NW¼;
  Sec. 5, N½, SW¼, and W½SE¼;
  Secs. 6 and 7;
  Sec. 8, NW¼ and W½SW¼;
  Sec. 17, W½W½;
  Sec. 18;
  Sec. 19, W½;
  Sec. 30, W½W½.
T. 48 N., R. 18 W.,
  Sec. 2, lots 3 and 4;
  Sec. 3, lots 1 to 5, inclusive;
  Sec. 4, lots 1 and 8;
  Sec. 5, lots 1 to 4, inclusive, and 6;
  Sec. 6, lots 1 to 6, inclusive.
T. 48 N., R. 19 W.,
  Sec. 1, lots 1 to 8, inclusive (unsurveyed).

The transfer of jurisdiction of Grazing District No. 4 (Durango District) to Grazing District No. 7 (Grand Junction District) will not affect the status or use of the public lands in any way. Effective with the publication of this notice, the Grand Junction District will assume all responsibility for the administration of the area herein described.

J. A. BEIRNE,
Acting Associate Director.

OCTOBER 13, 1966.

[F.R. Doc. 66–11405; Filed, Oct. 19, 1966; 8:46 a.m.]

[New Mexico 0559419]

NEW MEXICO

Notice of Proposed Classification of Lands

OCTOBER 14, 1966.

Notice is hereby given of a proposal to classify the lands described below for disposal through Exchange under Section 8 of the Taylor Grazing Act (43 U.S.C. 315g) for lands within and adjacent to the Cibola National Forest. This publication is made pursuant to the Act of September 19, 1964 (43 U.S.C. 1412).

These lands are in areas where private ownership is extensive and their disposal will facilitate the land adjustment program of the Bureau of Land Management. In exchange the United States will acquire privately owned lands in a predominantly public land area which acquisition will facilitate the land adjustment program of the U.S. Forest Service. Information concerning the lands, including the record of public discussion, is available for inspection and study in the Albuquerque District Office, 1304 Fourth Street NW., Albuquerque, N. Mex. 87103, and Roswell District Office, Post Office Box 1397, 1902 South Main, Roswell, N. Mex. 88201. For a period of 60 days from the date of this publication, interested parties may submit comments to the District Manager, Roswell or Albuquerque Districts.

The lands affected by this proposal are located in Santa Fe, Sandoval, San Miguel, Guadalupe, Lincoln, Quay, and Eddy Counties, N. Mex., and are described as follows:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 12 N., R. 6 E.,
  Sec. 1, SW¼ and S½SE¼;
  Sec. 3, E½NE¼ and NE¼SE¼;
  Sec. 4, SW¼SE¼ and W½SE¼SE¼;
  Sec. 9, lots 1, 2, 4, 6, 7 and E½NE¼;
  Sec. 11, E½SE¼NE¼.
T. 12 N., R. 7 E.,
  Sec. 6, lots 1, 2, 3 and 4.
T. 16 N., R. 8 E.,
  Sec. 35, NE¼.
T. 15 N., R. 9 E.,
  Sec. 8, S½NE¼, SW¼NW¼, N½SE¼ and SE¼SE¼;
  Sec. 9, S½SW¼;
  Sec. 17, NE¼NE¼;
  Sec. 18, SW¼NE¼;
  Sec. 19, E½SE¼ and NW¼SE¼;
  Sec. 26, lot 3;
  Sec. 27, SW¼ and NE¼SE¼;
  Sec. 29;
  Sec. 30, lots 2, 3, 4, NE¼NE¼ and SE¼NW¼;
  Sec. 35, lots 1, 2, SW¼NE¼ and E½NW¼.
T. 15 N., R. 13 E.,
  Sec. 8, lot 14;
  Sec. 17, lots 1, 3 and 4;
  Sec. 20, SE¼NE¼.
T. 7 N., R. 26 E.,
  Sec. 2, SE¼SE¼;
  Sec. 4, lot 3.

T. 8 N., R. 26 E.,
Sec. 3, lots 1 and 2;
Sec. 8, NW¼NE¼;
Sec. 19, NE¼NE¼.
T. 8 N., R. 27 E.,
Sec. 1, lots 1, 2, 3, 4, S½NE¼, SW¼NW¼ and NW¼SW¼;
Sec. 4, SE¼NE¼ and NE¼SE¼;
Sec. 11, NE¼, NE¼NW¼ and NW¼SW¼;
Sec. 12, SW¼NE¼, NE¼NW¼, S½NW¼ and W½SE¼;
Sec. 13, N½NW¼;
Sec. 14, NW¼NW¼, S½N½, N½S½ and SE¼SE¼;
Sec. 15, SE¼NE¼;
Sec. 21, N½SE¼;
Sec. 23, NE¼NE¼;
Sec. 24, NW¼NW¼, SE¼NW¼, E½SW¼ and SE¼.
T. 9 N., R. 27 E.,
Sec. 34, SE¼NE¼ and SW¼SE¼.
T. 2 S., R. 12 E.,
Sec. 11, W½NE¼ and E½NW¼.
T. 10 S., R. 18 E.,
Sec. 1, SE¼SE¼;
Sec. 10, S½NE¼ and SE¼NW¼;
Sec. 11, S½N½ and SE¼;
Sec. 12, E½E½;
Sec. 14, SW¼SW¼ and N½SE¼;
Sec. 23, SW¼NE¼ and NW¼SE¼;
Sec. 24, NE¼NE¼ and SE¼SE¼;
Sec. 25, SE¼SE¼.
T. 10 S., R. 19 E.,
Sec. 6, lot 7;
Sec. 7, lots 1, 2, 3, 4, E½ and E½W½;
Sec. 17, E½NE¼, SW¼NE¼, SE¼NW¼ and S½;
Sec. 18, E½E½ and NW¼SE¼;
Sec. 19, lot 4, E½NE¼, SE¼SW¼, SW¼SE¼ and E½SE¼;
Sec. 20;
Sec. 26, W½;
Secs. 27 and 28;
Sec. 29, E½, E½W½, NW¼NW¼ and W½SW¼;
Sec. 30, lots 1, 2, 4, NE¼, E½W½, W½SE¼ and NE¼SE¼;
Sec. 31, lots 1, 2, 3, W½NE¼, E½NW¼, NE¼SW¼ and NW¼SE¼;
Sec. 33, N½N½;
Sec. 34, S½NE¼, N½NW¼, W½SE¼ and SE¼SE¼;
Sec. 35, SW¼NE¼, S½NW¼ and S½S½.
T. 11 S., R. 19 E.,
Sec. 1, lots 5, 6 and 7;
Sec. 3, lots 5, 6, 7 and 8;
Sec. 5, lot 5;
Sec. 6, lots 8 to 15, inclusive;
Sec. 7, lots 5 to 12, inclusive;
Sec. 8, E½NE¼, N½SW¼ and NW¼SE¼;
Sec. 9, N½NE¼, SW¼NE¼, N½SW¼ and NW¼SE¼;
Sec. 10, N½N½;
Sec. 11, lots 1 to 8, inclusive;
Sec. 12, lots 1 to 10, inclusive;
Sec. 13, lots 1 to 8, inclusive;
Sec. 14, lots 1, 2, 7 and 8;
Sec. 15, W½SE¼ and S½SE¼SE¼.
T. 10 S., R. 20 E.,
Sec. 31, NE¼SE¼.
T. 11 S., R. 20 E.,
Sec. 6, lots 15 to 30, inclusive;
Sec. 7, lots 13 to 30, inclusive;
Sec. 18, lots 13 to 25, inclusive;
Sec. 19, lots 13, 14, 21, 22 and 23;
Sec. 20, lots 1, 2 and 7 to 12, inclusive;
Sec. 21, lot 1.
T. 18 S., R. 23 E.,
Sec. 3, S½;
Sec. 9, NW¼.

The areas described aggregate 18,187.10 acres.

W. J. ANDERSON,
State Director.

[F.R. Doc. 66-11406; Filed, Oct. 19, 1966; 8:46 a.m.]

Bureau of Reclamation

WENATCHEE NATIONAL FOREST, WASHINGTON

Order of Transfer of Administrative Jurisdiction of Land; Correction

In F.R. Doc. 66-10232, appearing on page 12455 of the issue for Tuesday, September 20, 1966, those parts of lines 7 and 8 in the first paragraph reading "* * * over the following described lands, which * * *" should be changed to "* * * over those portions of the following described lands which * * *."

Dated: October 14, 1966.

G. G. STAMM,
Acting Commissioner of Reclamation.

[F.R. Doc. 66-11407; Filed, Oct. 19, 1966; 8:46 a.m.]

Office of the Secretary

[Order 2860, Amdt. 2]

BONNEVILLE POWER ADMINISTRATION

Disposition of Power From Certain Projects

Order No. 2860 (27 F.R. 591 as amended, 28 F.R. 5273) is hereby amended by revising section 1 to read as follows:

SECTION 1 *Designation as marketing agent.* The Bonneville Power Administrator (hereinafter called the "Administrator") is designated as the agent to market surplus electric power and energy generated at the following Federal projects in the Pacific Northwest: Bonneville Project; Columbia Basin Project, including the reserved power and energy made available pursuant to section 7(c) of the Coulee Dam Community Act of 1957 (71 Stat. 524); Hungry Horse Project; Chandler Power Plant, Kennewick Division, Yakima Project; Roza Power Plant, Roza Division, Yakima Project; and all projects now or hereafter constructed in the drainage basin of the Columbia River and its tributaries and in all other river basins which drain into the Pacific Ocean in the States of Washington and Oregon, for which the Secretary of the Interior is authorized to market power pursuant to section 5 of the act of December 22, 1944 (58 Stat. 887), or section 2 of the act of March 2, 1945 (59 Stat. 10). In addition, the Administrator is designated as the marketing agent for power purchased by him pursuant to the act of July 27, 1954 (68 Stat. 573), or any other authority. The Administrator may exercise such of the authority vested in the Secretary of the Interior by any act or executive order applicable to the marketing of the surplus electric energy referred to in this order as may be necessary or appropriate for carrying out the program functions assigned to the Administrator.

STEWART L. UDALL,
Secretary of the Interior.

OCTOBER 13, 1966.

[F.R. Doc. 66-11408; Filed, Oct. 19, 1966; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

CARL W. HASEK, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the past 6 months:

A. Deletions: No change.
B. Additions: No change.

This statement is made as of October 9, 1966.

CARL W. HASEK, Jr.

OCTOBER 9, 1966.

[F.R. Doc. 66-11420; Filed, Oct. 19, 1966; 8:47 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

CANADA

Notice of Finding Regarding Foreign Social Insurance or Pension System

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death; and whether individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has approved a finding that, beginning January 1966, Canada has a social insurance system of general application which pays periodic benefits on account of old age, retirement, or death, and under which citizens of the United States, not citizens of Canada, who leave Canada, are permitted to receive such benefits or their actuarial equivalent at the full rate without qualification or restriction while outside that country.

Accordingly, it is hereby determined and found that Canada has in effect, beginning with January 1966, a social insurance system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

This revises the finding published in the FEDERAL REGISTER of June 21, 1961 (26 F.R. 5536).

Dated: October 14, 1966.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: October 11, 1966.

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

[F.R. Doc. 66-11425; Filed, Oct. 19, 1966; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-186]

CURATORS OF UNIVERSITY OF MISSOURI

Notice of Issuance of Facility License

Please take notice that, no request for a hearing or petition to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued, effective as of the date of issuance, Facility License No. R-103 to the Curators of the University of Missouri authorizing operation at 5,000 kilowatts (thermal) of the 10,000 kilowatts (thermal) heterogeneous, light water-cooled and moderated pressurized tank research reactor located on the University's campus at Columbia, Mo.

The license was issued as set forth in the Notice of Proposed Issuance of Facility License published in the FEDERAL REGISTER August 5, 1966, 31 F.R. 10550.

Dated at Bethesda, Md., this 11th day of October 1966.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[F.R. Doc. 66-11384; Filed, Oct. 19, 1966; 8:45 a.m.]

[Docket No. 27-35]

LONG ISLAND NUCLEAR SERVICE CORP.

Notice of Issuance of Amendment to Byproduct, Source and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 6 to License No. 31-8360-1 as set forth below. This amendment provides for a change in the license provisions referring to the transportation of radioactive materials to assure conformity with the AEC-ICC Memorandum of Understanding dated March 21, 1966.

In a letter dated July 25, 1966, the AEC notified Long Island Nuclear Service Corp. of its intent to amend License No. 31-8360-1 to assure that the license provisions referring to transportation of radioactive materials were in conformity with the AEC-ICC Memorandum of Understanding dated March 21, 1966. Long Island Nuclear Service Corp. consented to the proposed modification of its license in a telegram received October 6, 1966.

The Commission has determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. Petitions to intervene or requests for public hearing may be filed with the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., October 14, 1966.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[License No. 31-8360-1; Amdt. 6]

The Atomic Energy Commission having found that:

A. The licensee's equipment and procedures are adequate to protect health and minimize danger to life or property.

B. The licensee is qualified by training and experience to use the material for the purpose requested in accordance with the regulations in Title 10, Code of Federal Regulations, and in such manner as to protect health and minimize danger to life or property.

C. The application dated September 28, 1965, and application for license amendment dated February 25, 1966, comply with the requirements of the Atomic Energy Act of 1954, as amended, and are for a purpose authorized by that Act.

D. Issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

Byproduct, Source, and Special Nuclear Material License No. 31-8360-1 is amended in its entirety to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended, 10 CFR Part 30, "Rules of General Applicability to Licensing of Byproduct Material," 10 CFR Part 40, "Licensing of Source Material," and 10 CFR Part 70, "Special Nuclear Material," a license is hereby issued to Long Island Nuclear Service Corp., Station Road, Bellport, N.Y., to receive and possess packages containing waste byproduct, source, and special nuclear material in any State of the United States except in "Agreement States" as defined in § 150.3(b), 10 CFR Part 150.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation," all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess at any one time more than:

A. 1,000 curies of Hydrogen 3.

B. 50,000 curies of other byproduct material.

C. 50,000 pounds of source material.

D. 350 grams of Uranium 235 or 200 grams of Uranium 233 or 200 grams of Plutonium provided that the sum of the ratios of the quantity of each special nuclear material to the quantities specified above does not exceed unity. Unity shall be determined by the following formula:

$$\frac{\text{grams contained U235}}{350} + \frac{\text{grams contained U233}}{200} + \frac{\text{grams contained Pu}}{200} \leq 1$$

2. Except as specifically provided otherwise by this license, the licensee shall receive and possess byproduct, source, and special nuclear material in accordance with the radiological safety procedures and limitations contained in the application dated August 21, 1961, and amendments thereto dated October 4, 1961, May 31, 1963, July 29, 1963, July 21, 1965, September 28, 1965, and February 25, 1966.

3. Byproduct, source, and special nuclear material shall be received and handled by, or in the physical presence of, John D. LaGrua, Jr.

4. The transportation of AEC-licensed material shall be subject to all applicable regulations of the Interstate Commerce Commission, U.S. Coast Guard, Federal Aviation Agency, and other agencies of the United States having jurisdiction.

When Interstate Commerce Commission regulations are not applicable to shipments by land of AEC-licensed material by reason of the fact that the transportation does not occur in interstate or foreign commerce, (1) the transportation shall be in accordance with the requirements relating to packaging of radioactive material, marking and labeling of the package, placarding of the transportation vehicle, and accident reporting set forth in the regulations of the Interstate Commerce Commission in §§ 73.391-73.395, 49 CFR Part 73, "Regulations Applying to Shippers", and §§ 77.823, 77.860 (c) and (d), 49 CFR Part 77, "Regulations Applying to Shipments made by Way Of Common, Contract, Or Private Carriers By Public Highways," and (2) any requests for modifications or exceptions to those requirements, any requests for special approvals referred to in those requirements, and any notifications referred to in those requirements shall be filed with, or made to, the Atomic Energy Commission.

5. The licensee shall not store byproduct, source, and special nuclear material in any of the states in which the licensee is authorized to receive and possess such material under the terms of this license.

This amendment shall be effective on the date issued. This license shall expire November 30, 1967.

Date of issuance: October 14, 1966.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 66-11385; Filed, Oct. 19, 1966; 8:45 a.m.]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on October 26, 1966. The hearing will take place in Room 1306 of the State Office Building, Broad and Spring Garden Streets in Philadelphia, beginning at 2 p.m. The hearing will be on proposals to amend the Comprehensive Plan so as to include the following projects:

1. *Port Jervis Bridge—Interstate Highway #84.* A new bridge at the confluence of the Delaware and Neversink Rivers connecting Port Jervis, N.Y., with Matamoras, Pa. The proposed bridge will cross the upper end of the scheduled Tocks Island reservoir.

2. *Pottsville Sewer Authority.* Primary sewage treatment facilities and interceptor system designed to serve portions of the city of Pottsville and the Boroughs of Port Carbon, Mount Carbon, Palo Alto, and Mechanicsville in Schuylkill County, Pa. An average daily flow of 4.5 million gallons daily will be treated prior to discharge to the Schuylkill River.

3. *Fox Valley Community Service, Inc.* A sanitary sewage collection system and secondary treatment plant to serve the community of Fox Valley, Delaware County, Pa. Average daily flow of approximately 84,000 gallons will receive treatment prior to discharge to the West Branch of Chester Creek.

4. *Lower Merion Township water supply and waste treatment.* A maximum withdrawal of 1.5 million gallons daily by Lower Merion Township, Montgomery County, Pa., for use in controlling stack dust and other wastes generated by a new incinerator. Water would be returned to the Schuylkill River after primary treatment.

5. *Douglassville Water Co.* A new well (No. 4) to provide supplemental water for the Amity Gardens real estate development in Amity Township, Berks County, Pa. The new facility is expected to yield 100 gallons per minute.

6. *Warminster Township Municipal Authority.* A new well (No. 13) to provide supplemental water for Warminster Township, Bucks County, Pa. The new facility is expected to yield a maximum of 100 gallons per minute.

7. *Northampton Municipal Authority.* Two new wells to provide supplemental water for the College Park (Well No. 4) and Wind Mill Village (Well No. 4) in Northampton Township, Northampton County, Pa. The new facilities are expected to yield a maximum of 300 and 220 gallons per minute respectively.

8. *Morrisville Municipal Authority.* A new water supply facility for the Borough of Morrisville, Bucks County, Pa. The existing Delaware River filter plant will be abandoned. A new plant having a capacity of 3 million gallons per day (expandable to 6 million gallons per day) will be constructed adjoining the Delaware River.

Documents relating to the above projects may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary to the Commission; telephone: 609—883—9500.

W. BRINTON WHITALL,
Secretary.

OCTOBER 14, 1966.

[F.R. Doc. 66-11417; Filed, Oct. 19, 1966; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Project 2427]

FRANK E. PEACOCK AND WOODS FALLS B HYDRO, INC.

Notice of Application for Transfer of License for Unconstructed Project

OCTOBER 12, 1966.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Frank E. Peacock, licensee for unconstructed Project No. 2427, and Woods Falls B Hydro, Inc. (correspondence to: Frank E. Peacock, 204 Lawndale Avenue, Wilmette, Ill. 60091) for transfer of the license for the project from the former to the latter. The project, known as the Woods Falls Project, is proposed to be located on Black River, in the village of Glen Park, in Jefferson County, N.Y. The license was issued on November 19, 1965, for a period of 30 years, effective as of October 1, 1965, and terminating September 30, 1995.

The proposed project would consist of: (1) A 13-foot high diversion dam; (2) a 15-foot in diameter penstock about 125 feet long; (3) a powerhouse containing a 13,000 horsepower turbine driving a 10,000 kva generator; (4) substation; (5) a 23 kv transmission line about 4,500 feet long; and (6) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is December 2, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-11400; Filed, Oct. 19, 1966; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

TRANS-ATLANTIC PASSENGER STEAMSHIP CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the office of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. D. I. Knowles, Chairman and Secretary, Trans-Atlantic Passenger Steamship Conference, 17 Battery Place, New York, N.Y. 10004.

Agreement 120-85, between the member lines of the Trans-Atlantic Passenger Steamship Conference, modifies the basic agreement to permit (1) the Conference to appoint subagencies located in Hawaii to represent the member lines, and (2) the sale of passenger transportation in Hawaii.

Dated: October 17, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-11416; Filed, Oct. 19, 1966; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3782]

GREAT AMERICAN INDUSTRIES, INC.

Order Suspending Trading

OCTOBER 14, 1966.

The common stock, 10 cents par value, of Great American Industries, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and the 6 percent cumulative preferred stock, Series A, $10 par value, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 16, 1966, through October 23, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-11429; Filed, Oct. 19, 1966; 8:48 a.m.]

[812-2008]

NATIONAL AVIATION CORP.

Notice of Filing of Application to Permit Purchase of Securities During an Underwriting

OCTOBER 14, 1966.

Notice is hereby given that National Aviation Corp. ("Applicant"), 111 Broadway, New York, N.Y. 10006, a closed-end, nondiversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 10(f) of the Act for an order of the Commission exempting from the provisions of section 10(f) a proposed purchase by the Applicant of up to $1,500,000 principal amount convertible subordinated debentures due 1991 ("the debentures") which American Airlines, Inc. ("the Issuer"), proposes to issue. The Applicant proposes to acquire the debentures either by the purchase, at the market price, of rights to purchase the debentures or by the purchase of the debentures, at the public offering price, upon the public offering thereof. The proposed purchase is a portion of an offering of $81,704,900 principal amount of the debentures expected to be offered to the public as soon as the registration statement on Form S-1 of the Issuer, filed September 23, 1966, shall be made effective pursuant to section 8(a) of the Securities Act of 1933. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

The firm of Hornblower & Weeks-Hemphill, Noyes will probably be one of the principal underwriters for the issue. Howard E. Buhse, a director of the Applicant and a member of the executive committee, is a partner of that firm. Section 10(f) of the Act, as here pertinent, provides that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) if a director of the registered investment company is an affiliate of a principal underwriter of such security. Since one of the Applicant's directors is an affiliated person of one of the principal underwriters offering the debentures, the purchase thereof by the Applicant is prohibited. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors.

The Applicant in support of its application asserts that the proposed purchase of the debentures is consistent with the Applicant's investment objectives and policies and is not proposed for the purpose of stimulating the market in the debentures or for the purpose of relieving the underwriters of securities otherwise unmarketable, that it will not purchase the debentures from Hornblower & Weeks-Hemphill, Noyes, that the terms of the proposed investment, if consummated, are fair and reasonable, that the amount paid will represent 1.80 percent of the Applicant's assets as of September 29, 1966, and that the investment of the Applicant in all securities of the Issuer will represent approximately 5.20 percent of the Applicant's assets as of September 29, 1966.

Notice is further given that any interested person may, not later than October 26, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-11430; Filed, Oct. 19, 1966; 8:48 a.m.]

PINAL COUNTY DEVELOPMENT ASSOCIATION

Order Suspending Trading

OCTOBER 14, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the 5⅞ percent Industrial Development Revenue Bonds of Pinal County Development Association, due April 15, 1989, otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934 that trading in such bonds be summarily suspended, this order to be effective for the period October 16, 1966, through October 25, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-11431; Filed, Oct. 19, 1966; 8:49 a.m.]

UNDERWATER STORAGE, INC.

Order Suspending Trading

OCTOBER 14, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Underwater Storage, Inc., otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 16, 1966, through October 25, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-11432; Filed, Oct. 19, 1966; 8:49 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 50 (Rev. 3) Amdt. 3]

DEPUTY ADMINISTRATOR FOR INVESTMENT DIVISION

Delegation of Authority

Delegation of Authority No. 50 (Revision 3) (25 F.R. 7418) as amended (26 F.R. 4440; 27 F.R. 1303) is hereby amended by adding the following subsection I.D.:

I. * * *

D. *Activities under Sections 302 and 303 of the Small Business Investment Act of 1958, as amended:* To take all necessary action in connection with the servicing, administration, collection, sale and liquidation of partially or fully disbursed loans, obligations and property (real, personal, or mixed, tangible or intangible) held by or assigned to SBA and arising out of activities under section 302 and section 303 of the Small Business Investment Act of 1958, as amended, and, in connection therewith, to accept or reject offers of settlement or of compromise for cash, credit, or property (real, personal, or mixed, tangible or intangible).

* * * * *

Effective date. October 1, 1966.

BERNARD L. BOUTIN, *Administrator.*

[F.R. Doc. 66-11410; Filed, Oct. 19, 1966; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 979]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

October 14, 1966.

The following applications are governed by Special Rule 1.247[1] of the Commission's general rules of practice (49 CFR Part 1, as amended), published in the Federal Register issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the Federal Register. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 1.247(d)(4) of the special rule, and shall include the certification required therein.

Section 1.247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the Federal Register issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 409 (Sub-No. 29) (Amendment), filed May 19, 1966, published Federal Register issue of June 23, 1966, amended October 3, 1966, and republished, as amended, this issue. Applicant: O. E. POULSON, INC., Elm Creek, Nebr. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *All commercial chemicals and fertilizers normally transported in bulk tanks* (special equipment), from points in Woodbury County, Iowa, and Dakota County, Nebr., to points in Nebraska, South Dakota, North Dakota, Minnesota, Wisconsin, Wyoming, Montana, and Colorado. Note: The purpose of this republication is to add points in Dakota County, Nebr., as origin territory. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 504 (Sub-No. 89), filed October 6, 1966. Applicant: HARPER MOTOR LINES, INC., 213 Long Avenue, Elberton, Ga. Applicant's representative: Monty Schumacher, 1375 Peachtree Street NE., Suite 693, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slabs, concrete, building and roofing*, from points in Elbert County, Ga., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Note: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 531 (Sub-No. 219), filed September 16, 1966. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, petroleum and petroleum products, fertilizer and fertilizer ingredients*, in bulk, in tank vehicles, from Luling, La., to points in the United States (excluding Alaska and Hawaii). Note: Applicant states it intends to tack with its authority in Sub 41, wherein it is authorized to operate from points in part of Texas to points in Louisiana. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 757 (Sub-No. 4), filed October 3, 1966. Applicant: JACKIE E. DAUTEL, doing business as DAUTEL TRUCK LINE, 303 Northeast 13th Street, Abilene, Kans. 67410. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* from Kansas City, and St. Joseph, Mo., to points in Cloud, Ottawa, Salina, Clay, Dickinson, Geary, Morris, and Riley Counties, Kans. Note: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Topeka, Kans.

No. MC 3009 (Sub-No. 70), filed September 26, 1966. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. 39401. Applicant's representative: W. N. Innis (same address as applicant). 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), serving the plantsites of MacMillan Bloedel United, Inc., and Harmac-Alabama, Inc., at or near Pine Hill, Ala., as off-route points in connection with applicant's authorized operations in MC 3009 and subs thereunder. Note: If a hearing is deemed necessary, applicant requests it be held at Mobile, Montgomery, or Birmingham, Ala.

No. MC 7640 (Sub-No. 24), filed September 30, 1966. Applicant: BARNES TRUCK LINE, INC., 506 Mayo Street, Wilson, N.C. Applicant's representative: Harry Ross, 848 Warner Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tools, utensils, containers, implements, articles, machinery and/or parts thereof used or useful in farming and/or forestry industries*, (a) from Tarboro, N.C., and Davenport, Iowa, to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, West Virginia, the District of Columbia, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, and Maine, and (b) from Davenport, Iowa, to points in North Carolina, South Carolina, and Virginia, and (2) *materials and supplies used or useful in the manufacture of tools, utensils, containers, implements, articles, machinery and/or parts thereof used or useful in farming and/or forestry industries*, from points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, West

[1] Copies of Special Rule 1.247 (as amended), can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Virginia, the District of Columbia, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, New Hampshire, Vermont, and Maine, to Tarboro, N.C. NOTE: Applicant states the proposed authority herein sought could be tacked with its presently authorized authority at Tarboro, N.C., to serve points in North Carolina, South Carolina, and Virginia. If a hearing is deemed necessary, applicant requests it be held at Raleigh or Charlotte, N.C.

No. MC 8535 (Sub-No. 27), filed October. 7, 1966. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, 2700 Broening Highway, Baltimore, Md. 21222. Applicant's representative: J. C. Schriner, 11615 Detroit Avenue, Cleveland, Ohio 44102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles, and equipment, material and supplies* used in the manufacture or processing of iron and steel articles, between Joliet and Waukegan, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: Applicant states it would tack the proposed authority with its present authority certificate in Kentucky, Ohio, and Pennsylvania, and the territory to be served would be Maryland, Delaware, New Jersey, New York, Virginia, West Virginia, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 8948 (Sub-No. 72), filed October 3, 1966. Applicant: WESTERN GILLETTE, INC., 2550 East 28th Street, Los Angeles, Calif. 90058. Applicant's representative: Lloyd R. Guerra (same address as applicant). Authority sought to operate as a *comon carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry sugar*, in bulk, *including blends with other sweeteners*, in tank or hopper vehicles; *molasses in bulk in tank vehicles; and dried beet pulp with or without molasses* in bulk, in hopper vehicles, from points in Arizona to points in California, Colorado, New Mexico, Nevada, Texas, and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 10761 (Sub-No. 200), filed September 29, 1966. Applicant: TRANSANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, Mich. 48209. Applicant's representative: L. G. Naidow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 (272–273), from the plantsite of Farm Best, Inc., located at or near Denison, and Iowa Falls, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 19227 (Sub-No. 111) (Correction), filed September 19, 1966, published FEDERAL REGISTER issue of October 6, 1966, corrected and republished, this issue. Applicant: LEONARD BROS. TRANSFER, INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representatives: W. O. Turney, 2001 Massachusetts Avenue NW., Washington, D.C. 20036, and Armlon Leonard (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt and composition lumber*, boards or sheets made from wood chips, ground wood, or sawdust, from the plantsites of Dierks Forest, Inc., located in McCurtain County, Okla., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Washington, Wisconsin, and the District of Columbia, (2) *gypsum wallboard, gypsum lath and gypsum wallboard products*, from the plantsite of Dierks Forest, Inc., located in Howard County, Ark., to points in Alabama, Arizona, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

(3) *Lumber and lumber products*, from the plantsites of Dierks Forest, Inc., located in Howard and Garland Counties, Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin, (4) *lumber and lumber products*, from the plantsites of Dierks Forest, Inc., located in McCurtain County, Okla., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin, and (5) *post, poles, piling, and lumber*, treated and untreated, from the plantsites of Dierks Forest, Inc., located in Sevier County, Ark., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia. NOTE: The purpose of this republication is to add the destination State of Indiana in (1) above, which was inadvertently omitted in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Washington, D.C.

No. MC 64994 (Sub-No. 83), filed October 3, 1966. Applicant: HENNIS FREIGHT LINES, INC., Post Office Box 612, Winston Salem, N.C. 27102. Applicant's representatives: Frank C. Philips (same address as applicant), and James E. Wilson, 1735 K Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, in cartons, from Danville, Ky., to points in Illinois, Wisconsin, Indiana, Michigan, Ohio, Pennsylvania, New York, Connecticut, Massachusetts, Rhode Island, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, Tennessee, Florida, and the District of Columbia, and *materials and supplies used in the manufacture of furniture*, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 64932 (Sub-No. 419), filed September 30, 1966. Applicant: ROGERS CARTAGE COMPANY, a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from points in St. Charles County, Mo., to points in the United States, except Alaska and Hawaii. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 69116 (Sub-No. 102), filed October 3, 1966. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: David Axelrod, 39 South La Salle Street., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Indianapolis and Huntington, Ind., over Indiana Highway 37, serving the intermediate point of Marion, Ind. NOTE: Applicant states it does not seek to serve any points which it is not now authorized to serve. Applicant is presently authorized to conduct operations, under its Sub 33, between Indianapolis, Ind., and Huntington, Ind., serving all intermediate points and the off-route point of Marion, Ind., as follows: From Indianapolis over Indiana Highway 29 to Logansport, thence over U.S. Highway 24 to Huntington, and return over the same route. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 69901 (Sub-No. 13), filed October 3, 1966. Applicant: COURIER-NEWSOM EXPRESS, INC., Post Office Box 509, Columbus, Ind. Applicant's representative: Edw. G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Cleaning, scouring and washing compounds, bleach, bath salts, soda ash compounds, and sodium phosphate*, except in bulk, serving the site of the plant of the Calgon Corp. located at or near Rockwood, Mich., as an off-route point in connection with applicant's regular route operations to and from Detroit, Mich. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Chicago, Ill.

No. MC 89693 (Sub-No. 41), filed October 3, 1966. Applicant: HARMS PACIFIC TRANSPORT, INC., 1430–130th NE., Bellevue, Wash. 98004. Applicant's representative: Bertram S. Silver, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and fertilizer compounds*, from points in Washington in and east of U.S. Highway 97 to points in Washington in and east of U.S. Highway 97, and those in Montana, Idaho, and Oregon. NOTE: Applicant states the proposed authority herein can or will be joined with its presently authorized operating authority at Pasco, Dayton, and Walla Walla, Wash. If a hearing is deemed necessary, applicant requests it be held at Seattle, Spokane, or Pasco, Wash.

No. MC 89723 (Sub-No. 44), filed October 3, 1966. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, Mo. 63103. Applicant's representative: Robt. S. Davis, 2008 Missouri Pacific Building, St. Louis, Mo. 63103. Applicant is authorized in certificate No. MC 89723 (Sub-No. 4) to transport, over regular routes, between named points therein, in Texas, general commodities, subject to the following restrictions: No shipments shall be transported (a) between any of the following points, or through, or to, or from, more than one said points: Palestine, Austin, San Antonio, Laredo, Fort Worth, Waco, Houston Hearne-Valley Junction (to be considered as a single key point), or Odem, Tex. (applicable only to southbound traffic moving to, from, or through Odem other than traffic from or through Corpus Christi, Tex.) or (b) from Corpus Christi, from Raymondville, or from points south or west of Raymondville, to points north or east of Houston, points north of San Antonio, and points on or west of U.S. Highway 81 from San Antonio to Laredo, including Laredo. The purpose of the subject application is to seek authority to operate over the routes contained in MC 89723 (Sub-No. 4) by removal of Austin, Tex., as a key point in said certificate. The proposed authority is to be subject to the remaining key point restrictions and other restrictions contained in said certificate. NOTE: Applicant is a wholly-owned subsidiary of Missouri Pacific Railroad Co., therefore, common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Austin or Houston, Tex.

No. MC 99427 (Sub-No. 4), filed October 7, 1966. Applicant: ARIZONA TANK LINES, INC., Post Office Box 6430, Phoenix, Ariz. 85005. Applicant's representative: William J. Lippman, 1824 R Street NW., Washington, D.C. 20009. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid and dry sugar* in bulk, *including blends with other sweeteners*, in tank or hopper vehicles, (2) *molasses* in bulk in tank vehicles, and (3) *dried beet pulp with or without molasses* in bulk in hopper vehicles, from points in Arizona to points in California, Colorado, New Mexico, Nevada, Texas, and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 102616 (Sub-No. 810), filed October 6, 1966. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's representative: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulverized anthracite coal*, in bulk, in vehicles equipped with pneumatic unloading devices, from Shamokin, Pa., to Trenton, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 26739 (Sub-No. 57), filed October 7, 1966. Applicant: CROUCH BROS., INC., Elwood, Doniphan County, Kans., Mailing Address, Post Office Box 1059, St. Joseph, Mo. 64502. Applicant's representative: Clarence D. Todd, 1825 Jefferson Place NW., Washington, D.C. 20036. 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 commodities requiring special equipment), between Chicago, Ill., and Omaha, Nebr.; from Chicago, Ill., and points in its commercial zone, over Interstate Highway 55 to junction Interstate Highway 80 (approximately 5 miles west of Joliet, Ill.), thence over Interstate Highway 80 to Omaha, and return over the same route, serving no intermediate points, as an alternate route to applicant's presently authorized service route between Chicago, Ill., and Maryville, Mo., and between Maryville, Mo., and Omaha, Nebr. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 30837 (Sub-No. 342), filed October 3, 1966. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. 53141. Applicant's representative: Paul F. Sullivan, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies*, from Athens, N.Y., to the port of entry on the international boundary line between the United States and Canada, located at or near Buffalo, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30837 (Sub-No. 343), filed October 3, 1966. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. 53141. Applicant's representative: Paul F. Sullivan, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, in initial movements in truckaway service, from Milwaukee, Wis., to points in California, New York, and Texas. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 35469 (Sub-No. 38), filed September 30, 1966. Applicant: MODERN TRANSFER COMPANY, INC., 1300 Hanover Avenue, Allentown, Pa. 18001. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials and supplies* used in the manufacture or processing of iron and steel articles, between Joliet, Waukegan, and Chicago, Ill., and points in their respective commercial zones, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Pennsylvania, North Dakota, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51322 (Sub-No. 4), filed October 3, 1966. Applicant: JACK DANE CAGNO, doing business as CAGNO HORSE TRANSPORTATION, 1343 Caryl Drive, Bedford, Ohio 44014. Applicant's representative: A. Charles Tell, Columbus Center, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses*, other than ordinary, and in the same vehicle *such equipment and supplies*, incidental to the care, transportation, racing and exhibition of such horses, between points in Ohio, on the one hand, and, on the other, points in Michigan. NOTE: Applicant states it intends to tack at common points in Ohio with its present authority in Sub 1, wherein it conducts operations between points in Ohio, Illinois, Kentucky, and West Virginia, to provide service between points in Michigan and the States named in its Sub 1 authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 52657 (Sub-No. 649), filed October 3, 1966. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: A. J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Burial vaults*, from Wapakoneta, Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and return from the above destination area to Wapakoneta, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 53965 (Sub-No. 53), filed October 3, 1966. Applicant: GRAVES TRUCK LINES, INC., 739 North 10th Street, Salina, Kans. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, from Downs, Kans., to points in Arkansas, Louisiana, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, and Texas, points in Laramie County, Wyo., and points in Sedgwick, Logan, Weld, Larimer, Boulder, Morgan, Phillips, Yuma, Washington, Jefferson, Adams, Arapahoe, Douglas, Elbert, Kit Carson, Lincoln, El Paso, Cheyenne, Kiowa, Crowley, Pueblo, Huerfano, Las Animas, Baca, Prowers, Bent, and Otero Counties, Colo. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 107107 (Sub-No. 378), filed October 3, 1966. Applicant: ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, Miami, Fla. 33142. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, in vehicles equipped with mechanical refrigeration, restricted against shipments in bulk, in tank vehicles, from the plantsite and warehouse facilities of the Pillsbury Co., at New Albany, Ind., and Louisville, Ky., to points in Alabama, Florida, Georgia, Iowa, Minnesota, Nebraska, North Carolina, South Carolina, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 107496 (Sub-No. 501) (correction), filed September 23, 1966, published in FEDERAL REGISTER issue of October 13, 1966, and republished, as corrected, this issue. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa. Applicant's representative: H. L. Fabritz (same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hexane-edible oil*, in bulk, in tank vehicles, from Sidney, Nebr., to Groton, Conn. NOTE: Common control may be involved. The purpose of this republication is to show irregular route authority sought in lieu of regular routes. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Des Moines, Iowa, or Columbus, Ohio.

No. MC 107496 (Sub-No. 504), filed September 28, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar, coal tar pitch, and coal tar products*, in bulk, from South Chicago, Ill., to Indianapolis, Ind. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 107496 (Sub-No. 505), filed September 28, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, from Marinette, Wis., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Tennessee, Mississippi, Michigan, Indiana, Kentucky, Alabama, Ohio, Georgia, Florida, New York, Pennsylvania, West Virginia, Virginia, North Carolina, South Carolina, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, Maine, New Jersey, Delaware, and Maryland, restricted against the transportation of sulphur dioxide, and further restricted against the transportation of methyl chloride, in multiunit tank vehicles. NOTE: If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 107496 (Sub-No. 506), filed October 3, 1966. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way at Third, Post Office Box 855, Des Moines, Iowa 50304. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt base and liquid asphaltic flux material*, in bulk, in tank vehicles, between Toledo, Ohio, on the one hand, and, on the other, Lemont, Ill. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago or Springfield, Ill.

No. MC 107515 (Sub-No. 558), filed September 29, 1966. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Gundlach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts*, as defined by the Commission (except in bulk in tank vehicles), from Aurora, Ill., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis). NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107515 (Sub-No. 559), filed September 30, 1966. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, in vehicles equipped with mechanical refrigeration, restricted against shipments in bulk, in tank vehicles, from the plantsite and warehouse facilities of the Pillsbury Co., at New Albany, Ind., and Louisville, Ky., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Mississippi, Missouri, Michigan, Minnesota, Nebraska, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Louisville, Ky.

No. MC 107818 (Sub-No. 41), filed September 28, 1966. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 Northwest 12th Avenue, Pompano Beach, Fla. Applicant's representative: Martin Sack, Jr., 710 Atlantic Bank Building, 121 West Forsyth Street, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsites and warehouses of Aurora Packing Co., located at or near Aurora, Ill., and Chicago, Ill., to points in Alabama, Georgia, Florida, South Carolina, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108207 (Sub-No. 210), filed September 29, 1966. Applicant: FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, Dallas, Tex. 75222. Applicant's representative: J. B. Ham, Post Office Box 5888, Dallas, Tex. 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese spreads and dips*, from Fort Worth, Tex., to Louisville, Ky., and to points in Indiana. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 108428 (Sub-No. 21), filed October 7, 1966. Applicant: DINO D'AGATA, 3240 South 61st Street, Philadelphia, Pa. Applicant's representative: G. Donald Bullock, Box 103, Wyncote, Pa. 19095. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Philadelphia and Norristown, Pa., to Norfolk, Va. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 108449 (Sub-No. 242), filed September 28, 1966. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representatives: W. A. Myllenbeck (same address as applicant) and Adolph J. Bieberstein, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, (1) from the Williams Brothers Pipe Line Co. terminal located at or near Rochester, Minn., to points in Iowa, Minnesota, and Wisconsin, (2) from the Williams Bros. Pipe Line Co. terminal located at or near Dubuque, Iowa, to points in Illinois, Iowa, Minnesota, and Wisconsin, (3) from the Williams Bros. Pipe Line Co. terminal located at or near St. Charles, Mo., to points in Illinois and Missouri, and (4) from the Williams Bros. Pipe Line Co. terminal located at or near Topeka, Kans., to points in Kansas and Nebraska. NOTE: Applicant states that the authority sought herein can be tacked with authority now held to serve the additional States of North Dakota, South Dakota, Montana, and upper Michigan. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 108449 (Sub-No. 243), filed September 28, 1966. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral filler*, in bulk, from points in Dakota, Hennepin, Ramsey, and Scott Counties, Minn., to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 109014 (Sub-No. 5), filed October 10, 1966. Applicant: GREAT SOUTHERN COACHES, INC., 900 Burke Avenue, Jonesboro, Ark. 72401. Applicant's representative: John T. Williams, 1100 Boyle Building, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, (A) Over regular routes: (1) between Little Rock and Newport, Ark., over U.S. Highway 67, serving all intermediate points, (2) between junction U.S. Highways 67 and 64C west of Beebe, Ark., and junction U.S. Highway 67 and Arkansas Highway 31 north of Beebe; from junction U.S. Highways 67 and 64C over U.S. Highway 64C to Beebe, and thence over Arkansas Highway 31 to junction U.S. Highway 67 and return over the same route, serving the intermediate point of Beebe, (3) between junction U.S. Highway 67 and Arkansas Highway 16 south of Searcy, Ark., and junction U.S. Highway 67 and Arkansas Highway 36 east of Searcy; from junction U.S. Highway 67 and Arkansas Highway 16 over Arkansas Highway 16 to Searcy, and thence over U.S. Highway 36 to junction U.S. Highway 67 east of Searcy, and return over the same route, serving the intermediate point of Searcy, and (4) between junction U.S. Highways 67 and 67C southwest of Judsonia, Ark., and junction U.S. Highway 67 and unnumbered Arkansas Highway north of Judsonia; from junction U.S. Highways 67 and 67C over U.S. Highway 67C to Judsonia, and thence over unnumbered highway to junction U.S. Highway 67, and return over the same route, serving the intermediate point of Judsonia, Ark., and (B) Over irregular routes, *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, in charter operations, between Little Rock and Newport, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 109435 (Sub-No. 41), filed October 4, 1966. Applicant: ELLSWORTH BROS. TRUCK LINE, INC., 116 North Allied Road, Post Office Drawer J, Stroud, Okla. 74079. Applicant's representative: K. C. Elliott (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from points in Arkansas to points in Kansas, Missouri, and Oklahoma. NOTE: If a hearing is deemed necessary, applicant requests it be held at Oklahoma City or Tulsa, Okla.

No. MC 109478 (Sub-No. 102), filed September 30, 1966. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. Applicant's representative: William W. Knox, 23 West 10th Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juice and fruit juice concentrate* in bulk, in tank vehicles, between Westfield, N.Y., and North East, Pa., on the one hand, and, on the other, points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 111625 (Sub-No. 14), filed October 7, 1966. Applicant: BERMAN'S MOTOR EXPRESS, INC., Post Office Box 1209, Binghamton, N.Y. 13902. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, and steel and iron products*, from points in Broome County, N.Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island. NOTE: Applicant states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Binghamton, N.Y.

No. MC 111812 (Sub-No. 357), filed September 30, 1966. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East 8th Street, Post Office Box 747, Sioux Falls, S. Dak. 57101. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen prepared foods*, and (2) *commodities (namely frozen fish)*, the transportation of which is partially exempt under the provisions of section 203 (b)(6) of the Interstate Commerce Act if transported in vehicles not used in carrying any other property, when moving in the same vehicle at the same time with frozen prepared foods, from points in Essex and Middlesex Counties, Mass., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., New York, N.Y., or Washington, D.C.

No. MC 112750 (Sub-No. 228), filed September 30, 1966. Applicant: AMERICAN COURIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. 11361. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments, including originals and copies of checks, drafts, notes, money orders, travelers' checks, and canceled bonds, and accounting papers relating thereto, including originals and copies of cash letters, letters of transmittal, summary sheets, adding machine tapes, deposit records, withdrawal slips and debit and credit records* (except coin, currency, bullion, and negotiable securities), between Oakland, Md., and Pittsburgh, Pa., under continuing contracts with banks and banking institutions, including the First National Bank of Oakland, Oakland, Md. NOTE: Applicant holds common carrier authority in MC 111729 and subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 113908 (Sub-No. 193), filed October 7, 1966. Applicant: ERICKSON TRANSPORT CORPORATION, 706 West Tampa, Post Office Box 3180, Springfield, Mo. 65804. Applicant's representative: Robert K. Allen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar, vinegar stock, and apple juice*, in bulk, in tank vehicles, from points in Alabama, Arkansas, Colorado, Michigan, Minnesota, Missouri, Oklahoma, Tennessee, and Texas to points in California and Washington. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 113908 (Sub-No. 194), filed October 7, 1966. Applicant: ERICKSON TRANSPORT CORPORATION, Post Office Box 3180, 706 West Tampa, Springfield, Mo. 65804. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid wax* in bulk, in tank vehicles, from Oil City, Pa., to points in Alabama, Arkansas, Colorado, Florida, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, Nebraska, South Dakota, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 114854 (Sub-No. 2), filed September 30, 1966. Applicant: LARSON AND SON, INC., Alzada Star Route, Colony, Wyo. Applicant's representative: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite*, from points in South Dakota and Montana, to points in Crook County, Wyo., under contract with International Minerals & Chemical Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., or Cheyenne, Wyo.

No. MC 115524 (Sub-No. 11), filed October 4, 1966. Applicant: WILLIAM P. BURSCH, doing business as BURSCH TRUCKING, 4130 Edith NE., Albuquerque, N. Mex. Applicant's representative: J. E. Gallegos, 215 Lincoln Avenue, Post Office Box 2228, Sante Fe, N. Mex. 87501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, and such commodities as are dealt in or sold by Road Runner Lumber Sales Co.*, (1) from points in New Mexico to points in Texas, Oklahoma, Kansas, and Colorado; (2) from points in Las Animas, Rio Grande, Archuleta, and Conejos Counties, Colo., to points in New Mexico, Texas, Oklahoma, and Kansas; and, (3) from points in Jasper and Harris Counties, Tex., to points in New Mexico, all under contract with Road Runner Lumber Sales Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Santa Fe or Albuquerque, N. Mex.

No. MC 115841 (Sub-No. 298), filed October 6, 1966. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Post Office Box 2169, 1215 Bankhead Highway West, Birmingham, Ala. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs* (except in bulk in tank vehicle), in vehicle equipped with mechanical refrigeration, restricted to traffic originating at the plantsite and warehouse facilities of the Pillsbury Co. at New Albany, Ind., and Louisville, Ky., to points in Wisconsin, Iowa, Michigan, Nebraska, Missouri, Illinois, Kentucky, Ohio, Indiana, Minnesota, West Virginia, North Carolina, South Carolina, Tennessee, Arkansas, Mississippi, Alabama, Georgia, Florida, New York, and Pennsylvania. NOTE: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Minneapolis, Minn.

No. MC 116063 (Sub-No. 95), filed September 30, 1966. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., Post Office Box 270, 2400 Cold Springs Road, Fort Worth, Tex. 76101. Applicant's representative: Jerry E. Matthews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid and dry sugar*, in bulk, *including blends with other sweeteners*, in tank or hopper vehicles; *molasses*, in bulk; and *dried beet pulp*, with or without molasses, in hopper vehicles, from points in Arizona to points in California, Colorado, New Mexico, Nevada, Texas, and Utah. NOTE: If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 116273 (Sub-No. 79), filed October 3, 1966. Applicant: D&L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Robert G. Paluch, Traffic Manager (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antispalling compounds* (vegetable oils and petroleum naphtha or mineral spirits combined), in bulk, in tank vehicles, from Chicago, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin. NOTE: Applicant states that it intends to tack with its present authority in Subs 20, 25, and 48 in which it is authorized to operate in Kansas, Minnesota, Mississippi, Nebraska, South Dakota, and Tennessee. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116779 (Sub-No. 3), filed October 7, 1966. Applicant: PHILIP C. SCHUSTER, doing business as P. C. SCHUSTER CONTRACT HAULING, Valley View Lane, Boston, N.Y. Applicant's representative: Robert V. Gianniny, 900 Midtown Tower, Rochester, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building brick*, from East Aurora, N.Y., to points in Erie, Crawford, Mercer, Vanango, Lawrence, Butler, Beaver, Allegheny, Warren, Forest, Clarion, Armstrong, Westmoreland, Indiana, Jefferson, Elk, McKean, Cameron, Potter, Clinton, Tioga, Lycoming, Bradford, Sullivan, Susquehanna, Wyoming, Wayne, Lackawanna, Clearfield, Center, Blair, Cambria, Somerset, and Bedford Counties, Pa., under contract with Empire Clay Products. NOTE: If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 117344 (Sub-No. 176), filed September 30, 1966. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Herbert Baker and James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer compounds, fertilizer ingredients, and fertilizer materials*, dry, from Cincinnati, Ohio, to points in Michigan. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 117344 (Sub-No. 177), filed September 29, 1966. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Mount Vernon, Ind., to points in Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, Ohio, Tennessee, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 119489 (Sub-No. 11) (Amendment), filed May 19, 1966, published FEDERAL REGISTER issue of June 16, 1966, amended October 4, 1966, and republished, as amended, this issue. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, Norfolk, Nebr. Applicant's representative: J. Max Harding, Post Office Box 2028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *All commercial chemicals and fertilizers normally transported in bulk tanks* (special equipment), from points in Woodbury County, Iowa, and Dakota County, Nebr., to points in Nebraska, North Dakota, Colorado, Minnesota, Montana, South Dakota, Wisconsin, and Wyoming. NOTE: The purpose of this republication is to add points in Dakota County, Nebr., as origin territory. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119547 (Sub-No. 15), filed September 14, 1966. Applicant: EDGAR W. LONG, Route 4, Zanesville, Ohio 43701. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products and refractories products*, from points in Perry County, Ohio, to points in New York, West Virginia, Kentucky, Tennessee, Indiana, Illinois, Michigan, Wisconsin, Virginia, Maryland, Delaware, New Jersey, Missouri, Iowa, Pennsylvania, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, Minnesota, Rhode Island, and the District of Columbia. NOTE: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119934 (Sub-No. 132), filed October 3, 1966. Applicant: ECOFF TRUCKING, INC., Fortville, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ink*, in bulk, in tank vehicles, from Buffalo, N.Y., Jacksonville and Orlando, Fla., Atlanta and Huber, Ga., and New Orleans, La., to points in Sylacauga, Ala. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 121495 (Sub-No. 2) (Amendment), filed May 19, 1966, published FEDERAL REGISTER issue of June 9, 1966, amended August 15, 1966, and republished as amended, this issue. Applicant: ENGLEWOOD TRANSIT COMPANY, a corporation, 1125 West 46th Avenue, Denver, Colo. Applicant's representative: Edward C. Hastings, 330 Petroleum Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Colorado, on the one hand, and, on the other, Elkhart and Richfield, Kans. NOTE: The purpose of this republication is to redescribe the territory to be served. If a hearing is deemed necessary, applicant requests it be held at Elkhart, Kans.

No. MC 123502 (Sub-No. 18), filed September 30, 1966. Applicant: FREE STATE STONE SERVICE, INC., 10 Vernon Avenue, Glen Burnie, Md. 21061. Applicant's representative: Donald E. Freeman, Post Office Box 880, Westminster, Md. 21157. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal alloys, and scrap metal*, in dump vehicles, *and fluorspar, ores, gravel, granular refractories and soda ash*, in bulk, in dump vehicles, from East Liverpool, Ohio, to Baltimore, Md.; (2) *metal alloys and ores*, in bulk, in dump vehicles, from Brilliant, Philo, and Powhatan, Ohio, to Baltimore, Md., and points in Connecticut, Massachusetts, New Hampshire, and Rhode Island; and, (3) *metal alloys and ores*, from Baltimore, Md., to points in Massachusetts, New Hampshire, Rhode Island, Indiana, Illinois, and Michigan. NOTE: Applicant states that it intends to tack at Baltimore, Md., with its present authority in Sub 15, wherein it is authorized to operate in Maryland, West Virginia, Virginia, Pennsylvania, Delaware, New York, Connecticut, Ohio, and New Jersey. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124183 (Sub-No. 10), filed October 6, 1966. Applicant: GARRISON TRANSPORT, INC., 409 East 9th Street, Fowler, Ind. Applicant's representative: Robert C. Smith, 620 Illinois Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, covers, tops, and paper cartons*, knocked down, from Burlington, Wis., to points in Indiana, the Lower Peninsula of Michigan, Ohio, Kentucky, Illinois south of U.S. Highway 36, and St. Louis, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 124649 (Sub-No. 1), filed September 28, 1966. Applicant: JOSEPH BONANNO, 1 Cranford Avenue, Linden, N.J. Applicant's representative: Charles J. Williams, 1060 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, (1) from Stamford, Conn., to Mahwah, Newark, Paterson, Flagtown, Florence, Burlington, Phillipsburg, Camden, Sewaren, High Bridge, South Amboy, Harrison, Bartley, East Orange, Irvington, and Jersey City, N.J., and Allentown, Easton, and Macungie, Pa.; (2) from New York, N.Y., to Bridgeport, Conn., Mahwah, Newark, Paterson, Flagtown, High Bridge, South Amboy, Harrison, Irvington, East Orange, and Bartley, N.J., and Allentown, Easton, and Macungia, Pa.; (3) from Easton, Allentown, and Wilkes-Barre, Pa., and Camden and Phillipsburg, N.J., to Newark and Jersey City, N.J.; (4) from Newark, N.J., to Bridgeport, Conn., and Watervliet and Albany, N.Y.; and (5) from Albany, N.Y., to Newark, N.J. NOTE: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 125120 (Sub-No. 2), filed October 3, 1966. Applicant: TWIN STATE SAND & GRAVEL CO., INC., Elm Street, West Lebanon, N.H. 03784. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Road surfacing salt*, (1) from Littleton, N.H., to points in Vermont, and (2) from Montpelier, Vt., to points in New Hampshire, under contract with International Salt Co., Summit, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H.

No. MC 125550 (Sub-No. 2), filed October 7, 1966. Applicant: THE HELLER COMPANY, a corporation, 200 Chestnut Avenue, Altoona, Pa. 15219. Applicant's representative: Arthur J. Diskin, 302 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical fixtures and component parts thereof, metal housewares and houseware products, and metal utility buildings*, from Altoona, Pa., to Minneapolis and St. Paul, Minn., Milwaukee, Wis., St. Louis, Mo., Omaha, Nebr., Phoenix, Ariz., Des Moines, Iowa, Oklahoma City, Okla., and points in Florida and Texas; and, *materials used in the manufacture of the above specified commodities* on return; under continuing contract with Stanley Electric Manufacturing Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 125708 (Sub-No. 63), filed September 29, 1966. Applicant: HUGH MAJOR, 150 Sinclair Avenue, South Roxana, Ill. 62087. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles, and equipment, materials and supplies used in the manufacture or processing of iron and steel articles*, between Chicago, Joliet, Waukegan, and Chicago Heights, Ill., and points within their respective commercial zones, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 125941 (Sub-No. 4), filed October 3, 1966. Applicant: J & S TRUCK LINE, INC., 817 Southwest 37th Street, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paint, paint materials, and empty containers*, between Garland, Tex., on the one hand, and, on the other, points in Alabama, Georgia, Illinois, Kansas, Louisiana, Mississippi, Missouri, North Carolina, Ohio, and Tennessee. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 126276 (Sub-No. 5), filed October 3, 1966. Applicant: FAST MOTOR SERVICE, INC., 7521 West 62d Street, Summit, Ill. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials and supplies* used in the manufacture of metal containers, between the plantsite of Crown Cork & Seal Co., Inc., at Chicago, Ill., and the plantsite of Crown Cork & Seal Co. at Cleveland, Ohio, and (2) *metal containers*, from the plantsite of Crown Cork & Seal Co., Inc., at Cleveland, Ohio, to South Bend, Ind., and Chicago, Ill.; under continuing contract with Crown Cork & Seal Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 127028 (Sub-No. 2), filed October 3, 1966. Applicant: BREDEHOEFT PRODUCE COMPANY, INC., Decatur, Ark. 72722. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs and dog food*, in cans, in cartons, not requiring refrigeration, and not in bulk or in tank vehicles, from Gentry and Siloam Springs, Ark., the plantsite of Allen Canning Co., approximately 10 miles east of Siloam Springs, and Kansas, Okla., to Douglas, Flagstaff, Kingman, Phoenix, and Tucson, Ariz., Great Bend, Liberal, Salina, Topeka, and Wichita, Kans., Bowling Green, Louisville, Paducah, and Pikeville, Ky., Alexandria, Baton Rouge, Lake Charles, New Orleans, and Shreveport, La., Baltimore, Md., Albuquerque, Gallup, and Santa Fe, N. Mex., Cincinnati, Cleveland, Columbus, Dayton, and Toledo, Ohio, Harrisburg, Philadelphia, and Pittsburgh, Pa., Abilene, Amarillo, Austin, Big Spring, Brownsville, Brownwood, Bryan, El Paso, Houston, Lubbock, Odessa, San Angelo, San Antonio, Tyler, Waco, and Wichita Falls, Tex., Danville, Norfolk, Richmond, and Roanoke, Va., and Charleston, W. Va., (2) *empty cans and closures therefor*, from Arlington and Houston, Tex., New Orleans and Harvey, La., St. Louis and Kansas City, Mo., and Chicago, Ill., and points in its commercial zone, to Siloam Springs, Ark., (3) *fiberboard cartons*, from Kansas City, Kans., to Siloam Springs, Ark., and (4) *raw sugar*, in bags, from New Orleans, La., to Siloam Springs, Ark. NOTE: If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 127539 (Sub-No. 2) (Amendment), filed May 18, 1966, published FEDERAL REGISTER issue of June 16, 1966, amended October 10, 1966, and republished, as amended, this issue. Applicant: PARKER REFRIGERATED SERVICE, INC., 1225 Puyallup Avenue, Tacoma, Wash. 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: *Frozen foods, and dry potato products*, between points in Washington, Oregon, and California. NOTE: The purpose of this republication is to add dry potato products to the commodity description and also to change the scope of the application to a nonradial movement. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 127623 (Sub-No. 2), filed October 3, 1966. Applicant: R & R FREIGHT TRUCKING, INC., 812 Greene Street, Cumberland, Md. 21502. Applicant's representative: Earl Edmund Manges, 120 South Liberty Street, Post Office Box 833, Cumberland, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, sand, gravel, earth*, in bulk, and *scrap metal*, from Frostburg and Cumberland, Md., to points in Washington, Allegany, and Garrett Counties, Md., Mineral, Hampshire, Jefferson, Grant Tucker, Randolph, and Berkeley Counties, W. Va., Frederick County, Va., and Bedford, Blair, Somerset, Cambria, Westmoreland, Fayette, and Allegheny Counties, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127730 (Sub-No. 1), filed October 6, 1966. Applicant: A. A. A. CARTAGE, INC., 8636 West Harrison Avenue, Milwaukee, Wis. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities requiring special equipment, commodities in bulk, classes A and B explosives, and those injurious or contaminating to other lading), restricted to the transportation of shipments having an immediately prior or subsequent movement by air, between O'Hare Air Field, Cook County, Ill., on the one hand, and, on the other, points in Milwaukee, Racine, and Kenosha Counties, Wis., under a continuing contract with Airborne Freight Corp. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 127979 (Sub-No. 1), filed September 28, 1966. Applicant: RAYMOND F. BROWNING, 3510 Elizabeth, Pueblo, Colo. 81003. Applicant's representative: Dewey W. Beach, Manager, Motor Tariff Service, Post Office Box 26073, Denver, Colo. 80226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Repossessed motor vehicles*, in driveaway or towaway service, from points in the United States (excluding Alaska and Hawaii), to Alamosa, Colorado Springs, Durango, Grand Junction, Gunnison, La Jara, La Junta, Lamar, Leadville, Monte Vista, Montrose, Pagosa Springs, Pueblo, Salida, Springfield, and Trinidad, Colo., and Aztec, Clayton, Espanola, Farmington, Las Vegas, Springer, and Taos, N. Mex., under contract with General Motors Acceptance Corp., Pueblo, Colo.; Western Acceptance Corp., Pueblo, Colo.; and, Commercial Credit, Corp., Pueblo, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colorado Springs, or Pueblo, Colo.

No. MC 128372 (Sub-No. 1), filed October 3, 1966. Applicant: PHILPOT CONTRACTING COMPANY, INC., 880 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: William Addams, 1776 Peachtree Street NW., Room 406, Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone electronic equipment*, between points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, under contract with Southern Bell Telephone & Telegraph Co. NOTE: If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 128412 (Amendment), filed July 15, 1966, published FEDERAL REGISTER issue of August 4, 1966, amended October 4, 1966, and republished, as amended, this issue. Applicant: LO-TEMP EXPRESS, INC., 1810 10th Avenue, Altoona, Pa. 16603. Applicant's representative: Arthur J. Disken, 302 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, paper articles, seafood, fish* (dried, fresh, frozen, and pickled), *food products, baking mixes, frozen foods, frozen fruits and vegetables, frozen dinners, cakes and pies, and articles distributed by meat packinghouses*, as described in sections A, B, and C, of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in refrigerated (mechanically or otherwise) vehicles, except commodities in bulk, between Altoona, Pa., Lemoyne, Pa., and State College, Pa., on the one hand, and, on the other, points in Iowa, Illinois, Missouri, Florida, New Jersey, New York, Massachusetts, Michigan, Virginia, Maryland, West Virginia, and Wisconsin, under continuing contracts with Sky Bros., Inc., Altoona, Pa., Sky Bros. of Lemoyne, Inc., Lemoyne, Pa., Cold, Inc., State College, Pa., and Frozen Farm Products, Inc., Altoona, Pa. NOTE: The purpose of this republication is to more clearly set forth the proposed operation. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 128598 (Sub-No. 1), filed October 4, 1966. Applicant: BEVARD BROTHERS, INC., 4600 St. Barnabas Road SE., Washington, D.C. 20031. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Suite 770, Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, from points in Prince Georges County, Md., to points in Arlington, Fairfax (except Herndon), Loudoun, and Prince William Counties, Va., Alexandria, Fairfax, and Falls Church, Va., and Washington, D.C., restricted to the accounts of Silver Hill Sand & Gravel Co., Silver Hill, Md., and Inland Materials, Inc., Clinton, Md. NOTE: Applicant has pending in MC 126864, Sub 1, application for common carrier authority, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128609 (Correction), filed September 23, 1966, published FEDERAL REGISTER, issue of October 13, 1966, republished as corrected this issue. Applicant: LEGION WAREHOUSE CORP., doing business as LEGION TRUCKING COMPANY, 153 Fort Lee Road, Teaneck, N.J. 07666. Applicant's representative: Daniel N. Camoia, 27 William Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sheet glass*, from Steamship Piers in the New York, N.Y., commercial zone, and Teaneck, N.J., to points in New Jersey, Connecticut, New York on, south and east of New York Highway 7 extending from the New York-Vermont line to the New York-Pennsylvania line, and Philadelphia, Pa., for the account of Flat Glass, Ltd. NOTE: The purpose of this republication is to show applicant's address, which was inadvertently omitted in the previous publication. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 128610 (Sub-No. 1), filed September 28, 1966. Applicant: ALCO SHIPPING AGENCIES BAHAMAS, LTD., Port Laudania, Dania, Fla. Applicant's representative: Bernard C. Pestcoe, 412 City National Bank Building, 25 West Flagler Street, Miami, Fla. 33130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Port Everglades, Fort Lauderdale, Fla., and points in Dade, Broward, and Palm Beach Counties, Fla., restricted to the transportation of traffic having a prior or subsequent movement by water and further restricted to traffic moving aboard vessels owned or operated by applicant. NOTE: Common control may be involved. The application is accompanied by a motion to dismiss. If a hearing is deemed necessary, applicant requests it be held at Fort Lauderdale or Miami, Fla.

No. MC 128616, filed September 28, 1966. Applicant: B. D. C. CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Melvin E. Bailet or Warren W. Wallin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments and business records* (except currency and negotiable securities) as are used in the conduct and operation of banks and banking institutions (1) between Chicago, Ill., on the one hand, and, on the other, points in Lake Porter, La Porte, Saint Joseph, and Elkhart Counties, Ind.; (2) between Chicago, Ill., on the one hand, and, on the other, points in Indiana on and north of U.S. Highway 40, and points in Waukesha, Racine, Milwaukee, Manitowoc, Brown, Winnebago, Fond du Lac, Washington, Outagamie, Ozaukee, Kewaunee, Calumet, Rock, Dane, and Sheboygan Counties, Wis.; (3) between Chicago, Ill., on the one hand, and, on the other, points in Berrien, Cass, Saint Joseph, Branch, Hillsdale, Monroe, Lenawee, Van Buren, Kalamazoo, Calhoun, Jackson, Washtenaw, Wayne, Allegan Barry, Eaton, Ingham, Livingston, Oakland, Macomb, Ottawa, Kent, Iona, Clinton, Shiawasee, Genessee, Lapeer, Saint Clair, Muskegon, Montcalm, Gratiot, Saginaw, Tuscola, Sanilac, Oceana, Newaygo, Mecosta, Isabella, Midland, Bay, and Huron Counties, Mich.; (4) between Detroit, Mich., and Toledo, Ohio; (5) between Kansas City, and St. Joseph, Mo., on the one hand, and, on the other, points in Otoe, Cass, Sarpy, Douglas, Lancaster, Johnson, and Nemaha Counties, Nebr., and points in Kansas; (6) between Omaha, Nebr., on the one hand, and, on the other, points in Woodbury and Monona Counties, Iowa;

(7) Between Detroit, Mich., on the one hand, and, on the other, points in St. Joseph and Elkhart Counties, Ind.; (8) between Toledo, Ohio, on the one hand, and, on the other, points in Monroe and Lenawee Counties, Mich.; (9) between points in Utah, on the one hand, and, on the other, points in Idaho; (10) between Cleveland, Ohio, and Detroit, Mich.; (11) between Chicago, Ill., on the one hand, and, on the other, points in Walworth, Jefferson, Dodge, Columbia, and Kenosha Counties, Wis.; (12) between Joplin, Mo., on the one hand, and, on the other, Baxter Springs, and Galena, Kans.; (13) between Oakbrook, Ill., on the one hand, and, on the other, Milwaukee, Wis., and Muskegon and Detroit, Mich.; (14) between Indianapolis, Ind., and Danville, Ill.; (15) between South Bend, Ind., on the one hand, and, on the other, Baroda, Benton Harbor, Buchanan, and Galien, Mich.; (16) between Michigan City, Ind., on the one hand, and, on the other, Battle Creek, Benton Harbor, Buchanan, Cassopolis, Jackson, and Niles, Mich.; (17) between points in Illinois, on the one hand, and, on the other, points in Missouri and between Memphis, Tenn., on the one hand, and, on the other, points in Missouri; (18) between St. Louis, Mo., on the one hand, and, on the other, Adams, Alexander, Bond, Brown, Calhoun, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Morgan, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Scott, Union, Wabash, Washington, Wayne, White, and Williamson Counties, Ill.; (19) between Omaha and Lincoln, Nebr., on the one hand, and, on the other, points in Wyoming; (20) between Omaha and Lincoln, Nebr., on the one hand, and, on the other, Denver, Colo.; (21) between Denver, Colo., on the one hand, and, on the other, points in Wyoming; (22) between Salt Lake City, Utah, on the one hand, and, on the other, Boise and Idaho Falls, Idaho; and (23) between Milwaukee, Wis., on the one hand, and, on the other, Detroit, Mich., under contract with unspecified banks and banking institutions. NOTE: Applicant holds common carrier authority in MC 114533 and Subs thereunder, therefore dual operations may be involved. Applicant states that to the extent this application is granted it will surrender its common carrier certificates or those portions of any certificate which include the type of commodities for which contract authority is sought herein. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 128618, filed September 30, 1966. Applicant: JOHN L. MARTINO, doing business as MARTINO TRUCKING CO., Railroad Street, Rochester, Pa. Applicant's representative: Jerome Solomon, 1302 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough castings and scrap metals* in dump vehicles, between points in Rochester Township and the Borough of New Brighton, Beaver County, Pa., on the one hand, and, on the other, Youngstown, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 128619, filed September 30, 1966. Applicant: RICHARD D. BEILKE, doing business as R. B. DISTRIBUTING, Box 278, Route No. 3, Buffalo, Minn. 55313. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Package milk, cream, cottage cheese, butter, ice milk mix, orange juice* in cartons and bottles, *advertising material and displays, cake cones and cups, and such materials, equipment, and supplies* used in the manufacture and distribution of dairy products, between Minneapolis, Minn., and points in Polk, Burnett, Washburn, Sawyer, Rusk, Chippewa, Barron, St. Croix, Dunn, Pierce, and Eau Claire Counties, Wis., under contract with Maple Island Dairies. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128620, filed September 30, 1966. Applicant: ROBERT J. ERICKSON, SR., doing business as BOB ERICKSON TRUCKING, Route No. 2, Rush City, Minn. 55069. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk, butter, cottage cheese, liquid mix, orange drinks, powdered milk, ice cream cones, cups, crushed fruits, fruit juice, ice cream, and dairy supplies*, from Stillwater, St. Paul, and Minneapolis, Minn., to points in Wisconsin, Minnesota, Iowa, North Dakota, and South Dakota, under contract with Maple Island Dairies, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128621, filed October 4, 1966. Applicant: F. B. Y. HAULAGE CORP., 4500 Second Avenue, Brooklyn, N.Y. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages, wine* (except in bulk in tank vehicles), *materials, supplies, equipment* (except articles, which because of their size, shape, or weight, require the use of special equipment or special handling) used or useful in the manufacture, and sale of wine and alcoholic beverages, between New York, N.Y., on the one hand, and, on the other, points in New York, New Jersey, Connecticut, and Philadelphia, Pa., under contract with Monarch Wine Co., Inc., Brooklyn, N.Y. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 128626, filed October 3, 1966. Applicant: LAWRENCE C. JUNKER, doing business as JUNKER TRUCKING, 651 South Broadway, Stillwater, Minn. 55082. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk, butter, cottage cheese, liquid mix, orange drinks, powdered milk, and dairy supplies*, from Stillwater and Minneapolis, Minn., to points in Wisconsin, located on and within the area bounded on the north by U.S. Highway 8 from St. Croix Falls to junction U.S. Highway 53 at Cameron, thence south to Chippewa Falls, thence south and west to junction Interstate Highway 94, thence west on Interstate Highway 94 to the Minnesota-Wisconsin State line, under contract with Maple Island Dairies, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128627, filed October 3, 1966. Applicant: ALTON L. NELSON, doing business as NELSON TRUCKING, Route No. 2, Stillwater, Minn. 55082. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk, butter, cottage cheese, liquid mix, orange drinks, powdered milk, ice cream cones, cups, crushed fruits, fruit juice, ice cream, and dairy supplies,* (1) between Stillwater, St. Paul, and Minneapolis, Minn., and points in that part of Wisconsin north of U.S. Highway 10 and west of U.S. Highway 51 from Stephens Point to the Wisconsin-Michigan State line, and (2) from points in that part of Wisconsin described in (1) above to points in that part of Minnesota east of U.S. Highway 71 from the Minnesota-Canadian border to the Minnesota-Iowa border, under contract with Maple Island Dairies, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128628, filed October 3, 1966. Applicant: HAROLD E. BEAVER, doing business as BEAVER TRUCKING, 388 North Fifth Street, Bayport, Minn. 55003. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, Minn. 55082. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk, butter, cottage cheese, liquid mix, orange drinks, powdered milk, ice cream cones, cups, crushed fruits, fruit juice, ice cream, and dairy supplies,* from Stillwater, St. Paul, and Minneapolis, Minn., to points in Wisconsin, Minnesota, Iowa, North Dakota, and South Dakota, under contract with Maple Island Dairies, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128629, filed September 30, 1966. Applicant: HAROLD SPAETH, 987 Birchwood Drive, West Bend, Wis. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Butter*, from the plantsite of Level Valley Dairy located in the town of Jackson, Washington County, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, and South Dakota, (2) *cardboard boxes*, from Chicago, Ill., to the plantside of Level Valley Dairy located in the town of Jackson, Washington County, Wis., (3) *salt*, from Akron, Ohio, to the plantsite of Level Valley Dairy located in the town of Jackson, Washington County, Wis., and (4) *soap*, from Wyandotte, Mich., and Chicago, Ill., to the plantsite of Level Valley Dairy located in the town of Jackson, Washington County, Wis., under contract with Level Valley Dairy, town of Jackson, Washington County, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 128634 (Sub-No. 1), filed October 5, 1966. Applicant: FIRST SCOTT STREET CORPORATION, 249 Schweizer Place, Detroit, Mich. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts* as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Detroit, Mich., to points in Ohio, Pennsylvania, New York, New Jersey, Vermont, Massachusetts, Maine, New Hampshire, Connecticut, Rhode Island, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia, under contract with Great Markwestern Packing Co., Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

APPLICATION FOR BROKERAGE APPLICATION

No. MC 130018, filed September 6, 1966. Applicant: E. WILLIS AVERY, ROSE AVERY, MILLARD AVERY, RAYMOND AVERY and FRANK AVERY, a partnership, doing business as AVERY TRANSPORTATION, Beachlake, Pa. Applicant's representative: Alfred J. Howell, Foster Building, Honesdale, Pa. 18431. For a license (BMC 5) to engage in operations as a *broker* at Beachlake, Pa., in arranging for the transportation in interstate or foreign commerce, of *passengers and their baggage*, in groups, in charter operations, in round-trip tours, beginning and ending at points in Wayne and Pike Counties, Pa., and extending to points in the United States.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAVE BEEN REQUESTED

No. MC 55236 (Sub-No. 133) (amendment), filed May 13, 1966, published in FEDERAL REGISTER issue of June 9, 1966, amended July 13, 1966, and republished, as amended, this issue. Applicant: OLSON TRANSPORTATION COMPANY, a corporation, 1970 South Broadway, Green Bay, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and fertilizer ingredients*, in bulk, from Thorntown, Eaton, and Warsaw, Ind., to points in Ohio and Illinois. NOTE: The purpose of this republication is to add Warsaw, Ind., as an origin point and Illinois to the destination territory.

MOTOR CARRIER OF PASSENGERS

No. MC 109780 (Sub-No. 65) (Correction), filed September 13, 1966, published in the FEDERAL REGISTER issue of October 6, 1966, corrected and republished, as corrected, this issue. Applicant: TRANSCONTINENTAL BUS SYSTEM, INC., doing business as CONTINENTAL TRAILWAYS, 315 Continental Avenue, Dallas, Tex. 75207. Applicant's representative: D. Paul Stafford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and newspapers and express* in the same vehicle with passengers, over new U.S. Highway 75, for a distance of approximately 3½ miles, from junction Oklahoma Highway 75A, approximately 6 miles south of Calera, Okla., to junction Oklahoma Highway 75A, approximately 1 mile south of Colbert, Okla., and return over the same route, serving all intermediate points. NOTE: The purpose of this republication is to show the correct number as MC 109780, in lieu of MC 10978.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11339; Filed, Oct. 19, 1966; 8:45 a.m.]

[Notice 1428]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 17, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69142. By order of October 17, 1966, the Transfer Board approved the transfer to E. E. Henry, Chesapeake, Va., of the operating rights in certificate No. MC-123387 issued March 9, 1961, to Vrable Motor Lines, Inc., Norfolk, Va., authorizing the transportation of: Malt beverages, and containers therefor, between points in Virginia, North Carolina, South Carolina, West Virginia, Maryland, Georgia, and the District of Columbia. Calvin H. Childress, 807 Plaza One, Norfolk, Va. 23510, attorney for applicants.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11426; Filed, Oct. 19, 1966; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 17, 1966.

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. 40747—*Corn and sorghum grains to points in southwestern territory.* Filed by Southwestern Freight Bureau, agent (No. B-8915), for interested rail carriers. Rates on corn (not popcorn), corn products, grain sorghums and grain sorghum products, in carloads, from points in Iowa, Kansas, Nebraska, and Missouri, to points in southwestern territory.

Grounds for relief—Motortruck competition.

Tariffs—Supplement 75 to Southwestern Freight Bureau, agent, tariff ICC 4495 and four other schedules named in the application.

FSA No. 40748—*Vermiculite from Kearney, S.C.* Filed by O. W. South, Jr., agent (No. A4952), for interested rail carriers. Rates on vermiculite, in carloads, from Kearney, S.C., to specified points in Indiana and New York, also Gypsum, Ohio.

Grounds for relief—Market competition.

Tariff—Supplement 18 to Southern Freight Association, agent, tariff ICC S-623.

FSA No. 40749—*Ethyl chloride to Gillespie, N.J.* Filed by O. W. South, Jr., agent (No. A4953), for interested rail carriers. Rates on ethyl chloride, in tank carloads, from Baton Rouge and North Baton Rouge, La., to Gillespie, N.J.

Grounds for relief—Market competition.

Tariff—Supplement 138 to Southern Freight Association, agent, tariff ICC S-384.

By the Commission:

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-11427; Filed, Oct. 19, 1966; 8:48 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

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 October.