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Agencies in this issue—

Agricultural Stabilization and
Conservation Service
Agriculture Department
Atomic Energy Commission
Commerce Department
Consumer and Marketing Service
Customs Bureau
Equal Employment Opportunity
Commission
Federal Aviation Administration
Federal Communications Commission
Federal Home Loan Bank Board
Federal Maritime Commission
Federal Power Commission
Federal Trade Commission
Fish and Wildlife Service
Food and Drug Administration
Immigration and Naturalization
Service
Interior Department
Interstate Commerce Commission
International Commerce Bureau
Labor Department
Land Management Bureau
Post Office Department
Science and Technology Office
Securities and Exchange Commission
Small Business Administration
Treasury Department
Wage and Hour Division

Detailed list of Contents appears inside.



How To Find U.S. Statutes and United States Code Citations

[Revised Edition—1965]

This pamphlet contains typical legal references which require further citing. The official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them. Additional finding aids, some especially useful in citing current legislation, also have been in-

cluded. Examples are furnished at pertinent points and a list of references, with descriptions, is carried at the end.

This revised edition contains illustrations of principal finding aids and reflects the changes made in the new master table of statutes set out in the 1964 edition of the United States Code.

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Contents

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations

- Land use adjustment program; 1967 cropland adjustment program 11031

AGRICULTURE DEPARTMENT

See also Agricultural Stabilization and Conservation Service; Consumer and Marketing Service.

Rules and Regulations

- Prunes, plums and sour cherries; determination of parity prices... 11031

ATOMIC ENERGY COMMISSION

Notices

- General Dynamics Corp.; issuance of amended facility license..... 11049

COMMERCE DEPARTMENT

See also International Commerce Bureau.

Notices

- Watches and watch movements; clarification and implementation of policy prohibiting transfers of duty-free quotas issued to producers located in Virgin Islands, Guam, and American Samoa 11048

CONSUMER AND MARKETING SERVICE

Rules and Regulations

- Irish potatoes grown in Colorado; expenses and rate of assessment 11032

Proposed Rule Making

- Celery grown in Florida; marketable quantity for 1967-68 season; uniform percentage; limitation on handling 11037

Domestic dates produced or packed in designated part of California:

- Proposed expenses of Date Administrative Committee and rate of assessment for 1967-68 crop year..... 11038

- Proposed free and restricted percentages and withholding factors for 1967-68 crop year... 11038

- Irish potatoes grown in Southeastern States; proposed expenses and rate of assessment..... 11037

- Milk in Delaware Valley marketing area; recommended decision 11039

CUSTOMS BUREAU

Rules and Regulations

- Countervailing duties; sugar content of certain articles from Australia 11033

Notices

- Imported parts used in assembling fishing rods and reels; notice of ruling regarding country of origin marking..... 11047

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Notices

- Flight cabin attendants; sex as occupational qualification; postponement of hearing..... 11050

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Restricted areas:

- Alterations (2 documents)..... 11024, 11025
Alteration and designation..... 11024
Standard instrument approach procedures; miscellaneous amendments 11025
Transition area; alteration..... 11024

Proposed Rule Making

- Certain normal, utility, acrobatic, and transport category aircraft; issuance of airworthiness certificates 11042
Restricted area; proposed designation 11043

FEDERAL COMMUNICATIONS COMMISSION

Notices

Hearings, etc.:

- Corinth Broadcasting Co., Inc., and Radio Corinth 11050
Laurel Cablevision Co., and Punxsutawney TV Cable Co., Inc. 11050
Norristown Broadcasting Co., Inc. (WNAR) 11051
Orange Nine, Inc., et al. 11051
Western Broadcasting Co., and King Broadcasting Co. 11051

FEDERAL HOME LOAN BANK BOARD

Rules and Regulations

- Charter and bylaws:
Age limitation on directors..... 11032
Age limitation on officers..... 11032
Definitions; scheduled items..... 11033

Proposed Rule Making

- Federal Savings and Loan Insurance Corp.; operations; reporting requirements 11043

FEDERAL MARITIME COMMISSION

Notices

- Agreements filed for approval:
Forwarders Intermodal Container Conference..... 11052
International Container Conference Agreement..... 11052
Sea-Land Service, Inc., general investigation; west coast-Alaska trade; order of suspension..... 11052

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:

- Alabama-Tennessee Natural Gas Co. (2 documents)..... 11053
Arkansas Louisiana Gas Co. 11053
B H & D Co., and Redfern Oil Co. 11054
Crisp County Power Commission and Georgia Power Co. 11055
Gruss, Joseph S., et al. 11055
Humble Gas Transmission Co. 11056
Humble Oil and Refining Co., et al. 11056
Panhandle Eastern Pipe Line Co. 11057
Southern Natural Gas Co. 11058
Texas Gas Transmission Corp. 11058
Transcontinental Gas Pipe Line Corp. 11058
Transwestern Pipeline Co. 11059
United Gas Pipe Line Co. 11059

FEDERAL TRADE COMMISSION

Rules and Regulations

- Failure to disclose that skin irritation may result from washing or handling glass fiber curtains and draperies and glass fiber curtain and drapery fabrics..... 11023

FISH AND WILDLIFE SERVICE

Rules and Regulations

- Waubay National Wildlife Refuge, S. Dak.:
Hunting 11036
Sport fishing..... 11036

FOOD AND DRUG ADMINISTRATION

Rules and Regulations

- Frozen concentrate for artificially sweetened lemonade; identity standard, etc. 11023

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Food and Drug Administration.

IMMIGRATION AND NATURALIZATION SERVICE

Proposed Rule Making

- Orphan cases; preadoption requirements; withdrawal of amendment 11037

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Land Management Bureau.

Notices

- Watches and watch movements; prohibition of transfers of duty-free quotas; cross reference..... 11048

(Continued on next page)

**INTERSTATE COMMERCE
COMMISSION****Notices**

Fourth section applications for relief	11063
Motor carrier transfer proceedings	11063

**INTERNATIONAL COMMERCE
BUREAU****Notices**

Huth, Claus; order terminating indefinite denial order	11048
--	-------

JUSTICE DEPARTMENT

See Immigration and Naturalization Service.

LABOR DEPARTMENT

See also Wage and Hour Division.

Rules and Regulations

Examination and copying of Labor Department documents	11033
---	-------

LAND MANAGEMENT BUREAU**Notices**

California; partial termination of proposed withdrawal and reservation of lands	11048
---	-------

POST OFFICE DEPARTMENT**Proposed Rule Making**

Delivery of mail to receiving agency; conditions of delivery ..	11037
---	-------

**SCIENCE AND TECHNOLOGY
OFFICE****Notices**

Organization and information	11060
------------------------------------	-------

**SECURITIES AND EXCHANGE
COMMISSION****Proposed Rule Making**

Companies deemed not to be electric or gas utility companies	11044
--	-------

Notices**Hearings, etc.:**

Keystone Custodian Funds, Inc., and Keystone Company of Boston	11061
National Aviation Corp.	11061
Public Service Company of Oklahoma	11062
Subscription Television, Inc.	11062

**SMALL BUSINESS
ADMINISTRATION****Proposed Rule Making**

Investment companies; examinations, records and reports	11045
Small business; definition for purpose of bidding on Government contracts for refined petroleum products	11046

Notices

Michigan; declaration of disaster area	11063
--	-------

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration.

TREASURY DEPARTMENT

See also Customs Bureau.

Notices

Dartboards and dartgames from England; notice of tentative determination	11047
Tubeless tire valves from West Germany; determination of sales at less than fair value	11047

WAGE AND HOUR DIVISION**Proposed Rule Making**

Seasonal exemption for cotton storing industry; compressing of cotton	11043
---	-------

List of CFR Parts Affected**(Codification Guide)**

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

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

7 CFR

5	11031
751	11031
948	11032
PROPOSED RULES:	
953	11037
967	11037
987 (2 documents)	11038
1004	11039

8 CFR

PROPOSED RULES:	
204	11037

12 CFR

544 (2 documents)	11032
561	11033
PROPOSED RULES:	
563	11043

13 CFR

PROPOSED RULES:	
107	11045
121	11046

14 CFR

71	11024
73 (3 documents)	11024, 11025
97	11025

PROPOSED RULES:

21	11042
73	11043

16 CFR

413	11023
-----------	-------

17 CFR

PROPOSED RULES:	
250	11044

19 CFR

16	11033
----------	-------

21 CFR

27	11023
----------	-------

29 CFR

2	11033
70	11033

PROPOSED RULES:

526	11043
-----------	-------

39 CFR

PROPOSED RULES:	
154	11037

50 CFR

32	11036
33	11036

Rules and Regulations

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

Frozen Concentrate for Artificially Sweetened Lemonade, Identity Standard; Confirmation of Effective Date of Order re Additional Permitted Artificial Sweeteners

In the matter of amending the standard of identity for frozen concentrate for artificially sweetened lemonade (21 CFR 27.103) to provide for the use in that food of the artificial sweeteners (including calcium saccharin) listed in and complying with the food additive regulations (21 CFR Part 121):

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of May 27, 1967 (32 F.R. 7769). Accordingly, the amendments promulgated by that order will become effective on July 26, 1967.

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

Dated: July 20, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-8765; Filed, July 27, 1967;
8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER D—TRADE REGULATION RULES

PART 413—FAILURE TO DISCLOSE THAT SKIN IRRITATION MAY RESULT FROM WASHING OR HANDLING GLASS FIBER CURTAINS AND DRAPERIES AND GLASS FIBER CURTAIN AND DRAPERY FABRICS

The Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Subpart F, Part 1 of the Commission's procedures and rules of practice, 16 CFR 1.61, et seq. (amended June 13, 1967, as Subpart B,

Part 1, 32 F.R. 8444), has conducted a proceeding for the promulgation of a Trade Regulation Rule regarding the failure to disclose that skin irritation may result from washing or handling glass fiber curtains and draperies and glass fiber curtain and drapery fabrics. Notice of this proceeding, including a proposed rule, was published in the FEDERAL REGISTER on November 15, 1966 (31 F.R. 14599). Interested parties were thereafter afforded opportunity to participate in the proceeding through the submission of written data, views and arguments and to appear and orally express their views as to the proposed rule and to suggest amendments, revisions and additions thereto.

The Commission has now considered all matters of fact, law, policy and discretion, including the data, views and arguments presented by interested parties in response to the Notice and has determined that the adoption of the Trade Regulation Rule and statement of its basis and purpose set forth herein is in the public interest.

STATEMENT OF BASIS AND PURPOSE

Sec.

413.1 Basis of the proceeding.

413.2 The practice involved.

413.3 Deceptive character of the practice.

413.4 Data, views and arguments concerning the rule.

413.5 Purpose of the rule.

THE RULE

413.6 The rule.

AUTHORITY: The provisions of this Part 413 issued under 38 Stat. 717, as amended; 15 U.S.C. 41-58.

STATEMENT OF BASIS AND PURPOSE

§ 413.1 Basis of the proceeding.

This proceeding was initiated by the Commission after consideration of statements by members of the consuming public that they had experienced skin irritation after washing or handling glass fiber curtains and draperies and glass fiber curtain and drapery fabrics.

§ 413.2 The practice involved.

Marketers of glass fiber curtains and draperies and glass fiber curtain and drapery fabrics usually furnish washing instructions for such products in the form of package inserts, labels, or tags. Normally these instructions, among other things, advise the purchaser to hand wash the products separately and rinse the container thoroughly after each washing. Purchasers are not cautioned, however, that skin irritation may result when the products are handled without protective covering, as by washing, sewing or hanging, or that such irritation may also occur when the skin is exposed to articles, such as clothing or bed sheets, which have been washed with glass fiber products, or in a container previously used for washing glass fiber products unless such container has been thoroughly cleansed of glass particles which may remain in the container.

§ 413.3 Deceptive character of the practice.

(a) Most glass fibers currently used in weaving fabrics for producing curtains and draperies become increasingly brittle with enlargement of the denier of such fibers. When such fabrics are handled, as by washing, sewing, or hanging, minute glass particles may break off and become lodged in the exposed skin of persons handling them. Likewise when certain articles, such as garments or bed sheets, are washed with glass fiber curtain or drapery fabrics, or washed in a container previously used for washing such fabrics, minute glass particles may become embedded in such articles and transmitted to the exposed skin of the user or wearer thereof. In either event, skin irritation may result.

(b) Although some washing instructions advise purchasers to hand wash glass fiber fabrics separately and rinse the container thoroughly after each washing, such purchasers are not warned as to the consequences of the failure to observe this advice. Such washing instructions may serve as warnings for the care of the fabric but do not serve as warnings that skin irritation may result.

(c) The Commission concludes therefore that the failure to disclose that skin irritation may result from body contact with glass fiber drapery and curtain fabrics, and clothing or other articles which have been washed with such glass fiber products or in containers previously used for washing such products when that container has not been cleansed of glass particles, has the capacity and tendency to mislead and deceive purchasers and prospective purchasers and to divert business from competitors whose products may be washed or handled without the resulting irritation. The Commission further concludes that such practice is violative of section 5 of the Federal Trade Commission Act, and that the public interest in preventing this practice is specific and substantial.

§ 413.4 Data, views and arguments concerning the rule.

(a) Some interested parties claimed that the record in this proceeding has not established that severe skin irritation results from the handling of glass fiber curtains, draperies, and fabrics and argued that no rule in the matter is justified. Although the factual information does not show that the handling of, or exposure to the products involved will generally result in immediate severe skin irritation, nevertheless such information is to the effect that exposure to the products involved may cause varying degrees of skin irritation. For example, some industry members and other affected parties, and doctors who presented statements on their behalf, concede that some skin reaction or discomfort may occur when the products in question are washed

or handled. Further, the record is replete with consumer statements relating their experiences with varying degrees of irritation resulting from the exposure of their skin to particles from glass fiber curtains, draperies, and fabrics. The Commission was urged to disregard such consumer statements on the basis that such statements are medically unconfirmed self-diagnoses and hearsay, and thus of little probative value. However, the Commission is of the opinion that these statements, particularly when coupled with the concession of industry members and affected parties that the products involved may cause skin reaction or discomfort, should be given consideration. Such weight as the Commission has given to expressions of consumer experiences in this proceeding is not counter to or mitigated by medical statements in the record since the consumer statements related the varying degrees of irritation experienced by the writers, while the medical statements were primarily directed to showing that the glass particles did not cause severe skin irritation.

(b) It is concluded, therefore, that skin irritation may result from the handling, as by washing, sewing or hanging, of glass fiber draperies, curtains and yard goods and from body contact with clothing or other articles which have been washed with such glass fiber products or in a container previously used for washing such products when that container has not been cleansed of glass particles.

§ 413.5 Purpose of the rule.

The purpose of this rule is to inform all members of the industry and other interested or affected parties of the Commission's position with respect to the problem at hand and, in the public interest, to eliminate the unlawful deception and unfair competition resulting from the failure to make the disclosure required by the rule.

THE RULE

§ 413.6 The rule.

The Commission hereby promulgates, as a Trade Regulation Rule, its conclusions and determination that in connection with the sale or offering for sale of glass fiber curtains and draperies and glass fiber curtain and drapery fabrics in commerce, as "commerce" is defined in the Federal Trade Commission Act, it is an unfair method of competition and an unfair and deceptive act or practice to fail to disclose, clearly and conspicuously, by tag or label affixed to the products with such permanence as to remain thereon until sale to purchasers, and on containers in which the products are delivered to purchasers, that skin irritation may result:

- To the exposed skin of persons handling such glass fiber products; and
- From body contact with clothing or other articles, such as bed sheets, which have been washed (1) with such glass fiber products, or (2) in a container previously used for washing such glass fiber products unless the glass particles have been removed from such container by cleaning.

Effective date of the rule. This rule becomes effective on January 2, 1968.

Adopted: July 14, 1967.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-8725; Filed, July 27, 1967;
8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 67-CE-13]

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

Alteration of Transition Area; Correction

On May 24, 1967, a final rule was published in the *FEDERAL REGISTER* (32 F.R. 7590), F.R. Doc. 67-5750, which included redesignation of the Oshkosh, Wis., transition area. In this redesignation, the term "V-255" was erroneously used; "V-177" should have been used. Action is taken herein to make this correction.

Since this amendment is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the redesignation of the Oshkosh, Wis., transition area, as set forth in F.R. Doc. 67-5750, is amended effective 0001 e.s.t., July 20, 1967, as follows: "V-255" is deleted and "V-177" is substituted therefor.

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

Issued in Kansas City, Mo., on July 10, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-8796; Filed, July 27, 1967;
8:49 a.m.]

[Airspace Docket No. 67-SO-21]

PART 73—SPECIAL USE AIRSPACE

Alteration and Designation of Restricted Area

On May 11, 1967, a notice of proposed rule making was published in the *FEDERAL REGISTER* (32 F.R. 7134) stating that the Federal Aviation Administration proposed to modify Restricted Area R-2914, Valparaiso, Fla., and designate a new Restricted Area R-2917, De Funiak Springs, Fla.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The only comment received, from the Air Transport Association, interposed no objection.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations

is amended, effective September 14, 1967, as hereinafter set forth.

1. Section 73.29 (32 F.R. 2303, 5769) R-2914 Valparaiso, Fla., is amended as follows: In the designation of boundaries, delete "to point of beginning" and substitute therefore "to point of beginning, excluding that airspace 5,000 feet MSL and below within a circle with a 1¼-mile radius centered at latitude 30°34'19" N., longitude 86°12'56" W."

2. Section 73.29 (32 F.R. 2303) is amended by adding:

R-2917 DE FUNIAK SPRINGS, FLA.

Boundaries: A circle with a 1¼-mile radius centered at latitude 30°34'19" N., longitude 86°12'56" W.

Designated altitude: Surface to 5,000 feet MSL.

Time of designation: Continuous.
Using agency: Commander, Air Proving Ground, Eglin AFB, Fla.

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

Issued in Washington, D.C., on July 24, 1967.

WILLIAM E. MORGAN,
Acting Director, Air Traffic Service.

[F.R. Doc. 67-8793; Filed, July 27, 1967;
8:48 a.m.]

[Airspace Docket No. 67-SW-32]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

The purpose of these amendments to Part 73 of the Federal Aviation Regulations is to alter the time of designation of Restricted Areas R-5111A and B, Elephant Butte, N. Mex., and R-5112, Magdalena, N. Mex.

The Department of the Air Force (AF) has requested that the time of designation of Restricted Areas R-5111A, R-5111B, and R-5112, be changed from "Continuous" to "Continuous, following issuance of NOTAM by using agency at least 12 hours in advance."

Since issuance of a NOTAM indicating release of a restricted area by the using agency authorizes pilots to use the area without obtaining permission from the controlling agency, these amendments are considered less restrictive to the public and notice and public procedure are not necessary.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the *FEDERAL REGISTER*, as hereinafter set forth.

In § 73.51 (32 F.R. 2320, 5769) Restricted Areas R-5111A, R-5111B, and R-5112 are amended by deleting from the text, "Time of designation: Continuous," and substituting therefor "Time of designation: Continuous, following issuance of NOTAM by using agency at least 12 hours in advance."

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

Issued in Washington, D.C., on July 24, 1967.

WILLIAM E. MORGAN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 67-8794; Filed, July 27, 1967;
8:48 a.m.]

[Airspace Docket No. 67-EA-62]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to modify Restricted Area R-6606, Pendleton, Va.

Review of utilization reports indicated that the maximum altitude used in R-6606 was 51,000 feet above mean sea level. The present altitude designation

of this area is "Unlimited." The Department of the Navy has agreed to change this unlimited designation to 51,000 feet MSL.

Since this amendment will restore airspace to the public use, notice and public procedure are unnecessary and this amendment may be made effective on less than 30 days notice.

In consideration of the foregoing, § 73.66 (32 F.R. 2334) Restricted Area R-6606 Pendleton, Va., is amended, effective upon publication in the FEDERAL

REGISTER, as follows: "Designated altitudes: Unlimited." is deleted and "Designated altitudes: Surface to 51,000 feet MSL." is substituted therefor.

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

Issued in Washington, D.C., July 24, 1967.

WILLIAM E. MORGAN,
Acting Director,
Air Traffic Service.

[F.R. Doc. 67-8795; Filed, July 27, 1967; 8:49 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8286; Amdt. 546]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

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

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

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Sherwood Int.	ATW NDB	Direct	2600	T-dn	300-1	300-1	200-1/2
Little Chute Int.	ATW NDB	Direct	2600	C-dn	500-1	500-1	500-1 1/2
Oshkosh VOR	ATW NDB	Direct	2600	S-dn-11*	500-1	500-1	500-1
Bear Creek Int.	ATW NDB	Direct	2600	A-dn*	800-2	800-2	800-2
				Minimums with ADF/VOR receivers:			
				C-dn*	400-1	500-1	500-1 1/2
				S-dn-11*	400-1	400-1	400-1

Procedure turn S side of crs, 284° Outbd, 104° Inbd, 2600' within 10 miles.

Minimum altitude over Medina Int on final approach crs, 145° (e1518' when using Green Bay altimeter setting).

Facility on airport, crs and distance, Medina Int to RBN 104°—3.9 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of NDB, climb to 2600' on 134° magnetic bearing within 10 miles.

NOTE: When Appleton altimeter setting is not available, use Green Bay altimeter setting. Circling and straight-in minimums are raised 100' and alternate minimums not authorized when using Green Bay altimeter setting.

*These minimums apply at all times for air carriers with approved weather reporting service.

MSA within 25 miles of facility: 000°-090°—3100'; 090°-180°—2700'; 180°-270°—2300'; 270°-360°—2200'.

City, Appleton; State, Wis.; Airport name, Outagamie County; Elev., 918'; Fac. Class., MIIW; Ident., ATW; Procedure No. NDB (ADF) Runway 11, Amdt. 1; Eff. date, 17 Aug. 67; Sup. Amdt. No. ADF 2, Orig.; Dated, 18 June 66

Sherwood Int.	ATW NDB	Direct	2600	T-dn	300-1	300-1	200-1/2
Little Chute Int.	ATW NDB	Direct	2600	C-dn	500-1	500-1	500-1 1/2
Oshkosh VOR	ATW NDB	Direct	2600	S-dn-29*	500-1	500-1	500-1
Bear Creek Int.	ATW NDB	Direct	2600	A-dn*	800-2	800-2	800-2
				Minimums with ADF/VOR receivers:			
				C-dn	400-1	500-1	500-1 1/2
				S-dn-29*	400-1	400-1	400-1

Procedure turn S side of crs, 134° Outbd, 314° Inbd, 2600' within 10 miles.

Minimum altitude over Menasha Int on final approach crs, 1418° (e1518' when using Green Bay altimeter setting).

Facility on airport, crs and distance, Menasha Int to RBN, 314°—3.1 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of NDB, make left-climbing turn to 2600' on 134° bearing within 10 miles.

NOTE: When Appleton altimeter setting is not available, use Green Bay altimeter setting. Circling and straight-in minimums are raised 100' and alternate minimums not authorized when using Green Bay altimeter setting.

*These minimums apply at all times for air carriers with approved weather reporting service.

MSA within 25 miles of facility: 000°-090°—3100'; 090°-180°—2700'; 180°-270°—2300'; 270°-360°—2200'.

City, Appleton; State, Wis.; Airport name, Outagamie County; Elev., 918'; Fac. Class., MIIW; Ident., ATW; Procedure No. NDB (ADF) Runway 20, Amdt. 2; Eff. date, 17 Aug 67; Sup. Amdt. No. ADF 1, Amdt. 1; Dated, 18 June 66

PROCEDURE CANCELED, EFFECTIVE 17 AUG. 1967.

City, Corpus Christi; State, Tex.; Airport name, Corpus Christi International; Elev., 43'; Fac. Class., SBII; Ident., CRP; Procedure No. NDB (ADF)-1, Amdt. 5; Eff. date, 20 May 67; Sup. Amdt. No. ADF 2, Amdt. 4; Dated, 14 May 66

RULES AND REGULATIONS

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CRP VOR.....	LOM.....	Direct.....	2000	T-dn.....	300-1	300-1	200-1½
Mathis Int.....	Edroy Int.....	Direct.....	1700	C-dn.....	700-1	700-1	700-1½
Edroy Int.....	LOM (final).....	Direct.....	1400	S-dn-13.....	700-1	700-1	700-1
				A-dn.....	800-2	800-2	800-2
				If Tank Fix received, minimums become:			
				C-dn.....	400-1	500-1	500-1½
				S-dn-13.....	400-1	400-1	400-1

Radar available.

Procedure turn W side of crs, 307° Outbnd, 127° Inbnd, 2000' within 10 miles.

Minimum altitude over facility on final approach crs, 1400'.

Crs and distance, facility to airport, 127°—4.8 miles; Tank Fix to airport, 127°—2 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing LOM, proceed to Pogo VHF Int via 127° bearing from CRP LOM and CRP VOR, R 172° climbing to 2000', or when directed by ATC, turn left, proceed direct to CRP VOR climbing to 2000'.

MSA within 25 miles of facility: 000°-090°-1400'; 090°-180°-2000'; 180°-270°-2100'; 270°-360°-1500'.

City, Corpus Christi; State, Tex.; Airport name, Corpus Christi International; Elev., 43'; Fac. Class., LOM; Ident., CR; Procedure No. NDB (ADF), Runway 13, Amdt. 14; Eff. date, 17 Aug. 67; Sup. Amdt. No. NDB (ADF) Runway 13, Amdt. 13; Dated 23 Mar. 67

Freeport Int.....	PW LOM.....	Direct.....	2100	T-dn.....	300-1	300-1	200-1½
Kennebunk VOR.....	Buxton Int.....	Direct.....	2100	C-dn.....	600-1	600-1	600-1½
Buxton Int.....	PW LOM (final).....	Direct.....	1800	S-dn-11**.....	500-1	500-1	500-1
				A-dn.....	800-2	800-2	800-2

Procedure turn S side of crs, 262° Outbnd, 112° Inbnd, 2100' within 10 miles of LOM.

Minimum altitude over facility on final approach crs, 1800'.

Crs and distance, facility to airport, 112°—5.4 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing PW LOM, make right-climbing turn to 2100' direct PW LOM. Hold W of PW LOM, 112° Inbnd, 1-minute right turns.

**Reduction not authorized.

MSA within 25 miles of facility: 000°-090°-3100'; 090°-180°-1500'; 180°-270°-2200'; 270°-360°-3600'.

City, Portland; State, Maine; Airport name, Portland Municipal; Elev., 66'; Fac. Class., LOM; Ident., PW; Procedure No. NDB (ADF), Runway 11, Amdt. 6; Eff. date, 19 Aug. 67; Sup. Amdt. No. ADF I, Amdt. 5; Dated 9 Apr. 66

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

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
PMM VORTAC.....	Big Lake Int.....	Direct.....	2900	T-dn.....	300-1	300-1	300-1½
Orangeville Int.....	Big Lake Int (final).....	Via heading, 360° PMM, R 073°.	2400	C-dn.....	600-1	600-1	600-1
				S-dn-27.....	600-1	600-1	600-1
				A-dn.....	NA	NA	NA

Procedure turn N side of crs, 073° Outbnd, 233° Inbnd, 2900' within 10 miles of Big Lake Int.

Minimum altitude over Big Lake Int on final approach crs, 2400'.

Crs and distance, Big Lake Int to airport, 253°—5.6 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles of Big Lake Int, climb to 3000', proceed direct to PMM VORTAC.

NOTES: (1) Use Grand Rapids, Mich., altimeter setting. (2) Dual VOR receivers or DME required.

MSA within 25 miles of facility: 000°-090°-2900'; 090°-180°-2400'; 180°-360°-2100'.

City, Allegan; State, Mich.; Airport name, Padgham; Elev., 704'; Fac. Class., H-BVORTAC; Ident., PMM; Procedure No. VOR Runway 27, Amdt. Orig.; Eff. date, 17 Aug. 67

				T-dn.....	300-1	300-1	
				C-dn.....	500-1	500-1	
				A-dn.....	NA	NA	

Procedure turn E side of crs, 203° Outbnd, 023° Inbnd, 1500' within 10 miles.

Minimum altitude over facility on final approach crs, 1000'.

Crs and distance, facility to airport, 035°—1.6 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 miles after passing SSI VOR, make climbing right turn to 1500' and return to SSI VOR.

NOTES: (1) Use Brunswick, Ga., altimeter setting. (2) IFR flight plan must be closed with Brunswick FSS when reaching VFR conditions or immediately after landing.

MSA within 25 miles of facility: 000°-360°-1500'.

City, Brunswick; State, Ga.; Airport name, Jekyll Island; Elev., 12'; Fac. Class., L-BVOR; Ident., SSI; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 17 Aug. 67

RULES AND REGULATIONS

11027

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
CYLOM.....	CYS VOR.....	Direct.....	8000	T-dn..... C-dn..... A-dn.....	300-1 500-1 800-2	300-1 500-1 800-2	200-1½ 500-1½ 800-2

Procedure turn W side of crs, 016° Outbd, 196° Inbd, 7500' within 10 miles.
Minimum altitude over facility on final approach crs, 7200'.
Crs and distance, facility to airport, 196°—3.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing CYS VOR, climb to 8000' on R 166° within 10 miles of CYS VOR.
MSA within 25 miles of facility: 000°-090°—7400'; 090°-180°—7400'; 180°-270°—10,100'; 270°-360°—9000'.
City, Cheyenne; State, Wyo.; Airport name, Cheyenne Municipal; Elev., 6156'; Fac. Class., H-BVORTAC; Ident., CYS; Procedure No. VOR-1, Amdt. 6; Eff. date, 17 Aug. 67; Sup. Amdt. No. VOR 1, Amdt. 5; Dated, 26 Jun 65

				T-dn..... C-dn..... A-dn.....	1000-3 1500-3 2000-3	1000-3 1500-3 2000-3	1000-3 1500-3 2000-3
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Procedure turn E side of crs, 006° Outbd, 186° Inbd, 8000' within 10 miles.
Minimum altitude over facility on final approach crs, 6600'.
Crs and distance, facility to airport, 186°—6.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.6 miles of VOR, make a climbing left turn to 8000', return to Cody VOR.
NOTE: Contact Worland, Wyo., FSS for altimeter setting.
*For air carriers having acceptable weather reporting.
*Climb clear of clouds over airport to 6600', then climb direct to cross Cody VOR at 8000'.
MSA within 25 miles of facility: 000°-180°—8400'; 180°-270°—14,200'; 270°-360°—12,500'.
City, Cody; State, Wyo.; Airport name, Cody Municipal; Elev., 6089'; Fac. Class., L-BVOR; Ident., COD; Procedure No. VOR-1, Amdt. Orig.; Eff. date, 17 Aug 67 or upon commissioning of facility

Taft Int.....	CRP VOR (final).....	Direct.....	1000	T-dn..... C-dn..... S-dn-17°..... A-dn.....	300-1 700-1 700-1 800-2	300-1 700-1 700-1 800-2	200-1½ 700-1½ 700-1 800-2
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Radar available.
Procedure turn W side of crs, 011° Outbd, 191° Inbd, 2000' within 10 miles.
Minimum altitude over facility on final approach crs, 1600'.
Crs and distance, facility to airport, 191°—7.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.9 miles after passing CRP VOR, turn left, intercept CRP VOR, R 171° and proceed to Pogo Int, climbing to 2000'.
*Reduction of landing visibility not authorized.
MSA within 25 miles of facility: 000°-090°—1400'; 090°-180°—1400'; 180°-270°—2100'; 270°-360°—1500'.
City, Corpus Christi; State, Tex.; Airport name, Corpus Christi International; Elev., 43'; Fac. Class., H-BVORTAC; Ident., CRP; Procedure No. VOR, Runway 17, Amdt. 13; Eff. date, 17 Aug 67; Sup. Amdt. No. VOR, Runway 17; Dated, 20 May 67

				T-dn..... C-d..... C-n..... A-dn..... If Middlebury Int or 8-mile DME FIX, R 289° received, the following minimums apply:*	300-1 900-1 900-2 NA 500-1 500-2	300-1 900-1 900-2 NA 500-1 500-2	NA NA NA NA NA NA
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Radar available.
Procedure turn N side of crs, 109° Outbd, 289° Inbd, 2600' within 10 miles.
Minimum altitude over facility on final approach crs, 2800'; over Middlebury Int or 8-mile DME Fix, R 289°, 2100'.
Crs and distance, facility to airport, 289°—10 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10 miles after passing ACO VOR, make right-climbing turn to 3000', return to ACO VOR. Hold E, 1-minute right turns, 276° Inbd.
NOTE: Use Akron, Ohio, altimeter setting.
*DME or ADF equipment required.
MSA within 25 miles of facility: 330°-080°—2700'; 080°-170°—3200'; 170°-260°—2700'; 260°-350°—3000'.
City, Kent; State, Ohio; Airport name, Andrew W. Paton of Kent State University; Elev., 1159'; Fac. Class., L-BVORTAC; Ident., ACO; Procedure No. VOR-1, Amdt. 2; Eff. date, 19 Aug 67; Sup. Amdt. No. VOR-1, Amdt. 1; Dated, 18 Feb 67

Concord Int.....	Albion Int (final).....	Direct.....	2500	T-dn.....	300-1	300-1	NA
Jackson VORTAC.....	Concord Int.....	Direct.....	2700	C-dn.....	500-1	500-1	NA
Litchfield VORTAC.....	Concord Int.....	Direct.....	2700	S-dn-28.....	500-1	500-1	NA
Battle Creek VORTAC.....	Albion Int.....	Direct.....	2700	A-dn.....	NA	NA	NA
Marshall Int.....	Albion Int.....	Via JXN, R 267°; BTL R 106°.	2700				

Procedure turn S side of crs, 106° Outbd, 286° Inbd, 2700' within 10 miles of Albion Int.
Minimum altitude over Albion Int on final approach crs, 2500'.
Crs and distance, Albion Int to airport, 286°—5.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.6 miles after passing Albion Int, make left turn climb to 3000', proceed direct to Litchfield VOR.
NOTE: (1) Use Battle Creek altimeter setting. (2) Dual VOR receivers or DME required.
MSA within 25 miles of facility: 000°-180°—2600'; 180°-270°—2200'; 270°-360°—2900'.
City, Marshall; State, Mich.; Airport name, Brooks Field; Elev., 940'; Fac. Class., T-BVORTAC; Ident., BTL; Procedure No. VOR, Runway 28, Amdt. Orig.; Eff. date, 17 Aug 67

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Boston VOR	Lawrence VOR (final)	Direct	2000	T-d	300-1	300-1	
Manchester VOR	Lawrence VOR (final)	Direct	2200	C-d	800-1	800-1½	
Bedford RBN	Lawrence VOR (final)	Direct	2000	A-dn	NA	NA	
Nashua RBN	Lawrence VOR (final)	Direct	2100				
Kennebunk VOR	Lawrence VOR	Direct	2300				

Radar available.

Lawrence VOR holding fix, 237° Outbnd, 057° Inbnd, 2000' right turns.

Minimum altitude over facility on final approach crs, 2000'; over Plum Int, R 089°—2000'.

Crs and distance, facility to airport, 089°—11.7 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 11.7 miles after passing LWM VOR, or within 7 miles after passing Plum Int, make left-climbing turn to 2000' direct LWM VOR, hold SW of LWM VOR, 1-minute right turns, 057° Inbnd.

Notes: (1) Use Boston altimeter setting. (2) Monitor Boston approach control until landing assured.

MSA within 25 miles of facility: 015°-105°-1600'; 105°-195°-1900'; 195°-285°-2400'; 285°-015°-2000'.

City, Newburyport; State, Mass.; Airport name, Plum Island; Elev., 11'; Fac. Class., T-BVOR; Ident., LWM; Procedure No. VOR, Runway 10, Amdt. Orig.; Eff. date, 19 Aug. 67.

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

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

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

PROCEDURE CANCELED, EFFECTIVE 17 AUG. 1967.

City, The Dalles; State, Orig.; Airport name, The Dalles Municipal; Elev., 243'; Fac. Class., B-VORTAC; Ident., DLS; Procedure No. VOR/DME No. 1, Amdt. 4; Eff. date, 23 Dec. 65; Sup. Amdt. No. 3; Dated, 16 Oct. 65.

DLS VOR	15-mile DME Fix, R 166°	Direct	5200	T-dn	1000-1	1000-1	1000-1
15-mile DME Fix, R 080° clockwise	15-mile DME Fix, R 183°	15-mile DME Arc	3800	C-dn	1500-1	1500-1	1500-1½
				A-dn	1500-2	1500-2	1500-2

Procedure turn not authorized.

Minimum altitude over 15-mile DME Fix, R 183° on final approach crs, 3800'; over 10-mile DME Fix, R 183°—2900'; over 6.8-mile DME Fix, R 185°—1743'.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 6.8-mile DME Fix, R 183°, turn right, intercept and climb southbound on DLS VOR, R 166° to 5000' within 15 miles.

CAUTION: High terrain W through N.

The Dalles departure: Climb visually over the airport to 1200', climb on heading of 090° to intercept the Dalles VOR, R 166°, then climb southbound on R 166° within 15 miles to sufficient altitude to cross DLS VOR at or above 4400'.

MSA within 25 miles of facility: 000°-090°-6000'; 090°-180°-5400'; 180°-270°-7000'; 270°-360°-6000'.

City, The Dalles; State, Orig.; Airport name, The Dalles Municipal; Elev., 243'; Fac. Class., B-VORTAC; Ident., DLS; Procedure No. VOR/DME, Runway 2, Amdt. Orig.; Eff. date, 17 Aug. 67 or upon commissioning of relocated VORTAC.

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

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Pogo Int.	LOM	Direct	2000	T-dn*	300-1	300-1	200-1½
CRP VOR	LOM	Direct	2000	C-dn	400-1	500-1	500-1½
Sinton Int.	LOM	Direct	2000	S-dn-13#**	200-1½	200-1½	200-1½
Mathis Int.	Edroy Int.	Direct	1700	A-dn	600-2	600-2	600-2
Edroy	LOM (final)	Direct	1400				

Radar available.
Procedure turn W side of crs, 307° Outbd, 127° Inbd, 3000' within 10 miles.
Minimum altitude at glide slope interception, Inbd, 1400'.
Altitude of glide slope and distance to approach end of runway at LOM, 1370'—4.8 miles; at LMM, 244'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles after passing LOM, proceed to Pogo Int via ILS SE crs and CRP VOR, R 172° climbing to 2000', or when directed by ATC, turn left, proceed direct to CRP VOR climbing to 2000'.
*RVR 2400' authorized Runway 13.
400-½ required if glide slope not utilized, 400-½ authorized with operative AL's, except for 4-engine turbojets.
**RVR 2400'. Descent below 243' not authorized unless approach lights visible.
MSA within 25 miles of LOM: 000°-090°-1400'; 090°-180°-2000'; 180°-270°-2100'; 270°-360°-1500'.
City, Corpus Christi; State, Tex.; Airport name, Corpus Christi International; Elev., 43'; Fac. Class., ILS; Ident., I-CRP; Procedure No. ILS, Runway 13, Amdt. 13; Eff. date, 17 Aug 67; Sup. Amdt. No. ILS, Runway 13, Amdt. 12; Dated, 25 Mar 67

LOM	Bluff Int.	Direct	1800	T-dn	300-1	300-1	200-1½
CRP VOR	Bluff Int.	Direct	1500	C-dn	400-1	500-1	500-1½
				S-dn-31#	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available. Radar Fixes may be used in lieu of VHF Fixes.
Procedure turn W side of crs, 127° Outbd, 307° Inbd, 1500' within 10 miles.
Minimum altitude over Bluff Int on final approach crs, 1200'; over Elmer Int, 600'.
Crs and distance, Bluff Int to airport, 307°—4 miles; Elmer Int to airport, 307°—1.7 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing Bluff Int, climb to 1800' on NW crs, CRP ILS within 20 miles.
#Elmer Int or Radar Fix not received, descent below 600' not authorized.
*400-½ authorized with operative HIRL, except for 4-engine turbojets.
City, Corpus Christi; State, Tex.; Airport name, Corpus Christi International; Elev., 43'; Fac. Class., ILS; Ident., I-CRP; Procedure No. LOC (BC), Runway 31, Amdt. 1; Eff. date, 17 Aug 67; Sup. Amdt. No. ILS-31 (BC), Orig., Dated, 27 Feb. 65

Fierence Int.	LOM	Direct	1900	T-dn#	300-1	300-1	200-1½
Branch Int.	LOM	Direct	1900	C-dn	400-1	500-1	500-1½
Byran Int.	LOM	Direct	2500	S-dn-15L*	200-1½	200-1½	200-1½
Trace Int.	LOM	Direct	1900	A-dn	600-2	600-2	600-2
Hackin Int.	LOM	Direct	1900				
JAN VORTAC	LOM (final)	Direct	1900				

Radar available.
Procedure turn W side of crs, 333° Outbd, 153° Inbd, 1900' within 10 miles.
Minimum altitude at glide slope interception, Inbd, 1500'.
Altitude of glide slope and distance to approach end of runway at OM, 1778'—5.5 miles; at MM, 489'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing LOM, turn right, climb to 2900' on JAN VORTAC, R 164° within 15 miles.
*400-½ (RVR 4000') required when glide slope not utilized, 400-½ (RVR 2400') authorized with operative AL's, except for 4-engine turbojets.
#RVR 2400' authorized Runway 15L.
*RVR 2400'. Descent below 545' not authorized unless AL's are visible.
MSA within 25 miles of LOM: 000°-090°-1700'; 090°-180°-1800'; 180°-270°-3500'; 270°-360°-1700'.
City, Jackson; State, Miss.; Airport name, Allen C. Thompson Field; Elev., 345'; Fac. Class., ILS; Ident., I-JAN; Procedure No. ILS, Runway 15L, Amdt. 3; Eff. date, 19 Aug. 67; Sup. Amdt. No. ILS, Runway 15L, Amdt. 4; Dated, 28 Jan. 67

Macon VOR	LOM	Direct	1600	T-dn#	300-1	300-1	200-1½
Powersville Int.	LOM (final)	Direct	1600	C-dn	500-1	500-1	500-1½
				S-dn-5#	200-1½	200-1½	200-1½
				A-dn	600-2	600-2	600-2

Radar available.
Procedure turn S side of crs, 227° Outbd, 047° Inbd, 1000' within 10 miles.
Minimum altitude at glide slope interception, Inbd, 1000'.
Altitude of glide slope and distance to approach end of runway at OM, 1490'—3.8 miles; at MM, 540'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, made climbing left turn to 2300'. Intercept 300° track of MC LOM within 15 miles, or when directed by ATC, climb to 2300' on crs, 047° within 15 miles of LOM.
Notes: (1) Back crs unusable. (2) RVR minimums do not apply during hours tower not in operation.
CAUTION: 1209' tower, 5.5 miles NE of airport on missed approach crs.
*500-½ (RVR 4000') required when glide slope not utilized. Reduction not authorized.
#RVR 2400'. Descent below 554' not authorized unless approach lights are visible.
**RVR 2400' authorized Runway 5.
MSA within 25 miles of LOM: 000°-090°-2200'; 090°-180°-2500'; 180°-270°-1900'; 270°-360°-2100'.
City, Macon; State, Ga.; Airport name, Macon Municipal; Elev., 354'; Fac. Class., ILS; Ident., I-MCN; Procedure No. ILS, Runway 5, Amdt. 13; Eff. date, 19 Aug 67; Sup. Amdt. No. ILS-5, Amdt. 12; Dated, 13 Aug 66

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn.....	300-1	300-1	200-1/2
				C-dn.....	400-1	500-1	500-1/2
				S-dn-22.....	400-1	400-1	400-1
				A-dn.....	800-2	800-2	800-2

Radar vectoring to 5-mile Radar Fix on back crs of ILS.

Radar required.

Procedure turn not authorized. Localizer back crs Inbnd, 225°.

Minimum altitude over 5-mile Radar Fix on final approach crs, 1000'.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5 miles after passing the 5-mile Radar Fix, climb to 2500' on ORF VOR, R 233° direct to Deep Creek Int, hold SW, 1-minute left turns, 063° Inbnd.

City, Norfolk; State, Va.; Airport name, Norfolk Municipal; Elev., 27'; Fac. Class., ILS; Ident., I-ORF; Procedure No. LOC (BC), Runway 22, Amdt, Orig.; Eff. date, 19 Aug. 67

Freeport Int.....	PW LOM.....	Direct.....	2100	T-dn.....	300-1	300-1	200-1/2
Kennebunk VOR.....	Buxton Int.....	Direct.....	2100	C-dn.....	600-1	600-1	600-1/2
Buxton Int.....	PW LOM (final).....	Direct.....	1800	S-dn-11**.....	300-2/4	300-2/4	300-2/4
				A-dn.....	600-2	600-2	600-2
				With glide slope inoperative:			
				S-dn-11**.....	400-1	400-1	400-1

Procedure turn S side of crs, 292° Outbnd, 112° Inbnd, 2100' within 10 miles.

Minimum altitude at glide slope interception, Inbnd, 1800'.

Altitude of glide slope and distance to approach end of runway at OM, 1741'—5.4 miles; at MM, 272'—0.6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing PW LOM, make right-climbing turn to 2100' direct PW LOM. Hold W of PW LOM, 1-minute right turns, 112° Inbnd.

NOTE: Back crs unusable.

**Reduction not authorized.

MSA within 25 miles of PW LOM: 000°-090°—3100'; 090°-180°—1500'; 180°-270°—2200'; 270°-360°—3000'.

City, Portland; State, Maine; Airport name, Portland Municipal; Elev., 66'; Fac. Class., ILS; Ident., I-PWM; Procedure No. ILS-11, Amdt, 7; Eff. date, 19 Aug. 67; Sup. Amdt. No. ILS, Amdt. 6; Dated, 17 Dec. 66

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

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
					Surveillance approach		
045°.....	285°.....	Within:		T-dn.....	300-1	300-1	200-1/2
285°.....	330°.....	20 miles.....	2000	C-dn.....	500-1	500-1	500-1/2
330°.....	045°.....	20 miles.....	2400	S-dn*.....	500-1	500-1	500-1
295°.....	080°.....	10 miles.....	1500	A-dn.....	800-2	800-2	800-2
080°.....	295°.....	10 miles.....	1500				

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2000' and proceed direct to Woodstown VOR, hold SW, R 211°, 031° Inbnd, 1-minute left turns.

*Runways 9, 17, 27, 35.

*Runway 27 only descent below 700' not authorized until passing 5-mile Radar Fix.

City, Philadelphia; State, Pa.; Airport name, Philadelphia International; Elev., 14'; Fac. Class. and Ident., Philadelphia; Radar Procedure No. 1, Amdt. 11; Eff. date, 19 Aug. 67; Sup. Amdt. No. 1, Amdt. 10; Dated, 29 Oct. 66

These procedures shall become effective on the dates specified therein.

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

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

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

[F.R. Doc. 67-8462; Filed, July 27, 1967; 8:45 a.m.]

Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 19]

PART 5—DETERMINATION OF PARITY PRICES

Prunes and Plums; Sour Cherries

Beginning in May 1967, production and disposition estimates for prunes and plums were changed to (1) discontinue publication of Michigan plum estimates, (2) discontinue publication of Idaho, Washington, and Oregon prune estimates, and (3) combine Michigan, Idaho, Washington, and Oregon estimates in a new category called "prunes and plums". This change was made in order to provide comparable statistics for commodities which are more nearly alike in utilization. Parity prices should be computed on the same commodities. Accordingly, the regulations of the Secretary of Agriculture with respect to the determination of parity prices (21 F.R. 761, as amended; 7 CFR 5.1-5.6) are amended as hereinafter specified, effective July 31, 1967, in order to make these changes in the list of commodities for which parity prices shall be calculated. Since it is not practicable to determine the average prices received by farmers for these commodities on a calendar year basis for purposes of computing the adjusted base prices of these commodities for use in making parity calculations, marketing season average prices will be used for these purposes. The term "tart cherries" is also substituted for "sour cherries".

1. In § 5.2, the paragraph under the centerhead "Deciduous and other Fruit" is amended to read as follows:

§ 5.2 Marketing season average price data.

DECIDUOUS AND OTHER FRUIT

Apples for processing; apricots for fresh consumption; apricots for processing (except dried); dried apricots; avocados; blackberries; boysenberries; gooseberries; loganberries; black raspberries; red raspberries; youngberries; tart cherries; sweet cherries; cranberries; dates; figs for fresh consumption; figs for processing (except dried); dried figs; grapes, raisins, dried; all grapes excluding raisins, dried; nectarines for fresh consumption; nectarines for processing; olives for processing (except crushed for oil); olives, crushed for oil; olives for canning; peaches for fresh consumption; clingstone peaches for processing (except dried); freestone peaches for processing (except dried); dried peaches; pears for fresh consumption; pears for processing (except dried); dried pears; persimmons; plums (California), for fresh consumption; plums (California), for processing; pomegranates; dried prunes (California); prunes and plums (excluding California), for fresh consumption; prunes and plums (excluding California), for processing (except dried); strawberries for fresh consumption; and strawberries for processing.

2. In § 5.4, the paragraph under the centerhead "Deciduous and Other Fruit" is amended to read as follows:

§ 5.4 Commodities for which parity prices shall be calculated.

DECIDUOUS AND OTHER FRUIT

Apples (primarily for fresh use); apples for processing; apricots for fresh consumption; apricots for processing (except dried); dried apricots; avocados; blackberries; boysenberries; gooseberries; loganberries; black raspberries; red raspberries; youngberries; tart cherries; sweet cherries; cranberries; dates; figs for fresh consumption; figs for processing (except dried); dried figs; grapes, raisins, dried; all grapes excluding raisins, dried; nectarines for fresh consumption; nectarines for processing; olives for processing (except crushed for oil); olives, crushed for oil; olives for canning; peaches for fresh consumption; clingstone peaches for processing (except dried); freestone peaches for processing (except dried); dried peaches; pears for fresh consumption; pears for processing (except dried); dried pears; persimmons; plums (California), for fresh consumption; plums (California), for processing; pomegranates; dried prunes (California); prunes and plums (excluding California) for fresh consumption; prunes and plums (excluding California) for processing (except dried); strawberries for fresh consumption; and strawberries for processing.

(Sec. 301, 52 Stat. 38, as amended; 7 U.S.C. 1301)

Done at Washington, D.C., this 25th day of July 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-8764; Filed, July 27, 1967;
8:46 a.m.]

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

SUBCHAPTER C—SPECIAL PROGRAMS

PART 751—LAND USE ADJUSTMENT PROGRAM

Subpart—1967 Cropland Conversion Program

Sec.
751.150 Purposes and objectives.
751.151 Applicability of the program.
751.152 Terms and conditions of the program.

AUTHORITY: The provisions of this subpart issued under sec. 16(e), 70 Stat. 606; 16 U.S.C. 590p(e).

§ 751.150 Purposes and objectives.

The general purposes and objectives of the 1967 cropland conversion program are to improve family farm income by promoting better economic use and conservation of farmland through agreements with farmers providing for (a) conversion of land regularly used in the production of crops to other economic uses, (b) changes in cropping systems, and (c) practices or measures needed to conserve and develop soil, water, forest, wildlife, and recreation resources.

§ 751.151 Applicability of the program.

Agreements may be entered into only with producers who filed a request for a

1967 cropland adjustment program agreement and were entitled to priority under such program but who were not awarded agreements because of the limitation of funds. The program will be further limited to counties for which the State committee establishes an allocation of funds. A list of such counties may be obtained from the State committee.

§ 751.152 Terms and conditions of the program.

(a) Except as provided in this section, the terms and conditions of the 1967 cropland conversion program shall be the same as those prescribed in the regulations which are applicable to the 1967 cropland adjustment program, §§ 751.101-751.141, as amended, and such regulations shall be applicable to the 1967 cropland conversion program.

(b) The acreage ceilings prescribed in § 751.110 shall not be applicable.

(c) The rates of annual adjustment payment determined in accordance with § 751.115 shall be reduced by an amount equal to one-half the nonallotment rate established for the farm.

(d) The tame hay base for the farm shall not be designated as diverted where the producer requests authority to harvest hay from the designated acreage.

(e) The provisions of § 751.113 (a) and (d) relating to length of agreement period and extending agreements shall not be applicable. Agreements approved under the subpart shall be for a period of 3 years.

(f) The authority in § 751.115 (b) to increase the annual adjustment payment rate for permitting access to the general public for hunting, trapping, fishing, and hiking, shall not be applicable.

(g) The provisions of § 751.115 (c), relating to the 40 per centum limitation on the annual adjustment payment rate shall not be applicable.

(h) Section 751.118 (b) (2) (xiii) shall not be applicable. Land with respect to which the ownership has changed during the 3-year period preceding the first year of the agreement period shall not be eligible for designation unless the new ownership was acquired by will or succession as a result of the death of the previous owner. This provision shall not prohibit the continuation of an agreement by a new owner after an agreement has once been entered into under this subpart.

(i) The designated acreage may be grazed and, except where the tame hay base is designated as diverted, hay may be harvested from such acreage.

(j) In addition to the eligible conservation practices eligible to be carried out under § 751.118 (e), the Director may approve other practices if they are determined to be needed to accomplish the objectives of the program.

(k) A farm currently under a cropland conversion program agreement or a cropland adjustment program agreement shall not be eligible for this program.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on July 25, 1967.

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

[P.R. Doc. 67-8808; Filed, July 27, 1967;
8:50 a.m.]

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

[Area No. 3]

**PART 948—IRISH POTATOES GROWN
IN COLORADO**

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment for Area No. 3 (Northern Colorado), to be effective under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948), was published in the June 27, 1967, FEDERAL REGISTER (32 F.R. 9084). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than the 15th day after publication in the FEDERAL REGISTER. None was filed, however, the Committee reported that its expenses for the fiscal period ended May 31, 1967, totaled \$2,848.66 which total is in excess of the \$2,500 approved for last year's expenses.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Area Committee for Area No. 3, established pursuant to the said marketing agreement and order, it is hereby found and determined that § 948.251, expenses for the fiscal period ended May 31, 1967, be increased to \$2,848.66, and that the rate of assessment and expenses for the fiscal period ending May 31, 1968, shall be as set forth in the aforesaid notice, as follows:

§ 948.251 Expenses and rate of assessment, Area No. 3.

(a) The reasonable expenses incurred by the Area Committee for Area No. 3 to perform its functions during the fiscal period ended May 31, 1967, amounted to \$2,848.66. The budget for such fiscal period is hereby amended, pursuant to § 948.77(c) and the recommendation of the Committee, to approve such expenses for a total of \$2,848.66. No change in the rate of assessment is necessary.

§ 948.254 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Area Committee for Area No. 3, established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended, to enable such committee to perform its

functions pursuant to the provisions of the aforesaid amended agreement and order during the fiscal period ending May 31, 1968, will amount to \$2,750.

(b) The rate of assessment to be paid by each handler in Area No. 3 pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended, shall be \$0.00125 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending May 31, 1968, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553 (1966)) in that: (1) The relevant provisions of this part require that the rate of assessment for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began on June 1, 1967, and the rate of assessment herein will apply to all assessable potatoes beginning with such date.

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

Dated: July 24, 1967.

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

[P.R. Doc. 67-8809; Filed, July 27, 1967;
8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 20,704]

PART 544—CHARTER AND BYLAWS

Age Limitation on Directors

JUNE 29, 1967.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending § 544.6 of the rules and regulations for the Federal Savings and Loan System (12 CFR 544.6), to permit Federal savings and loan associations to provide an age limitation applicable to the directors of such associations, and for the purpose of effecting such amendment hereby amends said § 544.6 by adding, immediately after paragraph (g), a new paragraph, paragraph (h), to read as follows, effective August 28, 1967:

§ 544.6 Amendment to bylaws.

(h) *Age limitation on directors.* Except as provided herein, no person shall be eligible for election, reelection, ap-

pointment or reappointment to the board of directors of the association who is more than (fill in any age from 65 to 70) years of age. Unless otherwise provided by the board of directors by resolution, the provisions of this paragraph shall not be applicable to any person who has served continuously as a director of the association from and after (date of adoption) until that person has been reelected to another full or partial term as a director of the association.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947, 12 P.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, since the foregoing amendment is designed merely to provide a uniform format for an optional bylaw provision establishing an age limitation for directors, the Board finds that notice and public procedure on said amendment are unnecessary under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) and 5 U.S.C. 553.3 (b), and for the same reason, the Board hereby finds that deferral of the effective date of the said amendment pursuant to the provisions of § 508.14 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.14) and 5 U.S.C. 553(d) is not required, and the Board provides that the said amendment shall be effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL]

HARRY W. CAULSEN,
Secretary.

[P.R. Doc. 67-8804; Filed, July 27, 1967;
8:49 a.m.]

[No. 20,758]

PART 544—CHARTER AND BYLAWS

Age Limitation on Officers

JULY 20, 1967.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of amending § 544.6 of the rules and regulations for the Federal Savings and Loan System (12 CFR 544.6), to permit Federal savings and loan associations to provide an age limitation applicable to the officers of such associations, and for the purpose of effecting such amendment hereby amends said § 544.6 by adding, immediately after paragraph (h), a new paragraph, paragraph (i), to read as follows, effective August 28, 1967:

§ 544.6 Amendment to bylaws.

(i) *Age limitation on officers.* Except as provided herein, no person shall be eligible for election, reelection, appointment or reappointment as an officer of the association who is more than (fill in any age from 65 to 70) years of age. Unless otherwise provided by the board of directors by resolution, the provisions of this paragraph shall not be applicable to any person who has served continuously as an officer of the association from and after (date of adoption)

until that person has been reelected to another full or partial term as an officer of the association.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, since the foregoing amendment is designed merely to provide a uniform format for an optional bylaw provision establishing an age limitation for officers, the Board finds that notice and public procedure on said amendment are unnecessary under the provisions of § 508.12 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.12) and 5 U.S.C. 553.3(b), and for the same reason, the Board hereby finds that deferral of the effective date of the said amendment pursuant to the provisions of § 508.14 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.14) and 5 U.S.C. 553(d) is not required, and the Board provides that the said amendment shall be effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 67-8805; Filed, July 27, 1967;
8:50 a.m.]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN
INSURANCE CORPORATION

[No. 20,757]

PART 561—DEFINITIONS

Scheduled Items

JULY 20, 1967.

Resolved that, notice and public procedure having been duly afforded (32 F.R. 7026) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board hereby amends § 561.15 of the rules and regulations for Insurance of Accounts (12 CFR § 561.15), by revising paragraph (c) of said section to read as follows, effective August 28, 1967.

§ 561.15 Scheduled items.

(c) The total amount invested in real estate owned as a result of foreclosure, or acquired by deed in lieu of foreclosure, other than real estate owned pending transfer to an insuring or guaranteeing agency of the U.S. Government.

(Sec. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F.R. Doc. 67-8806; Filed, July 27, 1967;
8:50 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 67-174]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar Content of Certain Articles From Australia

The following information is published pursuant to T.D. 54582 dated April 29, 1958 (23 F.R. 3034).

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the first 6 months of 1967 of approved fruit products and other approved products containing sugar are the amounts set forth in the following table:

MERCHANDISE—APPROVED FRUIT PRODUCTS AND
OTHER APPROVED PRODUCTS

	Net amount of bounty per 2,240 lbs. of sugar content
1967	
January	Aus. \$102.80
February	103.20
March	92.20
April	96.80
May	81.70
June	75.90

The net amounts of bounties or grants on the above-described commodities which are manufactured or produced in Australia are hereby ascertained, determined, and declared to be the amounts set forth in the above table. Additional duties on the above-described commodities, except those commodities covered by T.D. 55716 (27 F.R. 9595), whether imported directly or indirectly from that country, equal to the appropriate net amount of the bounty shown in the above table shall be assessed and collected.

The table in § 16.24(f) of the Customs Regulations is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury decision in the column headed "Treasury Decision" and the words "New rates" in the column headed "Action." Since it has been determined that the retention of references to Treasury decisions publishing countervailing duty orders for a longer period than 1 year serves no real need (T.D. 56258, 29 F.R. 12961), the table is further amended by deleting therefrom under "Australia—Sugar content of certain articles" the number 66-257 in the column headed "Treasury Decision" and the words "New rates" appearing opposite such number in the column headed "Action."

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

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

Approved: July 20, 1967.

TRUE DAVIS,
Assistant Secretary of the
Treasury.

[F.R. Doc. 67-8790; Filed, July 27, 1967;
8:48 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of
Labor

PART 2—GENERAL REGULATIONS

PART 70—EXAMINATION AND COPY-
ING OF LABOR DEPARTMENT DOC-
UMENTS

Pursuant to authority in 5 U.S.C. 301, 552, 559, 65 Stat. 290, and in Reorganization Plan No. 6 of 1950 (3 CFR, 1949-53 Comp., p. 1004), 29 CFR Part 2 is revised and 29 CFR Part 70 is established to read as set out below. As the changes made by this document relate solely to interpretative rules, general statements of policy, and to rules of agency procedure and practice, neither notice of proposed rule making nor public participation therein is required by 5 U.S.C. 553. Since the changes made by this document either relieve restriction or they are interpretative rules, no delay in effective date is required by 5 U.S.C. 553(d). I do not believe such participation or such delay would serve a useful purpose here. These rules shall, therefore, be effective immediately.

1. The new 29 CFR Part 70 reads as follows:

- Sec.
- 70.1 Scope and purpose.
 - 70.2 Labor Department documents which may be inspected and copied.
 - 70.3 Documents exempt from disclosure.
 - 70.4 Procedure for disclosure.
 - 70.5 Indices.
 - 70.6 Copies.
 - 70.7 Withdrawal of originals.
 - 70.8 Availability of documents containing statistical information or information concerning labor-management relations.
 - 70.9 Officers authorized to sign and issue certificates of authentication.

AUTHORITY: The provisions of this Part 70 issued under 5 U.S.C. 301, 552, 559; 65 Stat. 290; Reorganization Plan No. 6 of 1950 (3 CFR, 1949-53 Comp., p. 1004), unless otherwise noted.

§ 70.1 Scope and purpose.

This Part 70 provides the regulations implementing section 3 of the Administrative Procedure Act as revised by the Act of July 4, 1966 (P.L. 89-487, 80 Stat. 250), requiring disclosure of certain information. It also implements the policy of the Department of Labor to disclose all other information on request so far as is compatible with the discharge of its responsibilities.

§ 70.2 Labor Department documents which may be inspected and copied.

(a) Except as to documents exempted from disclosure pursuant to § 70.3, any person may inspect and copy any document in the possession and custody of the U.S. Department of Labor in accordance with the procedure provided in § 70.4.

(b) To the extent required to prevent a clearly unwarranted invasion of personal privacy, the custodian may delete identifying details when he makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction, provided that in every case the justification for the deletion is fully explained in writing.

§ 70.3 Documents exempt from disclosure.

The officer authorized to disclose a document as provided in § 70.4(b) may decline to disclose matters that are: (a) specifically required by Executive order to be kept secret in the interest of national defense or foreign policy; (b) related solely to the internal personnel rules and practices of any administration, bureau, or office of the Department of Labor; (c) specifically exempted from disclosure by statute; (d) trade secrets and commercial or financial information obtained from any person and privileged or confidential; (e) interagency or intra-agency memoranda or letters; (f) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (g) investigatory files compiled for law enforcement purposes. Such officer may, nonetheless, make any such document, other than those referred to in paragraph a of this section or specifically required by statute to be kept secret, available for inspection and copying, if he determines that such availability furthers the public interest and does not impede the discharge of any of the functions of the Labor Department.

§ 70.4 Procedure for disclosure.

(a) *Request.* Any person who desires to exercise the right to inspect or copy any document as provided in § 70.2(a) shall make a written request to the administration, bureau, or office of the Department of Labor which has custody of the document he desires to inspect or copy. The request shall be directed to the chief of the administration, bureau, or office unless the document is in the custody of one of its field offices. If the document is in the custody of a field office, the request shall be directed to the chief of the regional office (or, if there are no regional offices, the chief of the highest field office) which has custody of the document or supervisory authority over the field office which has such custody. The administrations, bureaus, and offices referred to are: Office of the Secretary of Labor; Office of the Solicitor; Office of Information, Publications and Reports; Office of Federal Contract Compliance (EEO); Office of the Plans for Progress; Employees' Compensation Appeals Board; Labor-Management Serv-

ices Administration; Manpower Administration; Wage and Labor Standards Administration; Bureau of International Labor Affairs; Bureau of Labor Statistics. For this purpose only, the Chief of the Office of the Secretary shall be considered to be the Assistant Secretary for Administration, and the Chief of the Office of the Solicitor shall be considered to be the Deputy Solicitor. The organization of the Department of Labor, its principal officers, and addresses of its regional and other field offices are found in the "U.S. Government Organization Manual," published annually by the Office of the Federal Register, and available for purchase from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. The request shall identify the document with the symbols provided for it in the index referred to in § 70.5, unless the request is by mail or the document is not referred to in such index, in which case the request shall identify the document as fully as is possible by reference to subject matter, dated, author, addressee, and otherwise so as to permit its convenient selection from among the many documents likely also to be in the possession and custody of the officer to whom the request is directed.

(b) *Action on request.* Except with respect to matters specifically required by Executive order to be kept secret in the interest of national defense or foreign policy and with respect to matters specifically required by statute to be kept secret, the officer to whom the request is made has authority to grant it to the extent that he is able to find the document described in his possession or custody. Such action shall not be subject to review. He may deny the request to the extent such denial is authorized by § 70.3. In any event, he must either grant or deny the request promptly after he is able to ascertain whether the document is in his possession or custody. Should he deny the request, the person making the request may present the matter to the Solicitor of Labor if he feels that he has a right to inspect or copy the document under the terms of this Part 70 or section 3 of the Administrative Procedure Act. Such presentation may contain such data, views, and argument as the person presenting it considers pertinent and helpful. The officer denying the request shall, either at the request of the person making the initial request or at the request of the Solicitor of Labor, transmit the original request to the Solicitor of Labor. The Solicitor shall review the matter and submit a recommendation for disposition of the request to the Under Secretary of Labor. The decision of the Under Secretary shall be the final one for the Department of Labor.

§ 70.5 Indices.

Each officer identified in § 70.4(a) shall maintain and make available for public inspection and copying a current index providing identifying information for the public as to any material in his possession and custody which is issued, adopted, or promulgated by him after

July 4, 1967, which is a final opinion (including concurring and dissenting opinions) or an order made in the adjudication of a case, a statement of policy or interpretation which has been adopted by him and not published in the *FEDERAL REGISTER*, or administrative staff manual or instruction that affects any member of the public. Each such officer shall forward a copy of each page of his index (including information as to pages which have become obsolete) to the Assistant Secretary of Labor for Administration in the Main Labor Building, 14th Street and Constitution Avenue NW., Washington, D.C., who will serve as central repository for, and make available for public inspection, all such indices compiled by such officers.

§ 70.6 Copies.

(a) *Made by the requesting party.* Persons whose requests for permission to examine documents are approved under § 70.4 will, on request, be provided facilities for making manual copies of such documents.

(b) *Made by the Department of Labor.* Any document which has been released for inspection pursuant to § 70.4 will be copied by the Department of Labor on the request and at the expense of the requesting party. Except for copies duplicated for distribution for no fee and except as otherwise provided in § 70.8(b), the fee of 25 cents will be charged for each facsimile page reproduction in a maximum size of 10½" x 15½". Where such copying by the Department of Labor at the expense of the requesting person is requested, the request filed pursuant to § 70.4 may be by mail. In such case, such postal fees in excess of domestic first-class postal rates as are necessary for the type of transmittal of copies requested will be added to the per-page fee specified, unless appropriate stamps or stamped envelopes are furnished with the request.

§ 70.7 Withdrawal of originals.

No document or other paper in the possession and custody of the Department of Labor, or of any administration, bureau, office, or officer thereof, shall on any occasion be taken or withdrawn by any agent, attorney, or other person not officially connected with the Department; no exception will be made without the written consent of the Secretary or the Solicitor of Labor.

§ 70.8 Availability of documents containing statistical information or information concerning labor-management relations.

(a) The documents described in subparagraphs (1) and (2) of this paragraph are in the possession and custody of the offices indicated below. The right of inspection and copying provided in this Part 70 may be exercised at such offices.

(1) *Bureau of Labor Statistics.* Collective bargaining agreements and other available agreements and actions thereunder settling or adjusting labor disputes, maintained by the Department of Labor pursuant to section 211(a) of the Labor-Management Relations Act of

1947 (61 Stat. 156; 29 U.S.C. 181); other available statistical information, tables, studies, and reports, collected, collated, and published or reported by the Bureau of Labor Statistics pursuant to the provisions of Title 29, Chapter I of the United States Code. As required by the governing statute and as provided in § 70.3, requests to inspect or copy any such document shall be denied with respect to any specific information submitted to the Department in confidence.

ADDRESS

U.S. Department of Labor, Bureau of Labor Statistics, General Accounting Office, 441 G Street NW., Washington, D.C. 20212.

(2) *Office of Labor-Management and Welfare-Pension Reports.* (i) Copies of the descriptions of welfare or pension benefit plans, amendments or modifications thereto, and entire or individual pages of annual financial reports thereon, filed pursuant to section 8(b) of the Welfare and Pension Plans Disclosure Act (72 Stat. 1002, 29 U.S.C. 307).

(ii) Data and information contained in any report or other document filed pursuant to sections 201, 202, 203, 211, and 301 of the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 524-528, 530, 79 Stat. 888; 29 U.S.C. 431-433, 441, 461).

(iii) The contents of reports and documents filed pursuant to subsections 9 (f) and (g) of the National Labor Relations Act, as amended (61 Stat. 143; 29 U.S.C. 159; 73 Stat. 575) prior to the repeal of those subsections.

ADDRESS

U.S. Department of Labor, Office of Labor-Management and Welfare-Pension Reports, Public Documents Room, 8701 Georgia Avenue, Silver Spring, Md. 20910.

(b) Upon request of the Governor of a State for copies of any reports or documents available under paragraph (a) (2) of this section or for information and data contained therein, which have been filed by any person whose principal place of business or headquarters is in such State, the Office of Labor-Management and Welfare-Pension Reports shall:

(1) Make available without payment of a charge to the State agency designated by law or by such Governor, such requested copies or information and data, or;

(2) Require the person who filed such reports or documents, to furnish such copies or information and data directly to the State agency thus designated.

(61 Stat. 156, 72 Stat. 1002, 73 Stat. 529, 530; 29 U.S.C. 181, 307, 438, 461)

§ 70.9 Officers authorized to sign and issue certificates of authentication.

Authority is hereby given to any officer or officers of the Department of Labor designated as Authentication Officer or officers of said Department to sign and issue certificates of authentication under the seal of the Department of Labor. The form of authentication shall be as follows:

I hereby certify, that _____
Who signed the foregoing attestation,

is now and was at the time of signing (title) _____ and has legal custody of the official documents of the U.S. Department of Labor therein attested and that full faith and credit should be given to his act as such.

In witness whereof, I _____
duly designated by the Secretary of Labor as Authentication Officer of the Department of Labor, have hereunto subscribed my name and caused the seal of the Department of Labor to be affixed this _____ day of _____ 19____

(Authentication Officer, Department of Labor)

2. The revised 29 CFR Part 2 reads as follows:

Sec.

- 2.1 Employees attached to regional offices.
- 2.2 Employees attached to Washington office.
- 2.3 Consent of the Secretary.
- 2.4 Bureau of Labor Statistics.
- 2.5 Claims under the Federal Tort Claims Act for loss of or damage to property or for personal injury or death.

AUTHORITY: The provisions of this Part 2 issued under 5 U.S.C. 301, unless otherwise noted.

§ 2.1 Employees attached to regional offices.

No person who has been an employee of the Department and attached to a Regional office of any bureau, board, division, or other agency thereof, shall be permitted to practice, appear, or act as attorney, agent, or representative before the Department or any branch or agent thereof in connection with any case or administrative proceeding which was pending before such Regional office during the time of his employment with the Department, unless he shall first obtain the written consent thereto of the Secretary of Labor or his duly authorized representative.

§ 2.2 Employees attached to Washington office.

No person who has been an employee of the Department and attached to the Washington office of any bureau, board, division, or other agency thereof, shall be permitted to practice, appear, or act as attorney, agent, or representative before the Department or any branch or agent thereof, in connection with any case or administrative proceeding pending before such bureau, board, division, or other agency during the time of his employment with the Department, unless he shall first obtain the written consent thereto of the Secretary of Labor or his duly authorized representative.

§ 2.3 Consent of the Secretary.

The consent of the Secretary or his duly authorized representative may be obtained as follows:

The applicant shall file an application in the form of an affidavit. Such application, directed to the Secretary should:

- (a) State the former connection of the applicant with the Department;
- (b) Identify the matter in which the applicant desires to appear, and
- (c) Contain a statement to the effect that the applicant gave no personal consideration to such matter while he was an employee of the Department.

The application will be denied if the statements contained therein are disproved by an examination of the files, records, and circumstances pertaining to the matter, or if, in the opinion of the Secretary or his duly authorized representative, the public interest so requires. If the Secretary or his duly authorized representative is satisfied that the applicant gave no personal consideration to the matter in question while employed by the Department, and if he is satisfied that it is lawful and consistent with the public interest to do so, he may grant his consent, in writing, to the request of the applicant, subject to such conditions, if any, as he deems necessary and desirable. Any function of the Secretary under this section may be performed by the Under Secretary of Labor.

§ 2.4 Bureau of Labor Statistics.

(a) No investigator, statistician, economist, or other officer or employee of the Bureau of Labor Statistics shall testify on behalf of any party at any cause pending in any court or before any board, commission, or other administrative agency of the United States or of any State, Territory or the District of Columbia, with respect to any information, facts or other matter entrusted to him in confidence in such a manner as to reveal the identity of the person, firm, or corporation to whom the information, facts or other matters pertain, whether in answer to a subpoena or otherwise.

(b) Whenever any subpoena shall have been served upon any such investigator, statistician, economist, or other officer or employee of the Bureau of Labor Statistics, he will, unless otherwise expressly directed, appear in court in answer thereto and respectfully decline to give the testimony called for, on the ground of being prohibited therefrom by the regulations of the Labor Department.

(c) No exceptions will be made without the written consent of the Secretary.

§ 2.5 Claims under the Federal Tort Claims Act for loss of or damage to property or for personal injury or death.

Pursuant to 28 U.S.C. 2672, any claim under the Federal Tort Claims Act for loss of or damage to property or on account of personal injury or death, in an amount of \$25,000 or less, caused by the negligent or wrongful act or omission of any employee of the Department of Labor while acting within the scope of his office or employment under circumstances where the United States, if a private person, would be liable to the claimant for such damage, loss, injury, or death in accordance with the law of the place where the act or omission occurred may be presented in writing to the Solicitor of Labor, U.S. Department of Labor, Washington 25, D.C., or to any regional or branch office of the Solicitor, by the claimant in his own right or through an attorney at any time within 2 years after such claim has accrued. If the claim is presented through an attorney, such presentation should be accompanied by duly authenticated powers of attorney.

Each claim presented should include a sworn detailed statement of the facts and such affidavits, vouchers, bills, and other documents as the claimant deems appropriate for the proper determination of his claim. If, after investigation, the Solicitor determines on the basis of all the evidence that compensation is due the claimant under the Federal Tort Claims Act, the amount so found, together with such reasonable attorney's fees as may be allowed, will be paid by the Secretary of Labor.

(Interpret or apply 28 U.S.C. 2672)

Signed at Washington, D.C., this 24th day of July 1967.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 67-8786; Filed, July 27, 1967;
8:48 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

Waubay National Wildlife Refuge, S. 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.

SOUTH DAKOTA

WAUBAY NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Waubay National Wildlife Refuge, S. Dak., is permitted only on the area designated by signs as open to hunting. This area, com-

prising 4,591 acres, is delineated on a map available at refuge headquarters, Waubay, S. 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 conditions:

(1) Firearms season—November 25, 1967 through December 3, 1967, both dates inclusive.

(2) Hunting with bows and arrows is not permitted.

(3) Hunters will not be allowed to drive on refuge-maintained trails but may park their vehicles and hunt on foot.

(4) All deer taken on the refuge must be checked in at a designated checking station.

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 December 3, 1967.

ROBERT R. JOHNSON,
Refuge Manager, Waubay Na-
tional Wildlife Refuge, Wau-
bay, S. Dak.

JULY 21, 1967.

[F.R. Doc. 67-8750; Filed, July 27, 1967;
8:45 a.m.]

PART 33—SPORT FISHING

Waubay National Wildlife Refuge, S. Dak.

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

§ 33.5 Special regulations; sport fish-
ing; for individual wildlife refuge
areas.

SOUTH DAKOTA

WAUBAY NATIONAL WILDLIFE REFUGE

Sport fishing on the Waubay National Wildlife Refuge, S. Dak., is permitted

only on the areas designated by signs as open to fishing. This open area, comprising 320 acres or 16 percent of the total water areas of the refuge, is delineated on a map available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1006 West Lake Street, Minneapolis, Minn. 55408. Sport fishing is subject to the following conditions:

(a) Species permitted to be taken: Northern pike, perch, bullheads, and other minor species permitted by State regulations.

(b) Open season: Daylight hours from December 1, 1967, through February 28, 1968.

(c) Daily creel limits: Northern pike—8; perch—50; bullheads—50; creel limits for other minor species are as prescribed by State regulations.

(d) Methods of fishing:

1. Tackle—anglers may use a maximum of two lines, and a maximum of three hooks on each line. Artificial lures constitute one hook, regardless of the number of gang hooks attached.

(e) Other provisions:

1. 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.

2. A Federal permit is not required to enter the public fishing area.

3. The provisions of this special regulation are effective through February 28, 1968.

ROBERT R. JOHNSON,
Refuge Manager, Waubay Na-
tional Wildlife Refuge, Wau-
bay, S. Dak.

JULY 21, 1967.

[F.R. Doc. 67-8751; Filed, July 27, 1967;
8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 204]

PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF U.S. CITIZEN OR AS PREFERENCE IMMIGRANT

Preadoption Requirements in Orphan Cases; Withdrawal of Proposed Rule Making

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on May 3, 1967 (32 F.R. 6781), pertaining to the proposed amendment to § 204.2(e) (2) relating to the preadoption requirements in orphan cases. On July 4, 1967, there was published in the FEDERAL REGISTER (32 F.R. 9616) a statement to the effect that that proposed amendment was still under consideration. Several representations received regarding that proposed amendment were considered. It has been determined that that amendment will not be adopted.

Dated: July 24, 1967.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 67-8753; Filed, July 27, 1967; 8:45 a.m.]

POST OFFICE DEPARTMENT

[39 CFR Part 154]

CONDITIONS OF DELIVERY

Delivery to Mail Receiving Agency

Notice is hereby given of proposed rule making consisting of a revision to paragraph (a) (2) in § 154.2 of Title 39, Code of Federal Regulations. The proposed revision to paragraph (a) (2) would clarify conditions under which mail is to be delivered to a mail receiving agency.

Although the procedures in 39 CFR Part 154 relate to a proprietary function of the Government, it is the desire of the Postmaster General voluntarily to observe the rule making requirements of the Administrative Procedure Act (5 U.S.C. 553) in order that patrons of the Postal Service may have an opportunity to submit written data, views, and arguments concerning the proposed revisions. Such written comments may be submitted to the Director, Classification and Special Services Division, Bureau of Operations, Post Office Department, Washington, D.C. 20260 at any time prior to the 30th day following the date of pub-

lication of this notice in the FEDERAL REGISTER.

Accordingly, it is proposed that paragraph (a) (2) of § 154.2 read as follows:

§ 154.2 Delivery of addressee's mail to another.

(a) *Delivery to addressee's agent.* * * *

(2) When mail is to be delivered to a commercial mail receiving agency, Form 1583, "Application for Delivery of Mail Through Agent," must be signed by both the commercial agent and the addressee. The original of the completed Form 1583 must be filed with the postmaster and a duplicate copy of the completed Form 1583 must be kept on file by the commercial agency. In consideration of delivery of the mail to the commercial agent, the addressee and the agent are deemed to agree that:

(i) No change of address order will be filed with the post office when the agency relationship is terminated;

(ii) The forwarding of mail intended for the addressee is the responsibility of the agent; and,

(iii) When remailed by the commercial agent, the mail is subject to payment of new postage since delivery is deemed to have been made when the mail was delivered to the commercial agent.

NOTE: The corresponding Postal Manual section is 154.212.
(5 U.S.C. 301, 39 U.S.C. 501)

TIMOTHY J. MAY,
General Counsel.

JULY 24, 1967.

[F.R. Doc. 67-8754; Filed, July 27, 1967; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 953]

IRISH POTATOES GROWN IN SOUTHEASTERN STATES

Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Southeastern Potato Committee established pursuant to Marketing Agreement No. 104 and Order No. 953 (7 CFR Part 953). This marketing order regulates the handling of Irish potatoes grown in certain designated counties of Virginia and North Carolina effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

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, U.S. Department of Agriculture, Room 112, Administration Building, 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)).

§ 953.204 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Southeastern Potato Committee, established pursuant to Marketing Agreement No. 104 and Order No. 953 to enable such committee to perform its functions pursuant to the provisions of the aforesaid agreement and order during the fiscal period ending October 31, 1967, will amount to \$3,900.

(b) There shall be no assessments charged during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 104 and this part.

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

Dated: July 24, 1967.

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

[F.R. Doc. 67-8810; Filed, July 27, 1967; 8:50 a.m.]

[7 CFR Part 967]

CELERY GROWN IN FLORIDA

Marketable Quantity for 1967-68 Season; Uniform Percentage; and Limitation on Handling

Notice is hereby given that the Secretary of Agriculture is considering the approval of a limitation of shipments regulation, hereinafter set forth, which was recommended by the Florida Celery Committee, established pursuant to Marketing Agreement No. 149 and Order No. 967 (7 CFR Part 967) regulating the handling of celery grown in Florida. 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 this proposal should file the same, in quadruplicate, with the Hearing Clerk, Room 112-A, 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 proposal is as follows:

§ 967.303 Marketable quantity for 1967-68 season; uniform percentage; and limitation on handling.

(a) The Marketable Quantity for the 1967-68 season is established, pursuant to § 967.36(a), as 7,887,375 crates.

(b) As provided in § 967.38(a), the Uniform Percentage for the 1967-68 season is determined as 84.231 percent.

(c) During the season August 1, 1967, through July 31, 1968, no handler may handle, as provided in § 967.36(b)(1), any harvested celery unless it is within the Marketable Allotment for the producer of such celery.

(d) It is determined that pursuant to § 967.37(d), no reserve for Base Quantities for the 1967-68 season is established.

(e) Terms used herein shall have the same meaning as when used in the marketing agreement and order.

Dated: July 25, 1967.

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

[F.R. Doc. 67-8811; Filed, July 27, 1967; 8:50 a.m.]

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN CALIFORNIA

Expenses of Date Administrative Committee and Rate of Assessment for 1967-68 Crop Year

Notice is hereby given of a proposal regarding expenses of the Date Administrative Committee for the 1967-68 crop year and rate of assessment for that crop year, pursuant to §§ 987.71 and 987.72 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The Date Administrative Committee has unanimously recommended for the 1967-68 crop year beginning August 1, 1967, a budget of expenses in the total amount of \$26,970 and an assessment rate of 8 cents per hundred pounds of assessable dates. Expenses in that amount and the assessment rate are specified in the proposal hereinafter set forth. The assessable poundage is estimated by the Committee at 33.712 million pounds.

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 eighth day after publication of this notice in the FEDERAL REGISTER. All written submissions made pur-

suant 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:

§ 987.312 Expenses of the Date Administrative Committee and rate of assessment for the 1967-68 crop year.

(a) *Expenses.* Expenses in the amount of \$26,970 are reasonable and likely to be incurred by the Date Administrative Committee during the crop year beginning August 1, 1967, for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the applicable provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which each handler is required, pursuant to § 987.72, to pay to the Date Administrative Committee as his pro rata share of the expenses is fixed at 8 cents per hundredweight on all dates he has certified during the crop year as meeting the requirements for marketable dates, including the eligible portion of any field-run dates certified and set aside or disposed of pursuant to § 987.45(f).

Dated: July 24, 1967.

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

[F.R. Doc. 67-8812; Filed, July 27, 1967; 8:50 a.m.]

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN CALIFORNIA

Free and Restricted Percentages and Withholding Factors for 1967-68 Crop Year

Notice is hereby given of a proposal to establish, for the 1967-68 crop year beginning August 1, 1967, free and restricted percentages and withholding factors applicable to marketable dates of the Deglet Noor, Zahidi, Halawy, and Khadrawy varieties. The proposed percentages and withholding factors would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was recommended by the Date Administrative Committee.

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 eighth 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)).

Estimates pertinent to the establishment of such proposed percentages and withholding factors are as follows:

Factors	Deglet Noor	Zahidi	Halawy	Khadrawy
			1,000 pounds	
1. Uncertified handler carry-over (July 31, 1967).....	15,409	563	65	51
2. Production of marketable dates (1967-68 crop year).....	31,628	1,517	231	338
3. Total available supply of marketable dates subject to regulation.....	47,035	2,080	296	389
4. Trade demand.....	21,250	1,200	313	428
5. Plus: Allowance for handler carry-over (July 31, 1968).....	13,300	328	10	50
6. Less: Certified handler carry-over (July 31, 1967).....	4,017	23	25	88
7. Requirements for free dates.....	30,533	1,505	298	390
8. Marketable dates in excess of requirements for free dates (item 3 minus 7).....	16,502	575	(2)	(1)

¹ The Date Administrative Committee included no countries other than the United States and Canada in its determination of trade demand.

On the basis of the foregoing estimates, free and restricted percentages and a withholding factor for Deglet Noor dates of 65 percent, 35 percent, and 53.8 percent, respectively, and for Zahidi dates of 72 percent, 28 percent, and 38.9 percent, respectively, appear to be appropriate for the 1967-68 crop year.

For the Halawy variety and also the Khadrawy variety, the estimated total available supply of marketable dates subject to regulation approximates the estimated requirements for free dates. A free percentage of 100 percent, therefore, is proposed for each variety.

The proposal is as follows:

§ 987.215 Free and restricted percentages, and withholding factors.

The various free percentages, restricted percentages, and withholding factors applicable to marketable dates of each variety shall be, for the crop year beginning August 1, 1967, and ending July 31, 1968, as follows: (a) Deglet Noor variety dates: Free percentage, 65 percent; restricted percentage, 35 percent; and withholding factor, 53.8 percent; (b) Zahidi variety dates: Free percentage, 72 percent; restricted percentage, 28 percent; and withholding factor, 38.9 percent; (c) Halawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; and (d) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent.

Dated: July 24, 1967.

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

[F.R. Doc. 67-8813; Filed, July 27, 1967; 8:50 a.m.]

[7 CFR Part 1004]

[Docket No. AO 160-A34]

MILK IN DELAWARE VALLEY
MARKETING AREANotice of Recommended Decision and
Opportunity To File Written Excep-
tions on Proposed Amendments to
Tentative Marketing Agreement
and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Delaware Valley marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 3d day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Philadelphia, Pa., on June 12-13, 1967, pursuant to notice thereof which was issued on May 29, 1967 (32 F.R. 7976), and supplemental notice issued on June 2, 1967 (32 F.R. 8176).

The material issues on the record of the hearing relate to:

1. Providing a base and excess plan for payment of producers and need for emergency action with respect to this plan.
2. Diversions of milk to other Federal order plants for Class II use.
3. Modification of the point of pricing of diverted milk.
4. Shipping requirements for supply plants to attain pool plant status.

A recommended decision (32 F.R. 9836) has been issued dealing with Issue No. 1. This recommended decision deals with each of the remaining issues.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

Issue No. 2. Diversion of milk to other Federal order plants for Class II use. The order should be amended to permit producer milk to be diverted to an other Federal order plant for Class II use by agreement if such milk would not acquire producer status under the other order in view of its status under this order.

Under the individual-handler pooling arrangement which was effective prior to June 1 diversions were not restricted since each handler was in a position to add or release producers to accommodate his particular operation. If the handler's blend price became unfavorable compared to that of other handlers with whom he competed in procurement, he would likely lose his better producers to other handlers. Therefore, there was little likelihood that any handler would increase his producer receipts solely for the purpose of obtaining a supply of milk for manufacturing uses.

With the recent change to marketwide pooling certain diversion privileges were provided to permit the efficient handling of the market's necessary reserve. It was concluded, however, that milk moved directly from the farm to an other Federal order plant appropriately should not acquire producer milk status under this order, since under Federal orders generally milk received directly from the farm at a pool plant is accorded producer milk status in the receiving market. Therefore, no provision was made in the Delaware Valley order for diversions to plants regulated under other Federal orders.

Prior to the June 1 effective date of the amended order Inter-State Milk Producers' Cooperative, Inc., requested a hearing to consider modification of the diversion provisions in light of changes in the market structure and also requested that suspension action be taken to permit diversions to other order plants pending consideration of their proposals to modify the provisions. The requested suspension was taken effective June 1, 1967 (32 F.R. 8063).

A primary outlet for reserve milk normally received at city bottling plants and not needed for fluid use is the Laurel, Md., plant of the Maryland and Virginia Milk Producers Association, a Washington, D.C., order pool plant. Under that order, milk delivered to the Laurel plant for the account of a cooperative with no producer-members delivering to other Washington order pool plants is designated as "dairy farmer for other markets" (other source) milk. Such milk may not acquire producer milk status under the Washington order. Thus, unless the Delaware Valley order permits diversion of producer milk to such a plant, milk so moved would be denied pooling status under either order. However, the more likely result would be that Delaware Valley cooperatives would find it impractical to use the Laurel plant as an outlet for reserve milk supplies.

To better accommodate the handling of reserve milk, Inter-State Milk Producers' Cooperative, Inc., proposed that the order be amended to permit the diversion of producer milk to an other Federal order plant for manufacturing uses under an agreed Class II classification.

The suspension previously referred to permits milk diverted to other order plants to be pooled under the Delaware Valley order. However, it leaves unresolved the status of milk diverted from

Delaware Valley pool plants to other Federal order pool plants when both orders would treat the diverted milk as producer milk. The orderly and efficient handling of the reserve milk in the market may at times require the direct movement of milk of individual producers to nonpool plants. The direct movement from the farm to the plant of ultimate disposition avoids the expense and handling which would otherwise result if the milk were first delivered to the pool plant where normally received and then transferred to the nonpool plant. When such movements are to unregulated plants or for manufacturing uses to other Federal order plants, they should be treated as diversions if so requested by the responsible handler.

When milk is diverted to unregulated plants or for Class II use to an other Federal order plant and is not mandatorily producer milk under the terms of the other order it can reasonably be presumed to be a part of the diverting market's reserve milk supply. Such diverted milk from Delaware Valley pool plants should appropriately be pooled as producer milk under the Delaware Valley order.

By requiring a Class II agreement between the diverting and receiving handlers when milk is diverted to other order plants the possibility of any portion of the milk being assigned to Class I will be minimized. However, in the event that the receiving handler does not have sufficient Class II utilization to cover the requested Class II assignment, a portion of the milk so moved would necessarily be assigned to Class I. In such a situation, it can no longer be reasonably presumed that the diverted milk is in fact a part of the Delaware Valley reserve supply. When part or all of the milk so moved is used for fluid purposes in the receiving plant, the milk obviously is needed for fluid use in the receiving market and appropriately should be considered a part of that market's fluid supply.

In addition to the above conclusions it is appropriate in this decision to remove the obvious misunderstanding evidenced in the first month of operation under the amended order with respect to the Assistant Secretary's conclusion relative to the application of the producer definition when milk is received from Order 2 pool bulk tank units.

In his decision of April 7, 1967, the Assistant Secretary stated: "Under the New York-New Jersey order a dairy farmer may have status as a producer by virtue of being included as a part of a designated pool bulk tank unit. In such event the fact that the milk of such dairy farmer was moved directly from the farm to a Delaware Valley pool plant would not change its status as producer milk under the New York-New Jersey order." He concluded: "It is necessary therefore to exclude from the producer definition a dairy farmer whose milk is received directly at a pool plant and who notwithstanding his status under this order would nevertheless be a producer under another Federal order with respect to such milk."

After the initial month of operation under the amended order it is apparent that some handlers have misinterpreted these conclusions as intended to permit continuing pool milk status under Order 2 of pool bulk tank unit milk which is received directly at a Delaware Valley pool plant. In this regard official notice is taken of §§ 1002.17(d), 1002.25(c)(2), and 1002.25(d) of the New York-New Jersey order which clearly provide that pool unit milk which is received at an other order plant and which meets the producer milk definition under such other order will not be included as pool milk under the New York-New Jersey order. Accordingly, such milk clearly does not come within the exception noted by the Assistant Secretary in his decision since its producer status under this order would be recognized by the New York-New Jersey market administrator in administration of his order.

Issue No. 3 Modification of the point of pricing of diverted milk. Milk diverted from a Delaware Valley pool plant located within 45 miles of any one of the basing points specified in § 1004.52 to a nonpool plant or an other order plant located within 125 miles from the nearest of the basing points should be priced at the location of the diverting plant. Milk diverted from a plant within 45 miles of a basing point to a plant in excess of 125 miles distance from such point or from a pool plant located in excess of 45 miles of the nearest basing point to a plant at which a greater location adjustment credit is applicable should be priced at the latter location.

In his decision of April 7, 1967 (32 F.R. 5875) the Assistant Secretary concluded that diverted milk should be priced at the plant of physical receipt if a greater location adjustment credit was applicable at such plant location than at the location of the diverting plant. He found that "Unless this procedure is followed there is a strong incentive for any handler operating an unregulated manufacturing plant in the country to associate an excessive quantity of milk with city distributing plants and then regularly receive the milk at his manufacturing plant as diverted milk up to the limits allowed. Without appropriate safeguards distant producers then could receive the city blended price when, in fact, their milk was moving on an almost regular basis to a nearby manufacturing plant. Pricing diverted milk at the plant of physical receipt will tend to deter the association of milk intended solely for manufacturing uses and will insure that the pool will not subsidize transportation costs which, in fact, are not incurred."

Prior to the June 1 effective date of the amended order the principal cooperative representing producers on the market, also requested a hearing to consider a proposed modification of this provision which they contended was necessary to accommodate particular circumstances in the market. At the same time they requested suspension action to permit continued pricing of diverted milk at the location of the diverting plant pending

full consideration of the matter at a hearing. This suspension was taken effective June 1, 1967 (32 F.R. 8063).

At the hearing the spokesman for the cooperative requested modification of the pricing provisions with regard to diverted milk in the manner herein adopted. In support of his position he pointed out that much of the producer milk on the market is directly associated with city bottling plants and regularly moves directly from the farm to city plants. By and large, milk associated with city plants has historically been closely correlated to the fluid needs of the market. For this reason the facilities for handling reserve milk at the city are very limited with the result that little if any transportation savings can be realized when producer milk must be diverted to available manufacturing facilities. In recognition of this fact suspension action was taken on June 1, 1967, with the result that diverted milk is currently being priced at the location of the diverting plant in all circumstances.

The Laurel, Md., plant previously referred to, as well as several other non-pool manufacturing plants in eastern and central Pennsylvania, all within 125 miles of Philadelphia, are the most potential outlets for the market's reserve milk supply associated with city bottling plant. The location of these manufacturing plants is such that no significant transportation savings result when milk is moved directly to such plants rather than to the city. Each of these plants is located beyond the 45-mile zone and a location differential would be applicable on any milk priced at their locations. Handlers' costs for Class II milk would be reduced 6 cents a hundredweight in most instances, whereas producers, whose milk was diverted, would receive from 23 to as much as 35 cents less per hundredweight for such milk than would otherwise be the case if the milk were priced at the location of the diverting plant.

The manufacturing facilities referred to above are not operated by fully regulated handlers. There is little likelihood that additional milk supplies would be associated with city plants for the purpose of providing additional supplies for manufacture at such plants. Since no significant transportation savings accrue when producer milk is diverted to such plants, there is no apparent reason why individual producers should be required to take a lesser price for their milk so diverted than they would otherwise receive when their milk is received at city plants. In fact, such a result would force on such individual producers the primary burden of carrying the necessary market reserve which burden appropriately should be equitably shared by all producers.

In order to avoid this burden individual producers would be impelled to seek outlets where their milk would not be diverted. The resulting changes in outlets would bring about uneconomical movements of this reserve milk and could create an unstable supply situation. Such a situation would interfere with main-

taining the reserves necessary to assure that the Class I market will be adequately supplied at all times. Therefore, pricing such diverted milk at the location of the diverting plant is essential to assure continued orderly marketing of the Class I and necessary reserve milk which must be associated with plants located within the 45-mile area (the major Class I consumption area).

By pricing milk diverted from within 45 miles of a basing point to a plant beyond 125 miles, or from a pool plant beyond 45 miles to a more distant plant, at the plant of physical receipt, operators of distant manufacturing plants, several of whom are pool handlers, will be deterred from associating milk of distant producers with their city distributing plants and then regularly diverting it, up to allowable limits, to such manufacturing plants. In such situations substantial transportation savings are probable and such saving which would accrue to handlers, individual producers, or haulers, dependent on the marketing arrangement, should not be permitted at the expense of producers generally.

The operator of a nonpool manufacturing plant located at York, Pa., which is within 125 miles of Philadelphia contended that the pricing of milk herein adopted would result in his having to pay 6 cents per hundredweight more for any diverted milk that he might acquire from Delaware Valley pool than would have been the case under the order adopted by the Assistant Secretary in his decision of April 7, 1967. He further contended that the surplus pricing under the Delaware Valley order was not in appropriate alignment with the Upper Chesapeake Bay and Washington, D.C., orders.

The modifications herein adopted, in fact, reflect no change in the order prices from those which would have been applicable under Order 4 on milk which such plant operator might have acquired prior to June 1, 1967, or under the order, as suspended, since June 1. The basic level of Class II price was not an issue noticed for this hearing and if there is any problem with respect to interorder price alignment it appropriately should be considered at a hearing called for such purpose. In this regard official notice is taken of the fact that supplemental notice issued June 15, 1967 (32 F.R. 8720) makes this matter an issue for consideration at the joint hearing which opened in New York City on June 19, 1967, and which was later recessed until July 31, 1967.

Issue No. 4. Shipping requirements for supply plants. The pool supply plant definition should be amended to count as qualifying shipments, shipments to other order plants which meet prescribed performance standards (including route disposition in the marketing area) and to provide pool status for any plant meeting the prescribed shipping requirements if the qualifying shipments made to pool plants under this order exceed those made to pool plants under any other order. In addition provision should be made to insure pool plant status through October 1967 for any supply plant which

has continuously been a fully regulated plant under the Delaware Valley order in the months of January 1967 to the effective date of this order, but which failed to meet the prescribed shipping requirements solely because greater qualifying shipments are made to other order plants.

On request of a cooperative association which has operated a fully regulated supply plant in the Delaware Valley market over an extended period of time, which plant could not meet applicable shipping requirements, the restrictions on shipments to other order plants were suspended for the months of June and July 1967. A proposal to modify the supply plant pooling requirements to accommodate the current operations of this supply plant was considered at the hearing.

Proponent contended that in view of the previous association of its plant with the Delaware Valley market it should not be denied pooling status under the amended order as long as the qualifying shipments of the plant were made to plants which had sufficient Class I distribution in the market to substantially offset such shipments even though the preponderance of such shipments were to Order 2 pool plants. Both at the hearing and in its brief the cooperative suggested various modifications of the pool plant provisions which would insure the pooling of its plant under this order.

In support of its position the cooperative pointed out that the plant in question had historically shipped the preponderance of its receipts to an Order 4 distributing plant. However, in the month of May 1967, the route business of that handler was sold to an Order 2 handler who now operates these routes out of his Order 2 plant. The supply plant in question continues to supply the milk for such sales but the milk is now shipped to the Order 2 plant. In addition the cooperative has an account with at least one Order 4 handler and a significant, but minor, volume of the plant's output regularly moves to that handler's plant.

The problem at hand is complicated by differences in pooling requirements between adjacent orders. Under specified circumstances, permanent pool plants under the New York-New Jersey order hold status without specific performance. Plants which are not permanent pool plants even though shipping their entire supply to fully regulated plants under that order can avoid pooling at the option of the handler if the shipments are not assigned to Class I sales in the marketing area. These differences in pooling requirements are basic to the present problem.

It is not appropriate to pool milk under the Delaware Valley order simply because a handler elects options under the New York-New Jersey order which avoid pooling of his plant under that order even though the preponderance of the plant's milk is delivered to regulated plants under that order. Nevertheless, a plant should not be denied pooling status under the Delaware Valley order

simply because some of its qualifying shipments are made to an Order 2 plant.

The problem under the Delaware Valley order can best be resolved by permitting as qualifying shipments for pooling status, shipment to other order plants but denying pooling status in the event that such shipments to any other single order exceed shipments to qualified plants regulated under this order.

While this procedure could result in a plant shipping to both New York-New Jersey and Delaware Valley pool plants not being pooled under either order, it is clear that such a result would be at the choice of the handler. Some operational changes might be necessary to accommodate pooling under Order 2, but this cannot be controlling in any determination of the milk to be pooled under the Delaware Valley order.

It is recognized further that the particular circumstances prompting the suspension action and the proposals here under consideration roughly coincided with the change in pooling arrangement effective June 1. Because of the historical association of the plant in question with the Delaware Valley market under the individual-handler pooling arrangement reasonable time should be allowed to permit the plant operator to adjust his business to permit pooling under this order, if he so desires.

The forthcoming months through October are the shortest months of production and hence the period when milk is most needed in the market. It is concluded therefore that continuing pooling status through October 1967 should be provided for any plant which has been a fully regulated plant under this order in each of the months from January 1967 to the effective date of this order but which fails to meet the prescribed shipping requirements solely because greater qualifying shipments are made to other order plants. This should present reasonable time for orderly adjustment of the plant's operations to comport with the regular pooling standards for supply plants. If sufficient sales cannot be developed in this market by that time the plant appropriately should not continue to have pooling privileges under the Delaware Valley order.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of

the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order as amended regulating the handling of milk in the Delaware Valley marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

1. In § 1004.8 paragraph (b) is revised to read as follows:

§ 1004.8 Pool plant.

(b) Subject to the provisions of paragraphs (c) and (d) of this section, a supply plant from which during any of the months of September through February not less than 50 percent, and during any of the months of March through August not less than 40 percent, of the milk received from dairy farmers (including milk diverted as producer milk pursuant to § 1004.15 by either the plant operator or by a cooperative association), or from a cooperative association in its capacity as a handler pursuant to § 1004.10(c) is moved during the month to a distributing plant from which a volume of fluid milk products which is not less than 50 percent during any month of September through February, or 45 percent during any month of March through August, of its receipts of milk from dairy farmers, cooperative associations, and from other plants is disposed of as route disposition

during the month, and the volume disposed of as route disposition in the marketing area during the month is not less than 10 percent of such receipts. However, a supply plant shall not be qualified pursuant to this paragraph in any month in which a greater proportion of its qualifying shipments are made to a plant(s) regulated under another Federal order than to plants regulated under this order: *Provided*, That for the months through October 1967, this condition shall not be applicable to any plant which has continuously been a fully regulated plant under the Delaware Valley order for the months of January 1967 to the effective date of this amending order.

2. In § 1004.15 the preamble and paragraph (d) are revised to read as follows:

§ 1004.15 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, a "dairy farmer for other markets", or any other person with respect to milk produced by him which is subject to the pricing and payment provisions of another order issued pursuant to the Act, who produces milk which is received at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1004.10(c), or is diverted to an other order plant under an agreed upon Class II disposition by both the diverting and receiving handlers and for which equivalent Class II use is available in the receiving plant to permit such assignment under the terms of the other order, or which is otherwise diverted to any other nonpool plant other than a producer-handler plant during any month(s) of March through August, or in accordance with the provisions of paragraphs (a), (b), or (c) of this section, during any month of September through February. If a handler diverting milk pursuant to paragraph (a) of this section diverts milk of any dairy farmer in excess of the limits prescribed, such dairy farmer shall be a producer only with respect to that milk physically received at a pool plant. If a handler diverting milk pursuant to paragraphs (b) or (c) of this section diverts in excess of the limits prescribed, all diversions by such handler during the month shall be pursuant to paragraph (a) of this section.

(d) Milk which is diverted pursuant to paragraphs (a), (b), or (c) of this section shall be deemed to have been received by the handler, for whose account it is diverted, at a pool plant at the location of the plant from which it was diverted, except that, for the purpose of applying location adjustments pursuant to §§ 1004.52 and 1004.82, milk which is diverted from a pool plant within 45 miles of the nearest of the basing points in § 1004.52 to a plant in excess of 125 miles from the nearest of such basing points or from a pool plant located in excess of 45 miles of the nearest of the basing points to a plant at which a greater location adjustment credit is

applicable shall be priced at the latter location.

Signed at Washington, D.C., on July 25, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[P.R. Doc. 67-8817; Filed, July 27, 1967;
8:51 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 21]

[Docket No. 8295; Notice No. 67-33]

CERTAIN NORMAL, UTILITY, ACROBATIC, AND TRANSPORT CATEGORY AIRCRAFT

Issue of Airworthiness Certificates

The Federal Aviation Administration is considering amending § 21.183 of the Federal Aviation Regulations with respect to the issue of airworthiness certificates for normal, utility, acrobatic, and transport category aircraft other than aircraft manufactured under a production certificate or a type certificate only or an import aircraft.

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 Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before September 27, 1967, 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.

In order to be certificated under the provisions of paragraph (d) of § 21.183, aircraft must be inspected and found airworthy by certain specified persons before being submitted to the Administrator for inspection. In the past, there has been some confusion concerning the exact nature of this interim inspection and this has been responsible, in part, for the fact that foreign repair stations have not been authorized to make the airworthiness inspection and finding. However, because of the increasing number of requests for authority to use foreign repair stations in making the required inspections, the FAA has undertaken a complete review of the certification procedures provided under § 21.183(d). In this connection, the FAA has made an analysis of the inspections currently being performed by the domestic repair stations under § 21.183(d)(2). Based upon this analysis and taking into account the fact that the inspection and

finding required under § 21.183(d)(2) are designed to assist the FAA in making its required inspection and finding, the FAA now believes that an inspection of the scope of a 100-hour inspection as outlined in Part 43 of the Federal Aviation Regulations would provide the necessary information. It is, therefore, proposed to make the 100-hour inspection the standard for the inspection required by § 21.183(d)(2).

Since it is now proposed that the airworthiness inspections required under § 21.183(d)(2) be performed in accordance with the performance rules applicable to a 100-hour inspection, the FAA considers that all persons currently authorized to perform the 100-hour inspection should be permitted to make the inspections and findings required under § 21.183(d)(2). Moreover, the FAA now has sufficient personnel at Frankfurt, Beirut, Tokyo, and Manila to provide the necessary surveillance for such persons. Therefore, it is proposed to amend § 21.183(d)(2) to permit the holder of a mechanic certificate with both airframe and powerplant rating and the holder of a foreign repair station certificate under Part 145 to conduct the required inspections. This proposal could result in substantial savings in time and cost of certificating airplanes under § 21.183(d) by making it unnecessary, in every case, to ferry aircraft purchased in a foreign country back to the United States for the interim inspection when there are qualified persons available abroad.

In addition, the reference to certificated air carriers in § 21.183(d)(2) has been changed to make it clear that the air carriers authorized to make the specified inspections and findings are those holding certificates issued under Part 121 or 127 of the Federal Aviation Regulations. Furthermore, since the holder of a commercial operator certificate issued under Part 121 is presently authorized to approve aircraft for return to service as provided in that part, it is proposed to amend § 21.183(d)(2) to permit such operators to make the specified inspections and findings.

In consideration of the foregoing, it is proposed to amend § 21.183(d) of Part 21 of the Federal Aviation Regulations by amending subparagraph (2) to read as follows:

§ 21.183 Issue of airworthiness certificates for normal, utility, acrobatic, and transport category aircraft.

(d) Other aircraft. . . .

(2) The aircraft (except an experimentally certificated aircraft that previously had been issued a different airworthiness certificate under this section) has been inspected in accordance with the performance rules for 100-hour inspections set forth in § 43.15 of this chapter and found airworthy by—

- (i) The manufacturer;
- (ii) The holder of a repair station certificate as provided in Part 145 of this chapter;
- (iii) The holder of a mechanic certificate with both airframe and power-

plant ratings as provided in Part 65 of this chapter; or

(iv) The holder of a certificate issued under Part 121 or 127 of this chapter, and having a maintenance and inspection organization appropriate to the aircraft type; and

These amendments are proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, and 1423).

Issued in Washington, D.C., on July 24, 1967.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[F.R. Doc. 67-8797; Filed, July 27, 1967;
8:49 a.m.]

[14 CFR Part 73]

[Airspace Docket No. 66-SO-25]

RESTRICTED AREA

Proposed Designation; Withdrawal of Proposed Rule Making

In a notice of proposed rule making published in the FEDERAL REGISTER on March 25, 1967 (32 F.R. 4543) it was stated that the Department of the Air Force had submitted a request for the designation of temporary restricted airspace in eastern North Carolina to contain a large scale U.S. Strike Command field exercise, Kitty Hawk.

The Air Force recently advised that the Kitty Hawk exercise is canceled. In consideration of the foregoing, notice is hereby given that the proposal contained in Airspace Docket No. 66-SO-25 is withdrawn.

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

Issued in Washington, D.C., on July 20, 1967.

T. McCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[F.R. Doc. 67-8798; Filed, July 27, 1967;
8:49 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 526]

SEASONAL EXEMPTION FOR COTTON STORING INDUSTRY

Compressing of Cotton

Pursuant to section 7(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(c)); Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and General Order No. 45A of the Secretary of Labor (14 F.R. 3290), I propose to amend the seasonal industry determination for the storing of cotton (32 F.R. 5775 incorporating by reference 5 F.R. 3772) to include the compressing of cot-

ton in cotton storing establishments. Part 526 of Title 29 of the Code of Federal Regulations will govern the procedure for making this determination.

The amended determination would redefine the industry to include the storing and compressing of cotton in cotton warehouses and compress warehouse facilities, and any operations necessary and incidental thereto.

The issue presented is whether the industry thus redefined is of a seasonal nature within the meaning of 29 CFR 526.2(a). (See § 526.4(a).)

Any person interested in this proposal may present pertinent written data, views, or argument to the Administrator, Wage and Hour and Public Contracts Divisions, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. 20210, within 30 days after this document appears in the FEDERAL REGISTER.

Signed at Washington, D.C., this 25th day of July 1967.

CLARENCE T. LUNDQUIST,
Administrator, Wage and Hour
and Public Contracts Divisions,
U.S. Department of Labor.

[F.R. Doc. 67-8787; Filed, July 27, 1967;
8:48 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563]

[No. 20,756]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Operations; Reporting Requirements

July 20, 1967.

Resolved that, for the purpose of implementing subsection (1) of section 407 of the National Housing Act (12 U.S.C. sec. 1730(1)) as enacted by the Financial Institutions Supervisory Act of 1966, containing requirements for reports to the Federal Savings and Loan Insurance Corporation with respect to control of institutions whose accounts are insured by such Corporation, and pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for Insurance of Accounts (12 CFR Part 567.1), it is hereby proposed that Part 563 of the rules and regulations for Insurance of Accounts (12 CFR Part 563) be amended by adding immediately after § 563.18, a new section, § 563.18-1, to read as follows:

§ 563.18-1 Reports of change in control; other reports; form and filing of such reports.

(a) Report of change in control. It shall be the duty of the president or other chief executive officer of an insured institution to report promptly to the Corporation whenever he is informed or has reason to believe that a change has occurred in the outstanding voting stock of any insured institution resulting in

control or a change in the control of the institution. If there is any doubt concerning whether a change in ownership or other change in the outstanding voting stock of an insured institution is sufficient to result in control or a change in the control thereof, such doubt shall be resolved in favor of reporting the facts to the Corporation.

(b) Loans secured by voting stock of another insured institution. Whenever an insured institution makes a loan or loans secured (or to be secured) by 25 percent or more of the voting stock of another insured institution, the president or other chief executive officer of the lending institution shall promptly report such fact to the Corporation. No such report need be made in those cases where the borrower has been the owner of record of the stock for a period of 1 year or more, or the stock is of a newly organized insured institution prior to its opening.

(c) Contents of reports of change in voting stock or loans secured by such stock. The reports required under paragraphs (a) and (b) of this section shall contain the following information to the extent that it is known to the person making the report: (1) The number of shares involved, (2) the names of the sellers (or transferors), (3) the names of the purchasers (or transferees), (4) the names of the beneficial owners if the shares are of record in another name or other names, (5) the purchase price, (6) the total number of shares owned by the sellers (or transferors), the purchasers (or transferees) and the beneficial owners both immediately before and after the transaction, (7) in the event control or a change in the control of an insured institution results from the substitution, designation, or appointment of a holder of any proxies, consents, or authorizations in respect to the voting stock of the institution, the name of the holder and the number of shares subject to such proxies, consents, or authorizations, and the number of shares owned of record or beneficially by such holder, and (8) in the case of a loan, (i) the name of the borrower, (ii) the amount of the loan, and (iii) the name of the institution issuing the stock securing the loan and the number of shares securing the loan. In addition to the foregoing, such reports shall contain such other information as may be available to inform the Corporation of the effect of the transaction upon control of the institution whose stock is involved.

(d) Change in chief executive officer or director. Whenever a change such as is described in paragraph (a) of this section occurs, the insured institution involved shall report promptly to the Corporation any change or changes, or replacement or replacements, of its chief executive officer or of any director occurring concurrently with or within 60 days prior to or within the 12-month period next succeeding such change in control. Such report shall include a statement of the past and current business and professional affiliations of the new chief executive officer or director.

(e) *Other reports.* The Corporation may also require insured institutions and individuals or other persons who have or have had any connection with the management of an insured institution to provide such periodic or other reports or disclosures as the Corporation may determine to be necessary or appropriate for the protection of investors or the Corporation.

(f) *Form and filing of reports.* Unless otherwise specified by the Corporation, the reports provided for in this section shall be in letter form, and copies thereof shall be filed as follows: One copy shall be forwarded to the Federal Home Loan Bank of the district in which the insured institution is located and two copies to the Federal Savings and Loan Insurance Corporation, Washington, D.C. 20552.

(g) *Penalty for failure to report.* For the willful failure of any institution or person to submit, within the time prescribed by the Corporation, any report or disclosure required under this section, such institution or person shall be subject to a civil penalty of not to exceed \$1,000 (which penalty shall be cumulative as to any other remedies) for each and every day of the continuance of such failure, which the Corporation may recover by suit or otherwise for its own use. The Corporation may, at any time before collection of any such penalty, whether before or after the bringing of an action or other legal proceedings, the obtaining of any judgment or other recovery, or the issuance or levy of any execution or other legal process therefor, and with or without consideration, compromise or remit in whole or in part any such penalty or any such recovery.

(h) *Definitions.* As used in this section—

(1) The term "stock" means any capital stock or similar security or any share or capital account in any insured institution, whether such institution is a stock company or a mutual institution, and any rights, interests, or powers with respect thereto.

(2) The term "control" means the power to directly or indirectly direct or cause the direction of the management or policies of the insured institution, and includes but is not limited to any change in the direct or indirect ownership of more than 10 percent of the voting stock of an insured institution, or in the holding of any proxies, consents, or authorizations in respect to voting rights to more than 10 percent of such stock.

(3) The term "individuals or other persons who have or have had any connection with the management of an insured institution" is hereby defined to include, for the purposes of paragraphs (a) through (d) of this section, any individual required by said paragraphs to provide any report or disclosure.

(4) The term "promptly" means within a period of not to exceed 15 days.

(Secs. 402, 407, 48 Stat. 1256, 1260, as amended; 12 U.S.C. 1725, 1730, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

Resolved further that all interested persons are hereby given the opportunity to submit written data, views, or argu-

ments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D.C. 20552, not later than August 28, 1967, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL]

HARRY W. CAULSEN,
Secretary.

[P.R. Doc. 67-8807; Filed, July 27, 1967;
8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 250]

[Release No. 35-15798]

COMPANIES DEEMED NOT TO BE ELECTRIC OR GAS UTILITY COM- PANIES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration an amendment to Rule 7 (17 CFR 250.7) under the Public Utility Holding Company Act of 1935 ("Act") (15 U.S.C. 79a et seq.) to provide for an additional exclusion from the statutory definition of a utility company.

Section 2(a)(3) of the Act sets forth the definition of an electric utility company essentially as "any company which owns or operates facilities used for the generation, transmission, or distribution of electric energy for sale * * *". Section 2(a)(4) of the Act sets forth the definition of a gas utility company essentially as "any company which owns or operates facilities used for the distribution at retail * * * of natural or manufactured gas for heat, light, or power." The Commission is empowered by both sections to adopt rules and regulations excluding specific classes of companies from the definitions of a public-utility company.

Rule 7 (17 CFR 250.7) under the Act, which has been adopted under sections 2(a)(3) and 2(a)(4) of the Act, specifies two classes of companies deemed not to be electric or gas utility companies. Rule 7(a) (17 CFR 250.7(a)) provides that:

Any company which is primarily engaged in one or more businesses other than the business of any electric or gas utility company, shall not be deemed an electric or gas utility company within the meaning of section 2(a)(3) or section 2(a)(4) of the Act if the gross sales of electric energy, or of natural or manufactured gas distributed at retail by means of the facilities owned or

operated by such company, did not exceed \$100,000 during the previous calendar year.

The amendment to Rule 7 (17 CFR 250.7) would add a new paragraph (c) which would provide an additional exclusion from the definitions in sections 2(a)(3) and 2(a)(4) of the Act, to a company which (1) owns no utility assets located within any State of the United States, (2) has no subsidiary company owning such assets within the United States, and (3) is engaged solely in businesses outside the United States, if its gross sales of electric energy or of natural or manufactured gas distributed at retail by means of facilities owned or operated by such company, did not exceed 1 percent of its gross revenues during the previous calendar year.

Essentially, the proposed amendment would apply to companies incorporated within the United States but operating solely outside the United States. Such a company would be one who produced electric energy or gas primarily for its own consumption or consumption by affiliate companies, but which would have surplus available for resale and where such sales would produce gross revenues in excess of \$100,000. The purpose of amending Rule 7 (17 CFR 250.7) is to obviate the need for a holding company to apply periodically for an exemption under section 3(a)(5) (of the Act) as such new foreign subsidiary companies are acquired or organized and are primarily engaged in nonutility businesses.

The text of the proposed amendment to Rule 7 reads as follows:

§ 250.7 Companies deemed not to be electric or gas utility companies.

(c) Any company, which (1) owns no utility assets located within any State of the United States, (2) has no subsidiary company owning any such assets so located, and (3) is engaged solely in business outside the United States, shall not be deemed to be an electric or gas utility company within the meaning of section 2(a)(3) or section 2(a)(4) of the Act, if its gross sales of electric energy or of natural or manufactured gas distributed at retail, by means of facilities owned or operated by such company, did not exceed 1 percent of its gross revenues during the previous calendar year.

(Secs. 2(a)(3), 2(a)(4), 20(a), 49 Stat. 804, 833, 15 U.S.C. 79b(a)(3), 79b(a)(4), 79t(a))

All interested persons are invited to submit views and comments on the amendment to Rule 7. Written statements of views and comments in respect of the proposed rule should be submitted to the Securities and Exchange Commission, Washington, D.C. 20549, on or before August 30, 1967. All such communications will be available for public inspection.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

JULY 25, 1967.

[P.R. Doc. 67-8756; Filed, July 27, 1967;
8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

INVESTMENT COMPANIES

Examinations and Records and Reports

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, Public Law 85-699, 72 Stat. 694, as amended, it is proposed to amend, 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, 31 F.R. 2815, 4954, 4954-4955, 9720, 10114, 13532, and 32 F.R. 2769, 6620, and 7743, by amending §§ 107.801 and 107.802. Prior to final adoption of such amendment, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Office of the Associate Administrator for Investment, Small Business Administration, Washington, D.C. 20416, within a period of thirty (30) days of the date of this notice in the FEDERAL REGISTER.

Information. The proposed amendment would modify the language of §§ 107.801(e) and 107.802(c)(1) in such manner as to bring it into conformance with the model language recommended by the Comptroller General of the United States for identifying eligible public accountants who may conduct audits of federally chartered organizations, other organizations tinged with the public interest, or activities wholly or partially supported by Federal funds. Upon adoption of this amendment, only public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States (and thus subject to the regulations, disciplinary measures, and a code of ethics provided under State laws) would be eligible to conduct the annual audits of Licensees.

The title of § 107.802 would be changed to include a reference to records, as well as reports, since the provisions of this section relate to both subjects.

Paragraph (c) of § 107.802 would be amended to provide for financial reporting to SBA by Licensees on a regular basis only once annually (at the end of the fiscal year for SBA purposes), rather than both annually and semiannually as at present. In addition, the fiscal year to which such annual report would relate would be administratively determined by SBA for each Licensee. The purpose would be to inaugurate and maintain a system of staggered reporting on a quarterly basis whereby the workload in SBA respecting Licensee reports would be evened out, and the periodic examination of Licensees by SBA examiners at times not conflicting with dates of annual independent audits would be facilitated.

Upon adoption of this amendment SBA would assign to each Licensee an annual

reporting period ending as of the close of a particular quarter of the calendar year. Consideration would be given to present fiscal years of Licensees for their own corporate purposes, and to other factors, in making these assignments, and Licensees would have an opportunity to request a different reporting period, when justified, before the assignments became final.

Proposed changes in paragraph (d) of § 107.802 would include the prescribing of a revised form of the Financial Report, SBA Form 468, and a requirement that money amounts in financial reports of Licensees be shown in whole dollars to simplify the preparation of financial and statistical summaries of small business investment company data.

Other proposed changes in § 107.802 would accomplish, primarily, the correction of references to the address of SBA to take account of the agency's move to its new location and the conformance of instructions on report verification to the conditions which would exist upon adoption of the revised SBA Form 468.

It is proposed to amend the Regulations Governing Small Business Investment Companies as follows:

1. By amending paragraph (e) of § 107.801 to read as follows:

§ 107.801 Examinations.

(e) *Audits by independent public accountants.* As such examinations, SBA may accept an audit, conducted in accordance with generally accepted auditing standards and in accordance with the Audit and Examination Guide for Small Business Investment Companies prescribed by SBA, by an independent certified public accountant or an independent licensed public accountant, certified or licensed by a regulatory authority of a State or other political subdivision of the United States, selected or approved by SBA, and a report of such audit containing the accountant's certificate required by § 107.802 with such additional information as may be requested by SBA.

2. By amending the title of § 107.802, paragraph (b) of § 107.802, and the introductory text and subparagraph (1) of paragraph (c); deleting paragraphs (d) and (e) of § 107.802 in their entirety and substituting in lieu thereof new paragraphs (d) and (e); and amending paragraphs (g) and (j) of § 107.802. As amended, the title, paragraph (b), the introductory text and subparagraph (1) of paragraph (c), and paragraphs (d), (e), (g), and (j) of § 107.802 read as follows:

§ 107.802 Records and reports.

(b) *Reports to stockholders.* At the time any financial report (including any prospectus, letter, or other publication with respect to the financial affairs or operations of the Licensee or any of its portfolio small business concerns) is furnished to investors and shareholders of a Licensee, such Licensee shall file with the Investment Division, Small Business

Administration, 1441 L Street NW., Washington, D.C. 20416, three (3) copies of such report.

(c) *Reports to SBA.* Each Licensee shall file with SBA at the end of each fiscal year a report containing financial statements for the fiscal year, and, when requested by SBA, interim financial reports. The fiscal year to which such reports shall relate shall be for SBA purposes such 12-month period as shall be administratively determined by SBA.

(1) The report as of the end of each fiscal year shall contain, or be accompanied by, an independent public accountant's opinion on the financial statements for the fiscal year included therein, unless a different 12-month period to be covered by the annual audit is expressly given prior approval in writing by SBA. Such opinion shall be based on an audit of the accounts of the Licensee conducted in accordance with generally accepted auditing standards, and in accordance with the Audit and Examination Guide for Small Business Investment Companies prescribed by SBA, by an independent certified public accountant or an independent licensed public accountant, certified or licensed by a regulatory authority of a State or other political subdivision of the United States, selected or approved by SBA.

(d) *Forms for financial reports.* The financial reports required by this section to be filed with SBA by Licensees shall be on the prescribed form constituting the Financial Report, SBA Form 468 (9-67).¹ This report requires a statement of financial condition, statement of surplus reconciliations, statement of income and expense, statement of realized gain or loss on investments, and supporting schedules 1 through 14.

(1) The Financial Report, SBA Form 468, shall be filed in triplicate with the Investment Division, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, on or before the last day of the month immediately following the close of the period covered by the report (in the case of an unaudited report), and on or before the last day of the third month following the close of the period covered by the report (in the case of an audited report).

(2) Licensees which are 1940 Act companies, as defined in § 107.12, should refer to the rules promulgated by the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, for the requirements as to financial reports to be filed with SEC and the time allowed for filing.

(3) When the Licensee has one or more branch offices, the data contained in the basic financial statements and all supporting schedules shall comprise a combination of the figures for the principal office and all branches. All money amounts required to be shown in the financial statements and schedules shall be expressed in whole dollars. Appropriate adjustments of individual amounts

¹ Filed as part of the original document.

shall be made for the fractional part of a dollar so that the items will add to the totals shown. The Financial Report prepared by each Licensee shall present fairly the financial position of the Licensee as of the close of the period covered by the report and the results of the Licensee's operations for such period, and shall be prepared in accordance with the detailed instructions accompanying SBA Form 468.

(e) *Verification of reports.* The verification of the Financial Report, SBA Form 468, provided on the last page of such report, shall bear the signature of the chief financial officer of the Licensee, or other officer authorized by the board of directors to sign in the event the chief financial officer is unavailable. A secretarial officer of the Licensee shall attest by signature to the fact that the minutes of a meeting of the Licensee's board of directors show that the Financial Report, SBA Form 468, has been reviewed and approved by the board of directors. The date on which each signature is affixed shall be shown. All three copies of the Financial Report, SBA Form 468, to be furnished to SBA shall bear the original signatures of the verifying officers in ink.

(g) *Obtaining forms for report.* The Financial Report, SBA Form 468, as amended, and the Instructions for Preparation of the Financial Report (SBA Form 468), as amended, are filed with the

Office of the Federal Register as part of the original document. Copies of the Financial Report, SBA Form 468, as amended, together with copies of the amended instructions for preparation of such report, are available from the Investment Division, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

(j) *Other reports.* In addition to the reports required elsewhere in this section, each Licensee shall, upon request by SBA, file with the Investment Division, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, such other reports at such times and in such forms as SBA shall require.

Dated: July 21, 1967.

ROBERT C. MOOT,
Acting Administrator.

[F.R. Doc. 67-8763; Filed, July 27, 1967;
8:46 a.m.]

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Purpose of Bidding on Government Contracts for Refined Petroleum Products; Extension of Time for Filing Comments

On July 7, 1967, there was published in the FEDERAL REGISTER (32 F.R. 9980)

a notice that the Small Business Administration proposed, among other things, to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations to increase the size standard for Standard Industrial Classification Industry No. 2911, petroleum refining, from 1,000 employees and 30,000 barrels-per-day capacity from owned and leased facilities to 2,500 employees and 50,000 barrels-per-day capacity from owned and leased facilities. Interested persons were given until July 22, 1967, to file written statements of facts, opinions, or arguments concerning the proposal.

Notice is hereby given that the time to file written statements of facts, opinions, or arguments concerning the proposed revision of the procurement size standard for the petroleum refining industry is extended to the close of business on August 7, 1967.

All correspondence shall be addressed to:

Associate Administrator for Procurement and Management Assistance, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, Attention: Size Standards Staff.

Dated: July 21, 1967.

ROBERT C. MOOT,
Acting Administrator.

[F.R. Doc. 67-8761; Filed, July 27, 1967;
8:46 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 67-173]

IMPORTED PARTS USED IN ASSEMBLING FISHING RODS AND REELS

Country of Origin Marking

JULY 24, 1967.

The Bureau of Customs has recently reviewed the application of the country of origin marking requirements of section 1304, title 19, United States Code, to imported parts used in assembling fishing rods and reels in the United States.

In some instances fishing rods, complete except for handles, are imported and permanently attached to handles made in the United States. The Bureau is of the opinion that a manufacturer who produces fishing rods in such manner may be considered the ultimate purchaser of the imported rod parts, within the contemplation of 19 U.S.C. 1304(a) and § 11.8(e) of the Customs Regulations (19 CFR 11.8(e)). Therefore, a country of origin marking on the end of the rod part to be attached to the handle will be acceptable since such marking will remain visible until the imported part reaches the ultimate purchaser (manufacturer). The imported parts may be excepted from individual marking pursuant to 19 U.S.C. 1304(a) (3) (D) and § 11.10(a) of the Customs Regulations (19 CFR 11.10(a)) if they are imported in containers legibly and conspicuously marked to indicate the country of origin, and the customs officers at the port of entry are satisfied that such containers will reach the ultimate purchaser unopened and that the contents will be used by such ultimate purchaser only in producing complete fishing rods. An exception under 19 U.S.C. 1304(a) (3) (H) may also be in order if the components are ordered directly by the ultimate purchaser under terms which will insure that the order will be filled only with articles manufactured in a named country.

In some instances fishing reels are imported in an unassembled or partially assembled condition, and assembled in the United States. Some minor parts made in the United States may be used in assembling the reels. The Bureau is of the opinion that the assembly of such reels, where all or substantially all of the components are imported, cannot be considered to result in the manufacture of a new and different article in the United States. When fishing reels are imported in an unassembled condition, one of the parts, such as the main reel housing, should be marked to indicate the country of origin so that the marking will be legible and conspicuous after the reels are assembled.

This ruling shall be effective as to merchandise entered, or withdrawn from warehouse, for consumption on and after September 1, 1967.

[SEAL]

LESTER D. JOHNSON,
Commissioner of Customs.

[F.R. Doc. 67-8791; Filed, July 27, 1967;
8:48 a.m.]

Office of the Secretary

[Antidumping—ATS 643.3-m]

DARTBOARDS AND DARTGAMES FROM ENGLAND

Notice of Tentative Determination

JULY 20, 1967.

Information was received on June 30, 1966, that dartboards and dartgames imported from England were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). This information was the subject of an "Antidumping Proceeding Notice" which was published pursuant to section 14.6(d), Customs Regulations, in the FEDERAL REGISTER of August 25, 1966, on page 11277 thereof.

On January 17, 1967, the Commissioner of Customs issued a withholding of appraisement notice with respect to such merchandise, which was published in the FEDERAL REGISTER dated January 21, 1967.

I hereby make a tentative determination that dartboards and dartgames imported from England are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

STATEMENT OF REASONS ON WHICH THIS TENTATIVE DETERMINATION IS BASED

Sales to the United States were made both to purchasers related to the manufacturer within the meaning of section 207 of the Antidumping Act, 1921, as amended (19 U.S.C. 166), and to purchasers buying outright in transactions not involving such relationship. Sufficient quantities of the merchandise were sold in the home market to afford a proper basis of comparison. Purchase price or exporter's sales price, as applicable, were compared with adjusted home market price for fair value purposes.

Purchase price was calculated by adding to the ex-factory price for exportation to the United States, as provided for in section 203 of the Antidumping Act, 1921, as amended (19 U.S.C. 162), a 2½ percent rebate of taxes granted by the British Government on exportation of the merchandise.

Exporter's sales price was based on the resale price of the merchandise in the United States by the United States subsidiary of one manufacturer. From this price were deducted commission, ocean freight and insurance, United States duty, and inland freight incurred both in the United States and England. To the result was added as provided for in section 204 of the Antidump-

ing Act (19 U.S.C. 163), the 2½ percent rebate paid by the British Government on exportation of the merchandise.

Adjusted home market price was calculated by deducting from the gross price to United Kingdom purchasers, a trade discount, a cash discount, and as appropriate, a quantity discount, a commission and an additional trade discount.

Comparison of purchase price and exporter's sales price, as applicable, with adjusted home market price revealed that adjusted home market price was not higher than purchase price or exporter's sales price except in a few instances. The amounts involved in these few sales were minimal. The exporter upon being advised of these sales at less than adjusted home market price provided assurances that it would make no future sales at less than home market price regardless of the disposition of the investigation.

Such written submissions as interested parties may care to make with respect to the contemplated action will be given appropriate consideration by the Secretary of the Treasury.

If any person believes that any information obtained by the Bureau of Customs in the course of this antidumping proceeding is inaccurate or that for any other reason the tentative determination is in error, he may request in writing that the Secretary of the Treasury afford him an opportunity to present his views in this regard.

Any such written submissions or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 14.8(a) of the Customs Regulations (19 CFR 14.8(a)).

[SEAL]

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-8788; Filed, July 27, 1967;
8:48 a.m.]

[Antidumping—ATS 643.3-W]

TUBELESS TIRE VALVES FROM WEST GERMANY

Determination of Sales at Less Than Fair Value

JULY 21, 1967.

On May 16, 1967, there was published in the FEDERAL REGISTER a "Notice of Discontinuance of Investigation and Determination Regarding Fair Value," with regard to tubeless tire valves from West Germany.

The statement of reasons was published in the above-mentioned notice, and interested parties were afforded until June 15, 1967, to make written submissions or requests for an opportunity to present views in connection with the determination.

No persuasive written submissions and no requests having been received, I hereby determine for the reasons stated in the above-mentioned notice that finished tubeless tire valves imported from West Germany, with the exceptions noted below, are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

I further determine for the reasons stated in the above-mentioned notice that finished tubeless tire valves (1) TR 413 and 415 produced by EHA Ventilfabrik, Muhlheim Am Main, West Germany, but only if purchased in quantities of over 33,000 units per month over a significant period of time; (2) TR 413 and 415 produced by Alligator Ventilfabrik, Wurttemberg, Germany; and (3) TR 414, 418, 420, 423, and 425 produced by EHA Ventilfabrik, Muhlheim Am Main, West Germany, are not being, nor likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

These determinations are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL]

TRUE DAVIS,

Assistant Secretary of the Treasury.

[P.R. Doc. 67-8789; Filed, July 27, 1967; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management CALIFORNIA

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

JULY 21, 1967.

Notice of a Forest Service, U.S. Department of Agriculture application, Sacramento 079492, for withdrawal and reservation of lands for the East Fork Campground, was published as FEDERAL REGISTER Document No. 65-5758 on pages 7320, 7321, and 7322 of the issue for June 3, 1965. The applicant agency has canceled its application insofar as it affects the following described lands:

SIX RIVERS NATIONAL FOREST
HUMBOLET MERIDIAN
East Fork Campground

T. 6 N., R. 4 E.,
Sec. 15, W $\frac{1}{2}$ NE $\frac{1}{4}$.

Therefore, pursuant to the regulations contained in 43 CFR, Part 2311, such lands at 10 a.m. on August 30, 1967, will be relieved of the segregative effect of the above-mentioned application.

R. J. LITTEN,
Chief, Lands Adjudication Section.

[P.R. Doc. 67-8752; Filed, July 27, 1967; 8:45 a.m.]

Office of the Secretary WATCHES AND WATCH MOVEMENTS

Prohibition of Transfers of Duty-Free Quotas

CROSS REFERENCE: For document regarding clarification and implementation of policy prohibiting transfers of duty-free quotas issued to producers of watches and watch movements located in Virgin Islands, Guam, and American Samoa, see F.R. Doc. 67-8866, Department of the Interior, Office of the Secretary, in the notices section of this issue.

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File No. 23 (65)-59]

CLAUS HUTH.

Order Terminating Indefinite Denial Order

In the matter of Claus Huth, Georgsplatz 1a, 2 Hamburg 1, Federal Republic of Germany, respondent; File No. 23(65)-59.

On April 24, 1967, effective on April 29, 1967 (32 F.R. 6735) an order was entered against the above respondent denying him, for an indefinite period, all privileges of participating in exportations from the United States because, without showing good cause, he failed to answer interrogatories duly served in accordance with § 382.15 of the Export Regulations and failed to furnish certain relevant documents therein requested. The respondent has now furnished complete and responsive answers to the interrogatories and has also furnished the documents requested.

Accordingly, it is hereby ordered that the above mentioned order dated April 24, 1967 be and the same hereby is terminated.

Dated: July 21, 1967.

RAUER H. MEYER,

Director, Office of Export Control.

[P.R. Doc. 67-8716; Filed, July 27, 1967; 8:46 a.m.]

Office of the Secretary WATCHES AND WATCH MOVEMENTS

Clarification and Implementation of Policy Prohibiting Transfers of Duty-Free Quotas Issued to Producers Located in the Virgin Islands, Guam, and American Samoa

Public Law 89-805, approved November 10, 1966, establishes a limitation on the number of watches and watch movements containing foreign components which may be imported duty-free from the United States insular possessions. Under General Headnote 3(a) of the Tariff Schedules of the United States,

duty-free treatment is allowed an article produced in the insular possessions if not more than fifty percent of the total value of such article is of foreign origin. The purpose of this duty-free treatment is to stimulate the development of light industry in the insular possessions, thereby contributing to their economies. Congress has made it clear that this purpose continues to be the primary consideration in the allocation of duty-free watch quotas under Public Law 89-805.

On March 15, 1967, under the authority of Public Law 89-805, the Departments of the Interior and Commerce issued jointly an interim allocation of quotas among producers of watches and watch movements containing foreign components which may be entered duty-free into the customs territory of the United States from the U.S. insular possessions. This allocation expressly provides that: "The sale or transfer of quotas by one firm to another is not authorized. Unused quotas are subject to reallocation by the Departments." (32 F.R. 4178; March 17, 1967). The purpose of this notice is to interpret and to implement the above quoted provision for the 1967 quota year.

The rule making requirements of section 4 of the Administrative Procedure Act are not applicable to the interpretative portions of this notice. To the extent that such requirements may be applicable to the implementing portions of this notice, the Departments have determined that notice and public procedure thereon are impracticable and contrary to the public interest. The only firms affected by this notice are those to which allocations have been made who wish to make a sale or transfer of their business during the present calendar year. Thus time is of the essence in announcing to such firms the rules under which sales or transfers of businesses to which quotas have been allocated will be permitted by the Departments during the 1967 quota year. The following rules, therefore, are final upon publication of this notice:

SECTION 1. The sale or transfer of a quota from one firm to another is not permitted. A quota thus sold or transferred will be canceled.

SEC. 2. The sale or transfer of a business together with its quota, as defined in section 4 hereof, is considered a sale or transfer of a quota by one firm to another within the meaning of the prohibition contained in the March 15, 1967, notice of interim quota allocations.

SEC. 3. The sale or transfer of a business together with a quota may be permitted after the effective date of this notice if the prior approval of the Secretaries or the delegates is secured: *Provided, however*, That the firm sold or transferred remains in the business as a separate and distinct entity.

SEC. 4. Sale or transfer of a business means the sale or transfer of control, whether temporary or permanent, over a firm to which a quota has been allocated, to any other firm, corporation, partnership, person or other legal entity by any means whatsoever, including

but not limited to, by merger, transfer of stocks or assets or voting trusts.

Sec. 5. The sale or transfer of a business, as defined in section 4 above, without the prior approval of the Secretaries or their delegates will result in the cancellation of the quota allocated to the firm whose business has been sold or transferred.

Sec. 6. If a proposed sale or transfer of a business to which a quota has been allocated is approved by the Secretaries or their delegates, the unused portion of the quota allocated to the firm whose business has been transferred or sold or that portion thereof not in excess of the number of units assembled by it which were entered duty-free into the customs territory of the United States during the calendar year 1966, whichever is less, will be allocated to the transferee.

Sec. 7. The prior approval of the Secretaries or their delegates to the sale or transfer of a business may be sought by submitting a written request to the Secretaries, setting forth all facts regarding such sale or transfer addressed to:

Business and Defense Services Administration
U.S. Department of Commerce
Washington, D.C. 20230
Attention: Scientific, Photographic and
Business Equipment Division

Sec. 8. Every firm to which a quota has been granted is required, on August 15, 1967, and on January 15, 1968, to provide the Departments via registered mail on Form BDSAF 779, which will be forwarded to each firm at its territorial address of record not later than August 1, 1967, and will also be available during office hours at the address listed in section 7 above, with information regarding any sales or transfers of all or part of their respective businesses by any means whatsoever which occurred during the period January 1 through July 31, 1967 and August 1 through December 31, 1967. Such information will include the names and addresses of parties owning or holding any legal or equitable interest in such firm as of January 1, 1967, with any changes thereto which may have occurred during the reporting period and the effective date on which such changes occurred, and any agreements entered into by the firm or any of its officers or stockholders which would have the effect of transferring control over management and operation of the firm.

In any event, the firm must report any sales or transfers to the Departments other than those approved by the Secretaries or their delegates, via registered mail, within fifteen days following the date upon which these are effected.

Sec. 9. Any firm initially determined by the Secretaries or their delegates to have made a sale or transfer in violation of the provisions of this notice shall, upon receipt of written notice of such initial determination mailed, registered or certified mail return receipt requested, to the territorial address of record of the firm, be entitled to a full hearing on the question of cancellation pursuant to rules and regulations hereafter to be promul-

gated. Failure of the firm to make written request for such hearing within fifteen days from the date of receipt of an initial determination shall constitute a waiver of its right to the hearing and shall result in the automatic cancellation of its quota as herein specified. Requests for a hearing must be mailed to the address specified in section 7 hereof. The computation of time to determine whether the fifteen day period has run shall be made in accordance with the Federal Rules of Civil Procedure.

Sec. 10. The firm whose quota has been canceled pursuant to this notice may be declared ineligible for quota allocations in future years.

Sec. 11. The unused portions of any quotas canceled pursuant to this notice shall be reallocated among quota holders not affected by cancellations and which are not transferees or purchasers in violation of this notice.

LAWRENCE C. MCQUADE,
*Acting Assistant Secretary for
Domestic and International
Business, Department of
Commerce.*

HARRY R. ANDERSON,
*Assistant Secretary for Public
Land Management, Depart-
ment of the Interior.*

JULY 26, 1967.

[F.R. Doc. 67-8866; Filed, July 27, 1967;
10:30 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-234]

GENERAL DYNAMICS CORP.

Notice of Issuance of Amended Facility License

The Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 1, set forth below, to Facility License No. CX-23. The Amendment authorizes the General Dynamics Corp. to partially dismantle the Tungsten Nuclear Rocket Critical Facility, which has been redesignated as the Experimental Critical Facility, and to possess, but not to operate, the dismantled facility.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and 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 provisions of the Commission's "Rules of Practice" (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.

For further details with respect to this amendment see (1) the related Safety Evaluation prepared by the Division of Reactor Licensing, and (2) the licensee's application for license amendment dated

May 16, 1967, and supplement dated June 20, 1967, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the Safety Evaluation may be obtained at the Commission's Public Document Room, or upon request, addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 19th day of July 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
*Assistant Director for Reactor
Operations, Division of Reactor
Licensing.*

[License No. CX-23, Amdt. No. 1]

AMENDED FACILITY LICENSE

The Commission having found that:

- The application for amendment complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter 1, CFR;
- There is reasonable assurance that the reactor can be possessed at the designated location without endangering the health and safety of the public;
- The licensee is technically and financially qualified to engage in the activities authorized by this license, as amended, in accordance with the rules and regulations of the Commission;
- The licensee has furnished proof of financial protection to satisfy the requirements of 10 CFR Part 140;
- The issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public; and
- Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated;

License No. CX-23 is amended in its entirety to read as follows:

1. This license applies to the Experimental Critical Facility, formerly designated Tungsten Nuclear Rocket Critical Facility (hereinafter "the facility") which is owned by General Dynamics Corp. (hereinafter "the licensee"), located at the licensee's site at Torrey Pines Mesa in San Diego, Calif., and described in the application dated December 8, 1964, and supplements thereto (hereinafter "the application").

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses General Dynamics Corp.:

A. Pursuant to section 104 c of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", to possess, but not to operate the facility.

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material", to possess and store up to 250 kilograms of contained uranium-235 formerly used in connection with operation of the facility; and

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 40, "General Rules of Applicability to Licensing of Byproduct Material", to possess, but not to separate, such byproduct material as may have been produced by operation of the facility.

3. This license shall be deemed to contain and be subject to the conditions specified in Part 20, sections 50.54 and 50.59, section 70.32

of Part 70, and section 30.34 of Part 30 of the Commission's regulations, and to be subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The licensee may partially dismantle the facility as described in application for amendment dated May 16, 1967, and supplement thereto dated June 20, 1967.

B. The licensee shall not reassemble the facility without prior approval of the Commission.

C. In addition to those required by applicable AEC regulations, including section 20.401 of 10 CFR Part 20, the licensee shall keep the following records:

1. Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at the point of such release or discharge.

2. Records of surveys of radioactivity levels of the dismantled facility.

D. In addition to reports otherwise required by applicable AEC regulations, the licensee shall submit a report of any indication or occurrence of a possible unsafe condition relating to the facility or to the public. For each occurrence, the licensee shall promptly notify by telephone or telegraph the Director of the appropriate AEC Regional Compliance Office listed in Appendix D of 10 CFR Part 20 and shall submit within 10 days a report in writing to the Director, Division of Reactor Licensing, with a copy to the Regional Compliance Office.

4. This license is effective as of the date of issuance and shall expire at midnight, May 25, 1970.

Date of issuance:

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations,
Division of Reactor Licensing.

[F.R. Doc. 67-8749; Filed, July 27, 1967;
8:45 a.m.]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FLIGHT CABIN ATTENDANTS

Sex as Occupational Qualification; Notice of Postponement of Hearing

Questions of whether sex is a bona fide occupational qualification for the position of flight cabin attendant and whether discrimination based on sex with respect to the conditions of employment for this position is unlawful:

On July 11, 1967, F.R. Doc. 67-992 was published announcing a hearing on flight cabin attendants on August 8, 1967. Notice is hereby given that the hearing is postponed until September 12, 1967. The September 12th hearing will be held at 10 a.m., d.s.t., in the Departmental Auditorium, Conference Room B (first floor), Constitution Avenue, between 12th and 14th Streets N.W., Washington, D.C. Interested persons are invited to participate in, and to present evidence, views, and arguments with respect to the above questions at the hearing on Tuesday, September 12, 1967. Requests for time to testify may be submitted to the General Counsel, Equal Employment Opportunity

Commission, Washington, D.C. 20506, at any time prior to 5:30 p.m., d.s.t., Wednesday, September 6, 1967. Written statements submitted for consideration by the Commission subsequent to the hearing should be filed in triplicate with the General Counsel not later than 5:30 p.m., d.s.t., Monday, October 16, 1967. All written submissions pursuant to this notice will be available for public inspection at the Office of the General Counsel, Equal Employment Opportunity Commission, Washington, D.C. 20506.

Signed at Washington, D.C., this 24th day of July 1967.

LUTHER HOLCOMB,
Acting Chairman.

[F.R. Doc. 67-8767; Filed, July 27, 1967;
8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17565, 17566; FCC 67M-1217]

CORINTH BROADCASTING CO., INC., AND RADIO CORINTH

Order Scheduling Hearing

In re applications of The Corinth Broadcasting Co., Inc., Corinth, Miss., Docket No. 17565, File No. BPH-5675; Elbert A. White III and Charles A. Weeks doing business as Radio Corinth, Corinth, Miss., Docket No. 17566, File No. BPH-5732; for construction permits:

It is ordered, That H. Gifford Irion shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 24, 1967, at 10 a.m.; and that a pre-hearing conference shall be held on September 15, 1967, commencing at 9 a.m.; And, it is further ordered, That all proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: July 18, 1967.

Released: July 21, 1967.

FEDERAL COMMUNICATIONS
COMMISSION.

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8799; Filed, July 27, 1967;
8:49 a.m.]

[Docket Nos. 17538-17540; FCC 67-747]

LAUREL CABLEVISION CO. ET AL.

Memorandum Opinion and Order Instituting Consolidated Hearing

In re petitions by Laurel Cablevision Co., Somerset, Pa., Docket No. 17538, File No. CATV 100-24; and Punxsutawney TV Cable Co., Inc., Punxsutawney, Pa., Docket No. 17539, File No. CATV 100-155; for authority pursuant to § 74.1107 of the rules to operate CATV systems in the Johnstown-Altoona television market; and in re application of New York-Penn Microwave Corp., Brockport, Pa., Docket No. 17540, File No.

7793-C1-P-66, for construction permit for new point-to-point microwave radio stations.

1. The Commission has before it two petitions for waiver of the evidentiary hearing requirements of § 74.1107 of the rules, involving the Johnstown-Altoona market, the 38th market: (a) Laurel Cablevision (CATV 100-24) proposes to carry the three network-affiliated stations from Johnstown-Altoona and the three network-affiliated and one educational station from Pittsburgh, and to import the distant signals of three network-affiliated stations (two from the Wheeling-Steubenville market and one from the Clarksburg market), and an educational station located at Clearfield, Pa., in the Johnstown-Altoona market; (b) Punxsutawney TV Cable Co., Inc., is operating in Punxsutawney and carries two of the three Johnstown-Altoona stations (Channels 6 and 10), the three network-affiliated and one educational stations from Pittsburgh, and another educational station from Clearfield. In addition, it proposes to import the distant independent signal of WPIX from New York City.

2. The Johnstown-Altoona market has a total net weekly circulation of 450,700. The central cities have Channels 6, 10, 19,¹ *28, 31, 48, and *57 assigned to them; also assigned within the market are State College—*25, Clearfield—*3, and Greensburg—40. Stations are operating on Channels 6 (NBC), 10 (ABC, CBS), 56 (CBS),² and *3 (Educational); none of the other assigned channels has been applied for. The populations and distances from Johnstown and Altoona for the communities of the systems are as follows:

	Population	Johnstown	Altoona
Somerset, Somerset County.....	6,347	27	31
Punxsutawney, Jefferson County.....	8,805	42	42

3. The community of Somerset is within the predicted Grade B contour of the Altoona station and on the fringe of the predicted Grade A contours of the Johnstown stations. It is a distinct and separate community, located outside the Urbanized Area but within the Standard Metropolitan Statistical Area. WJAC, Inc., licensee of WJAC-TV, Johnstown, opposes the proposal. Triangle Publications, Inc., licensee of WFBG-TV, Altoona, has filed a letter commenting on the proposal.

4. The second proposal is for Punxsutawney, a community of 8,805, located within the Grade A contours of stations in the Johnstown-Altoona market. Neither of the two stations placing a predicted Grade A contour over Punxsutawney has filed an objection to the proposal. The New York-Penn Microwave

¹ While Channel 56 is now operating, that channel is no longer assigned to Johnstown. WARD-TV has a construction permit for Channel 19, which is assigned to Johnstown at present.

² Ibid.

application would supply to Punxsutawney the distant signal of independent television station WPIX, New York City.

5. Westinghouse Broadcasting Co., Inc., licensee of Station KDKA-TV, Pittsburgh, has filed a petition to deny the microwave applications and has also filed an opposition to the system's proposal. Westinghouse shows that Punxsutawney is located within its predicted Grade B contour and that the station is credited with circulation in the county in which Punxsutawney is located. It is also alleged that WPIX does not now have any viewers in the county. Westinghouse asserts that it has standing because importation of the distant signal would inevitably result in some economic injury to its operation. It also urges that potential UHF development is threatened by importing the distant signals, and that no reason has been shown for the importation of the New York signal into the community of the system. The Hearst Corporation, licensee of Station WTAE-TV, Pittsburgh, also opposes the proposal. It urges that a hearing be held because of possible injury to potential UHF stations, the system's failure to state that it will carry any new UHF stations which may go on the air, and failure to carry the Johnstown UHF which does not place a predicted Grade B contour over the city of the system.

6. On the facts presented in these petitions and the opposing pleadings, we are unable to make the determination, without hearing, that importation of the requested distant signals would be consistent with the establishment and healthy maintenance of UHF development in the area. Accordingly, it is ordered, That the requests for waiver are denied.

It is further ordered, That with respect to the requests of Laurel Cablevision Co. and Punxsutawney TV Cable Co., Inc., and the application of New York-Penn Microwave Corp. (File No. 7793-C1-P-66) (insofar as it proposes to serve Punxsutawney TV Cable Co., Inc., in Punxsutawney) and pursuant to sections 4(i), 303, 307(b), and 309 of the Communications Act and § 74.1107 of the Commission's rules consolidated hearing is ordered as to said matters on the following issues:

1. To determine the present and proposed penetration and extent of CATV service in the Johnstown-Altoona market.

2. To determine the effects of current and proposed CATV service in the Johnstown-Altoona market upon existing, proposed, and potential television broadcast stations in the market.

3. To determine (1) the present policy and proposed future plans of petitioners with respect to the furnishing of any service other than the relay of the signals of broadcast stations; (2) the potential for such services; and (3) the impact of such services upon television broadcast stations in the market.

4. To determine in light of the above whether the application and proposals are consistent with the public interest.

It is further ordered, That Laurel Cablevision Co.; Punxsutawney TV Cable Co., Inc.; WJAC, Inc., licensee of Station WJAC-TV, Johnstown; Triangle Publications, Inc., licensee of Station WFBG-TV, Altoona; Rivoli Realty Co., grantee of Station WARD-TV, Johnstown; Westinghouse Broadcasting Co., Inc., licensee of Station KDKA-TV, Pittsburgh; and The Hearst Corp., licensee of Station WTAE-TV, Pittsburgh; are made parties to this proceeding and, to participate, must comply with the applicable provisions of § 1.221 of the Commission's rules.

It is further ordered, That the petitions of Westinghouse Broadcasting Co., Inc. and The Hearst Corp. are granted to the extent indicated by the designation of issues and otherwise denied.

The burden of proof with respect to issues 1, 2, and 3 is upon petitioning CATV systems and with respect to issue 4 is upon the petitioning CATV systems and the applicant. A time and place for the hearing will be specified in another order.

Adopted: June 21, 1967.

Released: July 24, 1967.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8800; Filed, July 27, 1967;
8:49 a.m.]

[Docket No. 14952; FCC 67M-1214]

NORRISTOWN BROADCASTING CO., INC. (WNAR)

Order Continuing Hearing

In re application of Norristown Broadcasting Co., Inc. (WNAR), Norristown, Pa., Docket No. 14952, File No. BP-12902; for construction permit.

The Hearing Examiner having under consideration a motion filed June 30, 1967, on behalf of the above-entitled applicant requesting an extension of certain procedural dates; and

It appearing that the request for extension of procedural dates is due to the involvement of the applicant in a complicated television case; and

It further appearing that the Broadcast Bureau, the only other party to this proceeding, has consented to the requested continuance, and good cause for granting said motion having been shown:

It is ordered, That the motion filed June 30, 1967, for extension of procedural dates in the above-entitled proceeding is granted, and the date for exchange of nonengineering exhibits is extended to July 28, 1967, the date for notification of witnesses for cross-examination is extended to August 4, 1967, and the date for commencement of hearing is extended from July 26, 1967, to September 11, 1967.

*Dissenting statement of Commissioner Bartley filed as part of original document; Commissioner Cox absent; Commissioner Loewinger dissenting.

ing is extended from July 26, 1967, to September 11, 1967.

Issued: July 17, 1967.

Released: July 21, 1967.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8801; Filed, July 27, 1967;
8:49 a.m.]

[Docket No. 11081, etc.; FCC 67M-1221]

ORANGE NINE, INC., ET AL.

Statement and Order After Further Prehearing Conference

In re applications of Orange Nine, Inc., Orlando, Fla., Docket No. 11081, File No. BPCT-1153; Mid-Florida Television Corp., Orlando, Fla., Docket No. 11083, File No. BPCT-1801; Central Nine Corp., Orlando, Fla., Docket No. 17339, File No. BPCT-3697; Florida Heartland Television, Inc., Orlando, Fla., Docket No. 17341, File No. BPCT-3737; Comint Corp., Orlando, Fla., Docket No. 17342, File No. BPCT-3738; TV 9, Inc., Orlando, Fla., Docket No. 17344, File No. BPCT-3740; for construction permit for new television broadcast station.

At yesterday's conference, the following schedule was set up to take into account pending pleadings:

Further prehearing conference: September 29, 1967, at 2 p.m.

Hearing: January 8, 1968 (rescheduled from Sept. 18, 1967).

So ordered.

Issued: July 18, 1967.

Released: July 24, 1967.

FEDERAL COMMUNICATIONS

COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-8802; Filed, July 27, 1967;
8:49 a.m.]

[Docket Nos. 17563, 17564; FCC 67M-1216]

WESTERN BROADCASTING CO. AND KING BROADCASTING CO.

Order Scheduling Hearing

In re applications of Ralph Weagant et al. as Western Broadcasting Co., Portland, Ore., Docket No. 17563, File No. BPH-5659; King Broadcasting Co., Portland, Ore., Docket No. 17564, File No. BPH-5841; for construction permits:

It is ordered, That Elizabeth C. Smith shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 26, 1967, at 10 a.m.; and that a prehearing conference shall be held on September 13, 1967, commencing at 9 a.m.; And, it is further ordered, That all

proceedings shall take place in the offices of the Commission, Washington, D.C.

Issued: July 18, 1967.

Released: July 24, 1967.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 67-8803; Filed, July 27, 1967;
8:49 a.m.]

FEDERAL MARITIME COMMISSION INTERNATIONAL CONTAINER CON- FERENCE AGREEMENT

Notice of Agreement Filed for Approval

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Gerald H. Ullman, Counselor at Law,
120 Broadway, New York, N.Y. 10005.

Agreement 9645, between nine (9) licensed ocean freight forwarders located in the Port of New York area, provides for the formation of an International Container Conference to carry on the business of unitizing and consolidating shipments and breaking bulk for the movement of less than full container loads of their customers to and from worldwide destinations on a regular schedule.

The signatories will form a corporation, or other business entity, which will act as a "nonvessel operating common carrier" and receive its revenue in such capacity, or it will be compensated on a fee or allowance basis by the underlying carrier for services rendered.

The outbound and inbound containerization operation will be carried on within the Port of New York area. Membership in the Conference is restricted to licensed ocean freight forwarders who maintain offices within a radius of 50 miles of Columbus Circle in New York City.

Agreement No. FFA-1 noticed in the FEDERAL REGISTER of May 13, 1967 has been withdrawn by the parties.

Dated: July 25, 1967.

By order of the Federal Maritime
Commission.

THOMAS LIST,
Secretary.

[P.R. Doc. 67-8814; Filed, July 27, 1967;
8:50 a.m.]

FORWARDERS INTERMODAL CONTAINER 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 offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Gerald H. Ullman, Counselor at Law, 120
Broadway, New York, N.Y. 10005.

Agreement 9646, between thirty-nine (39) licensed ocean freight forwarders located in the Port of New York area, provides for the formation of a Forwarders Intermodal Container Conference to carry on the business of breaking bulk, consolidating and unitizing cargo and arranging for the movement of such cargo in the foreign and domestic offshore commerce of the United States to and from worldwide destinations on a regular schedule.

The signatories will form a corporation, or other legal entity, which may acquire land and construct appropriate facilities, lease suitable properties or engage an established company to perform the operations. The Conference will operate either as a "nonvessel operating common carrier" and receive its revenue in such capacity or it will be compensated on a fee or allowance basis.

The consolidation of exports and imports will take place at the Port of New York. Membership in the Conference is restricted to licensed ocean freight forwarders who maintain offices within a radius of 50 miles of Columbus Circle in New York City.

Agreement No. FFA-2 noticed in the FEDERAL REGISTER of May 26, 1967 has been withdrawn by the parties.

Dated: July 25, 1967.

By order of the Federal Maritime
Commission.

THOMAS LIST,
Secretary.

[P.R. Doc. 67-8815; Filed, July 27, 1967;
8:51 a.m.]

[2d Supp. Order; Docket No. 67-7]

SEA-LAND SERVICE, INC.

General Investigation, West Coast/ Alaska Trade; Order of Suspension

There have been filed with the Federal Maritime Commission by Sea-Land Service, Inc., respondent in this proceeding, amendments to its West Coast/Alaska Tariff FMC-F No. 5, setting forth amended rates and charges and/or new rules, regulations, and practices affecting such rates and charges, to become effective July 30, 1967, designated as follows:

11th Revised Page 8 (Item 72).
16th Revised Page 10 (Item 150).
17th Revised Page 10 (Item 150).
18th Revised Page 10 (Item 150).
3rd Revised Page 21.
2d Revised Page 21-A.
Original Page 21-B.
7th Revised Page 40 (Rate Group A).
8th Revised Page 40 (Rate Group A).
3d Revised Page 40-A (Rate Basis No. 1).
Original Page 40-C (Rate Basis No. 1).

The said changes are already under investigation in this proceeding by reason of First Supplemental Order served April 27, 1967.

Upon consideration of the said tariff matter there is reason to believe that the proposed rates and charges if permitted to become effective, may be unjust, unreasonable, or otherwise unlawful in violation of section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933.

It is ordered, That pursuant to the authority of section 3 of the Intercoastal Shipping Act, 1933, the investigation in this proceeding is hereby expanded to include a specific hearing and an investigation concerning the lawfulness of the said rates and charges contained in the aforementioned tariff filings, including the rules and regulations affecting such rates and charges, with a view to making such findings and orders in the premises as the facts and circumstances warrant.

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the operation of the aforementioned tariff matter which is subject to regulation by the Federal Maritime Commission under Item 101 of Tariff FMC-F No. 5 and section 2 of the Intercoastal Shipping Act, 1933, be suspended and the use thereof be deferred to and including November 29, 1967, unless otherwise ordered by this Commission.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues here

and before stated as a reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said schedules under the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933.

It is further ordered, That there shall be filed immediately with the Commission by Sea-Land Service, Inc., a consecutively numbered supplement to its aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until November 30, 1967, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Domestic Regulation of the Federal Maritime Commission;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent herein; (II) the said respondent, be duly notified of the time and place of the hearing; and (III) this order be published in the FEDERAL REGISTER and notice of said hearing be served upon all parties to this proceeding.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL]

THOMAS LISI,
Secretary.

[F.R. Doc. 67-8816; Filed, July 27, 1967;
8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67-218]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Petition To Amend

JULY 21, 1967.

Take notice that on July 17, 1967, Alabama-Tennessee Natural Gas Co. (Petitioner), Post Office Box 918, Florence, Ala. 35630, filed in Docket No. CP67-218 a petition to amend the order issued by the Commission June 29, 1967, by authorizing Petitioner to sell and deliver additional quantities of natural gas to an existing customer, all as more fully

set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the above-mentioned order, Petitioner was authorized, inter alia, to construct and operate additional natural gas facilities which increased its system daily delivery capacity by 4,650 Mcf of natural gas and also provided for the sale and delivery of a total firm daily volume of 960 Mcf of natural gas to Amoco Chemicals Corp. (Amoco), one of its existing customers. By the instant filing, Petitioner seeks authorization to increase the sale and delivery to Amoco by 140 Mcf per day of firm natural gas making its total firm daily delivery to Amoco 1,100 Mcf of natural gas. Petitioner states that Amoco has indicated that it will need the additional quantity and Petitioner and Amoco have executed an amendatory agreement, dated May 17, 1967, to this effect. Petitioner states further that the construction originally authorized herein will provide an unallocated daily system delivery capacity of 2,440 Mcf of natural gas and it will therefore have the additional volumes of natural gas available for the service proposed above. Petitioner also states that rendition of the service proposed above will not require the construction or operation of any additional natural gas 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 (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 18, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8774; Filed, July 27, 1967;
8:47 a.m.]

[Docket No. CP68-17]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Application

JULY 21, 1967.

Take notice that on July 17, 1967, Alabama-Tennessee Natural Gas Co. (Applicant), Post Office Box 918, Florence, Ala. 35630, filed in Docket No. CP68-17 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon by sale certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon by sale to Muscle Shoals Natural Gas Corp. (Shoals), Muscle Shoals, Ala., approximately 0.6 of a mile of 4½ inch O.D. pipeline, approximately 1.5 miles of 3½ inch O.D. pipeline and two meter stations, originally built to serve the U.S. Army Chemical Corps and presently being used to serve Muscle Shoals City, Ala., and approximately 3.3 miles of 6 inch O.D. pipeline in Muscle Shoals City which was originally part of Applicant's

Florence-Sheffield Lateral. Applicant states that the section of its Florence-Sheffield Lateral described above is no longer needed as the communities are now being served by an 8½ inch O.D. lateral line. Applicant further states that all the facilities described above are located within the city limits of Muscle Shoals City and Shoals proposes to include them in its distribution system to serve the potential market that has grown since original installation of the facilities. Applicant also states that the proposed abandonment by sale of the natural gas facilities described above will not result in any change in the natural gas service now being rendered by Applicant in any of its markets.

Applicant has agreed to sell and Shoals has agreed to purchase the natural gas facilities described above for the depreciated book value as of the date of approval of the sale, said price estimated to be \$38,775.60 as of December 31, 1967.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 18, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8775; Filed, July 27, 1967;
8:47 a.m.]

[Docket No. CP65-209]

ARKANSAS LOUISIANA GAS CO.

Notice of Petition To Amend

JULY 20, 1967.

Take notice that on July 12, 1967, Arkansas Louisiana Gas Co. (Petitioner), Post Office Box 1126, Shreveport, La. 71102, filed in Docket No. CP65-209 a petition to amend the order issued by the Commission March 15, 1965, by authorizing Petitioner to increase its sale and delivery of natural gas to an existing customer, change the delivery point of such natural gas and relocate a sales meter, all as more fully set forth in the

petition to amend which is on file with the Commission and open to public inspection.

By the above-mentioned order, Petitioner was authorized to sell and deliver to Mississippi River Transmission Corp. (River) a volume of up to 20,000 Mcf per day of natural gas at a delivery point in North Louisiana. By the instant filing, Petitioner seeks authorization to increase the volume of natural gas sold and delivered to River up to a daily maximum of 25,000 Mcf of natural gas, pursuant to a letter agreement between Petitioner and River dated June 30, 1967, and attached to said petition to amend. Petitioner also seeks authorization to transfer the point of delivery of such natural gas from the present location in North Louisiana to a point where the Petitioner's and River's pipeline systems interconnect in Jefferson County, Ark. Petitioner states that the new delivery point is necessitated by the shifting sources of its supplies and would also deliver said natural gas at a point closer to River's general marketing area. Petitioner further seeks authorization to relocate the sales meter from the present point of delivery to the proposed delivery point.

Petitioner estimates the total cost of relocating said sales meter at approximately \$4,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 16, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8776; Filed, July 27, 1967;
8:47 a.m.]

[Docket Nos. CS67-54, CS67-66]

B H AND D CO. AND REDFERN OIL CO.

Findings and Order

JULY 20, 1967.

Findings and order after statutory hearing issuing small producer certificates, terminating certificate, accepting rate schedule, making successor corespondent, granting relief, and requiring refund assurance.

On March 14, 1967, B H and D Co. and on March 31, 1967, Redfern Oil Co. filed in Docket Nos. CS67-54 and CS67-66, respectively, applications pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for small producer certificates of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications.

Applicant in Docket No. CS67-54 is not presently authorized to make sales from the Permian Basin area, but is partial successor to the interest of Rodman & Late in sales under their FPC Gas Rate

Schedule No. 1, Docket No. G-14752 (subsequently redesignated Rodman Petroleum Corp. & Late FPC Gas Rate Schedule No. 4 and covered by the small producer certificate in Docket No. CS66-48). Applicant's rate schedule is to be accepted for filing effective December 1, 1966. The certificate will be effective as of the date of this order.

Applicant in Docket No. CS67-66 is presently authorized to make sales from the Permian Basin area and its small producer certificate shall be effective as of the date of this order.

The certificate heretofore issued in Docket No. G-15447 to Applicant in Docket No. CS67-66 shall be terminated.

Applicants have requested that they be allowed to continue to collect rates in excess of the applicable area base rate ceiling prescribed in Opinion No. 468 consistent with the Commission's order issued February 6, 1967, in Rodman and Late, et al., Docket No. CS66-48, et al. For the reasons set forth in that order Applicant in Docket No. CS67-54 will be allowed to continue the collection of the 17.2295-cent rate (B H and D Co. FPC Gas Rate Schedule No. 1) now in effect under the rate schedule of Applicant's predecessor in interest. Applicant in Docket No. CS67-66 will be allowed to continue the collection of the 17.0816-cent rate (Redfern Oil Co. FPC Gas Rate Schedule No. 1) now in effect under Applicant's rate schedule.

It will be necessary to make Applicant in Docket No. CS67-54 a corespondent in Docket No. G-19952. In this connection Applicant will be required to file appropriate refund assurance as hereinafter ordered.

Applicant in Docket No. CS67-66 will continue to be liable for the refund obligations in Docket No. RI62-290.

The above rates will be subject to rejection as of the date of this order in the case of Docket No. CS67-66 and as of December 1, 1966, in the case of Docket No. CS67-54 in the event the Permian court stay is dissolved or the moratorium provisions in Opinion Nos. 468 and 468-A are upheld ultimately upon the judicial review. The collection of such rates is also subject to the refund provisions of paragraph (D) of Opinion No. 468, as well as the refund provisions of Docket Nos. G-19952 and RI62-290.

The Commission staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice no petition to intervene, notice of intervention, or protest to the granting of the applications has been received.

At a hearing held on July 13, 1967, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Applicants are engaged in the sale of natural gas in interstate commerce

for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and each is, therefore, a "natural-gas company" within the meaning of the Natural Gas Act.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications herein will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by Applicants, together with the construction and operation of any facilities necessary therefor will be subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) Each Applicant is an independent producer of natural gas who is not affiliated with natural gas pipeline companies and whose total jurisdictional sales on a nationwide basis, together with sales of affiliated producers, were not in excess of 10,000,000 Mcf of natural gas at 14.65 p.s.i.a. during the preceding calendar year.

(5) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and small producer certificates of public convenience and necessity therefor should be issued as hereinafter ordered and conditioned.

(6) The certificate heretofore issued in Docket No. G-15447 should be terminated.

The Commission orders:

(A) Small producer certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sale for resale and the delivery of natural gas in interstate commerce by Applicants from the Permian Basin area of Texas and New Mexico, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as more fully described in the applications in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission and particularly:

(a) The subject certificates shall be applicable only to all present and future "small producer sales," as defined in § 157.40(a)(3) of the regulations under the Natural Gas Act, from the Permian Basin area;

(b) Except where otherwise ordered herein, sales shall not be at rates in excess of those set forth in § 157.40 (b)(1) of the regulations under the Natural Gas Act; however, for sales

authorized under permanent or temporary certificates prior to September 1, 1965. Applicants shall collect the rates set forth in paragraphs (H) and (I) and may file notices of change in rate for any contractually authorized rates in excess of the ceiling rates, which increased rates shall be subject to suspension pursuant to section 4(e) of the Natural Gas Act and subsequently may be rejected as of the date of filing as provided by the Order granting relief issued February 6, 1967, in Docket No. CS66-48, et al.

(c) Applicants shall file annual statements pursuant to § 154.104 of the regulations under the Natural Gas Act.

(C) The certificates granted in paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificates because Applicant no longer qualify as small producers or fail to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificates. Upon such termination Applicants will be required to file separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms of this order is observed, the small producer certificates will still be effective as to those sales already included thereunder.

(D) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customer involved imply approval of all of the terms of the contracts, particularly as to the cessation of service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales subject to said certificates.

(E) The certificates issued in paragraph (A) are effective as of the date of this order.

(F) The certificate heretofore issued in Docket No. G-15447 is terminated.

(G) B H and D Co. FPC Gas Rate Schedule No. 1, together with Supplement Nos. 1 through 4, is accepted for filing effective December 1, 1966, subject to the provisions of paragraphs (H) and (J).

(H) Applicant in Docket No. CS67-54 is made a co-respondent in Docket No. G-19952 and may charge and collect, subject to refund, the 17.2295-cent rate

involved in Docket No. G-19952 for sales under its FPC Gas Rate Schedule No. 1 effective as of December 1, 1966, if within 30 days from the issuance of this order Applicant files with the Secretary of the Commission in Docket No. G-19952 an acceptable agreement and undertaking in the form attached to assure the refund of any amounts collected by it, together with the interest at the rate of 7 percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of filing, the refund assurance filed herein shall be deemed to be satisfactory and to have been accepted for filing. The refund assurance filed herein shall remain in full force and effect until discharged by the Commission. Said Applicant shall also comply with the refunding and reporting procedures required by the Natural Gas Act and section 154.102 of the regulations thereunder.

(I) Applicant in Docket No. CS67-66 may continue to charge and collect the 17.0816-cent rate under its FPC Gas Rate Schedule No. 1, subject to refund in Docket No. RI62-290.

(J) The rates set forth in paragraphs (H) and (I) above are subject to rejection as of December 1, 1966, and the date of the issuance of this order, respectively, in the event the Permian court stay is dissolved or the moratorium provision Opinion Nos. 468 and 468-A are upheld ultimately upon judicial review. The collection of such rates is also subject to the refund provisions of paragraph (D) of Opinion No. 468 as well as the refund provisions of Docket Nos. G-19952 and RI62-290.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

Suggested agreement and undertaking:
BEFORE THE FEDERAL POWER COMMISSION
(Name of Respondent)

Docket No. -----

AGREEMENT AND UNDERTAKING OF (NAME OF RESPONDENT) TO COMPLY WITH REFUNDING AND REPORTING PROVISIONS OF SECTION 154.102 OF THE COMMISSION'S REGULATIONS UNDER THE NATURAL GAS ACT

(Name of Respondent) hereby agrees and undertakes to comply with the refunding and reporting provisions of section 154.102 of the Commission's regulations under the Natural Gas Act insofar as they are applicable to the proceeding in Docket No. ----- (and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto) this ----- day of -----, 196-.

(Name of Respondent)

By -----

Attest:

[F.R. Doc. 67-8777; Filed, July 27, 1967;
8:47 a.m.]

* If a corporation.

[Docket No. E-7120]

CRISP COUNTY POWER COMMISSION AND GEORGIA POWER CO.

Notice Extending Time for Filing Evidence, Postponing Prehearing Conference and Providing for Filing of Outline of Testimony

JULY 21, 1967.

By telegram filed on July 18, 1967, Counsel for the members of the Southern System, Viz., Intervenor, Alabama Power Co., Gulf Power Co., Mississippi Power Co., and respondent Georgia Power Co., hereafter referred to collectively as Southern System, requested an extension of 30 days within which to file their proposed direct evidence with the Federal Power Commission (FPC) as required by paragraph (D) of the order issued June 23, 1967, in the above designated proceeding. By telegram filed July 20, 1967, Counsel for Crisp County Power Commission (Crisp County) stated that Crisp County had no objections to the requested extension of time.

Upon consideration of the foregoing, the time within which Southern System shall file with FPC their proposed direct evidence in writing in compliance with paragraph (D) of the order issued June 23, 1967, is hereby extended to and including August 23, 1967, and the prehearing conference now scheduled for July 27, 1967, is hereby postponed to 10 a.m., August 11, 1967. Further, Southern System shall file with FPC no later than the time of commencement of the August 11, 1967, Prehearing Conference, an outline of its proposed testimony including the names of each witness and in general what each will testify for discussion at that Prehearing Conference.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8778; Filed, July 27, 1967;
8:47 a.m.]

[Docket Nos. CI65-941, G-20538]

JOSEPH S. GRUSS ET AL.

Order Clarifying Order Issuing Certificate of Public Convenience and Necessity, Making Successor Co-respondent, Redesignating Proceeding, and Requiring Filing of Agreement and Undertaking

JULY 24, 1967.

Joseph S. Gruss (Operator), Agent, Docket No. CI65-941; Estate of Kay Kimbell, et al., Chase Petroleum Co. (Operator), Agent for John M. Clark, et al., and Joseph S. Gruss (Operator), Agent, Docket No. G-20538.

By order issued May 24, 1967, Joseph S. Gruss (Operator), Agent (Petitioner), was authorized in Docket No. CI65-941 to continue the sale of natural gas under his FPC Gas Rate Schedule No. 17 (formerly Chase Petroleum Co., et al. FPC Gas Rate Schedule No. 4) theretofore authorized in said docket. By notice issued April 18, 1967, in Docket No. G-4713 and published in 30 F.R. 5398 on April 15,

1965, the rate for such sale was stated to be 10 cents per Mcf at 14.65 p.s.i.a. A review of the Commission's records reveals that the current rate under Chase's rate schedule was 17 cents per Mcf subject to refund in Docket No. G-20538. Therefore, Petitioner will be made correspondent in Docket No. G-20538, said proceeding will be redesignated accordingly, and Petitioner will be required to file an agreement and undertaking to assure the refund of any amounts collected by him in excess of the amount determined to be just and reasonable in said proceeding.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Joseph S. Gruss (Operator), Agent, be made a correspondent in the proceeding pending in Docket No. G-20538, that said proceeding should be redesignated accordingly, and that Joseph S. Gruss should be required to file an agreement and undertaking.

The Commission orders:

(A) Joseph S. Gruss (Operator), Agent, shall collect a total initial rate of 17 cents per Mcf at 14.65 p.s.i.a. subject to refund in Docket No. G-20538 pursuant to his FPC Gas Rate Schedule No. 17.

(B) Joseph S. Gruss (Operator), Agent, is made a correspondent in the proceeding pending in Docket No. G-20538 and the proceeding is redesignated accordingly.

(C) Within 30 days from the issuance of this order Joseph S. Gruss (Operator), Agent, shall execute, in the form set out below, and shall file with the Secretary of the Commission an acceptable agreement and undertaking in Docket No. G-20538 to assure the refund of any amounts collected by it, together with interest at the rate of seven percent per annum, in excess of the amount determined to be just and reasonable in said proceeding. Unless notified to the contrary by the Secretary of the Commission within 30 days from the date of submission, such agreement and undertaking shall be deemed to have been accepted for filing.

(D) Joseph S. Gruss (Operator), Agent, shall comply with the refunding and reporting procedure required by the

Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Joseph S. Gruss in Docket No. G-20538 shall remain in full force and effect until discharged by the Commission.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[P.R. Doc. 67-8770; Filed, July 27, 1967;
8:46 a.m.]

[Docket No. CP68-16]

HUMBLE GAS TRANSMISSION CO.

Notice of Application

JULY 21, 1967.

Take notice that on July 14, 1967, Humble Gas Transmission Co. (Applicant), 1700 Commerce Building, New Orleans 70112, filed in Docket No. CP68-17 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued maintenance of certain service and sales by Applicant together with operation of the facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization for the continued maintenance of certain service and sales together with the operation of the facilities necessary therefor, all as now and heretofore conducted by Applicant on that part of its Fowler-Baton Rouge System lying north of the Mississippi River in northeast Louisiana, including lateral lines owned by Applicant which are connected to such system.

The foregoing sales include the following sales for resale: Clayton, La.; Jonesville, La.; Long Gas Co.; Louisiana Gas Service Co.; Lucknow Gas Co.; Peck Gas Co.; Sicily Island Gas Co., Inc.; Simmons Gas Co.; and Vidalia, La.

Also included are the direct industrial sales to L. D. Ritter, Inc. and Rogers Brothers Kiln & Milling Co., Inc. and a sale to Union Producing Co. for operation of irrigation pumps.

Protests or petitions to intervene may be filed with the Federal Power Commis-

sion, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 18, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[P.R. Doc. 67-8779; Filed, July 27, 1967;
8:47 a.m.]

[Docket No. RI68-8, etc.]

HUMBLE OIL & REFINING CO. ET AL.

Order Accepting Contract Amendments, Providing for Hearings on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject To Refund¹

JULY 20, 1967.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

¹ Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI68-8	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001, attn: Mr. John J. Carter.	403 403	2 3	Colorado Interstate Gas Co. (Desert Springs Field, Sweetwater County, Wyo.).	\$1,968	6-20-67 6-20-67	* 7-21-67 * 7-21-67	(Accepted) * 7-22-67	\$ 15.0	\$ 17.22	
RI68-9	U.S. Natural Gas Corp., 9601 Wilshire Blvd., Suite 620, Beverly Hills, Calif. 90211, attn: J. O. Young, Vice President.	4 4	2 3	do.	17,550	6-27-67 6-27-67	* 7-28-67 * 7-28-67	(Accepted) * 7-29-67	\$ 15.0	\$ 17.25	

¹ Contract Amendment dated June 8, 1967, which provides for measurement of B.t.u. content on a wet basis and at a pressure equivalent to 30 inches of mercury at 32° F.

² The stated effective date is the effective date requested by Respondent.

³ The suspension period is limited to 1 day.

⁴ Increase due to upward B.t.u. adjustment for 1148 B.t.u. gas.

⁵ Pressure base is 14.65 p.s.i.a.

⁶ Includes 2.22 cents per Mcf upward B.t.u. adjustment. Maximum adjustment allowed under terms of contract, as amended, is 2.25 cents per Mcf.

⁷ Initial rate.

⁸ The stated effective date is the first day after expiration of the statutory notice.

⁹ Increase due to upward B.t.u. adjustment for 1169 B.t.u. gas.

¹⁰ Includes 2.25 cents per Mcf upward B.t.u. adjustment which is maximum allowed under terms of contract, as amended.

¹¹ Contract Amendment dated May 24, 1967, which provides for measurement of B.t.u. content on a wet basis and at a pressure equivalent to 30 inches of mercury at 32° F.

U.S. Natural Gas Corp. (U.S. Natural) requests an effective date of June 27, 1967, for its proposed contract amendment and rate increase filing. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for U.S. Natural's rate filings and such request is denied.

Humble Oil & Refining Co. (Humble) and U.S. Natural have filed rate increases involving the application of upward B.t.u. price adjustments to their jurisdictional sales of gas from the Desert Spring Field, Sweetwater County, Wyo., to Colorado Interstate Gas Co. The proposed rate increases are from a permanently certificated rate of 15 cents per Mcf. Humble proposes a rate of 17.22 cents per Mcf as a result of a 2.22 cents per Mcf upward B.t.u. adjustment for 1148 B.t.u. gas. U.S. Natural proposes a rate of 17.25 cents per Mcf resulting from a 2.25 cents per Mcf maximum upward B.t.u. adjustment provided by the contract.

Humble and U.S. Natural have filed the above rate changes to put into effect B.t.u. price adjustment provisions contained in contract amendments previously accepted by the Commission. The contract amendments provide for proportional upward and downward B.t.u. adjustments from a base of 1000 B.t.u.'s, with such adjustment not to exceed plus or minus 2.25 cents per Mcf.

Concurrently with the filing of their rate increases, Humble and U.S. Natural submitted contract amendments dated June 8, 1967, and May 24, 1967, respectively, which provide for measurement of B.t.u. content on a wet basis and at a pressure equivalent to 30 inches of mercury at 32° F. We believe that it would be in the public interest to accept for filing Humble and U.S. Natural's aforementioned contract amendments to become effective on July 21, 1967 (Humble), the proposed effective date, and July 28, 1967 (U.S. Natural), the date of expiration of the statutory notice, but not the proposed rates contained therein, which are suspended as hereinafter ordered.

Humble and U.S. Natural's proposed increased rates and charges exceed the applicable initial rate ceiling of 15 cents per Mcf for Wyoming as announced in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56). Since the proposed increases relate only to B.t.u. adjustment and exceed the area initial rate ceiling by only the contractual B.t.u. adjustment, we conclude that they should be suspended for 1 day from July 21, 1967 (Humble), and July 28, 1967 (U.S. Natural).

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

¹ Designated as supplement No. 2 to Humble's FPC Gas Rate Schedule No. 403.

² Designated as Supplement No. 2 to U.S. Natural's FPC Gas Rate Schedule No. 4.

The Commission finds:

(1) Good cause has been shown for accepting for filing Humble and U.S. Natural's proposed contract amendments dated June 8, 1967, and May 24, 1967, respectively, designated as Supplement No. 2 to Humble's FPC Gas Rate Schedule No. 403, and Supplement No. 2 to U.S. Natural's FPC Gas Rate Schedule No. 4, and for permitting such supplements to become effective on July 21, 1967 (Humble) and July 28, 1967 (U.S. Natural).

(2) Except for the supplements set forth in paragraph (1) above, it is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Supplement No. 2 to Humble's FPC Gas Rate Schedule No. 403, and Supplement No. 2 to U.S. Natural's FPC Gas Rate Schedule No. 4, are accepted for filing and permitted to become effective on July 21, 1967 (Humble) and July 28, 1967 (U.S. Natural).

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplements set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until the date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act: *Provided, however*, That the supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondent shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by a certificate showing service of a copy thereof upon the purchaser, Colorado Interstate Gas Co. Unless Humble and U.S. Natural are advised to the contrary within 15 days after the filing of their respective agreement and undertaking, such agreement and undertaking shall be deemed to have been accepted.

(D) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 6, 1967.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8780; Filed, July 27, 1967; 8:47 a.m.]

[Docket No. CP68-19]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

JULY 24, 1967.

Take notice that on July 17, 1967, Panhandle Eastern Pipe Line Co. (Applicant), One Chase Manhattan Plaza, New York, N.Y. 10005, filed in Docket No. CP68-19 an application pursuant to subsections (b) and (c) of section 7 of the Natural Gas Act for permission and approval of the Commission to abandon by sale certain natural gas facilities and for a certificate of public convenience and necessity authorizing the construction and operation of certain other natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon by sale to Illinois Power Co. (Illinois) the following natural gas facilities:

(1) Approximately 21,738 feet of 10-inch pipeline together with all appurtenant facilities; and

(2) A meter and regulator station, Station No. 235+08, together with all appurtenant facilities except instruments.

Applicant also seeks authorization to construct and operate a new meter and regulator station, to be called the Decatur Meter and Regulator Station, at the site of its Chaining station 17+70 to provide a revised point of delivery to Illinois.

Applicant states that the above-proposed abandonment and construction of facilities will enable it to alleviate the burden of maintaining and operating that portion of the Decatur Lateral within an urban area and also allow Illinois to more readily develop its market within this urban area.

Applicant estimates the total cost of the proposed construction at approximately \$83,000, said cost to be financed from general funds available to Applicant. Applicant has also agreed to sell and Illinois has agreed to purchase the facilities proposed to be abandoned by Applicant for the sum of \$35,474, said cost representing the depreciated book value as of April 30, 1967.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 21, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8771; Filed, July 27, 1967;
8:46 a.m.]

[Docket No. CP67-168]

SOUTHERN NATURAL GAS CO.

Supplemental Notice of Petition To Amend

JULY 20, 1967.

Take notice that on June 8, 1967, Southern Natural Gas Co. (Petitioner), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP67-168 a petition to amend the order issued by the Commission April 20, 1967, by authorizing Petitioner to construct the facilities originally authorized, in a different location, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the above-mentioned order, Petitioner was authorized to construct and operate 31.84 miles of 24-inch O.D. pipeline loop along its existing White Castle-Franklin Line, commencing at Mile Post 70.050. In the instant filing, Petitioner requests authorization to construct and operate the same 31.84 miles of 24-inch O.D. pipeline loop on the same White Castle-Franklin Line but commencing at Mile Post 31.590, on the north side of the Mississippi River, a short distance downstream of White Castle Compressor Station. Petitioner states that additional surveys have indicated that the hereinproposed location will enable Petitioner to construct the pipeline loop in a less densely populated, less congested area which will also result in a lesser cost of construction. Petitioner further states that the location change proposed herein will not alter the system capacity provided by the pipeline loop.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the

regulations under the Natural Gas Act (§ 157.10) on or before August 8, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8781; Filed, July 27, 1967;
8:47 a.m.]

[Docket No. CP68-15]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

JULY 20, 1967.

Take notice that on July 14, 1967, Texas Gas Transmission Corp. (Applicant), Post Office Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP68-15 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the taking from a new source of natural gas such natural gas into Applicant's interstate pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate 10.2 miles of 8-inch pipeline and one meter station.

The proposed pipeline will extend from the terminus of Applicant's Bay Junop-Bay Round 8-inch pipeline to a delivery point in Block 8 Field, South Timbalier Area, Offshore Louisiana. The new pipeline will connect a new gas supply to the Applicant's system which supply Applicant gas acquired under a gas purchase contract entered into with The California Company, a Division of Chevron Oil Co. The gas will be delivered to Applicant at a central point in the South Timbalier Area, Offshore Louisiana.

The total estimated cost of the proposed facilities is \$608,962, which cost will be financed through the issuance of short term debt.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 17, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8782; Filed, July 27, 1967;
8:47 a.m.]

[Docket No. CP68-18]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JULY 21, 1967.

Take notice that on July 17, 1967, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP68-18 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate the following natural gas facilities:

(1) Approximately 9.97 miles of 30-inch O.D. pipeline to loop its existing 30-inch line east of Compressor Station No. 30;

(2) Approximately 11.99 miles of 30-inch O.D. pipeline to loop its existing 30-inch line east of Compressor Station No. 35;

(3) Approximately 20.23 miles of 30-inch O.D. pipeline to loop its existing 30-inch line east of Compressor Station No. 40;

(4) An additional 2,000 horsepower compressor unit to be installed in its Compressor Station No. 05;

(5) An additional 2,000 horsepower compressor unit to be installed in its Compressor Station No. 52;

(6) A new 6,000 horsepower compressor station to be called Compressor Station No. 10 to be located at M.P. 52.61 on the line between Compressor Station No. 05 and Compressor Station No. 30; and

(7) A new purchase meter and regulator station to be located near Normanna, Tex., west and south of Compressor Station No. 05.

Applicant states that the facilities are necessary to enable it to take into its pipeline system the additional volumes of natural gas proposed to be purchased from South Texas Natural Gas Gathering Co. (South) which volumes will enable Applicant to improve its system reserves and deliverability and enhance the flexibility of its system natural gas supply. Applicant further states that the volumes of natural gas proposed to be purchased from South are required to enable Applicant to replenish and augment supplies of natural gas being used to serve existing and growing market requirements.

Applicant estimates the total cost of the proposed facilities at approximately \$10,810,000, said cost to be financed initially from temporary bank loans and

company funds and later to be made a part of a major financing program.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 17, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8783; Filed, July 27, 1967;
8:47 a.m.]

[Docket No. CP67-292]

TRANSWESTERN PIPELINE CO.

Notice of Petition To Amend

JULY 20, 1967.

Take notice that on July 13, 1967, Transwestern Pipeline Co. (Petitioner), Post Office Box 1502, Houston, Tex. 77001, filed in Docket No. CP67-292 a petition to amend the order issued by the Commission June 23, 1967, by authorizing Petitioner to enlarge its service area and increase its sales of natural gas to an existing customer, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the above-mentioned order, Petitioner was authorized to sell and deliver to Southern Union Gas Co. (Southern) up to 25,000 Mcf of natural gas per year in Loving, Winkler, Ward, Reeves, and Crane Counties, Tex. By the instant filing, Petitioner seeks authorization to enlarge the service area to include Pecos County, Tex. and to increase the Maximum Annual Quantity of natural gas sold to Southern to 100,000 Mcf. Petitioner states that it has executed a new Service Agreement with Southern, dated June 29, 1967, to include Pecos County, Tex., and Petitioner further states that Southern has indicated its need for the additional volumes of natural gas to serve its irrigation customers during the present growing season. Petitioner also states that it will be necessary to install minor tap facilities to render the service proposed above. Petitioner states that the cost of the tap facilities will be reim-

bursed by Southern with no resultant cost to Petitioner.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 16, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8784; Filed, July 27, 1967;
8:48 a.m.]

[Docket No. CP68-14]

UNITED GAS PIPE LINE CO.

Notice of Application

JULY 20, 1967.

Take notice that on July 14, 1967, United Gas Pipe Line Co. (Applicant), Post Office Box 1407, Shreveport, La. 71102, filed in Docket No. CP68-14 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the transportation and sale of additional volumes of natural gas for resale in interstate commerce to Texas Gas Transmission Corp. (Texas Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The facilities Applicant proposes to construct over a 3-year period are as follows:

1968 construction. 1. Construction of 6 miles of 20-inch loop on the 18-inch Belle Isle Field Line beginning at the Burns Plant Site at M.P. 18.2 on the 26-inch Offshore to Kosciusko Line extending in a generally southeasterly direction paralleling the Belle Isle 16-inch line to a point in Section 22, Township 17 South, Range 10 East, all in St. Mary Parish, La., together with a 12-inch dual purchase meter station in Belle Isle Field.

2. At the Olla Compressor Station Site M.P. 166.3 on the 30-inch South to North Louisiana Line in La Salle Parish, La.

a. The upgrading of the existing 6,700 horsepower unit to 7,500 horsepower.

b. The installation of an additional 7,500 horsepower gas turbine driven centrifugal compressor unit.

3. The construction of 5.9 miles of 30-inch loop beginning at West Monroe Junction at M.P. 130.75 on the 24-inch Carthage-Sterlington Line, and at M.P. 434.0 on the 30-inch Agua Dulce-Sterlington Line extending in a generally northeasterly direction paralleling both lines to end at the tie-in at the Ouachita River at M.P. 136.6 on the 24-inch Carthage-Sterlington Line and at M.P. 439.75 on the 30-inch Agua Dulce-Sterlington Line, all in Ouachita Parish, La.

4. The construction of a 30-inch check meter station at West Monroe Junction in Ouachita Parish, La.

5. The construction of a sales meter station for Texas Gas, connecting to the 24-inch Carthage-Sterlington Line at M.P. 138.2 and also connecting to the 30-inch Agua Dulce-Sterlington Line at M.P. 441.25 in Ouachita Parish, La.

1969 construction. The construction of a 6,000 horsepower gas engine driven reciprocating compressor unit at the existing Blaineau Storage Compressor Site, together

with the enlargement of the dehydration plant facilities. The 6,000 horsepower compressor unit replaces a 2,000 horsepower unit authorized in Docket No. CP66-136.

1970 construction. 1. The drilling of 5 injection-withdrawal wells and the installation of additional measuring and gathering line facilities at the Blaineau Gas Storage Field.

2. The construction of 11.9 miles of 30-inch loop beginning at the Arnaudville Compressor Station at M.P. 60 on the 30-inch South to North Louisiana line in St. Landry Parish, La., and extending in a generally southerly direction to end at the tie-in to the 30-inch South to North Louisiana line at M.P. 48.1 in St. Martin Parish, La.

3. The construction of 23.7 miles of 30-inch loop beginning at the Arnaudville Compressor Station at M.P. 60 on the 30-inch South to North Louisiana line and extending in a generally northerly direction to end at the tie-in to the 30-inch South to North Louisiana line at M.P. 63.7, all in St. Landry Parish, La.

4. The construction of 12.7 miles of 30-inch loop beginning at the Marksville Compressor Station at M.P. 116.3 on the 30-inch South to North Louisiana line in Avoyelles Parish, La., and extending in a generally northerly direction to end at the tie-in to the 30-inch South to North Louisiana line at M.P. 219.2 in Rapides Parish, La.

5. The construction of 3.8 miles of 30-inch loop on the 30-inch South to North Louisiana line, beginning at M.P. 166.3 and extending in a generally northerly direction to end at the tie-in to the 30-inch South to North Louisiana line at M.P. 170.1, all in La Salle Parish, La.

Applicant states that the increased pipeline capacity will be used to deliver increased volumes of natural gas to Texas Gas, to deliver to Southern Natural Gas Co. additional volumes authorized in Docket No. CP67-9, and to deliver gas needed to supplement declining supplies locally available to Applicant's Northern Area.

The total estimated cost of the proposed facilities is \$16,582,200, which cost will be financed by the sales of securities to Applicant's parent, United Gas Corp. and from retained earnings and depreciation and amortization accruals.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 17, 1967.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8785; Filed, July 27, 1967;
8:48 a.m.]

OFFICE OF SCIENCE AND TECHNOLOGY

Organization and Information

Pursuant to and in conformity with section 522 of title 5, United States Code, the following notice is published:

Sec.

1. General.
2. Authority and functions.
3. Organization.
4. Procedures.
5. Availability of information.
6. Exceptions.

SECTION 1. General. This information is furnished for the guidance of the public, in compliance with the requirements of section 552 of title 5, United States Code, as amended, and in the interest of making available to the public all of the information in the possession of the Office of Science and Technology which may be divulged without jeopardizing the welfare of the Government or the rights of individuals.

SEC. 2. Authority and functions. (a) The Office of Science and Technology was established in the Executive Office of the President by Reorganization Plan No. 2 of 1962, effective June 8, 1962.

(b) The Director of the Office of Science and Technology provides advice and assistance to the President with respect to developing policies and evaluating and coordinating programs to assure that science and technology are used most effectively in the interests of national security and the general welfare.

Functions of the office include:

(1) Evaluation of major policies, plans, and programs of science and technology of the various agencies of the Federal Government, giving appropriate emphasis to the relationship of science and technology to national security and foreign policy, and measures for furthering science and technology in the Nation;

(2) Assessment of selected scientific and technical developments and programs in relation to their impact on national policies;

(3) Review, integration, and coordination of major Federal activities as non-Federal resources and institutions;

(4) Assuring that good and close relations exist with the Nation's scientific and engineering communities so as to further in every appropriate way their participation in strengthening science and technology in the United States and the free world; and

(5) Such other matters consonant with law as may be assigned by the President to the Office.

SEC. 3. Organization. (a) The Office of Science and Technology is headed by

a Director and a Deputy Director. The Office provides the Secretariat for the President's Science Advisory Committee and for the Federal Council for Science and Technology.

(b) The Office of Science and Technology has no field organization.

(c) The public may obtain information, make submittals or requests, or obtain decisions at—

(1) Office of Science and Technology, Executive Office of the President, Washington, D.C. 20506. Telephone: Area Code 202, 395-3000.

(2) The Office of Science and Technology is presently located in the Executive Office Building, 17th Street and Pennsylvania Avenue, Washington, D.C. 20506. Regular office hours are from 9 a.m. to 5:30 p.m., Monday through Friday.

(3) The Executive Office Building is under the security control of the U.S. Secret Service, and admission to the building is by appointment. Persons desiring to visit the Office of Science and Technology officers or employees will usually find it easier to do so if they write or telephone in advance for an appointment.

(d) No formal methods are prescribed for handling Office of Science and Technology functions which may concern a private party. Requests, using the address or telephone number listed above, may be made to the Director or Deputy Director of the Office of Science and Technology concerning any function or activity of the Office, or to the Special Assistant to the Director on: Inquiries from information media, examination of records, matters relating to employment or internal administration, or matters relating to contracts for supplies or services to be furnished to the Office.

SEC. 4. Procedures. (a) Information as to the procedure to be followed by a private party with respect to any substantive function of the Office of Science and Technology may be obtained from the officials and at the address or telephone number listed in section 3.

(b) No particular forms are prescribed for use by a private party in connection with substantive functions of the Office of Science and Technology. Forms prescribed for Government-wide use in connection with administrative matters may be obtained from the Special Assistant to the Director at the address shown in paragraph (c) of section 3.

(c) The Office of Science and Technology has not adopted or formulated any substantive rules or statements of general policy or interpretations of general applicability regarding substantive functions of the Office of Science and Technology which may directly affect a private party. Matters coming before the Office of Science and Technology which are of concern to particular members or groups of the public are handled informally in the manner best suited to the particular situation.

SEC. 5. Availability of information. (a) The Office of Science and Technology is not directly involved in the adjudication of cases involving private parties and does not render final opin-

ions or orders in such matters. The Office has not adopted statements of policy or interpretation which are relied upon in the handling of substantive functions of the Office which may indirectly affect the public. The Office does not conduct agency proceedings which are settled by vote and has no records of that nature.

(b) The Office of Science and Technology and the two committees for which it has administrative responsibility—the President's Science Advisory Committee and the Federal Council for Science and Technology—from time to time issue public reports and documents of a substantive nature. These in general are available either from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20202, or from the Clearinghouse for Federal Scientific and Technical Information, 5285 Port Royal Road, Springfield, Va. 22151.

(c) Except with respect to records made available under prior sections of this notice, copies of identifiable records of the Office of Science and Technology will be furnished upon written application to the Special Assistant to the Director at the address shown in paragraph (c) of section 3, subject to the following:

(1) The request must describe the desired record with sufficient particularity to permit identification.

(2) A charge of 25 cents per page will be made for each copy furnished; the minimum charge will be \$1. A charge of \$5 per person per hour will be made for time spent in searching for records, regardless of whether the search is successful; the minimum charge will be \$2. Where the estimated total cost for searching and copying is less than \$5, the records will be furnished with appropriate billing instructions; where the estimated total cost is \$5 or more, the person requesting the record will be informed of the estimated cost and will be required to make payment of not less than 75 percent of the estimated cost in advance of receiving the materials.

(3) Notwithstanding the foregoing, materials may be furnished without charge to foreign governments, other governmental agencies or units, non-profit educational organizations, or other applicants whenever the Special Assistant to the Director determines that such action would further the performance of the functions of the Office of Science and Technology.

SEC. 6. Exceptions. Except to the extent that the Director in his sole discretion, upon request for review initiated in writing by an applicant, determines that a record which falls within one of the following categories may be made available, this notice shall not apply to matters that are—

(a) Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(b) Related solely to the internal personnel rules and practices of the Office of Science and Technology;

(c) Specifically exempted from disclosure by statute;

(d) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(e) Interagency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the Office of Science and Technology;

(f) Personnel and medical files and similar files, the disclosure of which, would constitute a clearly unwarranted invasion of personal privacy;

(g) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;

(h) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(i) Geological and geophysical information and data, including maps, concerning wells.

Effective date. The provision of this notice shall be effective July 18, 1967.

DONALD F. HORNIG,
Director, Office of Science
and Technology.

[F.R. Doc. 67-8755; Filed, July 27, 1967;
8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-2152]

KEYSTONE CUSTODIAN FUNDS, INC., AND KEYSTONE CO. OF BOSTON

Notice of Filing of Application for Order Exempting Certain Under- writing Contracts

JULY 24, 1967.

Notice is hereby given that Keystone Custodian Funds, Inc. ("Keystone"), a Delaware corporation, as Trustee of each of the following nine trusts, namely, Keystone Custodian Funds Series S-1, S-2, S-3, S-4, B-1, B-2, B-4, K-1 and K-2 ("Funds"), each registered under the Investment Company Act of 1940, 15 U.S.C. Sec. 80a-1, et seq. ("Act") as a management open-end diversified investment company, and The Keystone Co. of Boston ("Keystone-Boston") 50 Congress Street, Boston 9, Mass., a Delaware corporation, have filed an application for an order pursuant to section 6(c) of the Act exempting Keystone-Boston from the provisions of section 15(b)(1). All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The nine Funds are unincorporated common law trusts, each existing under a separate but substantially identical trust agreement between Keystone as Trustee and the investors in the Funds. Shares of each of the Funds are registered under the Securities Act of 1933 and such shares are offered for sale to the public in accordance with the terms of a principal underwriting contract dated August 28, 1964 ("contract") between

Keystone, as Trustee for the Funds, and Keystone-Boston, a wholly-owned subsidiary of Keystone.

Section 15(b)(1) of the Act makes it unlawful for any principal underwriter for a registered open-end investment company to offer securities of such company except pursuant to a written contract, which contract shall continue in effect for a period of more than 2 years from the date of its execution only so long as such continuance is specifically approved at least annually by the Board of Directors or by vote of a majority of the outstanding voting securities of such registered investment company. Section 6(c) of the Act states that the Commission may exempt any person from the provisions of the Act if the exemption is necessary, or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

By order dated September 24, 1965, the Commission granted an application exempting Keystone-Boston from section 15(b)(1) of the Act on the condition that the contract continue in effect with respect to any of the Funds only so long as the continuance is specifically approved at least every 3 years by either written approval by holders of a majority of the outstanding shares of each of the Funds or the vote of a majority of such outstanding shares cast in person or by proxy at a meeting called for that purpose. By reason of such order the contract may continue in effect after August 28, 1967, only if its continuance is approved by shareholders of the Funds in the manner provided by the Commission's order.

Keystone is now preparing the proxy material necessary for submission to shareholders of the Funds of the proposal to continue the contract. The application states that Keystone has intended to submit a number of other matters to the shareholders of the Funds as part of the same solicitation of proxies; that for more than 1 year it has been engaged in a project to revise the trust agreements of each of the Funds for the purpose of modernizing and improving them; and that while the project is substantially completed, because of the importance of the project to shareholders of the Funds, Keystone believes it should have a small amount of additional time to assure itself that shareholders will receive maximum benefits from the project.

The application further states that a 6-month delay in the operation of the commitment to submit the contract to shareholders in this one instance will not materially or significantly detract from any shareholder protection or be adverse to their interests. Keystone believes that the 6-month exemption to enable it to formulate and finalize certain proposals relating to the governing instruments of the Funds will benefit shareholders. While it would be possible to submit these proposals to shareholders in separate special meetings of the Funds, Keystone believes that if shareholders were to receive two proxy statements within a short

period of time, it would tend to be unnecessarily disruptive of orderly shareholder relations, and if separate proxy statements were submitted to shareholders of nine funds, it would require considerable additional and unnecessary effort and expense to Keystone well in excess of \$65,000.

Notice is further given that any interested person may, not later than August 14, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address set forth 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 under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon the application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-8757; Filed, July 27, 1967;
8:45 a.m.]

[812-2154]

NATIONAL AVIATION CORP.

Notice of Filing of Application for Order of Exemption To Permit Pur- chase of Securities During an Under- writing

JULY 24, 1967.

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 at the public offering price of up to \$2 million principal amount convertible subordinated debentures due 1992 ("the debentures") which The Cessna Aircraft Co. ("the Issuer") proposes to issue. The proposed purchase is a portion of an offering of \$20 million

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 July 7, 1967, 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 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 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 1.7 percent of the Applicant's assets as of July 7, 1967.

Notice is further given that any interested person may, not later than August 7, 1967 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the 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. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 67-8758; Filed, July 27, 1967;
8:45 a.m.]

[70-4508]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Notice of Proposed Indenture Amendment

JULY 20, 1967.

Notice is hereby given that Public Service Company of Oklahoma ("Public Service") 600 South Main Street, Tulsa, Okla. 74102, an electric utility subsidiary company of Central and South West Corp. ("Central"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") proposing the amendment of its Indenture of mortgage. Public Service has designated sections 6(a) and 7 of the Act as applicable to the proposal. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed amendment.

Public Service proposes to amend its Indenture of mortgage dated July 1, 1945, as amended ("Indenture"), to the First National Bank and Trust Company of Tulsa, as trustee, so as to increase from \$125 million to \$225 million the principal amount of bonds of all series that may be outstanding at any one time. The aggregate principal amount of all the bonds of Public Service now outstanding under the Indenture is \$124 million.

Under Oklahoma law the proposed amendment requires the favorable vote of the greater amount in value of the outstanding stock of Public Service, which consists of 197,900 shares of preferred stock, par value \$100 per share and 6,650,000 shares of common stock, par value \$10 per share. Public Service does not intend to solicit proxies and Central, which owns all of the outstanding common stock of Public Service, intends to vote such stock in favor of the proposed amendment. Central states that the value of the common stock of Public Service owned by Central is sufficient for the purpose of adopting the proposed amendment.

The fees and expenses incurred and to be incurred in connection with the proposed transaction are estimated at \$500. The portion of Public Service's annual counsel retainer fee which may be allocable to the proposed transaction is estimated at not to exceed \$1,000. The

declaration states that Public Service is of the opinion that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than August 9, 1967, request in writing that a hearing be held with respect to the proposed amendment of the Indenture, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 67-8759; Filed, July 27, 1967;
8:45 a.m.]

SUBSCRIPTION TELEVISION, INC.

Order Suspending Trading

JULY 24, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$1 par value of Subscription Television, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period July 25, 1967, through August 3, 1967, both dates inclusive.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[P.R. Doc. 67-8760; Filed, July 27, 1967;
8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 12-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 24, 1967.

Application filed for temporary authority under section 210(a) (b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 279:

No. MC-FC-69838. By application filed July 17, 1967, GRAYS HARBOR LINES, INC., 719 L Street, Hoquiam, Wash. 98550, seeks temporary authority to lease the operating rights of HARBOR LINES, INC., 719 L Street, Hoquiam, Wash. 98550, under section 210a(b). The transfer to GRAYS HARBOR LINES, INC., of the operating rights of HARBOR LINES, INC., is presently pending.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-8740; Filed, July 26, 1967;
8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 25, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41079—Soda ash to points in southern territory. Filed by Western

Trunk Line Committee, agent (No. A-2508), for interested rail carriers. Rates on soda ash (other than modified soda ash), in carloads, from Alchem, Stauffer, and Westvaco, Wyo., to specified points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 55 to Western Trunk Line Committee, agent, tariff ICC A-4620.

FSA No. 41080—Sand from points in southwestern territory to points in SFA territory. Filed by Southwestern Freight Bureau, agent (No. B-8992), for interested rail carriers. Rates on sand, industrial, in carloads, as described in the application, from specified points in Missouri, Oklahoma, and Texas, also Van Buren, Ark., to points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 156 to Southwestern Freight Bureau, agent, tariff ICC 4565.

By the Commission.

[SEAL]

H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-8844; Filed, July 27, 1967;
8:51 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 629]

MICHIGAN

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1967, because of

the effects of certain disasters, damage resulted to residences and business property located in Oakland and Macomb Counties, in the State of Michigan;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) (1) of the Small Business Act, as amended, may be received and considered by the Office below indicated from persons or firms whose property, situated in the aforesaid counties and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on or about July 19, 1967.

OFFICE

Small Business Administration Regional Office, 1249 Washington Boulevard, Detroit, Mich. 48226.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to January 31, 1968.

Dated: July 21, 1967.

ROBERT C. MOOT,
Deputy Administrator.

[F.R. Doc. 67-8762; Filed, July 27, 1967;
8:46 a.m.]

9 CFR	
51	8945
76	10719
78	10783
165	10915
204	9636

10 CFR	Page
2	10432
20	10432
150	10432
PROPOSED RULES:	
50	10213, 10816

12 CFR	Page
1	9809, 10432
4	9513
207	10912
210	10912
261	9516
271	9518
272	9518
301	9638
303	9638, 10556
304	10558
305	9638
306	10561
307	9638, 10561
309	9638
325	10561
327	10561
328	10189
330	10408
331	10561
334	9638
505	9520
544	11032
545	9955
561	10415, 11033
564	10415
PROPOSED RULES:	
563	11043

13 CFR	Page
101	10059
102	9522
114	10190
121	10364
301	10365, 10836
307	10365
PROPOSED RULES:	
107	11045
121	9980, 9982, 10753, 10754, 11046

14 CFR	Page
1	9640, 10250
39	9641
	10061, 10345, 10641-10643, 10720, 10784-10785, 10928
61	10643
71	9641-9643, 9808, 9956, 10061, 10192, 10193, 10346, 10347, 10432, 10433, 10507, 10508, 10556, 10643, 10644, 10838-10840, 10928, 10929, 11024
73	10194, 10296, 10347, 10507, 10929, 11024, 11025
75	10785
91	9640, 9809
95	10250
97	11025
288	9957, 10348, 10721, 11025
401	10929
1201	9963
1208	9524
PROPOSED RULES:	
1	10811
21	11042
23	10103, 10602, 10863
39	9703, 10370-10372, 10660
61	10103, 10660
71	9571, 9704-9708, 9986, 10103, 10210, 10213, 10309, 10372, 10450, 10516, 10661-10663, 10865, 10937
73	10866, 11043

14 CFR—Continued	Page
PROPOSED RULES—Continued	
75	9708, 10212, 10516
77	10373
91	9840, 9987, 10310, 10602, 10660, 10811, 10863
121	10311
221	9841, 10866
298	10450
389	9841, 10265
399	9841, 10866

15 CFR	Page
Ch. III	
3	10077, 10297
4	10252
60	9643
200	10786
201	10194
205	10644
208	10645
230	10645
235	10645, 10930
256	10198
365	10252
369	9809
370	10078
371	10078
372	10078
373	10078, 10079
379	10078
382	10082
385	10079
399	10082
700	10720

16 CFR	Page
13	9645-9648, 10058, 10562-10565, 10645-10649, 10840-10844, 10975-10977
15	10297, 10298, 10566, 10567
413	11023
PROPOSED RULES:	
414	10753
415	9843
500	9571, 10937

17 CFR	Page
140	9648
200	9828, 10198
270	10728
PROPOSED RULES:	
240	10983
249	10983
250	11044
275	10984
279	10984

18 CFR	Page
1	10062
2	9955
3	10062
131	9650
PROPOSED RULES:	
101	9709
141	9709

19 CFR	Page
Ch. I	
11	10200
14	10845
16	9533
17	11033
24	9533
26	10845
31	9533

19 CFR—Continued	Page
PROPOSED RULES:	
12	10867

20 CFR	Page
25	10567
200	9651
262	9651
405	9537

21 CFR	Page
1	10729, 10980
2	10846
3	10734
8	9945, 10199, 10930, 10980
19	10788
27	11023
120	10433, 10734
121	10508, 10567, 10734, 10735
141	10788
141a	9810, 10788
141c	10298
141e	10199
145	9810
146a	9810
146c	10298
146e	10199
308	10070

PROPOSED RULES:	
8	10983
14	9979
166	10308

22 CFR	Page
212	9652
302	9654
303	9654
501	9657
502	10352
503	9657

23 CFR	Page
255	10072
PROPOSED RULES:	
255	10812

24 CFR	Page
15	9660
200	9539
1600	9662

25 CFR	Page
41	10058
73	10253
256	10433

26 CFR	Page
48	9540
601	9541

PROPOSED RULES:	
1	10261

27 CFR	Page
PROPOSED RULES:	
5	10208

28 CFR	Page
0	9662
16	9662

29 CFR	Page
2	11033
40	10649
60	10932
70	11033
101	9547, 10059
102	9547

29 CFR—Continued

Page

516	9551
526	9811, 10649
1401	9811
1402	9811
1403	9811
1404	9811
1602	10650
1605	10298

PROPOSED RULES:

4	10132, 10265, 10658
526	10601, 11043
1516	10658

31 CFR

1	9562, 10059
92	9664
93	10435
205	10201
256	9564
257	9665
270	9665
316	10655
323	9967
351	9666
500	10508, 10846
515	10846
520	10847
525	10847

32 CFR

Ch. XVI	9679
1	10157
2	10158
3	10159
4	10161
6	10167
7	10167
9	10172
10	10172
13	10173
16	10173
18	10174
22	10174
30	10180
67	9968
68	9968
156	10644
242	9969
243	9971
275	10436
286	9666
287	9670
290	9671
518	10355
526	10789
713	10509
730	10509
800	9673
806	9674
813a	9677
822	9673
827	9677
850	10512
857	9677
870	9677
873	9678
909	10512
1003	10978
1007	10978
1016	10979
1054	10979
1057	10980
1455	10299
1607	9973
1609	9973
1610	9973
1622	9973

32A CFR

Ch. XIX (MA):	
ET-1	10568, 10791
PROPOSED RULES:	
Ch. XVIII (MA):	
SMR-5	10102

33 CFR

207	10299, 10652
-----	--------------

36 CFR

200	9679
504	9682

PROPOSED RULES:

7	10803
---	-------

38 CFR

1	10848
13	10436

39 CFR

113	9559
132	10436
531	10916
532	10918
533	10919
534	10924

PROPOSED RULES:

143	10308
154	11037

41 CFR

1-8	9683
1-12	10852
4-2	10083
101-12	10299
101-25	9683
101-43	10255
105-60	9564

42 CFR

51	10792
57	10202

PROPOSED RULES:

73	9698
306	10601

43 CFR

2	9974
21	10299
3130	10652
3160	10654

PUBLIC LAND ORDERS:

1767 (revoked in part by PLO 4255)	10933
3036 (amended by PLO 4259)	10934
3456 (revoked in part by PLO 4239)	10437
4153 (revoked in part by PLO 4252)	10933
4237	10255
4238	10256
4239	10437
4240	10257
4241	10257
4242	10258
4243	10258
4244	10258
4245	10259
4246	10259
4247	10259
4248	10259
4249	10260
4250	10260
4251	10260
4252	10933

43 CFR—Continued

Page

PUBLIC LAND ORDERS—Continued

4253	10933
4254	10933
4255	10933
4256	10934
4257	10934
4258	10934
4259	10934
4260	10934

PROPOSED RULES:

23	10656
2244	10799

44 CFR

401	9816
-----	------

45 CFR

55	10852
503	9569
704	9684
801	10736
1005	9685
1009	9687
1030	10073
1100	10513

46 CFR

293	10855
503	10515
530	9650

47 CFR

0	10363, 10568
2	10181, 10299
15	10854
64	10855
73	9815, 10184, 10300, 10303, 10306, 10437, 10794
74	10306
87	10299

PROPOSED RULES:

0	10663
1	10663
73	10375, 10452, 10606, 10664
74	10664
83	10663
85	10663
87	10665
89	10375

49 CFR

5	10363
9	10076
105a	9816
107a	10794
195	9689, 10515
292	10306

PROPOSED RULES:

Ch. I	10517
281	10603
423	10666

50 CFR

1	10855
10	10795
13	10856
14	10856
15	10856
16	10856
32	10798, 11036
33	11036

PROPOSED RULES:

13	10862
32	10857, 10862
33	10857