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PART I

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

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3214, covering certain positions in the Community Relations Service, is amended to eliminate the time limitations on the length of appointments made thereunder and to show that five more positions may be filled under Schedule B at GS–11 through GS–15 in the specialized area of community relations. Effective on publication in the FEDERAL REGISTER, subparagraphs (1) and (2) of paragraph (a) of § 213.3214 are amended as set out below.

§ 213.3214 Department of Commerce.

(a) *Community Relations Service.*

(1) Four field coordinators. No person shall be appointed under this authority after August 1, 1966.

(2) Not to exceed 25 positions at grades GS–11 through GS–15 involving program responsibilities in the specialized area of community relations. No person shall be appointed under this authority after August 1, 1966.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

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

[F.R. Doc. 66–2586; Filed, Mar. 10, 1966; 8:49 a.m.]

PART 713—EQUAL OPPORTUNITY

Preamble to Part

F.R. Docket 66–1965, 31 F.R. 3069, is corrected by adding the following preamble:

Part 713 is amended to set forth the regulations of the Civil Service Commission required by Executive Order 11246, 30 F.R. 12319, and to further implement the policy of equal opportunity. The amended Part 713, set forth below, will become effective April 3, 1966, and will govern the processing by an agency of any complaint of discrimination on grounds of race, creed, color, or national origin, resulting from a matter occurring on or after April 3, 1966. Any discrimination complaint resulting from a matter occurring before April 3, 1966, shall be processed under the rules, regulations, orders, instructions, and delegations superseded by Executive Order 11246 as provided in section 403(b) of that order; however, for all other purposes such rules, regulations, orders, instructions, and delegations are revoked effective April 3, 1966.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521, 3 CFR 1954–1958 Comp., p. 218; President's Memorandum of July 23, 1962; E.O. 11246, 30 F.R. 12319)

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

[F.R. Doc. 66–2562; Filed, Mar. 10, 1966; 8:47 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 4]

PART 711—MARKETING QUOTA REVIEW REGULATIONS

Definition of Quota

On page 830 of the FEDERAL REGISTER of January 21, 1966 (31 F.R. 830), was published a notice of proposed rule making to issue an amendment to the marketing quota review regulations. Interested persons were given 30 days after publication of such notice in which to submit written data, views, or recommendations with respect to the proposed amendment.

No data, views, or recommendations were received and the proposed amendment is adopted with a minor change in order to clarify certain words in the amendment.

Basis and purpose. The amendment herein is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended.

The purpose of this amendment is to include projected farm yield in the definition of the term "quota." The Food and Agriculture Act of 1965 (Public Law 89–321, 79 Stat. 1187, Nov. 3, 1965), provides for the establishment of projected yields for certain commodities which are subject to review under this part.

Paragraph (d) of § 711.2 is amended to read:

§ 711.2 Definitions.

* * * * * *

(d) "Quota" means a farm marketing quota established under the act and includes any of the following factors which enter into the establishment of such quota: farm acreage allotment, farm normal yield or projected farm yield, as applicable, actual production for the farm, farm marketing excess, acreage of the commodity on the farm, determination by the county committee of the land constituting the farm, the small farm base of wheat, and with respect to the farm marketing quota for the 1962 crop of wheat the marketing quota exemption acreage.

(Secs. 301, 363, 375, 52 Stat. 38, as amended, 63, as amended, 66, as amended; 7 U.S.C. 1301, 1363, 1375)

Effective date. Thirty days after publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on March 8, 1966.

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

[F.R. Doc. 66–2583; Filed, Mar. 10, 1966; 8:48 a.m.]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 6]

PART 777—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS

Miscellaneous Amendments

Basis and purpose. The following amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (secs. 379a to 379j, 52 Stat. 31, as amended, 7 U.S.C. 1379a to 1379j), to provide miscellaneous changes in the Processor Wheat Marketing Certificate Regulations. The amendment contains substantially the same provisions as included in a notice of proposed rule making published in the FEDERAL REGISTER pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), on November 18, 1965, in which the public was invited to provide its views and suggestions within a 30-day period. No written comments or suggestions have been received as a result of this notice. It also includes miscellaneous other provisions.

(1) The amendment adds "pearled wheat" to the list of products which are defined as food products except to the extent that the total product of the wheat processed is used in or marketed as a nonfood product. Such other products now include "cracked wheat (wheat grits), ground wheat, crushed wheat, rolled wheat, or flaked wheat (toasted or untoasted), other than breakfast cereal."

(2) It deletes § 777.4(b)(3) of the regulations which provides an exemption for "custom or toll processing for the Department of Agriculture" since custom or toll processing is no longer being conducted for the Department.

(3) It prescribes an exemption from certificate liability for wheat which is produced by and processed for use by a State or State agency, for wheat processed for donation and for wheat processed for certain noncommercial uses if there is compliance with the specified terms and conditions. These provisions result from amendments to the statute governing the wheat allocation program included in the Food and Agriculture Act of 1965.

(4) It deletes the provision which excluded from registration requirements a person who processes wheat solely for use on the farm where grown.

(5) The amendment changes the language of the penalty provisions by adding the word "knowingly" so that the provisions will apply only to persons who knowingly violate specified requirements of the regulations. This provision also is the result of an amendment included in the Food and Agriculture Act of 1965.

(6) The amendment provides that if an undertaking has been filed it remains in effect and does not terminate with the end of the marketing year unless the undertaking is breached or withdrawn by the processor. It also makes certain technical changes in the reporting provisions.

(7) The amendment provides for the collection of interest by Commodity Credit Corporation from an industrial user on overpayments made by Commodity Credit Corporation as a result of incorrect reports submitted by the industrial user, inasmuch as the industrial user had the benefit of Government funds to which he was not entitled.

(8) The amendment clarifies current requirements with respect to blending of flour second clears. It provides that blended flour second clears acquired by an industrial user are ineligible for refund unless the blending was accomplished by the processor and only from flour second clears which he had produced. The provision does not preclude blending of flour second clears by an industrial user who uses the blend to produce a product not for human consumption in the same plant as the blending is accomplished. The provision is designed to assist in the effective administration of the program. This does not represent a change from the requirements currently in effect.

(9) Appendices II and III have been revised to reflect the new provisions pertaining to exemptions as added in § 777.4.

(10) The appendices provide that processors reporting on a weight of wheat basis may elect to use their own fiscal closing date, and prescribes the procedures to follow if such an election is made.

(11) Other miscellaneous minor changes are also made.

Since these provisions must be acted on immediately, or are needed immediately in the administration of the regulations, it is hereby found and determined with respect to provisions regarding flour second clears that compliance with the notice, public procedure and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and with respect to the other provisions of this amendment that compliance with the 30-day effective date requirements of such section is also impracticable and contrary to the public interest, and that this amendment shall be effective on the effective date provided below.

The Processor Wheat Marketing Certificate Regulations are amended as follows:

§ 777.3 [Amended]

Section 777.3(b)(1)(ii) is amended to read as follows:

(ii) Wheat which is boiled, steeped, or commercially sprouted.

Section 777.3(b)(1)(v) is amended to change the first sentence to read as follows: "Cracked wheat (wheat grits), ground wheat, crushed wheat, rolled wheat, pearled wheat, or flaked wheat (toasted or untoasted, other than breakfast cereal) or such other similarly processed wheat as may be designated by the Administrator, except to the extent that the total product of the wheat processed is used in or marketed as animal feed or other nonfood product."

Section 777.3(c)(2) is amended to read as follows:

(2) "Cracked wheat (wheat grits), ground wheat, crushed wheat, rolled wheat, pearled wheat, or flaked wheat (toasted or untoasted, other than breakfast cereal) or other similarly processed wheat designated by the Administrator to the extent that the total product of the wheat processed is used in or marketed as animal feed or other nonfood product specified in this paragraph."

In addition, § 777.3 is amended by adding new paragraphs (r), and (s) to read as follows:

(r) "State or State Agency" means any of the fifty states in the United States, the District of Columbia and Puerto Rico, and any agency thereof. State Agency as used herein does not include any State-owned or operated facility engaged in commercial operations.

(s) "Institution" means an organization operating primarily as a charitable or religious institution which provides assistance on a charitable or welfare basis to needy persons and which, for the purpose of these regulations, has been approved in writing by the Administrator as an institution to which the food processor may deliver food products for distribution by donation to needy persons without acquiring certificates, or if the institution is a food processor, which may remove food products from the plant for donation to needy persons without acquiring certificates. Any institution which wishes to apply for such approval shall submit a request in writing to the Administrator specifying its name and address, and describing its activities, including the purpose for which the food products will be used. Such institution must be recognized by the Internal Revenue Service as an institution to which contributions are deductible as charitable contributions for Federal income tax purposes under section 170 of the Internal Revenue Code (26 U.S.C. 170) as evidenced by the listing of such organization in the U.S. Treasury Department's Internal Revenue Service Publication No. 78, "Cumulative List of Organizations Described in Section 170(c) of the Internal Revenue Code of 1954," as revised and supplemented.

§ 777.4 [Amended]

Section 777.4(b)(2) is amended by changing the second sentence to read as follows: "To obtain such exemption, the food processor shall obtain authenticated copies of customs Form 7521—a copy evidencing the entry of wheat into a bonded manufacturing warehouse and a copy evidencing the withdrawal from customs bond for export of the food product processed therefrom."

Section 777.4(b) is further amended by deleting subparagraph (3) *"Custom or toll processing for the Department of Agriculture,"* and by adding new subparagraphs (5), (6), and (7) to read as follows:

(5) *Wheat produced by and processed for use by a State or State agency.* Certificates shall not be required for wheat produced by a State or agency thereof and processed beginning July 1, 1964, for use by the State or any agency thereof. To support such exemption, the processor shall at the time of delivery of the food product or at such other time as may be approved in writing by the Director, obtain a certification from an authorized official of the State or State agency on Form CCC–148–1, to cover the quantity of food product delivered. The food processor may, without acquiring certificates, deliver to the State or agency thereof from which he obtained the certification on Form CCC–148–1 a quantity of the food product processed from a quantity of wheat equivalent to the wheat received by the processor from the State or agency thereof less any such wheat which is received by the processor in payment of processing charges. It is not necessary that the food product be processed from the identical wheat received. Any State or State agency which processes exclusively wheat produced by such State or State agency solely for its own use is not required to submit food processing reports under § 777.12.

(6) *Wheat processed for donation.* Certificates shall not be required for wheat processed beginning July 1, 1964, into a food product for donation to needy persons under a welfare or charitable program operated by an approved institution (see § 777.3(s)). If the institution is not the food processor, to support such exemption, the food processor shall, at the time of delivery of the food product, or such other time as may be approved in writing by the Director, obtain from the institution a certification on Form CCC–148–2 to cover the quantity of food product delivered for donation. The food product upon which the claim for exemption is based shall not be disposed of by the institution other than for donation to needy persons. The provisions of this subparagraph do not apply to purchases by CCC for donation.

(7) *Wheat processed for noncommercial uses.* Certificates shall not be re-

quired for wheat processed for noncommercial uses as determined by the Administrator and specified in this paragraph. Any food processor who wishes to petition the Administrator to establish in the regulations an exemption for any such use shall submit to the Administrator the name and detailed description of the food product, the use which is to be made of the food product, the name and address of the person who will make such use, and any other information deemed relevant by the food processor and as may be required by the Administrator. The exemption shall apply to wheat used in the manufacture of food products for the following use: Wheat processed beginning July 1, 1964, into a food product for use by either the producer or a person to whom he has donated the food product outside the farm where the wheat was grown. To support the exemption provided for in this subparagraph (7), the processor shall at the time of delivery of the food product or at such other time as may be approved in writing by the Director, obtain a certificate from the user in such form as is approved by the Administrator covering the quantity of food product delivered and describing the use to be made of the food product.

§ 777.5 [Amended]

The first sentence of § 777.5(a) is amended to read as follows:

(a) Any person who processes wheat, either into a food product or nonfood product (except a person who processes wheat in his home solely for family use in his home and a person who processes wheat on a farm solely for use as feed on such farm), shall register with the Director by making the report required by paragraph (b) of this section by May 30, 1964, or such later date as may be approved by the Director in writing.

§ 777.8 [Amended]

Section 777.8 (a) and (b) are amended to read as follows:

(a) *Violation of marketing restrictions—forfeiture.* Any person who beginning July 1, 1964, knowingly violates or attempts to violate or who knowingly participates or aids in the violation of any of the provisions of these regulations with regard to the acquisition of certificates prior to marketing any such food product or removing such food product for sale or consumption shall be subject to section 379i(a) of the Agricultural Adjustment Act of 1938 which provides for the forfeiture to the United States by such person of a sum equal to two times the face value of the certificates involved in such violation. Such forfeiture shall be recoverable in a civil action brought in the name of the United States.

(b) *Violation of marketing restrictions; failure to make reports or maintain records—criminal penalties.* Any person, except a producer in his capacity as a producer, who beginning July 1, 1964, knowingly violates or attempts to violate or who knowingly participates or aids in the violation of any provision of these regulations governing the acquisition, disposition, or handling of certificates or who knowingly fails to make any report or keep any record as required by these regulations shall be subject to the provisions of section 379i (b) of the Agricultural Adjustment Act of 1938 which state that such person shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $5,000 for each violation.

§ 777.9 [Amended]

Section 777.9 is amended to include "pearled wheat" and wherever "cracked wheat (wheat grits), ground wheat, crushed wheat, rolled wheat, or flaked wheat (toasted or untoasted, other than breakfast cereal)" appears it shall read "cracked wheat (wheat grits), ground wheat, crushed wheat, rolled wheat, pearled wheat, or flaked wheat (toasted or untoasted, other than breakfast cereal)."

§ 777.11 [Amended]

The introductory text of § 777.11(b) is amended to read as follows:

(b) *Undertaking to secure purchase and payment.* Any food processor may market a food product or remove a food product for sale or consumption without first having acquired and surrendered certificates if he enters into the undertaking with CCC provided in this paragraph and complies with such undertaking. The undertaking shall be entered into by filing with the Kansas City ASCS Commodity Office a properly executed "Food Processor Certificate Undertaking," Form CCC–147. The undertaking shall apply to wheat processed into food products in each plant specified in Form CCC–147 beginning with the first day of the processing report period as determined under § 777.12 in which the undertaking was received by the Commodity Office, except that the undertaking shall apply to wheat processed beginning July 1, 1964, if the undertaking is received in the Commodity Office on or before August 25, 1964. If an undertaking has been filed, it shall remain in effect unless the food processor breaches the undertaking or notifies CCC that he wishes to withdraw the undertaking in which event it shall expire at such time as may be determined by CCC. By filing Form CCC–147 with the Commodity Office, the food processor agrees, in consideration of the right to market food products and to remove food products for sale or consumption without having first acquired and surrendered certificates as follows:

§ 777.12 [Amended]

Section 777.12(b)(3) is amended to read as follows:

(3) Once a processing report period has been established, it shall not be changed for any marketing year except with the approval of the Administrator in writing for good cause shown.

Section 777.12(d) is amended by changing the second sentence to read as follows: "The basis of reporting used in a food processor's first report in a marketing year, i.e., weight of wheat or conversion factor basis, shall be deemed to constitute his election to use such basis for the entire marketing year, and all subsequent reports for any marketing year shall be on such basis, unless the Administrator for good cause shown approves in writing a change of the basis of reporting."

Section 777.12(g) is amended by the addition after the first sentence of the following: "A consolidated corrected report may, with the approval of the Director, be submitted to cover more than one processing report period."

Section 777.18 is amended to read as follows:

§ 777.18 Food processors manufacturing flour second clears.

(a) *General.* The food processor is required to purchase and surrender certificates for the wheat used in processing flour second clears in accordance with the other provisions of these regulations. Refunds of the cost of such certificates shall be made only to industrial users of flour second clears as provided in § 777.19. The processor shall upon request from the buyer, distributor, or other transferee of flour second clears execute and furnish a Form CCC–165, Processor Certification, Flour Second Clears, to establish that the flour second clears produced by him and sold to the buyer meet the definition of flour second clears. A separate invoice and a separate Form CCC–165 is required for each separate railroad car, truckload, or other applicable shipment unit of flour second clears. The processor shall issue only one original Form CCC–165 for each such unit.

(b) *Blending by the processor.* A processor may blend together quantities of flour second clears produced by him (including quantities of flour second clears produced from different classes of wheat and quantities of flour second clears produced in two or more plants) without the blended lot thereby becoming ineligible for refund. If the processor blends flour second clears with either nonqualifying clears, other types of flour or any other ingredient, or if the processor blends flour second clears produced by him with flour second clears produced by a different processor, the entire blended quantity shall be ineligible for refund unless the blending is accomplished in a plant in which the processor, acting as an industrial user, uses the blended lot in the production of a product not used for human consumption. The processor shall issue only one original Form CCC–165 for each shipment unit of blended flour second clears. If the blend is constituted in whole or in part of flour second clears produced by the processor in a different plant than the plant in which the blending is accomplished, a separate Form CCC–165 must be issued by each plant from which the flour second clears were transferred and such Form must be retained in the records of the plant in which the blending is accomplished to identify the use of such flour second clears in the blend.

(c) *Records.* The processor shall retain a copy of all Forms CCC–165, labo-

ratory reports, and mill records which identify production runs in which the flour second clears were processed (including, among other things, date of processing, lot number, and type of wheat processed) and blended (if applicable) and which can be identified to the flour second clears covered by a specific certification. The forms and records required of processors of flour second clears shall be retained and be subject to examination as provided in § 777.15.

§ 777.19 [Amended]

Section 777.19(f) is amended to read as follows:

(f)(1) *Basis for claiming refund.* Refund of certificate costs may be claimed on flour second clears as provided in this section if the flour second clears were received into the industrial user's plant on and after January 1, 1966, and were either sold by the processor (i.e. title was transferred) or shipped from the processor's plant on or after November 3, 1965. The industrial user may claim the refund only after the flour second clears are used in or manufactured into products which can only be used for other than human consumption or at such time as the nonfood use of the products manufactured has been established by labeling, by identification on the invoice of a product sold or removed from the plant in bulk, or by use.

(2) If a product produced from flour second clears for which an industrial user has received a refund is diverted to food use, the industrial user shall file a corrected Form CCC–161 and reimburse CCC in the amount of the overpayment of refund plus interest at 6 percent per annum starting on the date of the CCC sight draft by which refund was made to the date of payment to CCC.

Section 777.19(j) is amended to change the last sentence to read as follows: "If an amount is due CCC, the industrial user shall include with the corrected report payment of the amount due CCC, plus interest at 6 percent per annum starting on the date of the CCC sight draft by which the excess refund was made to the date of payment to CCC."

Section 777.19 is amended by the addition of a new paragraph (l) as follows:

(l) *Blended flour second clears.* A blended quantity of flour second clears acquired by the industrial user shall be ineligible for refund if:

(1) The quantity had been blended by the processor from flour second clears and nonqualifying clears or any other ingredient;

(2) The quantity had been blended by the processor from flour second clears produced by him and flour second clears produced by another processor; or

(3) The quantity had been blended by a distributor or any person other than the processor of the flour second clears.

A blended quantity of flour second clears acquired by the industrial user may qualify for a refund if the quantity had been blended by the processor only from flour second clears produced by him (including flour second clears produced from different classes of wheat or in two or more plants) and if there otherwise has been compliance with the requirements of these regulations. The industrial user may also blend flour second clears in a plant in which the clears are used in the production of a product not for human consumption. An industrial user who acquires blended flour second clears should exercise care that the blend acquired by him is in compliance with the provisions of this paragraph.

Section 777.20 is amended by adding a paragraph (f) to read as follows:

§ 777.20 Sales of flour second clears by distributors.

* * * * *

(f) *Blending.* If flour second clears supported by more than one Form CCC–165 are blended together or if flour second clears are blended with nonqualifying clears or any other ingredient by the distributor, the entire blended lot shall be ineligible for refund.

(Secs. 379a to 379j, 52 Stat. 31, as amended by 76 Stat. 626, 78 Stat. 178, and 79 Stat. 1202; 7 U.S.C. 1379a to 1379j)

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

Signed at Washington, D.C., on March 7, 1966.

ORVILLE L. FREEMAN,
Secretary.

Appendices II and III are revised to read as follows:

APPENDIX II—PROCESSOR WHEAT MARKETING CERTIFICATE REGULATIONS INSTRUCTIONS FOR THE PREPARATION OF PROCESSING REPORT—WEIGHT OF WHEAT BASIS

Food processors reporting on the weight of the wheat basis shall submit an original and one copy of Processing Report—Weight of Wheat Basis, Form CCC–160, to the Kansas City Commodity Office at the time set forth in § 777.12. Retain a copy of the processing report and all copies of any supporting certifications and documents in your files. Prepare the report as follows:

(1) Enter in Item 1 the processor's name and address.

(2) Enter in Item 2 the processor number.

(3) Enter in Item 3 the processing report period beginning and ending dates.

(4) Enter in Item 4A the inventory of wheat at the processing plant location as of the beginning of the reporting period. Specify the total of all stocks of wheat (including stocks stored for others) in the processing plant and in any elevator operated by the processor at the processing plant location servicing the processing plant which remains in its whole form and has not been pearled, boiled, steeped, or commercially sprouted. Except as of July 1, 1964, use the ending inventory from the previous report. As of July 1, 1964, the quantity of such wheat shall be determined by weighup or by accurate measurement of the wheat stored. Deduct from the uncleaned quantity included in the beginning inventory, any officially determined dockage contained in the equivalent quantity of the last received wheat. If the last received equivalent quantity includes any wheat received on a gross weight basis on which no official dockage determination was made, but the dockage content was unofficially determined in accordance with usually accepted testing methods, the unofficial dockage (rounded down to the nearest half percent) may be deducted from the quantity so received.

(5) Enter in Item 4B the weight of all wheat received in the processing plant and in any elevator operated by the processor at the processing plant location servicing the processing plant (including stocks owned by others) during the reporting period. Such quantity shall be the gross weight received less any officially determined dockage. If any wheat is received on a gross weight basis and no official dockage determination was made, but the dockage content is unofficially determined in accordance with usually accepted testing methods, the unofficial dockage (rounded down to the nearest half percent) may be deducted from such quantity.

(6) Enter in Item 4C the total of Items 4A and 4B.

(7) Enter in Item 5A the quantity of wheat processed into food products on which the farm use exemption set forth in § 777.4(b)(1) applies. Enter the actual quantity processed into the food product delivered, or the quantity of wheat obtained by applying the conversion factor provided in § 777.14 to the quantity of food product delivered. Such quantity must be supported by Forms CCC–148 executed by the persons to whom the food product was delivered.

(8) Enter in Item 5B the quantity of wheat processed in bond during the period for which an exemption is claimed under § 777.4(b)(2). Such quantity must be supported by authenticated copies of Customs Form 7521; (i) a copy evidencing the entry of the wheat into a bonded manufacturing warehouse and (ii) a copy evidencing the withdrawal from customs bond for export of the food product manufactured from such wheat.

(9) Enter in Item 5C the quantity of wheat which was produced by and processed for use by a State or State agency during the period for which an exemption is claimed under § 777.4(b)(5). Such quantity(s) must be supported by Forms CCC–148–1 executed by an authorized official or employee of the State or State agency.

(10) Enter in Item 5D the quantity of wheat processed into food products for donation for which an exemption is claimed under § 777.4(b)(6). Such quantity(s) must be supported by Forms CCC–148–2 executed by an authorized official or employee of the Institution receiving the food product(s).

(11) Enter in Item 5E the quantity of wheat processed into food products which is for noncommercial uses as stated in § 777.4(b)(7). (Identify use in the remarks section of Form CCC–160.) Such quantity(s) must be supported by a certificate from the user in such form as approved by the Administrator, ASCS, to cover the food product delivered and describing the use to be made of the food product.

(12) Enter in Item 5F the quantity of wheat processed into nonfood products during the period (see § 777.3(c)). Such quantity shall be the gross weight less any officially determined dockage. If any wheat is processed into nonfood products and no official dockage determination was made and if the food processor reduces the quantity of wheat received for unofficially determined dockage, the dockage for which the reduction is made must be determined in accordance with usually accepted testing methods and rounded down to the nearest half percent. Do not include the weight of any byproduct of food products, or the weight of any screenings or other residue from cleaning the wheat used or to be used by the food processor for processing into food products. Also do not include flour second clears which are not used for human consumption.

(13) Enter in Item 5G the weight of all wheat removed from the processing plant and from any elevator operated by the processor at the processing plant location servicing the processing plant for shipment, sale, delivery to the owner, transfer to other plants or other

dispositions as wheat. Such quantity shall be the gross weight of the wheat removed less any officially determined dockage. If any wheat is removed and no official dockage determination made, and if the food processor reduces the quantity of wheat received for unofficially determined dockage, the dockage for which the reduction is made must be determined in accordance with usually accepted testing methods and rounded down to the nearest half percent. Also include in Item 5G the quantity of any wheat destroyed. Do not include the weight of any byproducts of food products or the weight of any screenings or other residue from cleaning wheat used or to be used by the food processor for processing into food products.

(14) Enter in Item 5H the quantity of shrinkage, if any, applicable to the weight of wheat received at the processing plant location during the processing report period (Item 4B). Such shrinkage quantity shall not exceed three-fifths of 1 percent of the quantity entered in Item 4B. Any shrinkage deducted of one-eighth of 1 percent or less must be determined on a reasonable basis which can be supported by the processor. Any shrinkage deducted in excess of one-eighth of 1 percent must be based on the most recent representative experience for which the processor has records reflecting his average shrinkage per bushel of wheat received. Shrinkage resulting from artificial drying, cleaning, or screening of wheat is not eligible for deduction as shrinkage.

If the processor can establish his actual shrinkage for the 1964 marketing year, he may elect to enter in Item 5H of his processing report for the period ending June 30, 1965, the actual shrinkage for the 1964 marketing year (not to exceed three-fifths of 1 percent of the total weight of wheat received at the processing plant during the marketing year as reported in Item 4B) less the total shrinkage previously reported. In such case he shall enter in the remarks section of the processing report "shrinkage adjusted based on actual experience for the current marketing year."

Shrinkage claimed for the 1965 and subsequent marketing years must be adjusted to actual shrinkage for the marketing year (not to exceed three-fifths of 1 percent of the total weight of wheat received during the marketing year as reported in Item 4B) in the same manner as provided on an optional basis for the 1964 marketing year. Such adjustment shall be made in the processing report for the period ending June 30 of the marketing year involved.

If the processor elects to take a closing inventory as prescribed in the following paragraph (Item 15) as of his fiscal closing date in lieu of taking a closing inventory as of June 30 of each marketing year, the foregoing provisions applicable to June 30 reporting shall apply to the report covering the fiscal closing date. If a processor takes a weighup or measurement at the end of each processing period to determine the ending inventory, no adjustment for shrinkage shall be made at the end of either the marketing year or the processor's fiscal year.

(15) Enter in Item 5I the inventory of wheat as of the end of the reporting period, including all stocks of wheat in the processing plant, and in any elevator operated by the processor at the processing plant location servicing the processing plant (including stocks stored for others) which remains in its whole form and has not been pearled, boiled, steeped, or commercially sprouted. Deduct from the unclean quantity included in the ending inventory any officially determined dockage contained in the equivalent quantity of the last received wheat. If the last received equivalent quantity includes any wheat received on a gross weight basis and no official dockage determination was made, but the dockage content was unofficially determined in accordance with the usually accepted testing methods, the unofficial dockage (rounded down to the nearest half percent) shall be deducted from the quantity so received.

If accurate book inventory records are maintained, such book quantities may be used except as of June 30, or the processor's own fiscal year closing date, whichever, is applicable, for each marketing year. As of June 30, or the processor's own fiscal year closing date, whichever is applicable, the quantities of such wheat shall be determined by weighup or by accurate measurement of the wheat stored. The processor may elect to use a fiscal closing date other than June 30, of each year.

When such an election is taken, the processor must notify the Kansas City Commodity Office in writing of his election and specify the fiscal closing date to be used. Such notice must be made at least 30 days in advance of the actual fiscal closing date. An inventory as prescribed in the preceding paragraph of this item may be required as of June 30 of any marketing year if there is to be a change in the cost of marketing certificates for the succeeding marketing year.

If accurate book inventory records are not maintained, the quantities of wheat for each reporting period shall be determined by weighup or by accurate measurement of the wheat.

(16) Enter in Item 5J the total of Items 5A through 5I.

(17) Enter in Item 6 the result obtained by deducting the quantity shown in Item 5J from the quantity shown in 4C.

(18) Enter in Item 7D the face value of wheat marketing certificates (domestic) required. Obtain the amount by multiplying the quantity shown in Item 6 times $0.70 (or $0.18 to the extent the processor is eligible for transition certificates) for any period during the 1964–65 marketing year. Show in a footnote to the report the quantity computed at $0.18 per bushel for transition certificates. For the 1965–66 marketing year, obtain the amount by multiplying the quantity shown in Item 6 times $0.75.

(19) Enter in Item 7A the amount of certificates enclosed. Also enter the certificate serial numbers.

(20) Enter in Item 7B the amount of remittance enclosed.

(21) Enter in Item 7C the amount of certificates previously surrendered to CCC for the specific processing report period and the date of surrender.

(22) In the case of a food processor who ages beverage distilled spirits manufactured by him from wheat and who has filed the undertaking provided in § 777.11(e), enter in the remarks section the identifying serial numbers of each barrel in which the beverage distilled spirits are placed for aging. The reserve side of the form may be used if necessary.

(23) The certification shall be executed by an authorized official of the food processor. Also enter the title of the official and the date in the spaces provided.

Appendix III—Processor Wheat Marketing Certificate Regulations Instructions For the Preparation of Processing Report—Conversion Factor Basis

Food processors reporting on a food product conversion factor basis shall submit an original and one copy of the Processing Report—Conversion Factor Basis, Form CCC–159 to the Kansas City Commodity Office at the time set forth in § 777.12. Retain a copy of the report and of supporting certifications and documents in your files. Prepare the report as follows:

(1) Enter in Item 1 the processor's name and address.

(2) Enter in Item 2 the processor number.

(3) Enter in Item 3 the processing report period beginning and ending dates.

(4) Enter in Item 4 the names of the respective food products processed in the plant during the reporting period, if the names of these products are not preprinted on the form.

(5) Enter in Item 5 for each food product processed during the reporting period the total quantity in hundredweights which was processed. (When flour is produced, include the weight of all clears.)

(6) Enter in Item 6A the hundredweight of food product processed on which the farm-use exemption set forth in § 777.4(b)(1) applies. Such weight must be supported by Forms CCC–148 executed by the person to whom the food product was delivered.

(7) Enter in Item 6B the hundredweight of the food product processed in bond during the period for which an exemption is claimed under § 777.4(b)(2). Such quantity must be supported by authenticated copies of Customs Form 7521; (i) a copy evidencing the entry of the wheat into a bonded manufacturing warehouse and (ii) a copy evidencing the withdrawal from customs bond for export of the food product manufactured from such wheat.

(8) Enter in Item 6C the hundredweight of food product processed from wheat which was produced by and processed for use by a State or State agency during the period for which an exemption is claimed under § 777.4(b)(5). Such quantity(s) must be supported by Forms CCC–148–1 executed by an authorized official or employee of the State or State agency.

(9) Enter in Item 6D the hundredweight of food product processed for donation for which an exemption is claimed under § 777.4(b)(6). Such quantity(s) must be supported by Forms CCC–148–2 executed by an authorized official or employee of the institution receiving the food product(s).

(10) Enter in Item 6E the hundredweight of food product processed which is for non-commercial uses as stated in § 777.4(b)(7). (Identify use in the remarks section of Form CCC–159.) Such quantity(s) must be supported by a certificate from the user in such form as approved by the Administrator, ASCS, to cover the food product delivered and describing the use to be made of the food product.

(11) If the weight of any additional ingredient set forth in paragraph (b) of § 777.14 is included in the weights entered in Item 5, enter in Item 6F such total weight minus the total weight of any such ingredients included in the weights entered in A, B, C, D, and E of this Item 6. The food processor must maintain records on an individual additional ingredient basis which substantiates any entry in this Item 6F.

(12) Enter in Item 6G the total of Items 6 A, B, C, D, E, and F.

(13) Enter in Item 7A the difference between Item 5 and 6G.

(14) Enter in Item 7B the applicable conversion factor from section 777.14.

(15) Enter in Item 7C the result of Item 7A times Item 7B.

(16) Enter the total of Item 7 in the space provided.

(17) Enter in Item 8 any applicable remarks.

(18) Enter in Item 9D the face value of wheat marketing certificates (domestic) required. Obtain the amount by multiplying the quantity shown in Item 7C times $0.70 (or $0.18 to the extent the processor is eligible for transition certificates) for any period during the 1964–65 marketing year. Show in a footnote to the report the quantity computed at $0.18 per bushel for transition certificates. For the 1965–66 marketing year, obtain the amount by multiplying the quantity shown in Item 7C times $0.75.

(19) Enter in Item 9A the amount of certificates enclosed. Also enter the certificate serial numbers.

(20) Enter in Item 9B the amount of remittance enclosed.

(21) Enter in Item 9C the amount of certificates previously surrendered to CCC for the specific processing report period and the date of surrender.

(22) The certification shall be executed by an authorized official of the food processor. Also enter the title of the official and the date in the space provided.

Appendix IV is amended by adding a sentence to Item 3a to read as follows:

If blended flour second clears are shown on the Form(s) CCC–161, indicate the quantity of blended clears used.

[F.R. Doc. 66–2584; Filed, Mar. 10, 1966; 8:48 a.m.]

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

[Grapefruit Reg. 8, Amdt. 1]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement and Order No. 906 (7 CFR Part 906) regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Texas Valley Citrus Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engaged in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of grapefruit grown in Texas.

Order. In § 906.318 (Grapefruit Regulation 8; 31 F.R. 3062) the provisions of paragraph (b)(2)(ii) are amended to read as follows:

§ 906.318 Grapefruit Regulation 8.

* * * * *

(b) * * *

(2) * * *

(ii) Any grapefruit of any variety, grown in the production area, which are of a size smaller than 3$^{7}/_{16}$ inches in diameter, except that not more than 10 percent, by count, of such grapefruit in any lot of containers, and not more than 15 percent, by count, of such grapefruit in any individual container in such lot, may be of a size smaller than 3$^{7}/_{16}$ inches in diameter: *Provided,* That none of such grapefruit may be smaller than 3 inches in diameter; or

* * * * *

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

Dated, March 8, 1966, to become effective at 12:01 a.m., e.s.t., March 9, 1966.

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

[F.R. Doc. 66–2658; Filed, Mar. 10, 1966; 8:49 a.m.]

PART 967—CELERY GROWN IN FLORIDA

Reports and Records

Notice of rule making regarding proposed reports and records requirements, to be effective under Marketing Agreement No. 149 and Order No. 967 (7 CFR Part 967; 30 F.R. 14266), regulating the handling of celery grown in Florida was published in the FEDERAL REGISTER February 3, 1966 (31 F.R. 1304). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit written data, views, or arguments pertaining thereto not later than 10 days following publication in the FEDERAL REGISTER. None was filed.

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

Sec.
967.165 Reports.
967.166 Records.

AUTHORITY: Sections 967.165 and 967.166 issued under sec. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674.

REPORTS AND RECORDS

§ 967.165 Reports.

(a) Pursuant to § 967.45, the following reports shall be furnished by each handler to the committee at such time and on such forms as it may request:

(1) A report of daily celery handlings broken down by number of crates, sizes, and each producer thereof.

(2) A weekly report of assessments due the committee.

(b) Pursuant to § 967.37(c), the following reports shall be furnished by producers as a condition for obtaining, holding, or transferring Base Quantities or Marketable Allotments:

(1) A weekly celery report showing acreage planted and harvested, and the number of crates harvested each day.

(2) A weekly report by each producer who marketed celery verifying the number of crates marketed and the balance of such producer's Marketable Allotment.

(3) Anticipated planting and harvesting schedule by each producer for the ensuing season, including total acres to be planted, beginning and ending dates of planting and harvesting, total production, for whom grown, and handler or handlers thereof.

(4) A report by each producer of production when done under contract giving such information as location, total acres to be planted, beginning and ending dates of planting and harvesting, handler, breakdown of proprietary interest by blocks and percent of ownership of other producers who have an interest.

§ 967.166 Records.

Pursuant to §§ 967.46 and 967.47, any and all applicable records and accounts of producers and handlers shall be maintained and shall be made available to a certified public accountant, as agent of the committee, for audit, if requested by the committee or its manager.

It is hereby found that good cause exists for not postponing the effective date of the reports and records requirements beyond the day after publication in the FEDERAL REGISTER in that: (1) These requirements apply to the handling of celery grown in Florida and the handling of celery for the 1965–66 season is underway; (2) it is necessary to place these requirements in effect to effectuate operations under the marketing agreement and order during the current season; and (3) notice of proposed rule making has been given by publication in the FEDERAL REGISTER of February 3, 1966 (31 F.R. 1304).

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

Dated: March 7, 1966, to become effective March 12, 1966.

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

[F.R. Doc. 66–2561; Filed, Mar. 10, 1966; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 73—SCABIES IN CATTLE

Areas Quarantined Because of Scabies

Pursuant to sections 1 and 3 of the Act of March 3, 1905, 33 Stat. 1264–1265, as amended, sections 4 and 5 of the Act of May 29, 1884, 23 Stat. 32, as amended, sections 1 and 2 of the Act of February 2, 1903, 32 Stat. 791–792, as amended, and sections 2 and 11 of the Act of July 2,

1962, 76 Stat. 129, 132 (21 U.S.C. 111–113, 120, 121, 123, 125, 134b, 134f), the provisions in Part 73, Title 9, Code of Federal Regulations, as amended, are hereby further amended by changing § 73.1a to read as follows:

§ 73.1a Notice of quarantine.

Notice is hereby given that cattle in certain portions of the States of California and Texas are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following areas in such States are hereby quarantined because of said disease:

(a) California: Merced County.

(b) Texas: Briscoe, Castro, Floyd, Hale, Lamb, and Swisher Counties.

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

Hereafter, the restrictions pertaining to the interstate movement of cattle from and through quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the quarantined areas designated herein. The amendment imposes certain restrictions necessary to prevent the spread of scabies, a communicable disease of cattle, and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 1, 3, 33 Stat. 1264–1265, as amended, secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 2, 11, 76 Stat. 129, 132; 21 U.S.C. 111–113, 120, 121, 123, 125, 134b, 134f; interpret or apply secs. 2, 4, 33 Stat. 1264–1265, as amended, secs. 6, 7, 23 Stat. 32, as amended; 21 U.S.C. 115, 117, 124, 126; 29 F.R. 16210, as amended, 30 F.R. 5801)

Done at Washington, D.C., this 8th day of March 1966.

R. J. ANDERSON,
Deputy Administrator,
Agricultural Research Service.

[F.R. Doc. 66-2582; Filed, Mar. 10, 1966; 8:48 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

PART 222—BANK HOLDING COMPANIES

Investment by Bank Holding Company Subsidiary

§ 222.120 Investments in Edge Act corporations by banking subsidiaries of bank holding companies.

(a) The Board of Governors has been asked whether section 6(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1845) makes it unlawful for a banking subsidiary of a bank holding company to invest in all of the stock of an Edge Act corporation organized pursuant to section 25(a) of the Federal Reserve Act (12 U.S.C. 611–631).

(b) Section 6(a)(1) of the Bank Holding Company Act provides that it shall be unlawful for a banking subsidiary of a bank holding company—

to invest any of its funds in the capital stock, bonds, debentures, or other obligations of a bank holding company of which it is a subsidiary, or of any other subsidiary of such bank holding company.

(c) While the Board has previously taken the position that a banking subsidiary of a bank holding company may not own 25 percent or more of the stock of an Edge Act corporation, upon further examination of the matter it is the Board's view that section 6(a)(1) of the Bank Holding Company Act was not intended to reach an investment of this kind.

(d) Literally, an Edge Act corporation the stock of which is wholly owned by a banking subsidiary of a bank holding company would constitute a subsidiary of the holding company and section 6(a)(1) of the Bank Holding Company Act, read strictly, would prohibit the banking subsidiary from investing in stock of the Edge Act corporation. However, in the absence of specific language indicating such an intent, the Board believes that section 6(a)(1) of that Act should not be construed as impliedly repealing the authority of a national bank to invest in all of the stock of an Edge Act corporation pursuant to express provisions of section 25(a) of the Federal Reserve Act.

(e) Accordingly, section 6(a)(1) of the Bank Holding Company Act does not prohibit banking subsidiaries of a bank holding company from investing in all of the stock of an Edge Act corporation.

(Interprets 12 U.S.C. 1845(1))

Dated at Washington, D.C., this first day of March 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 66-2547; Filed, Mar. 10, 1966; 8:45 a.m.]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER A—GENERAL

[No. 19,756]

PART 511—EMPLOYEE RESPONSIBILITIES AND CONDUCT

MARCH 4, 1966.

Resolved that, pursuant to and in accordance with sections 201 through 209 of the United States Code, Executive Order 11222 of May 8, 1965 (30 F.R. 6469), and Title 5, Chapter I, Part 735 of the Code of Federal Regulations, a new part, Part 511, reading as follows, is hereby added to Title 12 of the Code of Federal Regulations:

Subpart A—General Provisions

AUTHORITY: The provisions of this Part 511 issued under E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735–104.

Subpart A—General Provisions

§ 511.735–1 Purpose.

The maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by employees and special Government employees is essen-

tial to assure the proper performance of Government business and the maintenance of confidence by citizens in their Government. The avoidance of misconduct and conflicts of interest on the part of employees and special Government employees through use of informed judgment is indispensable to the maintenance of these standards. To accord with these concepts, this part prescribes standards of conduct and responsibilities, and governs statements reporting employment and financial interests of the Agency's employees and special Government employees.

§ 511.735–2 Definitions.

(a) "Agency" means the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation.

(b) "Employee" means an officer or employee of the Agency or a Member of the Board but does not include a special Government employee.

(c) "Special Government employee" means a "special Government employee" as defined in section 202 of Title 18 of the United States Code who is employed by the Agency.

(d) "Conflict of interest" means a conflict or the appearance of a conflict between the interests of an employee or special Government employee and the performance of his services for the Agency.

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

(f) "Member institution" means an institution which is a member of a Federal Home Loan Bank or which is a member of the Federal Savings and Loan Insurance Corporation.

§ 511.735–3 Effective date and distribution.

(a) This part and any amendments thereto shall be effective upon publication in the FEDERAL REGISTER.

(b) The Office of Personnel Management shall distribute one copy (and supply additional copies on request) of this part to every employee and every special Government employee within 90 days after the effective date, and distribute one copy to each new employee and special Government employee at the time of entrance on duty. The office of Personnel Management shall, once each calendar year, thereafter distribute to every employee and every special Government employee a reminder of the basic provisions of this part.

§ 511.735–4 Counseling.

A Counselor and one or more Deputy Counselors, appointed by the Chairman, shall be available for counseling and guidance respecting statutes and regulations affecting employee responsibility and conduct, including interpretations of the provisions of this part, and each employee and special Government employee shall be notified of this service and advised of the names of the Counselor and his Deputy or Deputies by the Office of Personnel Management at the time he receives a copy of this part.

Subpart B—Ethical and Other Conduct and Responsibilities of Employees

§ 511.735–10 General prohibitions.

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

(a) Using public office for private gain;

(b) Giving preferential treatment to any person;

(c) Impeding Agency efficiency or economy;

(d) Losing complete independence or impartiality;

(e) Making an Agency decision outside official channels; or

(f) Affecting adversely the confidence of the public in the integrity of the Agency and the Government.

§ 511.735–11 Gifts, entertainment, favors and loans.

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

(1) Has or is seeking to obtain contractual or other business or financial relations with the Agency;

(2) Conducts operations or activities that are regulated by the Agency;

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

(4) Is an officer, director, or employee of any member institution or an officer, director, or employee of a trade organization comprising member institutions or an officer, director, or employee of a corporation which holds or controls within the meaning of section 408 of the National Housing Act at least 10 percent of the stock of a member institution.

(b) *Exceptions.* Paragraph (a) of this section does not prohibit any activity that is necessary to, or compatible with the duties and responsibilities of, the Agency and its employees. These activities include:

(1) The acceptance, except as provided by law or the regulations in this part of loans from, or other financial relations with, member institutions in the ordinary course of business of the member institutions, so long as the employee is granted terms no more favorable than would be available in like circumstance to persons who are not employees of the Agency.

(2) Obvious family or personal relationships (such as those between the parents, children, or spouse of the employee and the employee) when the circumstances make it clear that it is those relationships rather than the business of the persons concerned that are the motivating factors;

(3) The acceptance of food, refreshments and accompanying entertainment on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other function or inspection tour where an employee is properly in attendance;

(4) The acceptance of lodging on infrequent occasions if an employee is properly in attendance on Agency business and the circumstances thereof are reported to the Agency; and for which no Government payment or reimbursement is or will be made;

(5) The acceptance of bona fide reimbursement, unless prohibited by law, for actual expenses for travel to fulfill a speaking engagement, for which no Government payment or reimbursement is or will be made; and

(6) The acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal intrinsic value.

An employee may not accept reimbursement, and payment may not be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits.

§ 511.735–12 Soliciting contributions; accepting and giving gifts.

An employee shall not solicit contributions from another employee for a gift to an employee in a superior official position. An employee in a superior official position shall not accept a gift presented as a contribution from employees receiving less salary than himself. An employee shall not make a donation as a gift to an employee in a superior official position.

§ 511.735–13 Accepting gifts from foreign governments.

An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and other law.

§ 511.735–14 Outside employment.

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

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value, in circumstances in which acceptance may result in conflicts of interest or, except as provided in this part, the use of nonpublic information gained through, or incidental to, his duties; or

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

(b) Employees are encouraged to engage in teaching, lecturing, speaking, and writing that is related to the Agency's functions and responsibilities and not prohibited by law, Executive Order 11222 or this part. However, an employee shall not, either for or without compensation, engage in any such activity without official approval by the Agency. He shall consult his Department or Division Head for the appropriate procedure to obtain such approval.

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

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

(1) Receipt of bona fide reimbursement, unless prohibited by law, for actual expenses for travel and such other subsistence as is compatible with this part for which no Government payment or reimbursement is or will be made. However, an employee may not be reimbursed, and payment may not be made on his behalf, for excessive personal living expenses or other personal benefits;

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

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

(4) Using information obtained as a result of his Government employment when that information has been made available to the general public or will be made available on request or when the Board gives written authorization for the use of nonpublic information on the basis that the use is in the public interest.

§ 511.735–15 Receipt of salary or compensation for service to Agency.

An employee shall not receive any salary or anything of monetary value from a private source as compensation for his services to the Agency.

§ 511.735–16 Payments to Board Members.

A Member of the Board shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the Board, or which draws substantially on official data or ideas which have not become part of the body of public information. This section does not prohibit the receipt of bona fide reimbursement, unless prohibited by law, for actual expenses for travel and such other subsistence as is compatible with this part for which no Government payment or reimbursement is or will be made. However, a Board Member may not be reimbursed, and payment may not be made on his behalf, for excessive personal living expenses or other personal benefits.

§ 511.735–17 Financial interest.

(a) An employee shall not:

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

(2) Engage in, directly or indirectly, a financial transaction as a result of, or primarily relying on, information obtained through his employment with the Agency; or

(3) Purchase equity securities of a member institution or any securities of a holding company thereof as defined in section 408 of the National Housing Act; and an employee holding or acquiring such securities shall dispose of them as promptly as is practicable without causing undue hardship.

(b) An employee is not precluded from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Board, including investment in savings accounts and indebtedness to member institutions on the same terms and conditions available to the employee if he were not an employee of the Agency, so long as it is not prohibited by law, Executive Order 11222, or this part.

§ 511.735–18 Use of Agency property.

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

§ 511.735–19 Misuse of information.

For the purpose of furthering a private interest, an employee shall not, except as otherwise provided in this part, directly or indirectly use, or allow the use of, official information obtained through or in connection with his employment by the Agency which has not been made available to the general public.

§ 511.735–20 Indebtedness.

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

§ 511.735–21 Gambling, betting, and lotteries.

An employee shall not participate, while on Agency owned or leased property or while on duty for the Agency, in any gambling activity including the operating of a gambling device, in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket.

§ 511.735–22 General conduct prejudicial to the Government.

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

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

§ 511.735–25 Use of Agency employment.

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

§ 511.735–26 Use of inside information.

A special Government employee shall not use inside information obtained as a result of his Agency employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business, or financial ties. For the purpose of this section, "inside information" means information obtained under Agency authority which has not become part of the body of public information. A special Government employee may teach, lecture or write subject to the provisions of § 511.735–14 in regard to employees.

§ 511.735–27 Coercion.

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

§ 511.735–28 Gifts, entertainment, and favors.

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

(b) Paragraph (a) of this section shall not apply to activities necessary to, or compatible with the duties and responsibilities of, the Agency and its special Government employees. These activities include those contained in paragraph (b) of § 511.735–11.

§ 511.735–29 Other provisions applicable to special Government employees.

Sections 511.735–12, 511.735–13, 511.735–17, 511.735–18, 511.735–20, 511.735–21 and 511.735–22 shall be applicable to special Government employees.

Subpart D—Statements of Employment and Financial Interests

§ 511.735–35 Filing and review of statements of employment and financial interests.

(a) Each employee required to do so by § 511.735–36 shall complete and file Form 511A[1] in accordance with § 511.735–38. Each special Government employee shall complete and file Form 511B[1] in accordance with § 511.735–44.

(b) All Forms 511A and 511B shall be received and reviewed by a Member of the Board designated by the Chairman to determine whether there are any conflicts of interest or other violations of

[1] Forms 511A and 511B filed as part of original document.

law or this part. Information obtained from other sources shall be treated as if it were contained in the forms.

(c) All reports, forms, papers and the information contained therein, filed pursuant to this section shall be confidential, except as the Board or the Civil Service Commission may determine for good cause shown.

§ 511.735–36 Employees required to submit statements.

Except as provided in § 511.735–37, statements of employment and financial interests on Form 511A shall be filed by each employee who is a Director, Deputy Director, Associate Director or, Assistant Director of a Division or an Office of the Agency (regardless of his specific title), an Adviser or Assistant to the Board, an Assistant to the Chairman or, Member of the Board, a Hearing Officer, the Office Services Manager and Assistant, a Chief Examiner, an Assistant Chief Examiner and an Examiner serving as Examiner-in-charge of examinations of member institutions or institutions applying for membership. However, employees described in this paragraph may be excluded from the reporting requirement when the Board determines that the duties of such person are at such a level of responsibility that the submission of a statement of employment and financial interests by such person is not necessary because of the degree of supervision and review over such person and the remote and inconsequential effect on the integrity of the Agency and the Government.

§ 511.735–37 Board Members not required to submit statements.

Neither Form 511A nor Form 511B is required by this part from a Member of the Board. Board Members are subject to separate reporting requirements under section 401 of Executive Order 11222.

§ 511.735–38 Time and place for submission of employees' statements.

An employee required to submit a Form 511A under this part shall submit that form to the designated Member of the Board not later than:

(a) Ninety days after the effective date of this part if employed on or before the effective date; or

(b) Thirty days after his entrance on duty. However, this paragraph does not require a submission earlier than ninety days after the effective date of this part.

§ 511.735–39 Supplementary statements.

Changes in, or additions to, the information contained in an employee's Form 511A shall be reported in a supplementary statement at the end of the quarter in which any such change occurs. Quarters end March 31, June 30, September 30, and December 31. If there are no changes or additions in a quarter, a negative report is not required. For the purpose of annual review, a supplementary statement, negative or otherwise, is required as of June 30 each year. Supplementary reports shall be filed on Form 511A, indicating the period for which the report is filed in Part I of the form.

§ 511.735–40 Interests of employees' relatives.

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

§ 511.735–41 Information not known by employees.

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

§ 511.735–42 Information not required.

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

§ 511.735–43 Effect of employees' statements on other requirements.

The statements of employment and financial interests and supplementary statements required of employees are in addition to, and not in substitution for, or in derogation of, any similar requirement imposed by law, order or regulations. The submission of a statement or supplementary statement by an employee does not permit him or any other person to participate in a matter in which his or the other person's participation is prohibited by law, order or regulations.

§ 511.735–44 Specific provisions of Agency regulations for special Government employees.

(a) Except as provided in paragraph (b) of this section, each special Government employee shall submit on Form 511B a statement of employment and financial interests which reports:

(1) All other employment; and

(2) The financial interests of the special Government employee which relate either directly or indirectly to the duties and responsibilities of the special Government employee.

(b) The Board may waive the requirement in paragraph (a) of this section for the submission of a statement of employment and financial interests in the case of a special Government employee who is not a consultant or an expert when the Agency finds that the duties of the position held by that special Government employee are of a nature and at such a level of responsibility that the submission of the statement by the incumbent is not necessary to protect the integrity of the Agency and the Government. For the purpose of this paragraph, "consultant" and "expert" have the meaning given those terms by Chapter 304 of the Federal Personnel Manual, but do not include a physician, dentist, or allied medical specialist whose services are procured to provide care and service to patients.

(c) The statement of employment and financial interests required to be submitted under this section shall be submitted in accordance with the provisions of § 511.735–35. Supplemental information, as required, shall be filed on Form 511B. The provisions of §§ 511.735–40, 511.735–41, 511.735–42 and 511.735–43 shall apply to statements of employment and financial interest of special Government employees, where appropriate.

Subpart E—Reporting Conflicts—Disciplinary or Remedial Action—Miscellaneous Statutory Provisions

§ 511.735–50 Reporting unresolved conflicts of interest.

When conflicts of interest or other violations or apparent violations of this part cannot be resolved or explained to the satisfaction of the designated Board Member, the Board Member shall report the matter to the Chairman of the Board through the Counselor for the Agency.

§ 511.735–51 Opportunity to be heard.

The employee or special Government employee concerned shall be given opportunity to explain such conflicts of interest before the matter is reported to the Chairman of the Board.

§ 511.735–52 Action by the Chairman.

The Chairman of the Board, after consideration of the matter and after an opportunity for the employee or special Government employee concerned to appear, shall decide what steps are to be taken to remedy the situation. Among other steps, the Chairman of the Board may:

(a) Attempt to remove any conflict of interest by requiring a change in duties, disqualification for a particular assignment, or divestment of the conflicting interest by the employee or special Government employee;

(b) Take other corrective action; or

(c) Where corrective actions are inadequate, impose disciplinary action.

§ 511.735–53 Violations of this part cause for disciplinary action.

A violation of the regulations contained in this part by an employee or special Government employee may be cause for appropriate disciplinary action which may be in addition to any penalty prescribed by law.

§ 511.735–54 Remedial action to be effected in accordance with law and regulation.

Remedial action, whether disciplinary or otherwise, shall be effected in accord-

ance with any applicable laws, executive orders, and regulations.

§ 511.735–55 Miscellaneous statutory provisions.

Each employee and each special Government employee shall acquaint himself with each statute that relates to his ethical and other conduct while an employee of the Agency. In particular, the following statutes shall be noted:

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

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

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913) ($500 fine and/or 1 year in prison and removal from employment).

(d) The prohibitions against disloyalty and striking (5 U.S.C. 118p, 118r) ($1,000 fine and/or 1 year and 1 day in prison).

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

(f) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783) ($10,000 fine and/or 10 years in prison); and (2) the disclosure of confidential information (18 U.S.C. 1905) ($1,000 fine and/or 1 year in prison, and removal from employment).

(g) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 640) (ineligibility for many positions).

(h) The prohibition against the misuse of a Government vehicle (5 U.S.C. 78c) (suspension from duty or removal from employment).

(i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719) ($300 fine).

(j) The prohibition against the use of deceit in an examination or personnel action in connection with Government employmet (5 U.S.C. 637) ($1,000 fine and/or 1 year in prison).

(k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001) ($10,000 fine and/or 5 years in prison).

(l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071) ($2,000 fine and/or 3 years in prison).

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508) ($5,000 fine and/or 10 years in prison).

(n) The prohibition against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654) (fines from $1,000 to $10,000 and/or 1 to 10 years in prison).

(o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285) ($5,000 fine and/or 5 years in prison).

(p) The prohibition against proscribed political activities—The Hatch Act (5 U.S.C. 1181) (possible removal from employment) and 18 U.S.C. 602, 603, 607, and 608 (fines of $5,000 and/or 5 years in prison).

This Part 511 has been approved by the Civil Service Commission under date of January 26, 1966.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 66–2538; Filed, Mar. 10, 1966; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XX—National Security Council

PART 2000—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Pursuant to and in accordance with sections 201 through 209 of Title 18 of the United States Code, Executive Order 11222 of May 8, 1965 (30 F.R. 6469), and Title 5, Chapter I, Part 735 of the Code of Federal Regulations, Chapter XX, consisting of Part 2000, is added to Title 32 of the Code of Federal Regulations, reading as follows:

Sec.
2000.735–1 Adoption of regulations.
2000.735–2 Review of statements of employment and financial interests.
2000.735–3 Disciplinary and other remedial action.
2000.735–4 Gifts, entertainment, and favors.
2000.735–5 Outside employment.
2000.735–6 Specific provisions of agency regulations governing special Government employees.
2000.735–7 Statements of employment and financial interest.
2000.735–8 Agency regulations governing statements of employment and financial interest of special Government employees.

AUTHORITY: The provisions of this Part 2000 issued under E.O. 11222, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.101–4.

§ 2000.735–1 Adoption of regulations.

Pursuant to 5 CFR 735.104(f), the National Security Council Staff (referred to hereinafter as the agency) hereby adopts the following sections of Part 735 of Title 5, Code of Federal Regulations: §§ 735.101 and 735.102, 735.202 (a), (c), (d), and (e) through 735.210, 735.302, 735.303(a), 735.304, 735.305(a), 735.403 (a), (b), and (e); 735.404, 735.405, 735.406, 735.407 through 735.411, and 735.412 (b), (c), and (d). These adopted sections are modified and supplemented as set forth in this part.

§ 2000.735–2 Review of statements of employment and financial interests.

Each statement of employment and financial interests submitted under this part shall be reviewed by the Administrative Officer, National Security Council Staff. When this review indicates a conflict between the interests of an employee or special Government employee of the agency and the performance of his services for the Government, the Administrative Officer shall have the indicated conflict brought to the attention of the employee or special Government employee, grant the employee or special Government employee an opportunity to explain the indicated conflict, and attempt to resolve the indicated conflict. If the indicated conflict cannot be resolved, the Administrative Officer shall forward a written report on the indicated conflict to the Executive Secretary, National Security Council, who is the counselor for the agency designated under 5 CFR 735.105(a).

§ 2000.735–3 Disciplinary and other remedial action.

An employee or special Government employee of the agency who violates any of the regulations in this part or adopted under § 2000.735–1 may be disciplined. The disciplinary action may be in addition to any penalty prescribed by law for the violation. In addition to or in lieu of disciplinary action, remedial action to end conflicts or appearance of conflicts of interest may include but is not limited to:

(a) Changes in assigned duties;

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

(c) Disqualification for a particular assignment.

§ 2000.735–4 Gifts, entertainment, and favors.

The agency authorizes the exceptions to 5 CFR 735.202(a) set forth in 5 CFR 735.202(b) (1) through (4).

§ 2000.735–5 Outside employment.

An employee of the agency may engage in outside employment or other outside activity not incompatible with the full and proper discharge of the duties and responsibilities of his Government employment. An employee who proposes to engage in outside employment shall provide advance notice in writing to the Executive Secretary, National Security Council.

§ 2000.735–6 Specific provisions of agency regulations governing special Government employees.

(a) Special Government employees of the agency shall adhere to the standards of conduct applicable to employees as set forth in this part and adopted under § 2000.735–1, except that special Government employees are exempt from 5 CFR 735.203(b) by operation of the statutory provisions of 18 U.S. Code 209.

(b) Special Government employees of the agency may teach, lecture, or write in a manner not inconsistent with 5 CFR 735.203(c).

(c) Pursuant to 5 CFR 735.305(b), the agency authorizes the same exceptions concerning gifts, entertainment, and favors for special Government employees as are authorized for employees by § 2000.735–4.

§ 2000.735–7 Statements of employment and financial interest.

(a) In addition to the employees required to submit statements of employment and financial interest under 5 CFR 735.403 (a) through (c), employees of the agency in junior staff positions ordinarily filled at GS–13 through GS–15 grade levels shall submit statements of employment and financial interest.

(b) Employees, detailed from other Government agencies, who occupy professional staff positions at GS–13 through GS–18 grade levels, shall submit statements of employment and financial interest to this agency, in addition to any requirements of the detailing agency for the submission to it by the detailed employee of statement of employment and financial interest.

(c) Each statement of employment and financial interest required by this section shall be submitted to the Administrative Officer, National Security Council Staff, Executive Office Building, Washington, D.C., 20506.

§ 2000.735–8 Agency regulations governing statements of employment and financial interest of special Government employees.

(a) Except as provided in paragraph (b) of this section, the Executive Secretary of the National Security Council shall require special Government employees to submit a statement of employment and financial interests which reports:

(1) All other employment; and

(2) The financial interests of the special Government employee which relate either directly or indirectly to the duties and responsibilities of the special Government employee.

(b) The Executive Secretary, National Security Council, may waive the requirement in paragraph (a) of this section for the submission of a statement of employment and financial interests in the case of a special Government employee who is not a consultant or an expert when the agency finds that the duties of the position held by that special Government employee are of a nature and at such a level of responsibility that the submission of the statement by the incumbent is not necessary to protect the integrity of the Government.

This Part 2000 was approved by the Civil Service Commission on February 16, 1966.

Effective date. This Part 2000 shall become effective upon publication in the FEDERAL REGISTER.

Dated: March 7, 1966.

BROMLEY SMITH,
Executive Secretary.

[F.R. Doc. 66–2563; Filed, Mar. 10, 1966; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 3944]

[Fairbanks 029226]

ALASKA

Revocation of Executive Orders No. 5361 and 5384

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U.S.C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Executive Orders No. 5361 of June 4, 1930, and No. 5384 of June 27, 1930, reserving the following described lands for use of the Alaska Road Commission and the Alaska Game Commission, respectively, are hereby revoked:

Executive Order No. 5361:

TAKOTNA

Beginning at a point which bears N. 82°-00' W. 30 feet from a point located in the centerline of the Takotna Road, the said last named point being distant 134 feet S. 57°-00' W. of the center of the west end bend of the Gold Run Bridge; thence N. 82°00' W. 200 feet to a point; thence S. 55°00' W. 105 feet to a point; thence S. 31°00' E. 174 feet to a point; thence N. 55°00' E. 105 feet to a point; thence N. 41°48' E. 162.7 feet to the point of beginning. Containing 0.73-acre.

Executive Order No. 5384:

FORT YUKON

A tract of land now described as U.S. Survey No. 2263. Containing 0.32-acre.

The lands have been conveyed to the State of Alaska under the provisions of section 21 of the Alaska Omnibus Act of June 25, 1959 (73 Stat. 141), and section 6(e) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 340).

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MARCH 7, 1966.

[F.R. Doc. 66–2549; Filed, Mar. 10, 1966; 8:45 a.m.]

[Public Land Order 3945]

[Colorado 0125201; 0125220]

COLORADO

Withdrawal for Fruitland Mesa and Bostwick Park Projects

By virtue of the authority contained in the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), as amended and supplemented, it is ordered as follows:

Subject to valid existing rights, the following described lands in the Gunnison and Uncompahgre National Forests are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (Title 30, U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for the Fruitland Mesa, and Bostwick Park Projects, as indicated:

NEW MEXICO PRINCIPAL MERIDIAN

(Colorado 0125201)

GUNNISON NATIONAL FOREST

Fruitland Mesa Project

T. 50 N., R. 4 W.,
Sec. 5, N½NW¼;
Sec. 6, NE¼NE¼.
T. 51 N., R. 4 W.,
Sec. 20, NE¼SE¼, and S½SE¼;
Sec. 21, S½S½NW¼, and SW¼;
Sec. 28, W½NW¼, except HES 324;
Sec. 29, exclusive of conflict with HES 118 and HES 324;
Sec. 30, E½E½;
Sec. 31, E½E½, E½W½SE¼;
Sec. 32, W½, and W½E½, except HES 118.
T. 50 N., R. 5 W.,
Sec. 13, SW¼SW¼;
Sec. 14, SE¼SE¼;
Sec. 23, NE¼NE¼;
Sec. 24, NW¼NW¼. (1,936 acres.)

(Colorado 0125220)

UNCOMPAHGRE NATIONAL FOREST

Bostwick Park Project (Silver Jack Reservoir)

T. 46 N., R. 6 W.,
Sec. 16, SW¼NW¼SW¼, and W½SW¼SW¼;
Sec. 17, S½NE¼SE¼, SE¼NW¼SE¼, E½SW¼SE¼, and SE¼SE¼;
Sec. 20, E½E½, and E½W½E½;
Sec. 21, W½W½, E½SW¼, W½SE¼NW¼, and W½SW¼SE¼;
Sec. 28, N½NW¼, and W½NW¼NE¼;
Sec. 29, N½NE¼NE¼. (760 acres.)

The areas described total in the aggregate approximately 2,696 acres in Gunnison County.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MARCH 7, 1966.

[F.R. Doc. 66–2550; Filed, Mar. 10, 1966; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT

[Docket No. 6961; Amdt. 39–209]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Model 188A and 188C Series Airplanes

Amendment 39–182 (31 F.R. 693) requires inspection, and replacement where necessary, of the upper and lower outer wing front cap fittings on Lockheed Model 188A and 188C Series airplanes. Paragraph (d) of the AD requires deburring to be in accordance with section 2.D.(4) of Lockheed Service Bulletin 88/SB–633A. The Agency has been advised that the manufacturer has issued Revision B to the service bulletin, which makes no substantive change to the bulletin other than providing a compliance time for deburring identical to that required by the AD. The AD is being revised to cite this latest revision which

clarifies the compliance specified in Revision A of the bulletin, which is different from that required by the AD. Therefore, the AD is amended to provide that deburring be accomplished in accordance with Revision B or later FAA-approved revision to the service bulletin.

Since this amendment provides a clarification only, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-182 the words "Lockheed Service Bulletin 88/SB-633A" from paragraph (d) and inserting the words "Lockheed Service Bulletin 88/SB-633B" in place thereof.

This amendment becomes effective March 12, 1966.

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

Issued in Washington, D.C., on March 7, 1966.

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

[F.R. Doc. 66-2578; Filed, Mar. 10, 1966; 8:48 a.m.]

[Docket No. 6846; Amdt. 39-208]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection of the horizontal stabilizer rear spar on Boeing Model 727 Series airplanes was published in 30 F.R. 10299.

Interested persons have been afforded an opportunity to participate in the making of the amendment. There was a comment that the AD should be applicable only to those airplanes listed in the manufacturer's service bulletin. The Agency does not agree since the manufacturer in the bulletin states that the cause of the cracks is not definitely known. Since the cause is not known, the Agency cannot be sure the problem is eliminated unless the AD applies to all Model 727 airplanes. Another comment stated that all operators are conducting unnecessary. As far as the Agency has the necessary inspection, making the AD been able to determine, the operators are conducting the inspections only on those airplanes listed in the manufacturer's service bulletin. The AD requires inspection of all Model 727 airplanes.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to all Model 727 Series airplanes.

Compliance required within the next 650 hours' time in service after the effective date of this AD for airplanes with 350 or more hours' time in service on the effective date of this AD and before the accumulation of 1,000 hours' time in service for airplanes with less than 350 hours' time in service on the effective date of this AD unless already accomplished.

To prevent further cracks in the lower chord of the horizontal stabilizer rear spar, accomplish the following:

(a) Inspect the lower chord of the horizontal stabilizer rear spar between stabilizer stations 188.65 and 225.54 in accordance with paragraph II of Boeing Service Bulletin No. 55-18, dated May 14, 1965, or later FAA-approved revision.

(b) If cracks are found, repair before further flight in accordance with paragraph II of Boeing Service Bulletin No. 55-18, dated May 14, 1965, or later FAA-approved revision, or an equivalent approved by the Aircraft Engineering Division, FAA Western Region.

NOTE: It is requested that the results of the inspection required by this AD be reported through the assigned local FAA inspector to the Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective April 10, 1966.

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

Issued in Washington, D.C., on March 4, 1966.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 66-2545; Filed, Mar. 10, 1966; 8:45 a.m.]

[Docket No. 6950; Amdt. 39-207]

PART 39—AIRWORTHINESS DIRECTIVES

Martin Model 202, 202A, and 404 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection and repair or replacement as necessary of the piston and fork assembly of the nose landing gear on Martin Model 202, 202A, and 404 airplanes was published in 30 F.R. 12845.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One operator requested that the repetitive inspection interval for repaired assemblies be extended from 150 to 300 hours' time in service, since cracks reappeared on only two out of 13 of its repaired assemblies, at 1,600 and 2,000 hours' time in service after repair. Since the cracks the operator discovered are caused by fatigue, crack propagation rate becomes an important factor. Therefore, the Agency cannot increase the inspection interval without a showing by analysis or tests that the crack propagation rate is consistent with the requested increase.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MARTIN. Applies to Model 202, 202A, and 404 airplanes.

Compliance required as indicated.

To detect and repair cracks in the piston of the piston and fork assembly of the nose landing gear, accomplish the following:

(a) For nose landing gear piston and fork assembly, P/N 202SD84483, with 6,000 or more hours' time in service on the effective date of this AD, comply with paragraph (c) within the next 100 hours' time in service unless already accomplished within the last 350 hours' time in service and thereafter at intervals not to exceed 450 hours' time in service from the last inspection.

(b) For nose landing gear piston and fork assembly, P/N 202SD84483, with less than 6,000 hours' time in service on the effective date of this AD, comply with paragraph (c) before the accumulation of 6,100 hours' time in service, unless accomplished in the 350 hours' time in service from 5,650 hours' to 6,000 hours', and thereafter at intervals not to exceed 450 hours' time in service from the last inspection.

(c) Inspect for cracks around the periphery of the lower part of the piston from the hard chrome piston finish, to where the piston blends into the barrel (just above the fork junction) including the radii which blends the piston section into the barrel section of the terminal using dye penetrant with at least a 10-power glass or an equivalent FAA-approved method.

(d) If a crack is found, the piston and fork assembly must be repaired by grinding out the crack to a depth not to exceed 0.030 inch, or replaced with a part of the same part number, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region. The depth of material removable must be measured from the plane of the piston surface. The reworked area must be blended into the piston surface. The surface finish after grinding must be equivalent to RMS-32 with no tool marks present. One flight may be made in accordance with the provisions of FAR 21.197 for the purpose of obtaining these modifications.

NOTE: The length of grindout may be extended completely around the periphery of the piston surface.

(e) Repaired piston and fork assemblies must be inspected in accordance with paragraph (c) within the next 50 hours' time in service after the repair, and thereafter at intervals not to exceed 150 hours' time in service from the last inspection.

(f) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

This amendment becomes effective April 10, 1966.

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

Issued in Washington, D.C., on March 4, 1966.

G. S. MOORE,
Director,
Flight Standards Service.

[F.R. Doc. 66-2546; Filed, Mar. 10, 1966; 8:45 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 66-WE-15]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regula-

tions is to alter the description of the Paso Robles, Calif., 1,200-foot transition area to conform to the alignment of VOR Federal airway V-25. Additionally, a minor modification to the AL-858-VOR, Radial 130° approach procedure is proposed which will change the final approach radial from 130° to 133° M (149° (31 F.R. 693), is amended by striking out T). This change will also require altering a portion of the 700-foot transition area.

Since the alteration accomplished by this action is minor in nature and no additional burden is imposed on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., May 26, 1936, as hereinafter set forth:

In § 71.181 (31 F.R. 2237 (1966)) the Paso Robles transition area is amended as follows:

PASO ROBLES, CALIF.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Paso Robles VORTAC 332° and 342° radials extending from the 5-mile radius zone to 10 miles NW of the VORTAC, and within 2 miles each side of the 149° radial, extending from the 5-mile radius zone to 8 miles SE of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 12 miles NE and 7 miles SW of the Paso Robles VORTAC 149° and 329° radials, extending from 20 miles SE to 9 miles NW of the VORTAC, and within 12 miles NE and 7 miles SW of the 142° and 322° radials, extending from 9 miles SE to 24 miles NW of the VORTAC. The airspace within R-2504 shall be used only after obtaining prior approval from appropriate authority.

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

Issued in Los Angeles, Calif., on March 3, 1966.

LEE E. WARREN,
Acting Director,
Western Region.

[F.R. Doc. 66-2579; Filed, Mar. 10, 1966; 8:48 a.m.]

[Airspace Docket No. 66-WE-16]

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

Alteration of Control Zone

The purpose of this amendment is to redesignate the Lompoc, Calif., control zone based upon the relocated Vandenberg AFB VOR. No change is made in the presently designated airspace.

Since this change is editorial in nature, public notice and procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., March 31, 1966, as hereinafter set forth:

In § 71.171 (31 F.R. 2108 (1966)) the Lompoc, Calif., control zone is amended as follows:

LOMPOC, CALIF.

Within a 5-mile radius of Vandenberg AFB, Lompoc, Calif. (latitude 34°43'50" N., longitude 120°34'30" W.), and within 2 miles SW and 3 miles NE of the Vandenberg VOR 136° radial extending from the 5-mile radius zone to 9.5 miles SE of the VOR, excluding that portion within R-2516.

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

Issued in Los Angeles, Calif., on March 3, 1966.

LEE E. WARREN,
Acting Director,
Western Region.

[F.R. Doc. 66-2580; Filed, Mar. 10, 1966; 8:48 a.m.]

[Airspace Docket No. 65-WE-108]

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

Alteration of Control Zones and Designation of Transition Area

On December 24, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 16085 (1965)) stating that the Federal Aviation Agency proposed to alter controlled airspace in the Fairfield, Calif. (Travis AFB) and Sacramento, Calif. (Sacramento Municipal) (McClellan AFB) (Mather AFB), terminal areas.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. Objections were received from the Department of the Air Force and the Aircraft Owners and Pilots Association.

The Department of the Air Force requested an additional 3-mile control zone extension SW of the Travis AFB control zone. Due consideration having been given thereto, the requested extension is not incorporated into the final rule.

The Aircraft Owners and Pilots Association objected to the dimensions of the proposed 700- and 1,200-foot transition areas and to the establishment of 1,200-foot transition areas in mountainous terrain in lieu of MSL floors.

The 700- and 1,200-foot transition areas are required to provide controlled airspace for aircraft executing prescribed instrument procedures within the respective areas. In addition, due to the variable terrain elevations, transition areas floored at other than 1,200 AGL would not be consistent with maximum utilization of radar capability or the efficient use of available airspace.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., May 26, 1966, as hereinafter set forth:

In § 71.171 (31 F.R. 2089 (1966)) the Fairfield, Calif., control zone is amended to read:

FAIRFIELD, CALIF.

Within a 5-mile radius of Travis AFB, Fairfield, Calif. (latitude 38°15'45" N., longitude 121°55'35" W.), and within 2 miles each side of the Travis VOR 229° radial, extending from the 5-mile radius zone NE to the VOR and 15 miles SW of the VOR.

In § 71.171 (31 F.R. 2131 (1966)) the Sacramento, Calif. (Sacramento Municipal) control zone is amended to read:

SACRAMENTO, CALIF. (SACRAMENTO MUNICIPAL)

Within a 5-mile radius of Sacramento Municipal Airport (latitude 38°30'45" N., longitude 121°29'35" W.), within 2 miles each side of the Sacramento VORTAC 033° radial, extending from the 5-mile radius zone SW to the VORTAC and that airspace NE of the Sacramento Municipal Airport, extending from the Sacramento Municipal 5-mile radius zone to the McClellan AFB and Mather AFB 5-mile radius zones, bounded on the SE by the Sacramento 064° radial and on the NW by a line 2 miles NW of and parallel to the Sacramento 033° radial.

In § 71.171 (31 F.R. 2131 (1966)) the Sacramento, Calif. (Mather AFB), control zone is amended to read:

SACRAMENTO, CALIF. (MATHER AFB)

Within a 5-mile radius of Mather AFB (latitude 38°33'10" N., longitude 121°18'05" W.), within 2 miles each side of the Mather TACAN 048° radial, extending from the 5-mile radius zone to 7 miles NE of the TACAN, and within 2 miles NW and 2.5 miles SE of the 055° bearing from the Mather LOM, extending from the 5-mile radius zone to 5.5 miles NE of the LOM, excluding the portion subtended by a chord drawn between the points of intersection of the Mather AFB 5-mile radius zone with the Sacramento, Calif. (McClellan AFB), 5-mile radius zone.

In § 71.171 (31 F.R. 2131 (1966)) the Sacramento, Calif. (McClellan AFB), control zone is amended to read:

Within a 5-mile radius of McClellan AFB (latitude 38°39'45" N., longitude 121°24'10" W.), within 2 miles E and 2.5 miles W of the McClellan TACAN 004° radial, extending from the 5-mile radius zone to 8 miles N of the TACAN, excluding the portion subtended by a chord drawn between the points of intersection of the McClellan AFB 5-mile radius zone with the Sacramento, Calif. (Mather AFB), 5-mile radius zone.

In § 71.181 (31 F.R. 2149 (1966)) the following transition area is added:

SACRAMENTO, CALIF.

That airspace extending upward from 700 feet above the surface within a 13-mile radius circle centered on the Sacramento, Calif., VORTAC (latitude 38°26'37" N., longitude 121°33'02" W.); that airspace NE of Sacramento within an arc of a 38-mile radius circle centered on the Sacramento VORTAC bounded on the W and SW by the E edge of V-23, and that airspace SW of Sacramento bounded by a line beginning at latitude 38°16'00" N., longitude 122°05'00" W., thence to latitude 38°27'00" N., longitude 121°47'00" W., thence to latitude 38°16'00" N., longitude 121°39'00" W., thence to latitude 38°02'00" N., longitude 121°52'00" W., thence via latitude 38°02'00" N. to the W edge of V-195, thence via the W edge of V-195 to latitude 38°16'00" N., thence to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at the point of intersection of the E edge of V-195 and the S edge of V-200, thence via the S edge of V-200, the W edge of V-23 and latitude 39°00'00" N. to the W edge of V-283, thence via the W edge of V-283 to the N edge of V-244, thence via the N edge of V-244 to longitude 120°04'00" W., thence via longitude 120°04'00" W., to latitude 38°07'00" N., thence via latitude 38°07'00" N., to longitude 121°37'00" W., thence via longitude 121°37'00" W., to latitude 38°02'00" N., thence via latitude 38°02'00" N., to the E edge of V-195, thence via the E edge of V-195 to point of beginning.

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

Issued in Los Angeles, Calif., on March 3, 1966.

LEE E. WARREN,
Acting Director,
Western Region.

[F.R. Doc. 66-2581; Filed, Mar. 10, 1966; 8:48 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7137; Amdt. 467]

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 PROCEDURES

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Chattanooga VOR	CQN RBn	Direct	3000	T-dn	300–1	300–1	#200–½
Chickamauga Int	CQN RBn	Direct	3000	C-dn	600–1½	700–1½	700–2
Whitwell Int	CQN RBn	Direct	3400	S-dn-20°	500–1	500–1	500–1
Bridgeport Int	CQN RBn	Direct	3400	A-dn	800–2	800–2	800–2
Coalmont Int	CQN RBn	Direct	3400				
Georgetown Int	CQN RBn	Direct	3000				
Crandall Int	CQN RBn	Direct	3000				
Haletown Int	CQN RBn	Direct	3400				
Dunlap Int	CQN RBn	Direct	3400				
Riceville Int	CQN RBn	Direct	3000				

Radar available.
Procedure turn E side of crs, 016° Outbnd, 196° Inbnd, 3000′ within 10 miles of CQN RBn.
Minimum altitude Inbnd over CQN RBn, 3000′; over OM, 1600′; over MM, 1200′. If OM not received, descent below 1600′ not authorized.
Distances to runway: CQN, 7.7 miles; OM, 4.1 miles; MM, 0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.7 miles after passing CQN RBn, climb to 3000′ on crs of 196° within 15 miles.
CAUTION: Due to high terrain and towers, aircraft with limited climb capability departing on routes W through N, should request clearance to climb on a track of 016° or 196° from LMM to 3000′ before continuing climb on crs.
*Reduction below ¾ mile not authorized.
#Takeoff on Runways 14–32 with less than 300–1 not authorized.
MSA within 25 miles of facility: 000°–090°—3400′; 090°–180°—5200′; 180°–360°—3400′.

City, Chattanooga; State, Tenn.; Airport name, Lovell Field; Elev., 682′; Fac. Class., MHW; Ident., CQN; Procedure No. 1, Amdt. 14; Eff. date, 5 Mar. 66; Sup. Amdt. No. 13; Dated, 10 July 65

Freetown Int	CLU RBn	Direct	2400	T-dn	300–1	300–1	200–½
Scipio Int	CLU RBn	Direct	2400	C-dn*	400–1	500–1	500–1½
Houston Int	CLU RBn	Direct	2400	S-dn–5°	400–1	400–1	400–1
Hope Int	CLU RBn	Direct	2400	A-dn	NA	NA	NA

Procedure turn S side of crs, 223° Outbnd, 043° Inbnd, 2400′ within 10 miles.
Minimum altitude over facility on final approach crs, 1500′.
Crs and distance, facility to airport, 043°—3.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 miles after passing CLU RBn, make climbing right turn to 2400′ and return to CLU RBn.
NOTE: Approach from holding pattern at CLU RBn not authorized; procedure turn required.
*Landing minimums based on Bakalar altimeter being available. When Bakalar weather not available, ceiling minimums are 600′ and based on Indianapolis altimeter.
MSA within 25 miles of facility: 000°–090°—2100′; 090°–180°—2000′; 180°–270°—2200′; 270°–360°—3100′.

City, Columbus; State, Ind.; Airport name, Columbus Municipal; Elev., 617′; Fac. Class., MHW; Ident., CLU; Procedure No. 1, Amdt. Orig.; Eff. date, 3 Mar. 66

PROCEDURE CANCELED, EFFECTIVE 3 MAR. 66.

NOTE: NOTAM reference cancellation of this procedure sent Jan. 4, 1966.

City, Cotulla; State, Tex.; Airport name, Municipal; Elev., 471′; Fac. Class., BMH; Ident., COT; Procedure No. 1, Amdt. 4; Eff. date, 5 June 65; Sup. Amdt. No. 3; Dated, 12 May 62

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	
Martha's Vineyard VOR	MVY RBn	Direct	1800	T-dn	300-1	300-1	200-½
Dennis Int	MVY RBn	Direct	1800	C-dn	500-1	500-1	500-1½
Clam Int	MVY RBn	Direct	1800	S-dn-24°	400-1	400-1	400-1
Muskeget Int	MVY RBn	Direct	1800	A-dn°°	NA	NA	NA

Radar available.
Procedure turn S side of crs, 055° Outbnd, 235° Inbnd, 1800′ within 10 miles.
Minimum altitude over facility on final approach crs, 800′.
Crs and distance, facility to airport, 235°—2.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 miles after passing MVY RBn, make left-climbing turn to 1800′; return to MVY RBn. Hold NE of MVY RBn, 235° Inbnd, 1-minute left turns.
NOTES: Approach from a holding pattern not authorized. Procedure turn required.
°°800-2 authorized for those air carriers with approved weather reporting service.
*500′ ceiling applies when control zone not effective and/or altimeter setting obtained from Otis.
MSA within 25 miles of facility: 000°-360°—1500′.

City, Martha's Vineyard; State, Mass.; Airport name, Martha's Vineyard; Elev., 68′; Fac. Class., MHW; Ident., MVY; Procedure No. 1, Amdt. 12; Eff. date, 5 Mar. 66; Sup. Amdt. No. 11; Dated, 25 Dec. 65

OSI VOR	LOM	Direct	4000	T-dn%	300-1	300-1	200-½
SFO VOR	LOM	Direct	2500	C-dn#	500-1	500-1	500-1½
OAK VOR	LOM	Direct	2500	S-dn-28L/R	400-1	400-1	400-1
Decoto Int	LOM (final)	Direct	1700	A-dn	800-2	800-2	800-2
SJC VOR	LOM (final)	Direct	1700				

Radar available.
Procedure turn not authorized. All maneuvering and descent shall be accomplished in the LOM holding pattern, 281° Inbnd, 1-minute pattern, left turns, minimum altitude 2500′. Descent to 1700′ authorized to cross the LOM on final approach crs, Inbnd.
Minimum altitude over LOM on final approach crs, 1700′; over Coyote Int, 500′.
Final approach crs, 281° Inbnd.
Crs and distance, LOM to Runway 28R, 281°—5.7 miles; LOM to Runway 28L, 280°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing LOM, climb to 3000′ on 281° from LOM within 15 miles.
CAUTION: Execute missed approach with best climb on 281° crs, due to terrain approximately 1000′—4 miles W of airport.
%700-1 required for takeoff on Runways 19L/R, and left turn must be started as soon as practicable. Terrain over 1000′—3 miles S of airport. Sliding scale not authorized.
%IFR departures must comply with published San Francisco SID's, or be radar vectored.
#1000′ ceiling required for circling approaches to runways 1R/L.
MSA within 25 miles of facility: 000°-090°—4900′; 090°-180°—4400′; 180°-270°—3500′; 270°-360°—3200′.

City, San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 12′; Fac. Class., LOM; Ident., SF; Procedure No. 1, Amdt. 17; Eff. date, 5 Mar. 66; Sup. Amdt. No. 16; Dated, 5 June 65

Orinda Int	South Shore Int (final)	Direct	3000	T-dn%	300-1	300-1	200-½
				C-dn#	500-1	500-1	500-1½
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn not authorized. Aircraft must proceed from over Orinda Int or be radar vectored to final approach crs.
Minimum altitude over South Shore Int on final approach crs, 3000′; over Oyster Int, 1000′; over facility, 800′.
Crs and distance, facility to airport 191°—0.6 mile.
Final approach crs, 194° Inbnd.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing SIA RBn, turn left, climb to 2500′ on crs, 114° from RBn, or SFO ILS E crs within 10 miles.
%700-1 required for takeoff Runways 19L/R, and left turn must be started as soon as practicable. Terrain over 1000′—3 miles S of airport. Sliding scale not authorized.
%IFR departures must comply with published SFO SID's, or be radar vectored.
#1000′ ceiling required for circling approaches to Runways 1R/L.
MSA within 25 miles of facility: 000°-090°—4500′; 090°-180°—3900′; 180°-270°—3000′; 270°-360°—3700′.

City, San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 12′; Fac. Class., MHW; Ident., SIA; Procedure No. 2, Amdt. 1; Eff. date, 5 Mar. 66; Sup. Amdt. No. Orig.; Dated, 9 Oct. 65

PROCEDURE CANCELED, EFFECTIVE 3 MAR. 66.

City, Springfield; State, Ill.; Airport name, Capital; Elev., 593′; Fac. Class., SBII; Ident., SPI; Procedure No. 2, Amdt. Orig.; Eff. date, 25 Apr. 64

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

VOR 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	
5-mile Fix R 151°-----	CHA VORTAC (final)-----	Direct-----	2000	T-dn-----	300-1	300-1	#200-½
				C-dn-----	600-1½	700-1½	700-2
				S-dn-32%-----	600-1	600-1	600-1
				A-dn-----	800-2	800-2	800-2

Radar available.
Procedure turn E side of crs, 151° Outbnd, 331° Inbnd, 3000′ within 10 miles.*
Minimum altitude over facility on final approach crs, 2000′.
Crs and distance, facility to airport, 332°—4.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing CHA VORTAC, climb to 3000′ on CHA VORTAC, R 000° within 15 miles or, when directed by ATC, turn right and return to CHA VORTAC at 3000′.
CAUTION: Due high terrain and towers, aircraft with limited climb capability departing on routes W through N, should request clearance to climb on a track of 016° or 196° from LMM to 3000′ before continuing climb on crs.
% Reduction not authorized.
#Takeoff on Runways 14–32 with less than 300–1 not authorized.
*When authorized by ATC, DME may be used within 15 miles at 4000′ between R 087° and R 280° S of facility to position aircraft for a final approach with the elimination of a procedure turn.
MSA within 25 miles of the facility: 000°–090°—3700′; 090°–180°—5200′; 080°–360°—3400′.

City, Chattanooga; State, Tenn.; Airport name, Lovell Field; Elev., 682′; Fac. Class., BVORTAC; Ident., CHA; Procedure No. 1, Amdt. 8; Eff. date, 5 Mar. 66; Sup. Amdt. No. 7; Dated, 10 July 65

3. By amending the following terminal very high frequency omnirange (TerVOR) procedures prescribed in § 97.13 to read:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn*-----	300-1	300-1	200-½
				Minimums when control zone effective:			
				C-d#-----	500-1	500-1	500-1½
				C-n*#-----	500-1½	500-1½	500-1½
				S-dn*#-----	500-1	500-1	500-1
				A-dn#-----	800-2	800-2	800-2
				Minimums when control zone not effective:			
				C-d-----	900-1	900-1	900-1
				C-n*-----	900-1½	900-1½	900-1½
				S-dn-----	900-1	900-1	900-1
				A-dn-----	NA	NA	NA

Procedure turn W side of crs, 313° Outbnd, 133° Inbnd, 2900′ within 10 miles.
Minimum altitude over facility on final approach crs, 2350′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, climb to 2900′ on R 133° within 10 miles, return to DVL VOR, hold NW on R 313°.
* Night takeoffs and landings not authorized, Runways 3–21.
# These minimums apply at all times for those air carriers with approved weather reporting services.
MSA within 25 miles of facility: 000°–360°—3100′.

City, Devils Lake; State, N. Dak.; Airport name, Devils Lake Municipal; Elev., 1450′; Fac. Class., BVOR; Ident., DVL; Procedure No. TerVOR-13, Amdt. Orig; Eff. date, 3 Mar. 66

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-d*	500-1	500-1	500-1
				T-n*	500-2	500-2	500-2
				Minimums when control zone effective:			
				C-d**	700-1	700-1½	700-1½
				C-n**	700-2	700-2	700-2
				S-d-1	700-1	700-1	700-1
				S-n-1	700-2	700-2	700-2
				A-dn	800-2	800-2	800-2
				Minimums when control zone not effective:			
				C-d**	900-1	900-1½	900-1½
				C-n**	900-2	900-2	900-2
				S-d-1	900-1	900-1	900-1
				S-n-1	900-2	900-2	900-2
				A-dn	NA	NA	NA

Procedure turn E side of crs, 192° Outbnd, 012° Inbnd, 2500′ within 10 miles.
Minimum altitude over facility on final approach crs—authorized minimums.
Facility on airport; Crs and distance, breakoff point to Runway 1, 008°—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of IMT VOR, make left-climbing turn to 2800′ on R 320° of IMT VOR and return to VOR.
NOTE: Airport situated in hilly terrain. Prominent hill and 1676′ tower, 1.4 miles NNE; 1400′ terrain, 1 mile S; 1305′ trees, ½ mile and 1330′ stacks, 1.3 miles approach end Runway 31.
AIR CARRIER NOTE: Sliding scale not authorized.
**Circling NE of airport not authorized.
*Takeoff restriction before proceeding on crs: Runway 1: Immediately after takeoff, make left-climbing turn to 2200′ on IMT VOR, R 315°. Runway 13: Immediately after takeoff, make right-climbing turn to 2200′ on IMT VOR, R 150°. Runway 31: Right turn not authorized until reaching 2200′.
MSA within 25 miles of facility: 000°-360°—2800′.

City, Iron Mountain; State, Mich.; Airport name, Ford; Elev., 1147′; Fac. Class., BVOR; Ident., IMT; Procedure No. TerVOR-1, Amdt. Orig.; Eff. date, 3 Mar. 66

				T-d*	500-1	500-1	500-1
				T-n*	500-2	500-2	500-2
				Minimums when control zone effective:			
				C-d**	600-1	600-1½	600-1½
				C-n**	600-2	600-2	600-2
				S-d-31	600-1	600-1	600-1
				S-n-31	600-2	600-2	600-2
				A-dn	800-2	800-2	800-2
				Minimums when control zone not effective:			
				C-d**	800-1	800-1½	800-1½
				C-n**	800-2	800-2	800-2
				S-d-31	800-1	800-1	800-1
				S-n-31	800-2	800-2	800-2
				A-dn	NA	NA	NA

Procedure turn S side of crs, 140° Outbnd, 320° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs. Authorized minimums.
Facility on airport, crs and distance, breakoff point to Runway 31, 312°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, climb to 2800′ on R 320° of IMT VOR and return to VOR.
NOTE: Airport situated in hilly terrain. Prominent hill and 1676′ tower, 1.4 miles NNE; 1400′ terrain, 1 mile S; 1305′ trees, ½ mile; and 1330′ stacks, 1.3 miles approach end Runway 31.
AIR CARRIER NOTE: Sliding scale not authorized.
**Circling NE of airport not authorized.
*Takeoff restriction before proceeding on crs: Runway 1: Immediately after takeoff, make left-climbing turn to 2200′ on IMT VOR, R 315°. Runway 13: Immediately after takeoff, make right-climbing turn to 2200′ on IMT VOR, R 150°. Runway 31: Right turn not authorized until reaching 2200′.
MSA within 25 miles of facility: 000°-360°—2800′.

City, Iron Mountain; State, Mich.; Airport name, Ford; Elev., 1147′; Fac. Class., BVOR; Ident., IMT; Procedure No. TerVOR-31, Amdt. Orig.; Eff. date, 3 Mar. 66

				T-dn*#	300-1	300-1	200-½
				C-d#	900-1	900-1	900-1¼
				C-n#	900-2	900-2	900-2
				A-dn	1000-2	1000-2	1000-2

Procedure turn S side of crs, 255° Outbnd. 075° Inbnd. 2900′ within 10 miles.
Minimum altitude over facility on final approach crs. 2100′.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of IWD VOR, climb to 3000′ on R 075° within 10 miles.
NOTE: Procedure not authorized when control zone not in operation.
*When weather is less than 500-1, takeoffs on Runways 9, 27, and 36 maintain runway heading until reaching 2500′ prior to turning on crs. 500-1 minimums apply on Runway 18.
#Reduction not authorized.
MSA within 25 miles of facility: 000°-090°—3000′; 090°-270°—3100′; 270°-360°—2600′.

City, Ironwood; State, Mich.; Airport name, Gogebic County; Elev., 1246′; Fac. Class., VOR; Ident., IWD; Procedure No. TerVOR R-255, Amdt. Orig.; Eff. date, 3 Mar. 66

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn$	1000-2	1000-2	NA
				C-d	1700-2	1700-2	NA
				C-n	1700-3	1700-3	NA
				A-dn	2400-2	2400-2	NA

Procedure turn W side of crs, 312° Outbnd, 132° Inbnd, 8300′ within 10 miles.
Minimum altitude over facility on final approach crs, 6356′.
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of LVM VOR, make right-climbing turn and continue climb to 8300′ in a right-hand holding pattern on R 312° within 10 miles of VOR.
NOTE: When authorized by ATC, DME may be used to position aircraft on final approach crs at 8300′ between R 243° clockwise to R 067° via 6-mile DME Arc with the elimination of procedure turn.
$Takeoff all runways: Aircraft departing via airways climb in a right-hand holding pattern on R 312° within 10 miles of VOR to depart VOR at 9000′ or above.
MSA within 25 miles of facility: 000°–180°—12,300′; 180°–270°—11,500′; 270°–360°—11,800′.

City, Livingston; State, Mont.; Airport name, Mission Field; Elev., 4656′; Fac. Class., BVORTAC; Ident., LVM; Procedure No. TerVOR R-312, Amdt. Orig.; Eff. date, 3 Mar. 66

OAK VOR	SFO VOR	Direct	2500	T-dn%	300-1	300-1	200-½
SFO VOR	Westlake Int	Direct	2500	C-dn	1000-1	1000-1	1000-1½
				A-dn	1000-2	1000-2	1000-2

Radar available.
Procedure turn S side of crs, 281° Outbnd, 101° Inbnd, 2500′ within 10 miles of Westlake Int.
Minimum altitude over Westlake Int on final approach crs, 1700′; over Skyline Int, 1000′; over facility, 1000′. Crs and distance, Westlake Int to VOR, 101°—5.7 miles; Skyline Int to VOR, 101°—3.7 miles.
Facility on airport. Final approach crs, parallel to and between Runways 10L/R.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing SFO VOR, climb to 2500′ on SFO, R 101° within 10 miles.
NOTE: Radar identification of Skyline Int authorized.
%700–1 required for takeoff on Runways 19L/R, and left turn must be started as soon as practicable. Terrain over 1000′—3 miles S of airport. Sliding scale not authorized.
%IFR departures must comply with published San Francisco SID's, or be radar vectored.
MSA within 25 miles of facility: 000°–090°—4300′; 090°–180°—3900′; 180°–270°—3000′; 270°–360°—3700′.

City, San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 12′; Fac. Class., L-VOR; Ident., SFO; Procedure No. VOR-10L/R, Amdt. 2; Eff. date, 5 Mar. 66; Sup. Amdt. No. 1; Dated, 5 June 65

Orinda Int	South Shore Int (final)	Direct	3000	T-dn%	300-1	300-1	200-½
				C-dn$	500-1	500-1	500-1½
				S-dn-19L$	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn not authorized. Aircraft must proceed from Orinda Int or be radar vectored to final approach crs.
Final approach crs, 194° Inbnd.
Minimum altitude over S Shore Int on final approach crs, 3000′; over Oyster Int, 1000′; over facility, 400′.
Facility on airport.
Crs and distance, Oyster Int to VOR, 194°—4.1 miles; Oyster Int to breakoff point, 194°—3.1 miles; breakoff point to runway, 190°—0.4 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing VOR, turn left, climb to 2500′ on SFO, R 101° within 10 miles.
%700–1 required for takeoff on runways 19L/R, and left turn must be started as soon as practicable. Terrain over 1000′—3 miles S of airport. Sliding scale not authorized.
%IFR departures must comply with published San Francisco SID's, or be radar vectored.
#1000′ ceiling required for circling approaches to runways 1R/L.
$400–¾ authorized, with operative HIRL, except for 4-engine turbojets. 400–½ authorized with operative SALS, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°–090°—4300′; 090°–180°—3900′; 180°–270°—3000′; 270°–360°—3700′.

City, San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 12′; Fac. Class., L-VOR; Ident., SFO; Procedure No. VOR-19L, Amdt. 10; Eff. date, 5 Mar. 66; Sup. Amdt. No. 9; Dated, 9 Oct. 65

OSI VOR	SFO LOM	Direct	4000	T-dn%	300-1	300-1	200-½
SFO VOR	SFO LOM	Direct	2500	C-dn$	500-1	500-1	500-1½
OAK VOR	SFO LOM	Direct	2500	S-dn-28L/R$	400-1	400-1	400-1
Decoto Int	SFO LOM (final)	Direct	1700	A-dn	800-2	800-2	800-2
SJC VOR	SFO LOM (final)	Direct	1700				

Radar available.
Procedure turn not authorized. All maneuvering and descent shall be accomplished in the LOM holding pattern, 281° Inbnd, 1-minute pattern, left turns, minimum altitude, 2500′. Descent to 1700′ authorized to cross LOM when established on final approach crs Inbnd.
Minimum altitude over LOM on final approach crs, 1700′; over Coyote Int, 500′; over SFO VOR, 400′.
Facility on airport. Final approach crs parallel to and between runways 28L/R. Final approach crs, 281°.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile after passing VOR, climb to 3000′ on SFO VOR, R 281° within 15 miles.
CAUTION: Execute missed approach with best climb on R 281° due to terrain approximately 1000′—4 miles W of airport.
NOTE: VOR and ADF equipment required for this procedure.
%700–1 required for takeoff on Runways 19L/R, and left turn must be started as soon as practicable. Terrain over 1000′—3 miles S of airport. Sliding scale not authorized.
%IFR departures must comply with published San Francisco SID's, or be radar vectored.
#1000′ ceiling required for circling approaches to Runways 1R/L.
$400–¾ authorized with operative HIRL, except for 4-engine turbojets.
$400–½ authorized with operative ALS, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°–090°—4300′; 090°–180°—3900′; 180°–270°—3000′; 270°–360°—3700′.

City, San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 12′; Fac. Class., L-VOR; Ident., SFO; Procedure No. VOR-28L/R, Amdt. 7; Eff. date, 5 Mar. 66; Sup. Amdt. No. 6; Dated, 5 June 65

4. 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	
Kona Int	Kona VORTAC	Direct	5000	T-dn%	300-1	300-1	200-½
Kona VORTAC	UPP, R 196°/KOA 318° (5-mile DME Fix, R 318°).	Direct	*1700	C-dn@	600-1	600-1	600-1½
				S-dn-11	500-1	500-1	500-1
Kona Int	UPP, R 196°/KOA, R 318° (5-mile DME KOA, R 318°).	Direct	1700	A-dn#	800-2	800-2	800-2
UPP, R 196°/KOA, R 318° (5-mile DME KOA, R 318°).	KOA VORTAC (final)	Direct	500				

Procedure turn S side of crs, 318° Outbnd, 138° Inbnd, 1700′ within 10 miles of 5-mile DME Fix, KOA, R 318° or UPP, R 196°/KOA, R 318°.
Procedure turn not required when cleared for approach Inbnd on V-5 or V-11 from Kona Int.
Minimum altitudes on final approach crs; over 5-mile DME Fix (UPP, R 196°/KOA, R 318°) 1700′; over KOA VORTAC, 500′.
Crs and distance, facility to airport, 118°—0.8 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of KOA VORTAC, make immediate right turn and climb to 1700′ on R 318° within 20 miles.
NOTE: Procedure not contained entirely within controlled airspace.
AIR CARRIER NOTE: Sliding scale not authorized.
*Do not descend below 3500′ until past 5-mile DME Fix on KOA, R 318°/UPP, R 196°.
%Takeoff Runway 11, turn right; all departures must climb between radials 180° to 330° clockwise.
#Alternate minimums authorized only for air carriers with approved weather reporting service.
@CAUTION: Terrain, 800′—1.6 miles NE; circling to NE of runway centerline not authorized.
MSA within 25 miles of facility: 340°–070°—11,000′; 070°–160°—15,000′; 160°–340°—2000′.

City, Kailua Kona; State, Hawaii; Airport name, Kona; Elev., 16′; Fac. Class., HBVORTAC; Ident., KOA; Procedure No. VOR/DME 1, Amdt. Orig.; Eff. date, 5 Mar. 66

MC LFR	MCG VORTAC	Direct	3000	T-dn	300-1	300-1	200-½
				C-dn	600-1	600-1	600-1½
				S-dn-15	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

Procedure turn E side of crs, 345° Outbnd, 165° Inbnd, 3000′ within 10 miles beyond 4-mile DME Fix.
Minimum altitude over 4-mile DME Fix, 1100′.
Crs and distance, breakoff point to airport, 155°—1 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 1-mile DME Fix, turn left, climb to 3000′ on R 100° MCG VORTAC within 15 miles.
CAUTION: Mountainous terrain all quadrants. Terrain, 1266′—3.1 miles S of airport.
NOTE: When authorized by ATC, DME may be used to position aircraft for final approach at 3000′ between radials 325° clockwise to 200° and from 200° clockwise to 325° at 4000′ within 15 miles with the elimination of a procedure turn.
MSA within 25 miles of facility: 000°–090°—3000′; 090°–180°—3000′; 180°–270°—5200′; 270°–360°—6300′.

City, McGrath; State, Alaska; Airport name, McGrath; Elev., 337′; Fac. Class., H-BVORTAC; Ident., MCG; Procedure No. VOR/DME 1, Amdt. Orig.; Eff. date, 5 Mar. 66

5. 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	
North Chattanooga RBn	Fort Oglethorpe Int	Direct	3000	T-dn	300-1	300-1	#200-½
Chattanooga VOR	Fort Oglethorpe Int	Direct	3000	C-dn	600-1½	700-1½	700-2
Chicamauga Int	Fort Oglethorpe Int (final)	Direct	2000	S-dn-2°	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn E side S crs, 196° Outbnd, 016° Inbnd, 3000′ within 10 miles of Fort Oglethorpe Int. Beyond 10 miles not authorized.
No glide slope. Minimum altitude over Fort Oglethorpe Int, 2000′.
Crs and distance, Fort Oglethorpe Int to airport, 016°—4.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.6 miles after passing Fort Oglethorpe Int, climb to 3000′ on NE crs, ILS within 20 miles.
CAUTION: Due to high terrain and towers, aircraft with limited climb capability departing on routes W through N, should request clearance to climb on a track of 016° or 196° from LMM to 3000′ before continuing climb on crs.
#Takeoff on Runways 14–32 with less than 300–1 not authorized.
*Reduction not authorized.
VASI-2.

City, Chattanooga; State, Tenn.; Airport name, Lovell Field; Elev., 682′; Fac. Class., ILS; Ident., I-CHA; Procedure No. ILS-2 (back crs), Amdt. 8; Eff. date, 5 Mar. 66; Sup. Amdt. No. 7; Dated, 10 July 65

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	
Haletown Int	CQN RBn	Direct	3400	T-dn	300-1	300-1	#200-½
Chattanooga VOR	CQN RBn	Direct	3000	C-dn	600-1½	700-1½	700-2
Dunlap Int	CQN RBn	Direct	3400	S-dn-20°	200-½	200-½	200-½
Chicamauga Int	CQN RBn	Direct	3000	A-dn	600-2	700-2	700-2
Whitwell Int	CQN RBn	Direct	3400				
Bridgeport Int	CQN RBn	Direct	3400				
Coalmont Int	CQN RBn	Direct	3400				
Georgetown Int	CQN RBn	Direct	3000				
Crandall Int	CQN RBn	Direct	3000				
Riceville Int	CQN RBn	Direct	3000				

Radar available.
Procedure turn E side N crs, 015° Outbnd, 196° Inbnd, 3000′ within 10 miles of CQN RBn.
Minimum altitude at glide slope interception, Inbnd, 3000′.
Altitude of glide slope and distance to approach end of runway at CQN RBn, 2946′—7.7 miles; at OM, 1900′—4.1 miles; at MM, 890′—0.7 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.7 miles after passing CQN RBn, or 4.1 miles after passing OM, climb to 3000′ on S crs, 1LS within 15 miles or, when directed by ATC, turn left and proceed direct to CHA VORTAC at 3000′.
CAUTION: Due to high terrain and towers, aircraft with limited climb capability departing on routes W through N, should request clearance to climb on a track of 016° or 196° from LMM to 3000′ before continuing climb on crs.
*500-¾ required when glide slope not utilized. Reduction below ¾ mile not authorized.
#Takeoff on Runways 14-32 with less than 300-1 not authorized.

City, Chattanooga; State, Tenn.; Airport name, Lovell Field; Elev., 682′; Fac. Class., ILS; Ident., I-CHA; Procedure No. ILS-20, Amdt. 15; Eff. date, 5 Mar. 66; Sup. Amdt. No. 14; Dated, 10 July 65

OAK VOR	SOF VOR	Direct	2500	T-dn%	300-1	300-1	200-½
SFO VOR	Westlake Int via W crs localizer	Direct	2500	C-dn	1000-1	1000-1	1000-1½
				A-dn	1000-2	1000-2	1000-2

Radar available.
Procedure turn S side of crs, 281° Outbnd, 101° Inbnd, 2500′ within 10 miles of Westlake Int.
Minimum altitude over Westlake Int on final approach crs, 1700′; over Skyline Int, 1000′.
Crs and distance, Westlake Int to airport, 101°—4.7 miles; Skyline Int to airport, 101°—2.7 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles after passing Westlake Int, climb to 2500′ on E crs of SFO 1LS localizer within 10 miles.
NOTE: Radar identification of Skyline Int authorized.
%700-1 required for takeoff on Runways 19L/R, and left turn must be started as soon as practicable. Terrain over 1000′—3 miles S of airport. Sliding scale not authorized.
%IFR departures must comply with published San Francisco SID's, or be radar vectored.
%RVR 2400′ authorized Runway 28R.

City, San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 12′; Fac. Class., ILS; Ident., I-SFO; Procedure No. ILS-10L (back crs), Amdt. 2; Eff. date, 5 Mar. 66; Sup. Amdt. No. 1; Dated, 5 June 65

OSI VOR	LOM	Direct	4000	T-dn%	300-1	300-1	200-½
SFO VOR	LOM	Direct	2500	C-dn#	500-1	500-1	500-1½
OAK VOR	LOM	Direct	2500	S-dn-28R°	200-½	200-½	200-½
SJC VOR	LOM (final)	Direct	1700	S-dn-28L$	400-1	400-1	400-1
Decoto Int	LOM (final)	Direct	1700	A-dn	600-2	600-2	600-2

Radar available.
Procedure turn not authorized. All maneuvering and descent shall be accomplished in the LOM holding pattern, 281° Inbnd, 1-minute pattern, left turns, minimum altitude, 2500′. Descent to 1700′ authorized to intercept glide slope when established Inbnd on final approach crs.
Minimum altitude at glide slope interception, Inbnd, 1700′.
Altitude of glide slope and distance to approach end of runway at OM, 1720′—5.7 miles; at MM, 240′—0.5 mile. Crs and distance, OM to Runway 28L, 280°—5.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.7 miles after passing OM, climb on the W crs of SFO ILS localizer to 3000′ within 15 miles.
CAUTION: Execute missed approach with best climb on ILS W crs due to terrain approximately 1000′—4 miles W of airport.
%700-1 required for takeoff on Runways 19L/R, and left turn must be started as soon as practicable. Terrain over 1000′—3 miles S of airport. Sliding scale not authorized.
%IFR departures must comply with published San Francisco SID's, or be radar vectored.
%RVR 2400′ authorized for Runway 28R.
#1000′ ceiling required for circling approaches to Runways 1R/L.
*RVR 2400′. Descent below 212′ not authorized unless ALS visible. 400-¾ required when glide slope not utilized. 400-½ authorized with operative ALS except for 4-engine turbojets.
$400-¾ authorized with operative HIRL, except for 4-engine turbojects.

City, San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 12′; Fac. Class., ILS; Ident., I-SFO; Procedure. No. ILS-28R, Amdt. 20; Eff. date, 5 Mar. 66; Sup. Amdt. No. 19; Dated, 5 June 65

6. 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	
		Miles		Surveillance approach			
		Within:					
0°	360°	5	2100	T-dn	300-1	300-1	#200-½
010°	210°	5-12	2400	C-dn	600-1½	700-1½	700-2
210°	010°	5-12	3400	S-dn-2°	400-1	400-1	400-1
010°	040°	12-18	2400	S-dn-20°*	500-1	500-1	500-1
010°	040°	18-25	3400	S-dn-32°	600-1	600-1	600-1
040°	160°	12-26	3000	A-dn	800-2	800-2	800-2
160°	195°	12-25	3400				
195°	250°	12-25	3900				
250°	010°	12-17	3400				
250°	010°	17-25	3900				
300°	008°	25-30	4000				

All sector azimuths and altitudes are clockwise from antenna located on Lovell Airport.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runways 2 and 32: Climb to 3000' and proceed direct to CQN RBn. Runway 20: Climb to 3000' on 196° bearing from CQN RBn within 15 miles.

CAUTION: Due to high terrain and towers, aircraft with limited climb capability departing on routes W through N, should request clearance to climb on a track of 016° or 196° from LMM to 3000' before continuing climb on crs.

#Takeoff on Runways 14-32 with less than 300-1 not authorized.

*Reduction not authorized Runways 2, 32.

**Reduction below ¾ mile not authorized Runway 20.

VASI-2.

City, Chattanooga; State, Tenn.; Airport name, Lovell Field; Elev., 682'; Fac. Class and Ident., Chattanooga Radar; Procedure No. 1, Amdt. 1; Eff. date, 5 Mar. 66; Sup. Amdt. No. Orig.; Dated, 24 July 65

320° clockwise	160°	0-15	2000	Surveillance approach			
160° clockwise	320°	0-15	#2400				
360° clockwise	180°	15-30	2000	T-dn*	500-1	500-1	500-1
180° clockwise	270°	15-30	2400	C-dn	600-1	600-1	600-1½
270° clockwise	360°	15-30	2700	S-dn-15R 33L, 25,$	600-1	600-1	600-1
				A-dn	800-2	800-2	800-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, runway 33L: Climb to 2700' and proceed direct to DE LOM. Runway 25: Make right-climbing turn and proceed direct to DE LOM at 2700'. Runway 15R: Climb to 2000' and proceed direct to QG LFR.

AIR CARRIER NOTE: Sliding scale not authorized.

*300-1 takeoff authorized Runway 33 only.

#2800' within 3 miles of four 1737', 1738', 1749', and 1753' towers, NW of airport; 2100' within 3 miles of 1069' tower, 6 miles NW of airport.

$Reduction below 1 mile not authorized for REIL.

City, Detroit; State, Mich.; Airport name, Detroit City; Elev., 626'; Fac. Class. and Ident., Detroit City Radar; Procedure No. 1, Amdt. 2; Eff. date, 5 Mar. 66; Sup. Amdt. No. 1; Dated, 11 Nov. 65

		Miles					
		Within:		Surveillance approach			
000°	360°	0-10	3000	T-dn%	300-1	300-1	200-½
000°	360°	10-20	3500	C-dn#	500-1	500-1	500-1½
000°	360°	20-40	5500	S-dn-19L/R	500-1	500-1	500-1
				S-dn-28L/R¢	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2
				Precision approach			
				S-dn-28R$	200-½	200-½	200-½
				A-dn	600-2	600-2	600-2

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, Runways 19L/R: Turn left, climb to 2500' on SFO VOR, R 101°, or E crs of SFO ILS localizer within 10 miles. Runways 28L/R: Climb to 3000' on SFO VOR, R 281°, or W crs of SFO ILS localizer within 15 miles.

CAUTION: Execute missed approach with best climb on ILS W crs, or R 281° due to terrain approximately 1000'—4 miles W of airport.

%700-1 required for takeoff on Runways 19L/R, and left turn must be started as soon as practicable. Terrain over 1000'—3 miles S of airport. Sliding scale not authorized.

#IFR departures must comply with published San Francisco SID's, or be radar vectored.

$RVR 2400' authorized Runway 28R.

¢1000' ceiling required for circling approaches to Runways 1R/L.

*400-¾ authorized with operative high-intensity runway lights, except for 4-engine turbojets.

•400-½ authorized with operative ALS, except for 4-engine turbojets.

$RVR 2400'. Descent below 212' not authorized unless approach lights visible.

¢On ASR approach to Runway 28R or L, do not descend below 500' until radar advises passing 3-mile Radar Fix from end of runway.

City, San Francisco; State, Calif.; Airport name, San Francisco International; Elev., 12'; Fac. Class and Ident., San Francisco Radar; Procedure No. 1, Amdt. 9; Eff. date, 5 Mar. 66; Sup. Amdt. No. 8; Dated, 3 July 65

These procedures shall become effective on the dates specified therein.

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

Issued in Washington, D.C., on January 28, 1966.

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

[F.R. Doc. 66-2577; Filed, Mar. 10, 1966; 8:48 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 14—ADMINISTRATIVE INTERPRETATIONS

Tire Advertising Guides

The Federal Trade Commission announced the adoption of a new guide relating to deceptive pricing of automobile tires. This guide is a revision of paragraph (j) *Deceptive pricing* of § 14.3 *Tire advertising guides*, adopted by the Commission on May 20, 1958, and amended on April 3, 1964. The new tire pricing guide is effective May 10, 1966.

Simultaneously, the Commission also made public proposed revisions[1] of the Tire Advertising Guides relating to tire safety, grade, quality, guarantees, and other related matters for consideration by the industry and other interested parties. Said proposed revised guides as set forth in the Proposed Rule Making section of this FEDERAL REGISTER under the new title "Tire Advertising and Labeling Guides."

The text of the new guide relating to deceptive pricing follows:

§ 14.3 **Tire advertising guides.**

* * * * *

(j) *Deceptive pricing.* (1) *Former price comparisons.* One form of advertising in the replacement market is the offering of reductions or savings from the advertiser's former price. This type of advertising may take many forms, of which the following are examples:

Formerly $_____—Reduced to $_____.
50% Off—Sale Priced at $_____.

Such advertising is valid where the basis of comparison, that is, the price on which the represented savings are based, is the actual bona fide price at which the advertiser recently and regularly sold the advertised tire to the public for a reasonably substantial period of time prior to the advertised sale. However, where the basis of comparison (i) is not the advertiser's actual selling price, (ii) is a price which was not used in the recent past but at some remote period in the past, or (iii) is a price which has been used for only a short period of time and a reduction is claimed therefrom, the claimed savings or reduction is fictitious and the purchaser deceived. Following are examples illustrating the application of this provision:

Example 1. Dealer A advertises a tire as follows: "Memorial Day Sale—Regular price of tire, $15.95—Reduced to $13.95." During the preceding 6 months Dealer A has conducted numerous "sales" at which the tire was sold in large quantities at the $13.95 price. The tire was sold at $15.95 only during periods between the so-called "sales." In these circumstances, the advertised reduction from a "regular" price of $15.95 would be improper, since that was not the price at which the tire was recently and regularly sold to the public for a reasonably substantial period of time prior to the advertised sale.

Example 2. Dealer B engaged in sale advertising weekly on the last 3 days of the week. It was his practice during the selling week to offer a particular line of tires at $24.95 on Monday, Tuesday, and Wednesday, and advertise the same line as "Sale Priced $19.95" on the final 3 days of the selling week. Use of the price for only 3 days prior to the reduction, even though the higher price is resumed after 3 days of "sale" advertising would not constitute a basis for claiming a price reduction. The higher price was not the regular selling price for a reasonably substantial period of time. Furthermore, when the higher price is used only for the first 3 days of the week and another price is used for the final 3 days, the higher price has not been established as a regular price, especially when most sales are made at the lower price during the final 3 day period.

(2) *Trade area price comparisons.* (i) Another recognized form of bargain advertising is to offer tires at prices lower than those being charged by others for the same tires in the area where the advertiser is doing business. Examples of this type of advertising where used in connection with the advertiser's own price are:

Sold Elsewhere at $_____.
Retail Value $_____.

(ii) The tire market, because of its nature, requires that special care and precaution be exercised before this type of advertising is used. Trade area price comparisons are understood by purchasers to mean that the represented bargain is a reduction or saving from the price being charged by representative retail outlets for the same tires at the time of the advertisement.

(iii) If a tire manufacturer decides to conduct a promotion of a particular tire, reduces the price in his wholly owned stores and independent dealers follow the promotion price, the "sale" price has become the retail price in the area and it would be deceptive to represent that this "sale" price is reduced from that charged by others. In most circumstances where a promotion is sponsored by the manufacturer and is followed by the wholly owned stores and most of the independent dealers in the area, such trade area price comparisons would be improper.

(iv) A trade area price comparison would be valid where an individual dealer, acting on his own, decides to lower the price of a tire significantly below that being charged by others in his area. In this situation, he would be honestly offering a genuine reduction from the price charged by others in his area.

(v) When using a retail price comparison great care should be exercised to make the advertising clear that the basis of the reduction or saving is the price being charged by others and not the advertiser's own former selling price.

(3) *Substantiality of reduction or savings.* In order for an advertiser to represent that a price is reduced or offers savings to purchasers without specifying the extent thereof, it is necessary that the represented reduction or savings be significant. When the amount of the reduction or savings is not stated in advertising and is not substantial enough to attract and influence prospective purchasers if they knew the true facts, the representation is deceptive.

Example. Dealer C advertises a Fourth of July sale featuring X brand tires at a claimed reduction in price. The sale price in the advertisement is stated as $14.75 per tire. The advertisement does not state the former price of the tire. The tire previously had been sold at $14.95. Under the circumstances, the advertised would be deceptive. The 20-cent reduction in price is insignificant when compared with the actual selling price of the tire. Purchasers generally, if they knew the amount of the reduction, would not be influenced sufficiently thereby to cause them to purchase the tire at the reduced price.

(4) *Representations of specific price reductions and savings.* (i) Advertisements which offer a specified amount or percentage of price reduction or savings should not be used where there is no determinable regular selling price, whether it be the advertiser's former price or the retail price in the area.

(ii) The lack of a determinable actual selling price does not preclude all "sale" advertising. For example, if a dealer desires to offer a tire at a price which represents a significant reduction from the lowest price in the range of prices at which he has actually sold the tire in the recent regular course of his business, it would not be deceptive to advertise the tire with such representations as "Sale Priced," "Reduced" or "Save."

(iii) However, an advertiser is not precluded from offering specific savings from the lowest price at which he has actually sold tires, provided that the advertising clearly states that the offered savings are a reduction from the lowest previous selling price and not from the advertiser's regular selling price.

(5) *No trade-in prices.* (i) The most common device used in advertising is to offer a purported reduction or savings from a so-called "no trade-in" price. Prospective purchasers are entitled to believe this to mean that they would realize a savings from the price they would have had to pay for the tire prior to the "Sale," either in cash or in cash plus the fair value of a trade-in tire. If this is not true, purchasers are deceived. Where a significant number of sales in relation to a seller's total sales is not made at the so-called "no trade-in" price and such price appreciably exceeds the price purchasers would normally pay the seller (including the fair value of any trade-in), use of the price as a basis for claiming a reduction or savings would be deceptive and contrary to this section.

(ii) Representations of high trade-in allowances are sometimes used in combination with fictitious "no trade-in" prices to deceive purchasers. These may take the form of direct representations that a specified amount (usually significantly higher than the value of the tire carcass) will be allowed for a trade-in tire, or, representations of specific savings in the purchase of a new tire when a tire is traded in during a

[1] See F.R. Doc. 66-2515 *infra*.

"sale." In either case, the purchaser is given the illusion of a bargain in the guise of a high trade-in allowance which he does not in fact receive if the amount of the allowance is deducted from a fictitiously high "no trade-in" price.

Example 1. An advertisement offers a 25 percent reduction during a May tire sale. The body of the advertisement sets forth a "no trade-in" price as the price from which the represented 25 percent reduction is made. However, such price represents the price at which only 15 percent of the advertiser's total sales were made and which was appreciably higher than the price at which the tire usually sold with a trade-in even with the addition of an amount representing a reasonable, bona fide trade-in allowance. Use of the "no trade-in" price in the advertisement is deceptive.

Example 2. Dealer D advertises, "Now Get $4.00 to $10.00 Per Tire Trade-In Allowance" in connection with the sale of a certain tire. Dealer D has regularly sold the tire for $12.00 to customers having a good recappable tire to offer in trade. During the regular course of Dealer D's business he has granted allowances ranging from 50 cents to $3, depending upon the condition of the tire taken in trade. During the advertised sale, however, Dealer D sells all of the tires at the manufacturer's suggested "no trade-in" price of $22.00 and deducts from that price the inflated trade-in allowances. Under the circumstances, the advertisement would be deceptive. Dealer D has not granted the allowances in connection with his regular selling price but has used instead the fictitious "no trade-in" price as a basis for offering the inflated allowances. The consumer has been led to believe that his old tire is worth far more than its actual value and Dealer D receives what has been his regular selling price or, in some instances, an amount in excess of the regular price, depending upon the allowance granted.

(6) *Combination offers.* (i) Frequent use is made in the tire market of purported bargain advertising which offers "free" or at a represented reduced price a tire, some other article of merchandise or a service, with the purchase of one or more tires at a specified price. The following are typical examples of this type of offer:

Buy 3, get four at no additional cost.
Buy one tire at $____, get second tire at 50% off.
Get a wheel free with purchase of each snow tire.
Free wheel alignment with purchase of two new tires.

Such advertising is understood by purchasers to mean that the price charged by the advertiser for the initial tire or tires to be purchased is the price at which they have been regularly sold by the advertiser for a reasonably substantial period of time prior to the sale, and that the amount of the purported reduction or the value of the so-called "free" article or service represents actual savings. If the price of the tires to be purchased is not the advertiser's regular selling price, purchasers are deceived.

Example. Dealer E advertises "2nd Tire ½ Off When You Buy First Tire At Price Listed Below—No Trade-In Needed!" In the body of the advertisement the first tire is listed as costing $25.15 and the second tire $12.57. The figure listed as the price for the first tire is not Dealer E's regular selling price, but the manufacturer's suggested "no trade-in" price. E's regular selling price prior to the so-called sale had been $18.85 per tire. Under the circumstances, the "½ Off" offer would be deceptive. The basis for the advertised offer is not the advertiser's actual selling price for the tire. While consumers are led to believe that they are being afforded substantial savings by purchasing a second tire, in fact they are paying Dealer E's regular selling price for two tires.

(7) *Federal Excise Tax.* Since the Federal Excise Tax on tires is assessed on the manufacturer and is based on the weight of the materials used and not the retail selling price, the tax should be included in the price quoted for a particular tire, or the amount of the tax set out in immediate conjunction with the tire price. For example, assuming the tax on a particular tire to be $1 and the advertised selling price $9.95, the price should be stated as "$10.95" or "$9.95 plus $1 Federal Excise Tax" and not "$9.95 plus Federal Excise Tax."

(8) *Advertising furnished by tire manufacturers.* It is the practice of some tire manufacturers to supply advertising to independent as well as to wholly owned retail outlets in local trade areas. A tire manufacturer providing advertising material to be used in local trade areas by either wholly owned or independent outlets is responsible for the representations made in such advertising and should base price and savings claims on conditions actually existing in the particular areas. In view of price fluctuations at the local level, the general dissemination (i.e., in more than one trade area) to independent retail outlets of advertising material containing stated prices or reduction claims results in deception [3] and is, accordingly, contrary to this section.

(Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Adopted: March 3, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-2514; Filed, Mar. 10, 1966; 8:45 a.m.]

[3] This section does not deal with the question of whether such practice may be improper as contributing to unlawful restraints of trade connected with the enforcement of the Antitrust Laws and the Federal Trade Commission Act.

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

PART 2—MEASUREMENT OF VESSELS

Measurement of Vessels; Closed-In Spaces Omitted From Gross Tonnage

Public Law 89-219, approved September 29, 1965 (79 Stat. 891), authorizes the Secretary of the Treasury in measuring vessels for register tonnage to omit from gross tonnage spaces for dry cargo and stores above the uppermost complete deck and between that deck and the deck next below and certain other spaces without requiring that tonnage openings be fitted as a condition to exemption as presently required. On January 8, 1966, there was published in the FEDERAL REGISTER a notice of proposed rulemaking setting forth proposed amendments to the Customs Regulations to give effect to Public Law 89-219. All representation submitted pursuant to the notice have been considered.

Accordingly, Part 2 of the Customs Regulations is amended as follows:

The citation of authority for Part 2 is amended to read:

AUTHORITY: The provisions of this Part 2 issued under secs. 2.1 to 2.100 issued under R.S. 161, as amended, 4153, as amended, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 4.28 Stat. 743, as amended, sec. 12, 79 Stat. 891; 5 U.S.C. 22, 46 U.S.C. 2, 3, 77, 79, P.L. 89-219.

§ 2.0 [Deleted]

1. Section 2.0 is deleted.
2. Section 2.1(a) is amended to read:

§ 2.1 **Authority of Commissioner.**

(a) The Secretary of the Treasury has delegated to the Commissioner of Customs supervision of the laws relating to the measurement of vessels. On all questions of interpretation growing out of the execution of the laws relating to this subject, the decision of the Commissioner is final.

* * * * *

3. Section 2.5 is amended to read:

§ 2.5 **Gross register tonnage.**

(a) The gross tonnage, referred to in this part is the gross register tonnage; that is, the gross tonnage exclusive of all permissible exempted spaces. Under the provisions of § 2.87(b), a vessel may have two gross tonnages. The higher gross tonnage is applicable when a tonnage mark which is placed and displayed on the side of the vessel is submerged and the lower is applicable when the tonnage mark is not submerged.

(b) Except in the case of a vessel which is measured under the provisions of §§ 2.80 through 2.100, the gross register tonnage of a vessel shall consist of the sum of the following items:

(1) The cubic capacity below the tonnage deck, excluding exemptible water-ballast spaces within the measurable portion of the vessel;

(2) The cubic capacity of each between-deck space above the tonnage deck;

(3) The cubic capacity of the permanent closed-in spaces on the upper deck available for cargo or stores, or for the accommodation of passengers and/or crew;

(4) All permanent closed-in spaces situated elsewhere available for cargo or stores, or for the accommodation of the crew, or for the charts, except cabins or staterooms for passengers, constructed entirely above the first deck which is not a deck to the hull;

(5) The excess of hatchways.

(c) The gross tonnage of a vessel measured under the provisions of §§ 2.80 through 2.100 shall be determined as provided by § 2.86(a).

§ 2.6 [Amended]

4. Section 2.6 is amended as follows:

Paragraph (a) is amended by adding a second and third sentence reading: "Under the provisions of section 2.87(b) a vessel may have two net tonnages. The higher net tonnage is applicable when a tonnage mark which is placed and displayed on the side of the vessel is submerged and the lower is applicable when the tonnage mark is not submerged."

Paragraph (b) is amended to read:

(b) In ascertaining the net tonnage, no space may be deducted unless it has previously been included in the gross tonnage.

5. Section 2.7 is amended to read:

§ 2.7 The marine document.

The marine document of every vessel shall show the date and place of build, the register length, breadth, depth, and the height of the upper deck to the hull above the tonnage deck; if applicable, the depth (D_s) and the length (L_t) used with the tonnage mark table and the distances to the tonnage mark from the line of the upper deck and from the molded line or equivalent of the second deck; the number of decks and masts; build as to her stem and stern; capacity under the tonnage deck, that of the between decks, and also separately, permanently enclosed spaces on or above the upper deck to the hull required to be included in the gross tonnage, and the omitted spaces, whether open or closed-in, on, above, or below the upper deck; the gross tonnage or tonnages; items of deduction; and the net tonnage or tonnages.

6. Section 2.23 is amended to read:

§ 2.23 Register height.

The height from the top of the tonnage deck planking and/or plating to the underside of the planking and/or plating of the upper deck to the hull shall be deemed the register height of the upper deck to the hull above the tonnage deck.

7. Section 2.26(a) is amended to read:

§ 2.26 Tonnage deck.

(a) Except as to a vessel having its tonnage deck determined under the provisions of § 2.88(d), the tonnage deck is the upper deck to the hull in vessels having not more than two decks, and the second from the keel in vessels having more than two decks.

* * * * *

8. Section 2.39 is amended as follows: The text in paragraph (a) preceding subparagraph (1) and paragraph (b) are amended to read:

§ 2.39 Between decks.

(a) The tonnage of the space between the tonnage deck and the deck next above shall be ascertained as follows:

* * * * *

(b) The tonnage of each of the between decks above the tonnage deck shall be severally ascertained in the manner described above and shall be added as items comprising the vessel's gross tonnage.

9. Section 2.42 is amended to read:

§ 2.42 Record of exempted spaces.

The tonnage measurement of all spaces that the measurer has not included in the gross tonnage of the vessel must be recorded in detail on customs Form 1410, "Tonnage Admeasurement" which, when forwarded to the Bureau for examination and appropriate action must be accompanied by suitable plans or sketches drawn to scale, or a complete explanation for the proper consideration of the exemption of such spaces.

10. Section 2.43, first paragraph, is amended to read:

§ 2.43 Enclosed spaces exempted from inclusion in gross tonnage.

In addition to the spaces omitted from inclusion in gross tonnage under the provisions of § 2.80 on vessels measured in accordance with the provisions of §§ 2.80 through 2.100, the following closed-in spaces situated on or above the upper deck shall not be included in the gross tonnage provided they are reasonable in extent, adapted and used exclusively for the purposes outlined:

* * * * *

11. Section 2.44, paragraph (a), first sentence, is amended to read:

§ 2.44 Passenger cabins.

(a) Except as provided in § 2.80(b), passenger cabins and staterooms immediately on the upper deck to the hull, permanently closed-in and fitted up for permanent use of passengers, are to be included in gross tonnage. * * *

* * * * *

12. Section 2.60a(a) is amended by adding two subparagraphs as follows:

§ 2.60a Marking net tonnage and official number on vessel.

(1) In the case of a vessel which is assigned two net tonnages under the provisions of § 2.87(b), both net tonnages shall be marked on the vessel. Immediately following the lower net tonnage there shall be marked a copy of the tonnage mark and the triangle which may be scaled to the size of the numerals.

(2) In the case of a vessel which is assigned a single net tonnage under the provisions of § 2.87(c), a copy of the tonnage mark and the triangle shall be similarly marked after the net tonnage as provided by subparagraph (1) of this paragraph.

* * * * *

13. Part 2 is amended to add a centerhead and new §§ 2.80 through 2.100 as follows:

OPTIONAL DUAL-TONNAGE METHOD FOR MEASUREMENT OF VESSELS

§ 2.80 Additional closed-in spaces omitted from gross tonnage.

Upon application by the owner filed with and approved by the customs officer in charge of the district where the vessel is located, a vessel whether or not it has been previously measured shall be measured with the following closed-in spaces omitted from inclusion in the gross tonnage in addition to those spaces omitted under the provisions of §§ 2.43 and 2.44.

(a) Spaces on or above the uppermost complete deck available for carrying dry cargo and stores,

(b) Cabins and staterooms on the uppermost complete deck assigned for the use of passengers only when a tonnage mark placed and displayed on each side of the vessel under the provisions of §§ 2.89, 2.90, and 2.91 is not submerged,

(c) Spaces between the uppermost complete deck and the second deck available for carrying dry cargo and stores when the tonnage mark is not submerged, and

(d) Spaces between the uppermost complete deck and the second deck which would be omitted under the provisions of § 2.43 if on the uppermost complete deck but only when the tonnage mark is not submerged.

§ 2.81 Regulations applicable to vessels measured under the optional dual-tonnage method.

Except as provided for in §§ 2.80 through 2.100, a vessel measured under the provisions of the optional dual-tonnage method is subject to the same requirements as any other vessel which is measured under the pertinent provisions of this Part 2.

§ 2.82 Capacity under tonnage deck.

(a) The capacity under the tonnage deck shall be the cubic capacity below the actual tonnage deck less water-ballast spaces which are exemptible under the provisions of § 2.43.

(b) If the tonnage deck has one or more steps (breaks), the capacity under tonnage deck shall consist of:

(1) The cubic capacity of the space below the line of the lowest level of the tonnage deck; and

(2) the cubic capacity of spaces lying between that line and the actual tonnage deck.

(c) The tonnage length shall be measured as provided by § 2.27.

§ 2.83 Capacity between decks.

(a) The space between the actual tonnage deck and the actual uppermost complete deck shall be measured and included in the gross tonnage subject to the omissions provided by §§ 2.43 and 2.80 (c) and (d).

(b) If there are one or more steps in the tonnage deck or the uppermost complete deck or both, subject to the omissions provided by §§ 2.43 and 2.80 (c) and (d), the capacity between decks shall be the cubic capacity of the space between the line of the lowest level of the tonnage deck and the line of the lowest level of the uppermost deck plus the capacity of the space between the line of the lowest level of the uppermost complete deck and the actual uppermost complete deck minus the capacity of the space above the line of the lowest level of the tonnage deck which was included in the capacity under tonnage deck.

§ 2.84 Capacity of deck structures.

Deck structures of permanent nature situated on or above the uppermost complete deck shall be measured and included in the gross tonnage subject to the omissions provided by §§ 2.43, 2.44, and 2.80 (a) and (b).

§ 2.85 Hatchways.

The excess tonnage of hatchways over cargo spaces which are included in the gross tonnage shall be determined in accordance with the provisions of § 2.41.

§ 2.86 Register tonnages.

(a) The gross tonnage referred to in §§ 2.80 through 2.100 is the gross register tonnage which is the sum of the following capacities:

(1) The capacity under tonnage deck as obtained under the provisions of § 2.82;

(2) The capacity between decks as obtained under the provisions of § 2.83;

(3) The capacity of deck structures as obtained under the provisions of § 2.84;

(4) The excess tonnage of hatchways as provided by § 2.85; and

(5) Light and air space added to the propelling machinery space under the provisions of § 2.59.

(b) The net tonnage referred to in §§ 2.87 through 2.100 is the net register tonnage which is the tonnage remaining after the authorized deductions have been made from the gross register tonnage.

§ 2.87 Single-tonnage and dual-tonnage assignments for vessels measured under the provisions of the optional dual-tonnage method.

(a) A single deck vessel shall be assigned only one gross tonnage and one net tonnage.

(b) A vessel having two or more complete decks may be assigned dual gross and net tonnages as follows:

(1) A higher gross tonnage applicable when the tonnage mark provided by § 2.89 is submerged.

(2) A higher net tonnage related to the higher gross tonnage;

(3) A lower gross tonnage applicable when the tonnage mark is not submerged; and

(4) A lower net tonnage related to the lower gross tonnage.

(c) A vessel having two or more complete decks may be assigned one gross tonnage and one net tonnage corresponding to the lower gross and net tonnages if the tonnage mark is placed at the level of the assiged load-line mark in accordance with the provisions of § 2.91(b).

§ 2.88 Definitions of terms used in §§ 2.80 through 2.100 of this Part 2.

(a) The term "uppermost complete deck" means the uppermost complete deck of a vessel exposed to sea and weather, which shall be deemed to be that deck which has permanent means of closing all openings in the weather portions thereof, provided that any opening in the side of the vessel below that deck, other than an opening abaft a transverse watertight bulkhead placed aft of the rudder stock, is fitted with permanent means of watertight closing.

(b) The term "second deck" means the deck next below the uppermost complete deck which is continuous in a fore-and-aft direction at least between peak bulkheads, is continuous athwartships, is fitted as an integral and permanent part of the vessel's structure, and has proper covers to all main hatchways. Interruptions in way of propelling machinery space openings, ladder and stairway openings, trunks, chain lockers, cofferdams, or steps not exceeding a total height of 48 inches shall not be deemed to break the continuity of the deck.

(c) The term "trunks" as used in the definition of second deck shall be deemed to refer to hatch or ventilation trunks which do not extend longitudinally completely between main transverse bulkheads.

(d) The "tonnage deck" is the "uppermost complete deck" of a single deck vessel and the "second deck" of a vessel having more than one complete deck.

§ 2.89 The tonnage mark and form of identification.

(a) The tonnage mark referred to in § 2.80 (b), (c), and (d) shall consist of a horizontal line 15 inches long and 1 inch wide. On the tonnage mark shall be placed for identification purposes an inverted equilateral triangle, each side 12 inches long and 1 inch wide, with its apex on the midpoint of the line. (See figure 54.)

(b) An additional line for fresh water and tropical waters may be assigned at a level higher than the tonnage mark.

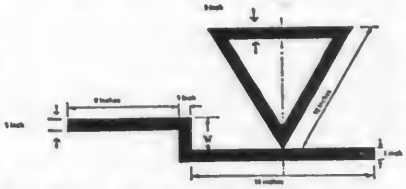

FIGURE 54.—Form and dimensions of tonnage mark (§ 2.89).

w=Allowance for fresh water and tropical waters; 1/48 of the molded draft to the tonnage mark.

(1) The allowance to be used in fixing the additional line for fresh water and tropical waters shall be 1/48 of the molded draft to the tonnage mark.

(2) The additional line for fresh water and tropical waters shall be a horizontal line 9 inches long and 1 inch wide, measured from a vertical line, the latter 1 inch wide being marked at the after end of, and perpendicular to the tonnage mark.

(c) The upper edge of the tonnage mark and of the additional line for fresh water and tropical waters shall be designated by a welding bead or other similarly permanent means.

(d) The tonnage mark, the additional line for fresh water and tropical waters, the vertical line, and the triangle shall be maintained in a light color on a dark background or a dark color on a light background.

(e) The tonnage mark shall be deemed to be submerged at a salt water or brackish water port when the upper edge of the tonnage mark is submerged.

(f) The tonnage mark shall be deemed to be submerged at a fresh water port (one at which 100 percent of the fresh water allowance for load lines is permitted under tables published by the U.S. Coast Guard) when the upper edge of the additional line for fresh water and tropical waters is submerged.

§ 2.90 Longitudinal location of the tonnage mark.

The tonnage mark shall be placed on each side of the ship abaft amidships but as near thereto as practicable. In no case shall the apex of the triangle on the tonnage mark be less than 21 inches nor more than 6 feet 6 inches abaft the vertical center line of the load-line disk. (See k in figs. 55 and 56.)

§ 2.91 Vertical location of the tonnage mark.

(a) The upper edge of the tonnage mark shall be at a distance below the molded line of the second deck determined according to the table in § 2.95. (See fig. 55.)

(b) When the load line assigning authority certifies that the load line is fixed at a place determined as though the second deck were the freeboard deck, the tonnage mark may be placed below that deck less than the minimum distance derived from the tonnage mark table. In that case the tonnage mark shall be placed on the level of the uppermost part of the loadline grid. If the tonnage mark is so placed, the additional line for fresh water and tropical waters provided by § 2.89(b) shall not be used. (See fig. 56.)

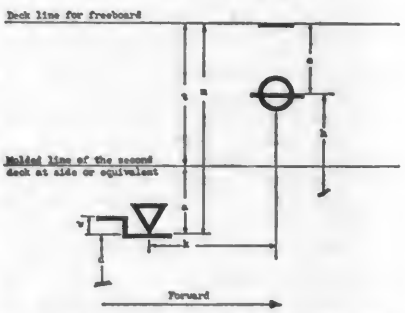

FIGURE 55.—Tonnage mark location for a case in which the loadline is *not* fixed at a place determined as though the second deck were the freeboard deck.

a=Distance from molded line of second deck to upper edge of tonnage mark.
d=Molded draft to upper edge of tonnage mark.
e=Freeboard from loadline certificate.
h=Molded draft to loadline.
k=Distance from centerline of loadline disk to apex of triangle on tonnage mark.
m=Distance from deck line to tonnage mark.
t=Distance from molded line of second deck to deck line for freeboard.
w=Allowance for fresh water and tropical waters (d/48).

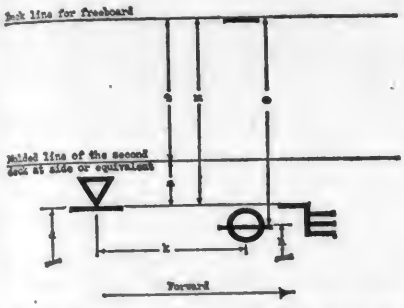

FIGURE 56.—Tonnage mark location for a case in which the loadline is fixed at a place determined as though the second deck were the freeboard deck.

a=Distance from the molded line of second deck to upper edge of tonnage mark.
d=Molded draft to upper edge of tonnage mark.
e=Freeboard from loadline certificate.
h=Molded draft to loadline.
k=Distance from centerline of loadline disk to apex of triangle on tonnage mark.
m=Distance from deck line to tonnage mark.
t=Distance from molded line of second deck to deck line for freeboard.

§ 2.92 Depth (D_s) used with the tonnage mark table.

(a) The depth (D_s) to be used with the tonnage mark table in § 2.95 shall be the molded depth to the second deck.

(b) If the second deck is stepped, an equivalent depth shall be used. (See fig. 57.)

(1) If the higher portion of the deck is less than one-half the total length (L) of both portions, the depth for the table (D_s) shall be the molded depth amidships (D) increased by the ratio of the length of the shorter portion (I) to the total length (L) times the height of the step (b).

$$D_s = D + \frac{I}{L} b$$

in the upper example in fig. 57.)

(2) If the lower portion of the deck is less than one-half the total length (L) of both portions, the depth for the table (D_s) shall be the molded depth amidships (D) decreased by the ratio of the length of the shorter portion (I) to the total length (L) times the height of the step (b).

$$D_s = D - \frac{I}{L} b$$

in the lower example in fig. 57.)

§ 2.93 Length (L_t) used in the tonnage mark table.

(a) The length (L_t) as used in the tonnage mark table shall be the distance on the second deck between two points, of which the foremost is the point where the underside of that deck or the line thereof at the stem, meets the inner surface of the ceiling, sparring or frames, and the aftermost is the point where the underside of that deck, or the line thereof, meets the inner surface of the ceiling, sparring or frames in the middle plane at the stern.

(b) If the second deck is stepped, an equivalent length (L_t) shall be measured along an equivalent of the molded line parallel to the second deck and passing through the upper terminal of the depth (D_s). (See fig. 57.)

§ 2.94 Figures in the tonnage mark table.

(a) The figures in the tonnage mark table in § 2.95 show the minimum distance from the molded line of the second deck or, if the deck is stepped from the equivalent of the molded line as set out in § 2.93(b), to the upper edge of the tonnage mark.

(b) The tonnage mark table is given for the whole number ratios L_t/D_s from 12 to 20, where D_s and L_t are the depth and length as set out in §§ 2.92 and 2.93 and for lengths up to 800 feet at intervals of 10 feet.

(c) For intermediate lengths and L_t/D_s ratios, the corresponding distances shall be obtained by linear interpolation. For other cases the distances shall be obtained by extrapolation.

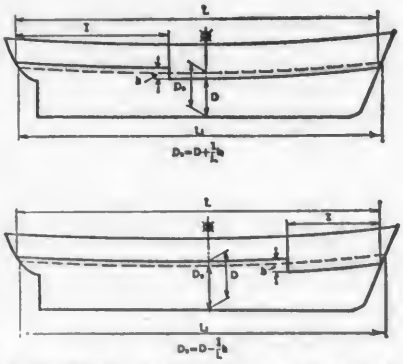

FIGURE 57.—Equivalent depths and lengths in cases of stepped decks (sections 2.92 and 2.93).

b=Height of step in deck.
D=Molded depth from second deck at the side amidships.
D_s=Equivalent depth used with the tonnage mark table.
L=Total length of portions of stepped deck.
L_t=Equivalent length used with tonnage mark table.
I=Length of shorter portion of stepped deck.

§ 2.95 Tonnage mark table.

(a) Minimum distance from the molded line of the second deck to the upper edge of the tonnage mark.

[In inches]

L_t/D_s	12	13	14	15	16	17	18	19	20
Length L_t in feet:									
220 and under	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
230	3.2	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
240	4.7	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
250	6.3	3.3	2.0	2.0	2.0	2.0	2.0	2.0	2.0
260	8.0	4.8	2.1	2.0	2.0	2.0	2.0	2.0	2.0
270	9.9	6.4	3.5	2.0	2.0	2.0	2.0	2.0	2.0
280	11.8	8.1	4.9	2.1	2.0	2.0	2.0	2.0	2.0
290	13.9	9.9	6.5	3.5	2.0	2.0	2.0	2.0	2.0
300	16.0	11.7	8.1	4.9	2.1	2.0	2.0	2.0	2.0
310	18.3	13.7	9.8	6.4	3.5	2.0	2.0	2.0	2.0
320	20.7	15.8	11.7	8.1	4.9	2.1	2.0	2.0	2.0
330	23.2	18.0	13.6	9.8	6.4	3.5	2.0	2.0	2.0
340	25.9	20.4	15.7	11.6	8.1	4.9	2.1	2.0	2.0
350	28.7	22.9	17.9	13.6	9.8	6.5	3.6	2.0	2.0
360	31.7	25.5	20.2	15.7	11.7	8.2	5.0	2.2	2.0
370	34.7	28.3	22.7	17.9	13.6	9.9	6.6	3.7	2.0
380	38.0	31.1	25.3	20.2	15.7	11.8	8.3	5.2	2.4
390	41.3	34.1	27.9	22.6	17.9	13.8	10.1	6.8	3.8
400	44.8	37.2	30.7	25.0	20.1	15.8	11.9	8.4	5.3
410	48.2	40.3	33.5	27.7	22.6	18.1	14.0	10.4	7.2
420	51.5	43.4	36.4	30.4	25.2	20.6	16.4	12.7	9.4
430	54.8	46.5	39.4	33.3	27.9	23.2	19.0	15.2	11.8
440	58.4	49.9	42.6	36.4	30.9	26.0	21.7	17.8	14.4
450	62.1	53.4	46.0	39.6	33.9	29.0	24.6	20.6	17.1
460	65.9	57.0	49.5	42.9	37.1	32.1	27.6	23.5	19.9
470	69.8	60.7	53.0	46.3	40.4	35.2	30.6	26.5	22.8
480	73.7	64.4	56.5	49.7	43.7	38.4	33.7	29.5	25.7
490	77.5	68.1	60.0	53.0	46.9	41.5	36.7	32.4	28.5
500	81.2	71.6	63.4	56.2	50.0	44.5	39.6	35.2	31.2
510	84.9	75.1	66.7	59.4	53.0	47.4	42.4	37.9	33.9
520	88.4	78.4	69.9	62.4	55.9	50.2	45.1	40.5	36.4
530	91.8	81.6	72.9	65.3	58.7	52.9	47.7	43.0	38.8
540	95.2	84.8	75.9	68.1	61.4	55.5	50.2	45.4	41.2
550	98.4	87.8	78.8	70.9	64.0	58.0	52.6	47.8	43.4
560	101.6	90.8	81.6	73.6	66.6	60.5	55.0	50.1	45.6
570	104.8	93.8	84.4	76.3	69.2	62.9	57.3	52.3	47.8
580	107.9	96.8	87.2	78.9	71.7	65.3	59.6	54.5	49.9
590	111.0	99.7	90.0	81.5	74.2	67.7	61.9	56.7	52.0
600	114.0	102.5	92.6	84.0	76.5	69.9	64.0	58.8	54.0
610	117.0	105.3	95.2	86.5	78.9	72.1	66.2	60.8	56.0
620	120.0	108.0	97.8	88.9	81.2	74.4	68.3	62.8	58.0
630	122.9	110.7	100.4	91.3	83.5	76.6	70.4	64.8	59.9
640	125.7	113.4	102.9	93.7	85.8	78.7	72.4	66.8	61.7
650	128.6	116.1	105.4	96.1	88.0	80.8	74.4	68.7	63.6
660	131.4	118.7	107.8	98.3	90.1	82.8	76.3	70.6	65.3
670	134.2	121.2	110.2	100.6	92.2	84.8	78.3	72.4	67.1
680	136.9	123.8	112.6	102.9	94.3	86.8	80.2	74.2	68.9
690	139.6	126.3	115.0	105.1	96.4	88.8	82.1	76.0	70.6
700	142.3	128.8	117.3	107.3	98.5	90.8	83.9	77.8	72.3
710	144.9	131.3	119.6	109.4	100.5	92.7	85.7	79.5	73.9
720	147.5	133.7	121.8	111.5	102.5	94.6	87.5	81.2	75.5
730	150.1	136.1	124.0	113.6	104.5	96.5	89.3	82.9	77.1
740	152.7	138.5	126.2	115.7	106.5	98.3	91.1	84.5	78.7
750	155.3	140.8	128.5	117.8	108.4	100.1	92.8	86.1	80.3
760	157.8	143.1	130.6	119.7	110.3	101.9	94.4	87.8	81.7
770	160.2	145.4	132.7	121.7	112.1	103.6	96.0	89.3	83.2
780	162.6	147.6	134.8	123.7	113.9	105.3	97.6	90.8	84.7
790	165.1	149.9	136.9	125.6	115.7	107.0	99.2	92.3	87.0
800	167.5	152.1	138.9	127.4	117.4	108.6	100.8	93.8	1,486.0

(b) Examples of use of tonnage mark table.

(1) Consider a vessel in which:

L_t =450 feet.
D_s =30 feet.
L_t/D_s=450/30=15.

In the table under the L_t/D_s column headed 15 and opposite the L_t of 450 read 39.6 inches which is the distance from the molded line of the second deck at the side to the place where the upper edge of the tonnage mark should be placed.

(2) Consider a vessel in which:

L_t =424.80 feet.
D_s =28.00 feet.
L_t/D_s=424.80/28.00=15.17.

It will be necessary to interpolate to obtain the distance from the molded line of the second deck to the upper edge of the tonnage mark.

Set down figures from the table and from the actual dimensions of the vessel as follows:

L_t	Tabular L_t/D, 15	Actual L_t/D, 15.17	Tabular L_t/D, 16
From table 420	30.4		25.2
Actual 424.80	r	a	s
From table 430	33.3		27.9

r=30.4+0.48(33.3−30.4)=31.79.
s=25.2+0.48(27.9−25.2)=26.50.
a=r−0.17(r−s).
a=31.79−0.17(31.79−26.50)=30.89 inches.

§ 2.96 Line of the second deck.

No line of the second deck shall be marked on the side of the vessel.

§ 2.97 Line of the uppermost complete deck.

(a) For a vessel having no statutory loadline, the line of the uppermost complete deck shall be marked similarly to the deck line provided by the Load Line Convention.

(b) The deck line shall be a horizontal line 12 inches long and 1 inch wide. It shall be marked abaft amidships above the place on each side of the vessel prescribed in § 2.90 for the tonnage mark. Its upper edge shall pass through the point where the continuation outward of the upper surface of the freeboard deck intersects the outer surface of the shell. (See fig. 58.) Where the deck is partly sheathed amidships, the upper edge of the deck line shall pass through the point where the continuation outward of the upper surface of the actual sheathing at amidships intersects the outer surface of the shell.

§ 2.98 Placing the tonnage mark in relation to the deck line.

(a) As a practical matter, since the molded line of the second deck is not to be marked on the side of the vessel, the position of the tonnage mark shall be determined by reference to the deck line for freeboard or, in the absence of such a line, with reference to the deck line provided by § 2.97.

(b) The upper edge of the tonnage mark shall be below the upper edge of the deck line, a distance equivalent to the sum of the vertical distance (determined by reference to the tonnage mark table) from the molded line of the second deck or equivalent to the upper edge of the tonnage mark plus the vertical distance from the molded line of the second deck or equivalent to the upper edge of the deck line. (See in figs. 55 and 56, a+t=m.)

(c) In the case of a vessel for which it is desired to have only one set of tonnages, the tonnage mark shall be placed at the level of the uppermost part of the loadline grid as provided by § 2.91(b). (See fig. 56.)

§ 2.99 Application for measurement according to the optional dual-tonnage method.

(a) Application of the owner or his agent for measurement of a vessel under the provisions of the optional dual tonnage method shall be submitted in duplicate together with supporting plans or sketches to the customs officer in charge of the district in which the vessel is or will be located.

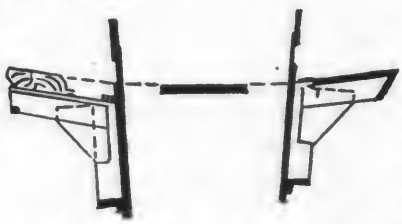

FIGURE 56.—Deck line—12 inches x 1 inch

(b) The application shall include the following information: (See figures 55, 56, and 57.)

(1) Molded depth at midship section from second deck at side.

(2) Depth used with tonnage mark table.

(3) Length of shorter portion of stepped second deck if any.

(4) Total length of longer and shorter portions of stepped second deck.

(5) Length used with tonnage mark table.

(6) Height of step (break) in the second deck, if any.

(7) Distance from the molded line of the second deck or equivalent to the upper edge of the tonnage mark.

(8) Molded draft to the upper edge of the tonnage mark.

(9) Freeboard from the loadline certificate.

(10) Molded draft to the loadline.

(11) Horizontal distance from the centerline of the loadline disk to the apex of the triangle on the tonnage mark.

(12) Vertical distance from the deck line to the tonnage mark.

(13) Vertical distance from the molded line of the second deck or equivalent to the deck line for freeboard.

(14) Allowance for fresh water and tropical waters (1/48 of the molded draft to the upper edge of the tonnage mark).

(15) The name and official number of the vessel, if assigned.

(16) Builder's name and hull number if official number has not been assigned.

(17) Time and place vessel will be available for measurement.

(18) Whether two sets of tonnages are desired.

(c) The owner may request confirmation of the proposed location of the tonnage mark based on the information contained in the application.

(d) On a copy of the application or on an attachment thereto, the owner shall be advised:

(1) That the vessel will be measured under the provisions of the optional dual-tonnage method; and

(2) Whether the proposed location of the tonnage mark determined according to the information furnished on the application is correct under the provisions of the regulations.

§ 2.100 Certification as to location of the tonnage mark.

(a) Before a certificate of admeasurement shall be issued for a vessel requiring a tonnage mark, the owner or his agent shall certify that a tonnage mark has been placed on each side of the vessel in accordance with the pertinent provisions of the regulations.

(b) A certification by the American Bureau of Shipping or other recognized classification society that the tonnage marks have been placed on the vessel in accordance with the provisions of the regulations shall be accepted as evidence of proper marking.

(c) In the absence of a certification by the American Bureau of Shipping or other recognized classification society, the customs officer in charge may at any time cause a tonnage mark to be verified on a vessel in his district.

These amendments provide an optional method for measurement of vessels and are within the exception of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) as to effective date requirement. These amendments, therefore, shall be effective on the date of their publication in the FEDERAL REGISTER.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: March 10, 1966.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 66-2690; Filed, Mar. 10, 1966; 11:31 a.m.]

Title 21—FOOD AND DRUGS

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

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

MINERAL OIL

Correction

In F.R. Doc. 66-2286, appearing at page 3394 of the issue for Friday, March

4, 1966, the following corrections should be made:

1. In § 121.2589(c)(1)(iii), the column heading reading "wave length (mu)" is corrected to read "wave length (m_μ)".

2. In § 121.2589(c)(2) the section number "121.256" in the last line is corrected to read "121.2562".

Title 42—PUBLIC HEALTH

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

PART 21—COMMISSIONED OFFICERS

Prescription of Numbers in Grade

Section 21.111 of Subpart G is amended to read as follows:

§ 21.111 Prescription of numbers in grade.

The following maximum number of officers is authorized to be on active duty in the Regular Corps in each of the grades from the junior assistant grade to the director grade, inclusive, during the fiscal year beginning July 1, 1965, and ending June 30, 1966:

Director grade	665
Senior grade	830
Full grade	710
Senior Assistant grade	500
Assistant grade	65
Junior Assistant grade	30
Total	2,800

(Sec. 206, 58 Stat. 694, as amended; 42 U.S.C. and supp., 207)

This amendment shall be effective as of July 1, 1965.

Dated: October 26, 1965.

[SEAL] WILLIAM H. STEWART,
Surgeon General.

Approved: November 9, 1965.

JOHN W. GARDNER,
Secretary.

[F.R. Doc. 66-2558; Filed, Mar. 10, 1966; 8:46 a.m.]

Title 45—PUBLIC WELFARE

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

PART 116—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR EDUCATION OF CHILDREN OF LOW-INCOME FAMILIES

Miscellaneous Amendments

Part 116 of Title 45 of the Code of Federal Regulations, dealing with the administration of Title II of Public Law 874, 81st Congress, as added by Title I, section 2, of the Elementary and Secondary Education Act of 1965 (Public Law 89-10), is amended principally to reflect the statutory amendments made by Public Law 89-313, with respect to the amount of payments to State educational agencies for administration and technical assistance and grants to State agencies for projects in State operated or supported schools for handicapped children. It also clarifies the regulations in certain regards.

1. Paragraphs (d), (l), (p), and (t) of § 116.1 are amended to read as follows:

§ 116.1 Definitions.

* * * * *

(d) "Average per pupil expenditure in a State" means the aggregate of the current expenditures (as defined in paragraph (h) of this section but otherwise without regard to the sources of funds from which such expenditures are made) of all local educational agencies in the State, divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education. For purposes of this paragraph the term "local educational agency" does not include a State agency which is directly responsible for providing, on a non-school-district basis, free public education for handicapped children who by reason of their handicap require special education.

* * * * *

(l) "Educationally deprived children" means those children in a particular school district who have the greatest need for special educational assistance in order that their level of educational attainment may be raised to that appropriate for children of their age. The term includes children who are handicapped or whose needs for such special educational assistance is a result of poverty or cultural or linguistic isolation from the community at large.

* * * * *

(p) "Local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent, or other school district located within a State, including a State agency which operates and maintains facilities for the providing of free public education in a county, township, independent, or other school district located within a State, but does not mean a public authority which merely provides a service function for public elementary or secondary schools. The term also includes any State agency which is by law, or in the absence of any such law by designation of the Governor of the State, directly responsible for providing, on a non-school-district basis, free public education for handicapped children who by reason of their handicap require special education.

* * * * *

(t) "Project area" means the attendance area, or combination of attendance areas, having a high concentration of children from low-income families which is designated in an application by a local educational agency for a grant under Title II of the Act as the area to be served by the particular project. The term does not apply to a project to be carried out by a State agency at a school for handicapped children operated or supported by that State agency.

* * * * *

2. The following new paragraph (e) is added at the end of § 116.2:

§ 116.2 Eligibility of local educational agencies.

* * * * *

(e) The provisions of this section shall not apply to a State agency which qualifies as a local educational agency by virtue of being directly responsible for providing, on a non-school-district basis, free public education for handicapped children who by reason of their handicap require special education.

3. The following new paragraph (d) is added at the end of § 116.3:

§ 116.3 Determination of maximum basic grants.

* * * * *

(d) The maximum basic grant for which a State agency which qualifies as a local educational agency by virtue of being directly responsible for providing, on a non-school-district basis, free public education for handicapped children who by reason of their handicap require special education, is eligible for any fiscal year shall be an amount equal to the Federal percentage of the average per pupil expenditure in that State multiplied by the number of handicapped children for whose education public funds were provided by that State agency in average daily attendance, in the most recent year for which satisfactory data are available, in schools for handicapped children operated or supported by that State agency. The provisions of this paragraph (d) do not apply to Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

4. Paragraphs (b) and (d) of § 116.17 are amended and a new paragraph (h) is added to read as follows:

§ 116.17 Project covered by an application.

* * * * *

(b) The application by a local educational agency for a grant shall designate for each project the project areas, which may include one or more school attendance areas with high concentrations of children from low-income families. The project area should, however, be sufficiently restricted in size in relation to the nature of the applicable project as to avoid jeopardizing its effectiveness in relation to the aims and objectives of the project. Each local educational agency shall design its projects in such a manner, and apply them to such school attendance areas, as will best meet the special educational needs of educationally deprived children from low-income families. A school attendance area for either elementary or secondary schools in which the percentage of children from low-income families is as high as the percentage of such children in the school district as a whole, or in which the number of children from low-income families is as large as the average number of such

children in the several school attendance areas in the school district, may be designated as a project area. Other areas with high concentrations of children from low-income families may be approved as project areas but only if the State agency determines that projects to meet the most pressing needs of educationally deprived children in areas of higher than average concentration have been approved and adequately funded. In certain cases, the whole of a school district, or a combination of contiguous attendance areas within a district, may be regarded as a single area of high concentration of children from low-income families but only if there are no wide variances in the concentrations of such children among the several school attendance areas. Projects for meeting the special educational needs in a school attendance area shall be applied in a manner that will best benefit those children who are to the greatest extent educationally deprived, whether the project area is served by a single school, or two or more schools, either elementary or secondary.

* * * * *

(d) The project for which the application for a grant is made must be designed for those educationally deprived children who have the greatest need in the project area for the special educational assistance. None of the educationally deprived children who are in need of the assistance to be provided will be denied the opportunity to participate in the project on the ground that they are not children from low-income families or on the ground that they are not attending school at the time. Other such educationally deprived children outside the project area may participate in the project but only to the extent that such a participation would not dilute the effectiveness of the project with respect to such educationally deprived children in the project area.

* * * * *

(h) A project by a State agency which qualifies as a local educational agency by virtue of being directly responsible for providing, on a non-school-district basis, free public education for handicapped children who by reason of their handicap require special education may include the acquisition of equipment and, where necessary in the case of a school owned by that State or by a public agency of that State, the construction of school facilities but shall be designed to meet the special educational needs of handicapped children who attend the school for handicapped children which is operated or supported by that State agency and at which the project is to be put into effect.

5. Paragraph (a) of § 116.19 is amended and a new paragraph (e) is added to read as follows:

§ 116.19 Participation by children enrolled in private schools.

(a) To the extent consistent with the number of educationally deprived children in the school district of the local educational agency who are enrolled in private elementary and secondary schools, the local educational agency must make provision for including special educational services and arrangements (such as dual enrollment, educational radio and television, and mobile educational services and equipment) in which such children can participate. The special educational services and arrangements are those which are designed to meet the special educational needs of educationally deprived children. These could include therapeutic, remedial, or welfare services, broadened health services, school breakfasts for poor children, and guidance and counseling services, as well as other special educational services and arrangements designed to meet the special educational needs of educationally deprived children.

* * * * *

(e) The provisions of this section do not apply with respect to schools for handicapped children that are supported by a State agency which is directly responsible for providing, on a non-school-district basis, free public education for such handicapped children.

6. Section 116.21 is amended to read as follows:

§ 116.21 Requirements with respect to construction.

In a case of a project involving the construction of school facilities, the application for a grant shall provide assurances that all laborers and mechanics employed by contractors or subcontractors on such construction will be paid wages at rates not less than those determined by the Secretary of Labor to be prevailing on similar construction in the locality in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 275a—275a–5); that such contractors and subcontractors will comply with the regulations in 29 CFR Part 3 (see 29 F.R. 97), and include all clauses required by 29 CFR 5.5 (a) and (c) (see 29 F.R. 100, 101, 13463, and 29 CFR Part 3, Subpart B—Interpretation of the fringe benefits provisions of the Davis-Bacon Act—published at 29 F.R. 13465); and that the nondiscrimination clause prescribed by Executive Order No. 11246 of September 24, 1965 (30 F.R. 12319), will be incorporated in any contract for construction work, or modfication thereof, as defined in said Executive order.

7. Paragraph (c) of § 116.33 is amended to read as follows:

§ 116.33 Allocation to local educational agencies.

* * * * *

(c) The State educational agency shall promptly advise the Commissioner of the amounts needed to fund those applications by local educational agencies for grants which are approved by the State educational agency, together with essential data concerning each of the projects covered by such applications, and of the additional amount not in excess of (1) one percent of the grants to local educational agencies or (2) $75,000 (or $25,000 in the case of Puerto Rico, Wake Island, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands), whichever is greater, which is required by the State educational agency for expenditure for administration and for technical assistance to local educational agencies with respect to measurement of educational achievement and evaluation of programs called for by § 116.22.

8. Paragraphs (c) and (d) of § 116.41 are amended to read as follows:

§ 116.41 Payments to States.

* * * * *

(c) The maximum amount of the payments that may be made to State educational agencies for administration and such technical assistance may not in any event exceed (1) one percent of the amounts distributed to local educational agencies on account of approved applications for basic grants or (2) $75,000 (or $25,000 in the case of Puerto Rico, Wake Island, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands), whichever is the greater.

(d) The Commissioner will during the fiscal year pay to each State an amount which is equal to the aggregate amount for which projects of local educational agencies have been approved by the State educational agency plus such amount as the State educational agency is entitled to, and may request, for administration and such technical assistance. The Commissioner may make advances to each State submitting an application for participation in the program under Title II of the Act and requesting such an advance.

* * * * *

9. Section 116.42 is amended to read as follows:

§ 116.42 Obligation of Federal appropriations.

Federal appropriations to carry out the purposes of Title II of the Act will be obligated on the basis of the maximum eligibility of local educational agencies for grants in accordance with the formulae prescribed by Title II of the Act, as such eligibility may be ratably reduced pursuant to § 116.9, plus the entitlement of State educational agencies for administration and technical assistance with respect to the measurement of educational achievement and evaluation of programs. Federal appropriations so obligated shall remain available for use by State and local educational agencies in the manner prescribed by § 116.46.

10. Paragraph (c) of § 116.45 is amended to read as follows:

§ 116.45 Limitation on payments to a local educational agency.

* * * * *

(c) The total of payments made to a local educational agency (other than a State agency which qualifies as a local educational agency by virtue of being directly responsible for providing, on a non-school-district basis, free public education for handicapped children who by reason of their handicap require special education) in respect to basic grants

for fiscal year 1966 shall not be greater than 30 percent of the sums budgeted for current expenditures by that local educational agency for that year.

• • • • •

11. Paragraph (a) of § 116.46 is amended and a new paragraph (e) is added to read as follows:

§ 116.46 Use of Federal funds granted to States.

(a) Federal funds granted to States under Title II of the Act shall be available until August 31 following the fiscal year for which the Federal appropriation was made for use by State and local educational agencies for projects approved during that fiscal year, except that grants for construction shall remain available for use for a reasonable period of time taking into consideration the nature of the program or project to be served by the construction and the magnitude of the construction to be undertaken. Funds made available to State educational agencies for administration and technical assistance shall remain available for such use until the close of that fiscal year.

• • • • •

(e) None of the funds granted to States under Title II of the Act may be used for religious worship or instruction.

12. That part of Subpart E which follows § 116.47 is amended to read as follows:

§ 116.48 State fiscal control and audit.

(a) The State educational agency shall for that agency and local educational agencies provide for such fiscal control and fund accounting procedures as may be necessary for the proper disbursement of funds paid to the State and to local educational agencies under Title II of the Act.

(b) All expenditures of Federal funds granted under Title II of the Act by local educational agencies or by State educational agencies shall be audited either by State auditors or by other appropriate auditors. The State educational agencies shall provide for appropriate audit standards for that purpose, with due regard for Federal auditing requirements. The results of such audits shall be used to substantiate State agency records and be made available to Federal auditors. Federal auditors shall be given access to such records or other documents as may be necessary to substantiate and verify the results of such audits.

§ 116.49–116.50 [Reserved]

13. The table of contents is amended to add at the end of Subpart E therein the following:

116.48 State fiscal control and audit.

14. Section 116.53 is amended to read as follows:

§ 116.53 Allowable expenditures.

(a) Federal funds made available to local educational agencies may be used by those agencies for such expenditures for activities directly related to approved projects as are reasonably necessary for the carrying out of such projects.

(b) Federal funds granted to State educational agencies for administration and technical assistance to local educational agencies with respect to the measurements of educational achievement and evaluation of the effectiveness of projects in meeting the special educational needs of educationally deprived children may be used by those agencies for such expenditures as are reasonably necessary for the carrying out of those activities.

(c) Federal funds made available under Title II of the Act to local educational agencies and to State educational agencies may be used only for those expenses which are incurred as a result of the grant program under that title. They include expenses such as those for:

(1) Salaries, wages, and other personal service costs of permanent and temporary staff employees and consultants for time spent on activities directly related to the grant program under Title II of the Act, including regular contributions of employers to retirement, workmen's compensation, and welfare funds, and payments for leave earned, with respect to time so spent;

(2) Communications;

(3) Utilities;

(4) The purchase of consumable office supplies, including stationery;

(5) Printing and acquisition of printed and published materials;

(6) Travel and transportation expenses;

(7) Acquisition (by purchase or lease) and maintenance and repair of necessary equipment;

(8) Minor alterations in previously completed building space used or to be used in the program under Title II of the Act when such alterations are needed to make effective use of equipment;

(9) The rental of office space in privately and publicly owned buildings to the extent such space is in fact used for the administration of the program under Title II of the Act, subject to the following provisions:

(i) The expenditures for the space are necessary and properly related to the efficient administration of the program;

(ii) The State will receive the benefits of the expenditures during the period of occupancy commensurate with such expenditures;

(iii) The amounts paid are not in excess of comparable rental in the particular locality;

(iv) Expenditures represent a current cost;

(v) In the case of a publicly owned building, like charges are made to other State agencies occupying similar space for similar purposes;

(10) The acquisition of leasehold and other interests in land necessary for local educational agency to carry out approved projects successfully; and

(11) In exceptional cases, the construction of buildings, and the structural alteration of existing building, when essential to the successful carrying out of approved projects.

(a) Federal funds under Title II of the Act shall not be available to pay all or a part of those expenses which the State or local educational agencies would have incurred even if they were not participating in the grant program under Title II of the Act.

Dated: January 21, 1966.

[SEAL] HAROLD HOWE II,
Commissioner of Education.

Approved: February 26, 1966.

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

[F.R. Doc. 66–2557; Filed, Mar. 10, 1966; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15657, RM–524; FCC 66–225]

PART 15—RADIO FREQUENCY DEVICES

Operation of Radio Controls for Door Operators; Order to Further Stay Effective Date of Certain Provision

1. Paragraph (a)(6) of § 15.211 prohibiting radiation from radio controls for door openers on the aeronautical safety and radionavigation frequencies became effective on September 7, 1965 (30 F.R. 9315, July 27, 1965). The effective date of this section with respect to equipment installed prior to September 7, 1965, was stayed to December 7, 1965; and further stayed to March 7, 1966, by an order adopted December 3, 1965 (30 F.R. 15150, Dec. 8, 1965). These stays were granted to allow time for study and analysis of problems relative to applicability of the rules to equipment installed prior to September 7, 1965.

2. At a technical Industry-Government conference held on October 11, 1965, a program of interference measurement and testing was agreed upon to determine the extent of radiation from typical radio control equipment and to determine the levels of radiation from these equipments which could be tolerated by various communications and radionavigation receivers commonly installed in aircraft.

3. The first phase of the test program involving measurement of these equipments at ground level has been completed. The second phase involving measurement of the same equipment in an airplane flying overhead has had to be delayed several times due to inclement weather and other reasons. No final determination can be made pending the completion of all phases of the test program. Under these circumstances final action in this proceeding must be deferred.

4. *It is, therefore, ordered*, That, paragraph (a)(6) of § 15.211 be stayed for a further period of 6 months ending September 7, 1966, insofar as it applies to

equipment installed prior to September 7, 1965.

5. This order is issued pursuant to authority contained in sections 4(1) and 405 of the Communications Act of 1934, as amended.

(Secs. 4, 405, 48 Stat. 1066, 1095, as amended; 47 U.S.C. 154, 405)

Adopted: March 7, 1966.

Released: March 7, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 66-2588; Filed, Mar. 10, 1966; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[No. 34626]

PART 203—DESTRUCTION OF RECORDS OF MOTOR CARRIERS AND BROKERS

Prescribed Periods of Retention

Order. At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 23d day of February A.D. 1966.

The Commission having under consideration the matter of regulations governing Destruction of Records of Motor Carriers and Brokers as revised by an order entered November 9, 1965, and published in the FEDERAL REGISTER on December 3, 1965 (30 F.R. 14984) and,

It appearing, that the retention period for tariffs, classifications, division sheets, and circulars relative to the transportation of persons or property (item 40(a) in § 203.8) was inadvertently reduced from "3 years after expiration or cancellation" to "2 years after expiration or cancellation"; and,

It further appearing, that correction is necessary to properly state the rules, and public rule making procedures pursuant to section 4 of the Administrative Procedure Act are deemed unnecessary, therefore for good cause shown:

It is ordered, That the order revising Part 203, Chapter 1 of Title 49 of the Code of Federal Regulations, published in 30 F.R. 14984, is corrected by changing the retention period for item 40(a) of § 203.8 from "2 years after expiration or cancellation" to "3 years after expiration or cancellation"; and,

It is further ordered, That in all other respects the said order entered November 9, 1965, shall remain in full force and effect as therein ordered; and,

It is further ordered, That this order shall be served on all motor carriers affected hereby and notice shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U.S.C. 320)

By the Commission, Division 2.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-2574; Filed, Mar. 10, 1966; 8:47 a.m.]

[1] Commissioner Bartley absent; Commissioner Loevinger's concurring statement filed as part of original document.

Proposed Rule Making

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 31, 33, 34, 35]

[Docket No. 16407]

PROPERTY ITEMS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Parts 31, 33, 34, and 35 of the Commission's rules to delete references to obsolete property items and to add items which have become representative; Docket No. 16407.

1. On January 7, 1966, the Commission released a notice of proposed rule making (31 F.R. 354) inviting comments in the above entitled matter on or before February 28, 1966, and reply comments on or before March 25, 1966.

2. On February 28, 1966, the American Telephone and Telegraph Co. (AT&T) on behalf of itself and the Bell System telephone companies filed a request for a 60-day extension of time in which to file comments. AT&T states that it finds that the allotted time to file comments is insufficient to allow a detailed study of the System of Accounts and that the additional time is needed therefor.

3. We believe that the Bell System companies with their intimate knowledge of the items of plant and equipment used in telephone operations are in a position to submit comments with respect to the proposals that should be helpful to the Commission in its consideration of this matter. We are desirous that all interested parties have ample time to make such studies as may be needed to submit meaningful comments. Therefore, this extension of time will apply to the whole of the subject proceeding and carriers other than AT&T are urged to take advantage of the time extension to file comments if none have been filed, or to supplement comments already filed.

4. *Accordingly, it is ordered,* This 7th day of March 1966, that the time for filing comments in this proceeding is extended to April 29, 1966, and the date for filing reply comments is extended to May 24, 1966.

5. This action is taken pursuant to the authority contained in sections 4(i) and 5(d)(1) of the Communications Act of 1934, as amended, and § 0.303(c) of the Commission's rules and regulations.

Released: March 7, 1966.

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

[F.R. Doc. 66-2589; Filed, Mar. 10, 1966; 8:49 a.m.]

[47 CFR Part 73]

[Docket No. 16004]

FIELD STRENGTH CURVES FOR FM AND TV BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

1. In its notice of proposed rule making in the above-entitled matter (FCC 65-383) the Commission invited comments by June 14, 1965, and reply comments by June 25, 1965, on proposed new propagation curves for FM and TV Broadcast Stations. In subsequent actions the time for filing comments was extended until March 15, 1966, and for reply comments until March 31, 1966. These extensions were granted in order to provide the Association of Federal Communications Consulting Engineers and others an opportunity to submit additional measurements or information and to permit the working group, which was formed after an engineering conference, to complete its work of redrafting the curves to be used in the rules. It is not expected that the work of the group will be finished in the allotted time. The working group now expects to complete its work before April 30, 1966, and will issue a report and the modified curves by that time. This report will be made a part of the record in the proceeding and additional copies will also be available at the Office of the Chief Engineer of the Commission. Public notice will be given of the issuance of the report. Interested parties will then be provided with an additional month in which to file comments on the revised curves.

2. We are therefore of the view that a further extension of time for filing comments in this proceeding would serve the public interest: *Accordingly, it is ordered,* This 4th day of March 1966, that the time for filing comments and reply comments are extended from March 15, 1966, to May 31, 1966, and from March 31, 1966, to June 10, 1966, respectively.

3. This action is taken pursuant to authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Released: March 7, 1966.

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

[F.R. Doc. 66-2590; Filed, Mar. 10, 1966; 8:49 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 14]

TIRE ADVERTISING AND LABELING GUIDES

Notice of Proposed Rule Making

Proposed Tire Advertising and Labeling Guides relating to tire safety, grade, quality, guarantees, and related matters were made public by the Federal Trade Commission for consideration by the industry and other interested or affected parties. These guides are proposed as a substitute for the Tire Advertising Guides adopted by the Commission May 20, 1958, and amended April 3, 1964. Simultaneously, the Commission also announced the adoption in final form of a new guide relating to deceptive tire pricing. This guide, a revision of paragraph (j) (Deceptive pricing) of the present Tire Advertising Guides, is set forth in the Rules and Regulations section[1] of this FEDERAL REGISTER.

The proposed guides were released under the following notice: "Notice of Opportunity to Present Written Views, Suggestions or Objections".

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties affected by or having an interest in the proposed Tire Advertising and Labeling Guides, to present to the Commission their views concerning these proposed guides, including pertinent information, suggestions, or objections as they may desire to submit. Such views, information, suggestions, or objections should be submitted by letter, memorandum, brief, or other written communication to be filed with the Commission not later than April 24, 1966.

The data, views, or arguments presented will be available for examination by interested parties at the Federal Trade Commission, Washington, D.C.

After due consideration of all matters presented in writing, the Commission will proceed to final action on the proposed guides.

Text of the proposed guides follows:

§ 14.3 Tire advertising and labeling guides.

(a) *"Industry Product" and "Industry Member" defined.* As used in this section, the terms "Industry Product" or "Product" shall mean pneumatic tires for use on passenger automobiles, station wagons, and similar vehicles, or the materials used therein. The term "Industry Member" shall mean: All persons or firms who are engaged in the manufacture, sale, or distribution of industry

[1] See F.R. Doc. 66-2514 *supra.*

products as above defined whether under the manufacturer's or a private brand; and the manufacturers of passenger automobiles, station wagons, and similar vehicles for which industry products are provided as original equipment.

(b) *Applicability.* The following general principles will be used in determining whether terminology and other direct or indirect representations subject to the Commission's jurisdiction regarding industry products conform to laws administered by the Commission.

(c) *Tire description.* (1) The purchase of tires for a motor vehicle is an extremely important matter to the consumer. Not only are substantial economic factors involved, but in most instances the purchaser will entrust the safety of himself and others to the performance of the product.

(2) To avoid being deceived, the consumer must have certain basic information. Certain of this information should be provided before the purchaser makes his choice but other is essential throughout the life of the tire.

(i) *Disclosure before the sale.* The following information should be disclosed on point of sale material which is prominently displayed and of easy access, on the premises where the purchase is to be made in order to apprise the consumer:

(*a*) *Load-carrying capacity of the tire.* This information is necessary to assure the purchaser that the tires he selects are capable of carrying the intended load. All such information shall be based on actual tests utilizing adequate and technically sound procedures. The test procedures and results shall be in writing and available for inspection.

(*b*) *Type of cord material.* Different cord materials can have performance characteristics that will affect the consumer's selection of tires. These various characteristics are widely advertised, and the consumer is aware of the distinctions. Without a disclosure of the cord material type, the consumer is unable to consider this factor in his purchase.

(*c*) *Actual number of plies.* Consumers have preference for industry products of a stated type of construction (e.g. 2 ply v. 4 ply). Without adequate disclosure the consumer is denied the basis for considering this factor in his selection.

(ii) *Disclosure on the tire.* The following information should be clearly disclosed in a permanent manner on the outside wall of the tire:

(*a*) *Size.* Size is extremely important not only to insure that the tire will fit the vehicle wheel, but because it also is a determining factor as to the load carrying capacity of the vehicle.

(*b*) *Whether tire is tubeless or tube type.* The use of a tube type tire, without a tube can be dangerous as can the use of a tubeless type tire on a rim designed for a tube. Without a clear disclosure of the type of tire, the consumer is unable to insure that he has selected the appropriate tire.

(*c*) *Actual number of plies.*

(iii) *Other disclosures.* One of the most important factors in obtaining tire performance is proper care and use. Included in such care is inflating the tire to the required level as related to load capacity and use. To insure that such pressures are maintained by the user, a table or chart should be provided for retention by the purchaser. This will apprise the purchaser of the load carrying capacity of the tires and the necessary tire pressure and other maintenance necessary to obtain optimum performance.

NOTE: Where tires are provided as original equipment for new automobiles, the automobile manufacturer should incorporate such information into the owner's manual usually provided to purchasers. (Guide 1.)

(d) *Designations of grade, line, level, or quality.* (1) There exists today no industry wide, Government, or other accepted system of quality standards or grading of industry products. Within the industry, however, a variety of trade terminology has developed which, when used in conjunction with consumer transactions, has the tendency to suggest that a system of quality standards or grading does in fact exist. Typical of such terminology are the expressions "line," "level," and "premium." The exact meaning of such terminology may vary from one industry member to another. Therefore, the "1st line" or "100 level" or "premium" tire of one industry member may be grossly inferior to the "1st line" or "100 level" or "premium" tire of another member since in the absence of an accepted system of grading or quality standards, each member can determine what "line," "level," or "premium" classification to attach to a tire.

(2) The consumer does not understand the significance of the absence of accepted grading or quality standards and is likely to assume that the expressions "line," "level," and "premium" connote valid criteria. Since the consumer is likely to misinterpret the meaning of such terminology, he may be deceived into purchasing an inferior product because it has been given such designation.

(3) In the absence of an accepted system of grading or quality standards for industry products, it is improper to represent, either through the use of such expressions as "line," "level," "premium," or in any other manner, that such a system exists, unless the representation is accompanied by a clear and conspicuous disclosure:

(i) That no industry wide or other accepted system of quality standards or grading of industry products currently exists, and

(ii) That representations as to grade, line, level, or quality, relate only to the private standard of the marketer of the tire so described (e.g. "XYZ first line").

(4) Additionally, products should not be described as being "first line" unless the products so described are the best products, exclusive of premium quality products embodying special features, of the manufacturer or brand name distributor applying such designation. (Guide 2.)

(e) *Deceptive designations.* In the advertising or labeling or products, industry members should not use designations for grades of products they offer to the public:

(1) Which have the capacity to deceive purchasers into believing that such products are equal or superior to a better grade or grades of that member's products when such conclusion would be contrary to fact (for example, if the "first line" tire of a manufacturer is designated as "Standard," "High Standard," or "Deluxe High Standard," the tires of that manufacturer which are of lesser quality should not be designated or described as "Super Standard," "Supreme High Standard," "Super Deluxe High Standard," or "Premium"), or

(2) Which are otherwise false or misleading.

NOTE: When a manufacturer applies a designation to a product which falsely represents or implies the product is equal or superior in quality to its better grade or grades of products, it is responsible for any resulting deception whether it is a direct result of the designation or a result of the placing in the hands of others a means and instrumentality for the creation by them of a false and deceptive impression with respect to the comparative quality of products made by that manufacturer. (Guide 3.)

(f) *Original equipment.* Original equipment tires are understood to mean the same brand and quality tires used generally as original equipment on new current models of vehicles of domestic manufacture. A tire which was formerly but is not currently used as "Original Equipment," should not be described as "Original Equipment" without clear and conspicuous disclosure in close conjunction with the term, of the latest actual year such tire was used as "Original Equipment." (Guide 4.)

(g) *Comparative quality and performance claims.* Representations and claims made by industry members that their products are superior in quality or performance to other products should not be made unless:

(1) The representation or claim is based on an actual test utilizing adequate and technically sound procedures of the performance of the advertised product and of the product with which it is compared; the test procedure, results of which are in writing and available for inspection; and

(2) The basis of the comparison is clearly stated and the comparison is based on identical conditions of use. Dangling comparatives should not be used. (Guide 5.)

(h) *Ply count, plies, ply rating.* A ply is a layer of rubberized fabric contained in the body of the tire and extending from one bead of the tire to the other bead of the tire. The consumer is interested, and is entitled to know certain information in regard to plies in tires. However, a great deal of terminology connected with plies which is utilized in advertising has the tendency to confuse and deceive the public and is accordingly inappropriate.

(1) It is improper to utilize any statement or depiction which denotes or implies that tires possess more plies than

they in fact actually possess. Phrases such as "Super 6" or "Deluxe 8" as descriptive of tires of less than 6 or 8 plies, respectively, should not be used.

(2) The actual number of plies in a tire is not necessarily determinative of the ultimate strength performance, or quality of the product. Variations in the amount and type of fabric utilized in the ply and other construction features of the tire will determine the ultimate strength, performance, or quality of the product. Through variations in these construction aspects, a tire of a stated number of plies may be inferior in strength, quality, and performance to another tire of lesser actual ply count. Accordingly, it is improper to represent in advertising, or otherwise, that solely because a product has more plies than another, it is superior.

(3) The expression "ply rating" as used in the trade is an index of tire strength. Each manufacturer, however, has his own system of computing "ply rating." Thus a product of one industry member of a stated "ply rating" is not necessarily of the same strength as the product of another member with the identical rating. While the expression "ply rating" may have significance to industry members, in the absence of a publicized system of standardized ratings, the use of such expressions in connection with sales to the general public may be deceptive and should not be used. (Guide 6.)

(i) *Cord materials.* (1) The fabric that is utilized in the ply is known as the cord material. The use of a particular type of cord material may be determined by the use to which the tire will be placed. One type of cord material may provide one desired characteristic, but not be used because of other characteristics which may be unfavorable.

(2) The type of cord material utilized in a tire is not necessarily determinative of its ultimate quality, performance, or strength. Through variations in the denier of the material, the amount to be used and other construction aspects of the tire, the ultimate quality, performance, and strength is determined.

(3) It is improper to represent in advertising, or otherwise, that solely because a particular type of cord material is utilized in the construction of a tire, it is superior to tires constructed with other types of cord material. Such advertising is deceptive for it creates that impression in the consumers mind whereas in fact it does not take into consideration the other variable aspects of tire construction.

(4) When the type of cord material is referred to in advertising, it must be made clear that it is only the cord that is of the particular material and not the entire tire. For example, it would be improper to refer to a product as "Nylon Tire." The proper description is "Nylon Cord Tire." Similarly, when the manufacturer of the cord material is mentioned, it should be made clear that he did not manufacture the tire. For example, a tire should be described as "Brand X Nylon Cord Material" and not "Brand X Nylon Tire." (Guide 7.)

(j) *"Change-Overs," "New Car Take Offs," etc.* Industry products should not be represented as "Change-Overs" or "New Car Take Offs" unless the products so described have been subjected to but insignificant use necessary in moving new vehicles prior to delivery of such vehicles to franchised distributor or retailer. "Change-Overs" or "New Car Take Offs" should not be described as new. Advertisements of such products should include a clear and conspicuous disclosure that "Change-Overs" or "New Car Take Offs" have been subjected to previous use. (Guide 8.)

(k) *Retreaded and used tires.* Advertisements of used or retreaded products should clearly and conspicuously disclose that same are not new products. Unexplained terms, such as "New Tread," "Nu-Tread," and "Snow Tread" as descriptive of such tires do not constitute adequate disclosure that tires so described are not new. All such tires should be clearly designated as "retreads" or "retreaded." (Guide 9.)

(l) *Disclosure that products are obsolete or discontinued models.* Advertisements should clearly and conspicuously disclose that the products offered are discontinued models or designs or are obsolete when such is the fact.

NOTE: The words "model" and "design" used in connection with tires include width, depth, and pattern of the tread as well as other aspects of their construction. (Guide 10).

(m) *Blemished, imperfect, defective, etc. products.* Advertisements of products which are blemished, imperfect, or which for any reason are defective, should contain conspicuous disclosure of that fact. In addition, such products should have permanently stamped or molded thereon or affixed thereto and to the wrappings in which they are encased, a plain and conspicuous legend or statement to the effect that such products are blemished, imperfect, or defective. Such markings by a legend such as "XX" or by a color marking or by any other code designation which is not generally understood by the public is not considered to be an adequate disclosure. (Guide 11.)

(n) *Pictorial misrepresentations.* It is improper to utilize in advertising, any picture or depiction of an industry product other than the product offered for sale. Where price is featured in advertising, any picture or depiction utilized in connection therewith should be the exact tire offered for sale at the advertised price. For example, it would be improper to depict a white side wall tire with a designated price when the price is applicable to black wall tires. Such practice would be improper even if a disclosure is made elsewhere in the advertisement that the featured price is not for the depicted whitewalls. (Guide 12.)

(o) *Racing claims.* (1) Advertising in connection with racing, speed records, or similar events should clearly and conspicuously disclose that the tires on the vehicle are not generally available all purpose tires, unless such is the fact.

(2) The requirement of this paragraph (o) is applicable also to special purpose racing tires, which although available for such special purpose, are not the advertiser's general purpose product.

(3) Similarly, designations should not be utilized in conjunction with any industry product which falsely suggest, directly or indirectly, that such product is the identical one utilized in racing events or in a particular event. (Guide 13.)

(p) *Bait advertising.* (1) Bait advertising is an alluring but insincere offer to sell a product which the advertiser in truth does not intend or want to sell. Its purpose is to obtain leads as to persons interested in buying industry products and to induce him to visit the member's premises. After the person visits the premises, the primary effort is to switch him from buying the advertised product in order to sell something else, usually at a higher price.

(2) No advertisement containing an offer to sell a product should be published when the offer is not a bona fide effort to sell the advertised product. Among the acts and practices which will be considered in determining if an advertisement is bona fide are: (i) The advertising of a product at a price applicable only to unusual or off size tires or for special purpose tires;

(ii) The refusal to show or sell the product offered in accordance with the terms of the offer;

(iii) The failure to have available at all outlets listed in the advertisement a sufficient quantity of the advertised product to meet reasonably anticipated demands, unless the advertisement clearly and adequately discloses that the supply is limited and/or the merchandise is available only at designated outlets;

(iv) The disparagement by acts or words of the advertised product or the disparagement of the guarantee, credit terms, or in any other respect in connection with it;

(v) Use of a sales plan or method of compensation for salesmen or penalizing salesmen, designed to prevent or discourage them from selling the advertised product. (Guide 14.)

(q) *Deceptive pricing.*

NOTE: This paragraph (Deceptive pricing) was adopted by the Commission in final form and is set forth in the Rules and Regulations section of this FEDERAL REGISTER. (Guide 15.)

(r) *Guarantees.* (1) In general, any advertising containing a guarantee representation shall clearly and conspicuously disclose:

(i) *The nature and extent of the guarantee.* (a) The general nature of the guarantee should be disclosed. If the guarantee is, for example, against defects in material or workmanship, this should be clearly revealed.

(b) Disclosure should be made of any material conditions or limitations in the guarantee. This would include any limitation as to the duration of a guarantee, whether stated in terms of treadwear, time, mileage, or otherwise. Exclusion of tire punctures also would constitute a material limitation. If the

guarantor's performance is conditioned on the return of the tire to the dealer who made the original sale, this fact should be revealed.

(c) When a tire is represented as "guaranteed for life" or as having a "lifetime guarantee," the meaning of the term "life" or "lifetime" should be explained.

(d) Guarantees which under normal conditions are impractical of fulfillment or for such a period of time or number of miles as to mislead purchasers into the belief the tires so guaranteed have a greater degree of serviceability or durability than is true in fact, should not be used.

(ii) *The manner in which the guarantor will perform.* This consists generally of a statement of what the guarantor undertakes to do under the guarantee. Types of performance would be repair of the tire, refund of purchase price or replacement of the tire. If the guarantor has an option as to the manner of the performance, this should be expressly stated.

(iii) *The identity of the guarantor.* The identity of the guarantor should be clearly revealed in all advertising, as well as in any documents evidencing the guarantee. Confusion of purchasers often occurs when it is not clear whether the manufacturer or the retailer is the guarantor.

(iv) *Pro rata adjustment of guarantees—(a) Disclosure in advertising.* Many guarantees provide that in the event of tire failure during the guarantee period a credit will be allowed on the purchase price of a replacement tire, the amount of the credit being in proportion to the treadwear or time remaining under the guarantee. All advertising of the guarantee should clearly disclose the pro rata nature of the guarantee and the price basis upon which adjustments will be made.

(b) *Price basis for adjustments.* (1) Usually under this type of guarantee the same predetermined amount is used as a basis for the prorated credit and the purchase price of the replacement tire. If this so-called "adjustment" price is not the actual selling price but is an artificial, inflated price the purchaser does not receive the full value of his guarantee. This is illustrated by the following example:

"A" purchases a tire which is represented as being guaranteed for the life of the tread. After 75 percent of the tread is worn, the tire fails. The dealer from whom "A" seeks an adjustment under his guarantee is currently selling the tire for $15 but the "adjustment" price of the tire is $20. "A" receives a credit of 25 percent or $5 toward the price of the replacement tire. This credit is applied not on the actual selling price but on the artificial "adjustment" price of $20. Thus, "A" pays $15 for the new tire which is the current selling price of the tire.

(2) Under the facts described in this illustration the guarantee was worthless as the purchaser could have purchased a new tire at the same price without a guarantee. If 50 percent of the tread remained when the adjustment was made, the purchaser would have received a credit of $10 toward the $20 replacement price. He must still pay $10 for a replacement tire. Had the adjustment been made on the basis of the actual selling price he would have obtained a new tire for $7.50. Thus, while deriving some value from his guarantee he did not receive the value he had reason to expect under the guarantee.

(2) Accordingly, to avoid deception of purchasers as to the value of guarantees, adjustments should be made on the basis of either (1) the original purchase price of the guaranteed tire, or (2) the adjusting dealer's actual current selling price of the replacement tire. (Guide 16.)

(s) *Safety or performance features.* Absolute terms such as "skidproof," "blowout proof," "blow proof," "puncture proof," should not be unqualifiedly used unless the product so described affords complete and absolute protection from skidding, blowouts, or punctures, as the case may be, under any and all driving conditions. (Guide 17.)

(t) *Other claims and representations.* (1) No claim or representation should be made concerning an industry product which directly, by implication, or by failure to adequately disclose additional relevant information, has the capacity or tendency or effect of deceiving purchasers or prospective purchasers in any material respect. This prohibition includes, but is not limited to, representations or claims relating to the construction, durability, safety, strength, condition, or life expectancy of such products.

(2) Also included among the prohibitions of this paragraph (t) are claims or representations by members of this industry or by distributors of any component parts of materials used in the manufacture of industry products, concerning the merits or comparative merits (as to strength, safety, cooler running, wear, or resistance to shock, heat, moisture, etc.) of such products, components or materials, which are not true in fact or which are otherwise false or misleading. (Guide 18.)

(u) *Snow tire advertising.* Many manufacturers are now offering winter tread tires with metal spikes. Certain States, or other jurisdictions, however, prohibit the use of such tires because of possible road damage. Accordingly, in the advertising of such products, a clear and conspicuous statement should be made that the use of such tires is illegal in certain States or jurisdictions. Further, when such tires are locally advertised in areas where their use is prohibited, a clear and conspicuous statement to this effect must be included. (Guide 19.)

Issued: March 10, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 66-2515; Filed, Mar. 10, 1966; 8:45 a.m.]

Notices

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

ORGANIZATION

Miscellaneous Amendments

Effective upon publication in the FEDERAL REGISTER, the following amendments to paragraph (d) *Border Patrol Sectors* of sec. 1.51 *Field Service* of the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, December 8, 1954), as amended, are prescribed:

1. Sector No. 10 is amended to read as follows:

SECTOR NO. 10—LIVERMORE, CALIF.

Bakersfield, Calif.	Sacramento, Calif.
Fresno, Calif.	Salinas, Calif.
Livermore, Calif.	Stockton, Calif.

2. Sector No. 12 is amended to read as follows:

SECTOR NO. 12—EL CENTRO, CALIF.

Calexico, Calif.	Indio, Calif.
El Centro, Calif.	

Dated: March 7, 1966.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 66-2552; Filed, Mar. 10, 1966; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[P. & S. Docket No. 311]

MARKET AGENCIES AT KANSAS CITY STOCK YARDS

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on February 24, 1966, continuing in effect to and including April 29, 1966, an order issued on October 29, 1959 (18 A.D. 1168), which as modified by an order issued on January 22, 1962 (21 A.D. 32), authorizes the respondents, Market Agencies at Kansas City Stock Yards, Kansas City, Mo., to assess the current temporary schedule of rates and charges.

On February 17, 1966, a petition was filed on behalf of the respondents, in part, requesting authority to modify, as soon as possible, the current temporary schedule of rates and charges as indicated below, and requesting that the current schedule, as so modified, be continued in effect for a period of at least 2 years.

SECTION B—SELLING AND RESELLING CHARGES (IRRESPECTIVE OF THE MANNER OF ARRIVAL)

	Rate per head	
	Proposed	Present
Cattle		
Consignment of 1 head and 1 head only	$1.75	$1.75
First 5 head in each consignment	1.50	1.40
Next 10 head in each consignment	1.40	1.30
Each head over 15 in each consignment	1.30	1.20
TB or Bangs reactors, crippies or postmortem	2.00	2.00
Bulls		
700 pounds or over	2.00	2.00
Calves		
Consignment of 1 head and 1 head only	1.00	.85
First 5 head in each consignment	.90	.70
Next 10 head in each consignment	.85	.60
Each head over 15 in each consignment	.80	.50
TB or Bangs reactors, crippies or postmortem	.95	.95
Hogs		
Consignment of 1 head and 1 head only	.70	.70
First 10 head in each consignment	.51	.48
Next 15 head in each consignment	.46	.43
Each head over 25 in each consignment	.41	.38
Cripple and postmortem	.90	.85
Boars and stags over 180 pounds	1.00	1.00
Sows—All weights—10 cents per head over above schedule (new rate).		
Sheep		
Consignment of 1 head and 1 head only	.60	.60
First 10 head in each 225 in each consignment	.45	.43
Next 20 head in each 225 in each consignment	.40	.38
Next 30 head in each 225 in each consignment	.34	.32
Next 40 head in each 225 in each consignment	.24	.22
Next 125 head in each 225 in each consignment	.15	.12
Cripples and postmortems	.65	.65

SECTION B-1

Selling and Buying Commissions on Consignments of Cattle and/or Calves Received for Sale or Purchase Orders Filled at Auction:

The rate for selling and buying cattle and/or calves consigned to commission firms for sale, or purchase orders filled by market agencies at regularly scheduled cattle auctions held at the Kansas City Stock Yards Sales Pavilion, shall be the same as those set out in section B, except as follows:

Present. The charges for selling cattle and calves for the account of registered dealers at the Kansas City Live Stock Market consigned to commission firms for sale by auction at the Kansas City Stock Yards will be one-half of the rates shown in section B (providing such consignments are made up of cattle and calves which have been purchased on the open market at the Kansas City Stock Yards) and on which commission charges have been previously assessed.

Proposed. The charges for selling cattle and calves for the account of registered dealers at the Kansas City Live Stock Market consigned to commission firms for sale by auction at the Kansas City Stock Yards will be 50 percent of the rates shown in section B, this charge to be made whether sold or passed out (providing such consignments are made up of cattle and calves which have been purchased on the open market at the Kansas City Stock Yards) and on which commission charges have been previously assessed. In the event pass out cattle are later sold by commission firm to whom they were consigned for auction, the above charge will be deducted from rates shown in section B.

* * * * *

SECTION B-3

Livestock Entered in American Royal Livestock Show.

Present. In addition to the regular charges the following will be made on entries of livestock:

Fat cattle (15 to the car) (per car)	$15.00
Stockers and feeders (20 to the car) (per car)	15.00
Hogs (25 to the car) (per car)	10.00
Sheep (50 to the car) (per car)	10.00
Each group under a car lot (per head)	.50
Each single head regardless of species (per head)	.50

Proposed. In addition to the regular charges the following will be made on entries of livestock:

Fitted Stocker and Feeder Cattle (20 head) (per car)	$15.00
Each group under a car lot (per head)	.50
Each single head regardless of species (per head)	.50

Cattle and Calves entered in either the Commercial Stocker and Feeder Show or the Commercial Fat Carlot Show and Sale will be assessed only the regular selling commission as listed section B.

* * * * *

SECTION E

DEDUCTIONS MADE BY REQUEST

* * * * *

Delete. Brand Inspection Charges (collected at the request of the Texas Southwestern Cattle Raisers Association, Inc.).

The sum of 8 cents per head shall be deducted from the proceeds of all cattle originating in, or shipped from, the State of Texas for the purpose of determining ownership of all such cattle.

The modifications, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., 20250, within

10 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of March 1966.

GLEN G. BIERMAN,
Acting Director, Packers and Stockyards Division, Consumer and Marketing Service.

[F.R. Doc. 66-2535; Filed, Mar. 10, 1966; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Sacramento 080236]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation, U.S. Department of the Interior, has filed an application, serial number Sacramento 080236, for the withdrawal of the lands described below, from all forms of entry or disposition under the public land laws including the mining and mineral leasing laws, subject to existing valid claims.

The applicant desires the lands for the construction, operation, and maintenance of the planned facilities for Stampede Reservoir of the Washoe Project, Nevada-California.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room 4201, U.S. Courthouse and Federal Building, Sacramento, Calif., 95814.

The Department's regulations (43 CFR 2311.1-3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN—CALIFORNIA

T. 19 N., R. 16 E.,
Sec. 26, NW¼NW¼ and N½SW¼NW¼;
Sec. 34, N½N½.

The areas described aggregate approximately 220 acres.

R. J. LITTEN,
Chief, Lands Adjudication Section, Sacramento Land Office.

[F.R. Doc. 66-2570; Filed, Mar. 10, 1966; 8:47 a.m.]

National Park Service

BLUE RIDGE PARKWAY

Notice of Intention To Extend Concession Contract

Pursuant to the provisions of section 5, Public Law 89-249, public notice is hereby given that the Department of the Interior, through the Superintendent of Blue Ridge Parkway, National Park Service, proposes, thirty (30) days after the date of publication of this notice, to extend for the period January 1, 1966, through December 31, 1966, the concession contract under which Louis J. Yelanjian provides concession facilities and services for the public at Cherry Hill in the Blue Ridge Parkway.

The foregoing concessioner has performed his obligations under a prior contract to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above is entitled to be given preference in the renewal of the contract. However, under the act cited above the Service is also required to consider and evaluate all proposals received as a result of this notice.

SAM P. WEEMS,
Superintendent of Blue Ridge Parkway.

JANUARY 10, 1966.

[F.R. Doc. 66-2551; Filed, Mar. 10, 1966; 8:45 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

INSTITUTIONS OF HIGHER EDUCATION

Cutoff Date for Filing Applications for Grants for Cooperative Arrangements and National Teaching Fellowships

April 15, 1966, is hereby established as the date on or before which all applications by developing institutions for grants for Cooperative Arrangements and for National Teaching Fellowships under title III of the Higher Education Act of 1965 (Public Law 89-329, 79 Stat. 1219), from sums appropriated for the fiscal year 1966 must be filed in order to be considered for payments from funds available or to be made available for such purpose for the fiscal year 1966.

Such applications shall be made by submitting three copies of "Application for Grant for Strengthening Developing Institutions—Fiscal Period January 1 to June 30, 1966" (Form O.E.-1049 (1-66)) to:

Division of College Support, Bureau of Higher Education, U.S. Office of Education, Department of Health, Education, and Welfare, Washington, D.C., 20202.

Applications received by mail will be considered filed as of the date of postmark.

Forms for application may be obtained from the above address.

Dated: February 24, 1966.

[SEAL] HAROLD HOWE, II,
Commissioner of Education.

Approved: March 1, 1966.

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

[F.R. Doc. 66-2559; Filed, Mar. 10, 1966; 8:46 a.m.]

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Statement of Organization and Delegations of Authority

Part 8 of the Statement of Organization and Delegations of Authority of the Department (22 F.R. 1050), as amended, is amended by revising sections 8.00, 8.10, 8.20, 8.30, and 8.40 to read as follows:

SEC. 8.00. *Mission.* The Social Security Administration administers the Federal old-age, survivors, disability, and health insurance for the aged programs and the Federal Credit Union Act. It is responsible for studying the problems of poverty, insecurity, and the health care needs of the aged and the contributions that can be made to their solution by social insurance and related programs, and for making recommendations as to the most effective methods of improving social and economic security through social insurance.

SEC. 8.10. *Organization.* (a) The Social Security Administration, which is under the supervision and direction of the Commissioner of Social Security, consists of:

Office of the Commissioner:

Immediate Office of the Commissioner.
Office of the Assistant Commissioner, Field Office of the Regional Assistant Commissioner.

Office of the Actuary.
Office of Administration:

Office of the Assistant Commissioner.
Employee Management Relations and Equal Employment Opportunity Staff.
Management Coordination and Special Projects Staff.
Division of Administrative Appraisal and Planning.
Division of Audits and Investigations.
Division of Employee Development.
Division of Financial Management.
Division of Operating Facilities.
Division of Personnel.

Division of Systems Coordination and Planning.
Employee Health Service.
SSA Employee Communications Staff.
SSA Operations Research Staff.

Office of Information:

Office of the Information Officer.
Operations Branch.
Production Branch.
Public Inquiries Branch.

Office of Program Evaluation and Planning:

Office of the Assistant Commissioner.
Division of Coverage and Disability Benefits.
Division of Health Insurance.
Division of Retirement and Survivors Benefits.

Office of Research and Statistics:

Office of the Assistant Commissioner:
International Staff.
Publications Staff.
Research Grants Staff.
Division of Economic and Social Surveys.
Division of Health Insurance Benefits Studies.
Division of Program and Long-Range Studies.
Division of Statistics.

Bureau of Data Processing and Accounts:

Office of the Bureau Director.
Division of Accounts and Adjustments.
Division of Central EDP Operations.
Division of Certification.
Division of Management Coordination.
Division of Methods and EDP Systems.
Division of Registration.
Division of Statistical Services.

Bureau of Disability Insurance:

Office of the Bureau Director.
Chief Medical Officer: Medical Consultant Staff.
Division of Benefit Services.
Division of Disability Policy and Procedures.
Division of Evaluation and Authorization.
Division of Management.
Division of Reconsideration.
Division of State Disability Operations.
Office of the Regional Representative, Disability Insurance.

Bureau of District Office Operations:

Office of the Bureau Director: Operations Analysis and Standards Staff.
Division of Field Operations and Management.
Division of Field Organization and Methods.
Division of Operating Policy and Procedure.
Office of the Regional Representative, District Office Operations.

Bureau of Federal Credit Unions:

Office of the Bureau Director.
Division of Administration.
Division of Examination and Accounting.
Division of Organization and Standards.
Division of Statistical Research and Analysis.
Office of the Regional Representative, Federal Credit Unions.

Bureau of Health Insurance:

Office of the Bureau Director.
Office of the Chief Medical Officer.
Division of Health Insurance Methods and Procedures.
Division of Health Insurance Policy and Standards.
Division of Health Insurance Reimbursement.
Division of Insurance Operations.
Division of Management.
Division of State Operations.
Office of the Regional Representative, Health Insurance.

Bureau of Hearings and Appeals:

Office of the Bureau Director:
Appeals Council.
Medical Advisory Staff.
Division of Administration.
Division of Field Operations:
Office of the Regional Hearings Representative.
Division of Program Operations.

Bureau of Retirement and Survivors Insurance:

Office of the Bureau Director.
Division of Benefit Continuity.
Division of Community Services.
Division of Coverage.
Division of Entitlement.
Division of Foreign Claims.
Division of Management.
Division of Operations.
Division of Technical Services.
Office of the Regional Representative, Retirement and Survivors Insurance.

(b) Order of succession: During the absence or disability of the Commissioner of Social Security, or in the event of a vacancy in that office, the Deputy Commissioner shall act as Commissioner. During the absence or disability of both the Commissioner and Deputy Commissioner, an official designated by the Commissioner shall act as Commissioner.

SEC. 8.20. *Functions.* (a) Except as provided in paragraph (b) of this section and sections 2.30 and 8.30 of this statement, the Commissioner of Social Security shall exercise:

(1) The functions vested in the Secretary under Title II of the Social Security Act, as amended (42 U.S.C. 401–427); under Titles VII and XI of the Act, as amended (42 U.S.C. 902–907, 1301–1318), except insofar as the provisions of such Titles pertain to the Mission of the Welfare Administration as described in section 9.00 of this statement; under Title XVIII of the Act (42 U.S.C. 1395–1395ll), with appropriate advice from and consultation with the Public Health Service and Welfare Administration; section 1110 of the Social Security Act, as amended (42 U.S.C. 1310), insofar as such section pertains to the Mission of the Social Security Administration as described in section 8.00 of this statement; and under sections 1402(h), and 3121 (k) and (l) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 1402(h), 3121 (k) and (l)).

(2) The functions vested in the Secretary relating to the Mission of the Social Security Administration, as described in section 8.00 of this statement, under the Social Security Act which are not contained in the Act but which are contained in the Acts cited in Exhibit X8.00.1.

(3) The functions vested in the Secretary by section 5(k)(2) of the Railroad Retirement Act as amended (45 U.S.C. 228e), having to do with the determination and certification for the transfer of funds between the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, and the Railroad Retirement Account.

(4) Authority vested in the Secretary by letter dated September 1, 1960, to the Secretary of the Treasury from the Director, Bureau of the Budget, authorizing the carrying out of programs under section 104(k) of the Agricultural Trade Development and Assistance Act of 1954, as amended, insofar as this authority pertains to the Mission of the Social Security Administration as described in section 8.00 of this statement: *Provided*, That this authority shall be exercised in accordance with applicable policies and procedures established by appropriate authorities to ensure consistency with basic foreign policy and with related Federal programs.

(5) Authority vested in the Secretary by section 4 of Public Law 86–610, approved July 12, 1960 (74 Stat. 364), with respect to responsibilities relating to the Mission of the Social Security Administration as described in section 8.00 of this statement: *Provided*, That this authority shall be exercised in accordance with applicable policies and procedures by appropriate authorities to ensure consistency with basic foreign policy and with related Federal programs.

(b) In accordance with applicable rules and regulations, the Appeals Council, its members, and Hearing Examiners in the Bureau of Hearings and Appeals, shall exercise all duties, powers, and functions of the Secretary relating to the holding of hearings, the administration of oaths and affirmations, the issuance of subpoenas, the examination of witnesses, the receipt of evidence, the rendition of decisions, and the review of decisions in connection with administrative appeals by individuals from determinations made under: (1) Title II of the Social Security Act, as amended, and affecting their rights to benefits, lump sum payments, earnings credited to accounts, and disability determinations; and (2) Title XVIII of the Social Security Act and affecting their rights to, and amounts of, benefits.

(c) The functions, powers, and duties of the Bureau of Federal Credit Unions under the Federal Credit Union Act, as amended (Public Law 86–354; 12 U.S.C. 1751–1772), shall be exercised by the Director of the Bureau of Federal Credit Unions under the general direction and supervision of the Commissioner of Social Security.

SEC. 8.30. *Limitations on authority.* (a) The Secretary shall serve as a member of the Board of Trustees of the (1) Federal Old-Age and Survivors Insurance Trust Fund, (2) Federal Disability Insurance Trust Fund, (3) Federal Hospital Insurance Trust Fund, and (4) Federal Supplementary Medical Insurance Trust Fund. During the absence of the Secretary, the Under Secretary or the Assistant Secretary for Legislation shall serve. During the absence or disability of the Secretary and the Under Secretary, and Assistant Secretary for Legislation, the Commissioner of Social Security shall represent the Secretary.

(b) Authority conferred by sections 218(j), 706, 1813(b)(2), 1839(b)(2), 1867, 1868, and 1869(c) of the Social

Security Act, as amended, shall be exercised only by the Secretary.

(c) Authority to terminate agreements with States entered into pursuant to section 1864 of the Social Security Act, as amended, shall be exercised only by the Secretary.

SEC. 8.40. *Redelegation of authority.* Authority contained in paragraph 8.20 (a) of this statement may be redelegated by the Commissioner to such officers and employees of the Social Security Administration as he may deem appropriate, except that:

(a) Authority contained in paragraph 8.20(a)(3) of this statement may be redelegated only to the Deputy Commissioner of Social Security.

(b) Agreements and modifications of agreements under sections 218, 221(b), 1816(a), 1842(a), 1843(a), 1864(a), 1866 (a) or 1874 of the Social Security Act, as amended, shall be reviewed by the Office of the General Counsel for legal form and substance.

(c) Authority conferred by section 218 (g)(2) of the Social Security Act, as amended, shall be exercised only by the Commissioner and the Deputy Commissioner of Social Security. Notwithstanding such limitation, the Commissioner may redelegate the authority to terminate an agreement with respect to one or more coverage groups in any case where a State waives the required notice and hearing provided in section 218(g)(2) of the Act, as amended, and consents to the removal of a group or groups from the agreement because the group(s) is dissolved, or is no longer legally able to function although not legally dissolved.

(d) Authority conferred by section 218 (s) of the Social Security Act, as amended, shall be exercised only by the Commissioner of Social Security. Notwithstanding such limitation, the Commissioner may redelegate the authority to grant, upon application by a State and for "good cause" shown, extensions of the time allowed for filing additional information or agrument in connection with a request for review filed pursuant to section 218(s).

(e) Authority conferred by section 1866(b)(2) of the Social Security Act, as amended, to terminate an agreement with a provider of services shall be exercised only by the Commissioner of Social Security.

(f) Authority conferred by section 1866(d) of the Social Security Act, as amended, to withhold payment for inpatient hospital services or for posthospital extended care services for failure to make timely utilization reviews, shall be exercised only by the Commissioner and Deputy Commissioner of Social Security.

(g) Authority conferred by sections 1816(b) and 1842(b)(2) of the Social Security Act, as amended, where the determination is that an agency, organization, or carrier will be unable to carry out the terms of an agreement (contract), shall be exercised only by the Commissioner of Social Security.

(h) Authority conferred by sections 1816(e)(2) and 1842(b)(4) to terminate an agreement contract) with an agency, organization, or carrier shall be exercised only by the Commissioner of Social Security: *Provided further,* That he shall exercise such authority only after (1) such agency, organization, or carrier has been given an opportunity to request (within such time as is provided for by regulations) the Secretary to review the Commissioner's conclusions and findings and, where such request is made (2) the Secretary has declined to review or has concurred in the Commissioner's proposal to terminate such agreement (contract).

* * * * *

EXHIBIT X8.00.1

STATUTES, OTHER THAN THE SOCIAL SECURITY ACT, WHICH GIVE THE SECRETARY AUTHORITY RELATING TO THE MISSION OF THE SOCIAL SECURITY ADMINISTRATION

(a) Act of August 11, 1939 (Public Law 400, 76th Cong.), 53 Stat. 1420, sec. 2, 53 Stat. 1420.

(b) Act of August 13, 1940 (Public Law 764, 76th Cong.), 54 Stat. 785, sec. 5, 54 Stat. 787.

(c) Act of May 26, 1948 (Public Law 557, 80th Cong.), 62 Stat. 274, sec. 3(b)(5), 70 Stat. 980.

(d) Act of September 1, 1954 (Public Law 769, 83d Cong.), 68 Stat. 1142, as amended, September 26, 1961, Public Law 87-299, 75 Stat. 640.

(e) Internal Revenue Code of 1954, 68A Stat. 3, sec. 2121(k)(2), 68A Stat. 428, sec. 3121(1)(4), 68 Stat. 1095.

(f) Civil Service Retirement Act, 46 Stat. 468, sec. 3(j), 70 Stat. 745, 75 Stat. 623.

(g) Immigration and Nationality Act, 66 Stat. 204, sec. 290(c), 66 Stat. 234.

(h) International Organizations Immunities Act, 59 Stat. 669, sec. 5(b), 59 Stat. 671.

(i) Railroad Retirement Act of 1937, 50 Stat. 307, sec. 3(e), 50 Stat. 311, as amended, sec. 5(k)(2)(E), 65 Stat. 688, sec. 5(k)(3), 60 Stat. 732, 72 Stat. 1780, sec. 21(c), 79 Stat. 340.

(j) Social Security Act Amendments of 1939 (Public Law 379, 76th Cong.), 53 Stat. 1366, sec. 907, 53 Stat. 1402, 57 Stat. 45, 47, 58 Stat. 188, 68 Stat. 1085.

(k) Social Security Act Amendments of 1950 (Public Law 734, 81st Cong.), 64 Stat. 477, sec. 101(d), 64 Stat. 488, 66 Stat. 775, 74 Stat. 936, sec. 110, 64 Stat. 523.

(l) Social Security Amendments of 1954 (Public Law 761, 83d Cong.), 68 Stat. 1052, sec. 101(k), 68 Stat. 1060, sec. 102(e)(5), 68 Stat. 1068, 74 Stat. 966, sec. 109, 68 Stat. 1084, 74 Stat. 948, sec. 403(a), 68 Stat. 1098, 70 Stat. 855, 72 Stat. 938, 74 Stat. 944, sec. 404, 68 Stat. 1099.

(m) Social Security Amendments of 1956 (Public Law 880, 84th Cong.), 70 Stat. 807, sec. 104(f), 70 Stat. 826, sec. 116, 70 Stat. 838, 74 Stat. 994.

(n) Social Security Amendments of 1958 (Public Law 85-840), 72 Stat. 1013, sec. 314(c)(2), 72 Stat. 1037, sec. 316, 72 Stat. 1040, 74 Stat. 935.

(o) Social Security Amendments of 1960 (Public Law 86-778), 74 Stat. 924, sec. 101(d), 74 Stat. 927, sec. 102(f)(3)(B), 74 Stat. 934, sec. 102(h), 74 Stat. 934, sec. 102(i), 74 Stat. 935, sec. 102(k), 74 Stat. 935, sec. 105(b), 74 Stat. 943, sec. 404(a), 74 Stat. 970.

(p) Social Security Amendments of 1965 (Public Law 89-97), 79 Stat. 286, sec. 102(b), 79 Stat. 332, sec. 103(c), 79 Stat. 334, sec. 109(b), 79 Stat. 340, sec. 316(c), 79 Stat. 386, sec. 319(c), 79 Stat. 391, sec. 331(c), 79 Stat. 402.

(q) Other Social Security Act amendments, Public Law 85-227 (Aug. 30, 1957), 71 Stat. 512, sec. 2, 71 Stat. 512; Public Law 85-239 (Aug. 30, 1957), 71 Stat. 521, sec. 3, 71 Stat. 522; Public Law 86-284 (Sept. 16, 1959), 73 Stat. 566, sec. 3, 73 Stat. 566; Public Law 87-878 (Oct. 24, 1962), 76 Stat. 1202.

(r) Title 38, U.S. Code (Public Law 85-857), 72 Stat. 1105, sec. 422, 72 Stat. 1132, sec. 3001, 72 Stat. 1225, sec. 3005, 72 Stat. 1226.

(s) Trading with the Enemy Act of 1917, 40 Stat. 411, sec. 36(a), 60 Stat. 925.

(Sec. 6, Reorganization Plan No. 1 of 1953)

Approved: February 26, 1966.

[SEAL] WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 66-2560; Filed, Mar. 10, 1966; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16059; Order E-23328]

CORDOVA AIRLINES, INC.

Order Regarding Equalized Service Mail Rate

Adopted by the Civil Aeronautics Board at its Office in Washington, D.C., on the 7th day of March 1966.

By Order E-22427, adopted July 9, 1965, the Board directed all interested persons to show cause why the Board should not grant the petition of Cordova Airlines, Inc. (Cordova), seeking an adjustment of its service mail rate to apply between Anchorage-Soldotna. The requested adjustment would equalize the rate to that of Pacific Northern Airlines, Inc. (Pacific Northern), which provides mail service between Anchorage-Kenai at a service mail rate of $1.29 per ton-mile.

A notice of objection and answer have been filed by Pacific Northern opposing the adoption of the proposed findings and conclusions in Order E-22427. In support thereof, Pacific Northern states that it does not question the Board's established policy of permitting service mail rate equalization where such action enables carriers to compete on a similar footing for mail and improves the mail service, so long as the Board applies the policy only in markets where both carriers have a legal right to provide competitive mail service. However, it is Pacific Northern's contention that Cordova lacks the requisite operating authority to transport mail between Anchorage and Soldotna. Pacific Northern contends that the off-route provisions in

Cordova's certificate[1] do not authorize service between Anchorage-Soldotna since (1) Soldotna is more than 25 miles off the airline course between Anchorage-Seward, and (2) Soldotna is not a "point not named in any route of any other carrier."

On August 24, 1965, Cordova filed a reply to Pacific Northern's answer alleging that Soldotna is within 25 miles of the airline course customarily used between Anchorage and Seward and that it is not a point named in Pacific Northern's certificate. Thereafter, on September 24, 1965, Cordova filed an application in Docket 16515 seeking exemption authority to provide turnaround service of persons, property and mail between Anchorage and Soldotna during the months of October through March of each year. An answer in opposition to this application was filed by Pacific Northern to which a reply was in turn filed by Cordova. On November 12, 1965, by Order E–22879 the exemption sought by Cordova was granted.

The sole reason stated for Pacific Northern's objection to the equalization proposed in Order E–22427 was its contention that Cordova then lacked authority to serve Soldotna. Pacific Northern stated in its answer to the show cause order that it does not question the policy of permitting carriers to compete for the mail on a similar footing by establishing equalized mail rates.

Upon consideration of the pleadings and all the relevant facts, we have concluded that Cordova's operations at Soldotna are within the authorization conferred by Cordova's certificate. Pacific Northern's contention that Soldotna is a "point named" in Pacific Northern's certificate is without merit. Soldotna is not named in Pacific Northern's certificate and we do not construe "point named" to include a separate municipality 11 miles distant which is served by a separate airport.[2] It is true that Soldotna is more than 25 miles from the direct airport-to-airport routing between Anchorage and Seward. However, the direct airport-to-airport route is not operationally feasible and, therefore, cannot be considered as the "airline course" as that term is used in Cordova's certificate.[3] On the other hand, it appears that Soldotna is within 25 miles of the airline course generally flown between Anchorage and Seward, and we find, therefore, that service to Soldotna is authorized under the terms of Cordova's certificate. Since we have resolved the matter of Cordova's authority, it now seems appropriate for the Board to finalize the rate proposed in Order E–22427 for Cordova between Anchorage and Soldotna.[4]

The Board, upon consideration of the record, hereby reaffirms and makes final the findings and conclusions set forth in the order to show cause.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof,

It is ordered, That:

1. The fair and reasonable service mail rate to be paid Cordova Airlines, Inc., by the Postmaster General for mail transported by aircraft between Anchorage and Soldotna, Alaska, in either direction is $1.29 per mail ton mile.

2. Such service mail rate of $1.29 per mail ton mile shall be paid in its entirety by the Postmaster General pursuant to section 406(c) of the Federal Aviation Act of 1958, and no part of such amount shall be paid by the Board.

3. The mail ton miles to be used by the Post Office Department in determining service mail payments pursuant to this order shall be computed on the basis of the direct airport-to-airport mileage between points served.

4. The computation of mileages under Order E–7721, September 16, 1953, shall be made without regard to intermediate stops at Soldotna.

5. Cordova's basic service mail rate of $2.50 per mail ton mile is not reopened by this order and Cordova shall continue to be paid at that rate for all of its mail services except where equalized rates have been established under this order, Order E–20730, April 22, 1964, or Order E–23303, March 1, 1966.

6. This order shall be served upon Cordova Airlines, Inc., Pacific Northern Airlines, Inc., and the Postmaster General; and

7. This order shall be effective as of this date.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66–2585; Filed, Mar. 10, 1966; 8:48 a.m.]

[1] The pertinent portion of condition 2 of Cordova's certificate for Route 124 provides: "The holder may, with respect to each segment over which it is authorized to carry mail, include in schedules which it files under section 405(b) of the Federal Aviation Act of 1958, any point not named in any route of any other carrier: *Provided*, That any such point shall be included in such schedules only as an intermediate point and shall not be more than 25 miles off the airline course over the holder's route on which it is named; • • •."

[2] The fact that the Board recently authorized Cordova by exemption to serve Soldotna on turnaround flights underscores the fact that the Board itself has considered Soldotna to be a separate point for authorization purposes.

[3] See ER–410, adopted July 16, 1964.

[4] Since Soldotna is not now served for the carriage of mail by Cordova because of its higher mail rate, the Post Office Department does not recognize the extra mileage associated with an intermediate stop at Soldotna in compensating Anchorage-Seward mail. The Department's use of Cordova's new turnaround authority and equalized mail rate would require it to pay for the extra mileage associated with the Soldotna stop on Anchorage-Seward mail. In order that Cordova's new turnaround exemption authority may be fully implemented immediately, the Board will provide that Anchorage-Seward mail compensation shall be computed without regard to intermediate stops at Soldotna as requested in Cordova's original submission.

CIVIL SERVICE COMMISSION

DIRECTOR, DIVISION OF COLLEGE SUPPORT, OFFICE OF EDUCATION

Notice of Manpower Shortage

Under the provisions of section 7(b) of the Administrative Expenses Act of 1946, as amended, relating to the payment of travel and transportation expenses of appointees, the Civil Service Commission has found, that as of February 28, 1966, there is a manpower shortage for the position of Director, Division of College Support, GS–1720–16, Bureau of Higher Education, Office of Education, Department of Health, Education, and Welfare, Washington, D.C., 20201.

This finding terminates with the first appointment to the position on or after that date.

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

[F.R. Doc. 66–2587; Filed, Mar. 10, 1966; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16489, 16490; FCC 66–211]

McALISTER BROADCASTING CORP. AND KJJJ–TV

Order Designating Applications for Consolidated Hearing on Stated Issues.

In re applications of McAlister Broadcasting Corp., Lubbock, Tex., Docket No. 16489, File No. BPCT–3426; John B. Walton, Jr., doing business as KJJJ–TV, Lubbock, Tex., Docket No. 16490, File No. BPCT–3527; for construction permit for new television broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 2d day of March 1966;

1. The Commission has under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 28, Lubbock, Tex. The above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. The following matter is to be considered in connection with the issues specified below:

Based on information contained in the application of McAlister Broadcasting Corp., cash in the amount of approximately $237,600 will be required for the construction and operation of the proposed station for the first year without reliance upon revenues. To meet these cash requirements, the applicant relies upon the availability of existing capital of $20,000 profits of $20,000 from the operation of Standard Radio Broadcast Station KSEL and FM Radio Broadcast Station KSEL–FM, Lubbock, Tex., and a loan from the Lubbock National Bank of $70,000. The applicant indicates that if the bank loan is not available, loans of $14,000 each will be forthcoming from five stockholders. Assuming that either the bank loan or the loans from stockholders will be available, the applicant would have a total of $110,000; assuming that both were available, the applicant would have a total of $180,000. No showing has been made as to how the remaining necessary funds ($57,600) will be obtained. Moreover, the letter from the Lubbock National Bank is not an unconditional commitment to lend a specific amount of money, in that no amount of money is mentioned, nor are terms of repayment or security required, if any, disclosed. Furthermore, none of the five stockholders who have undertaken to make loans of $14,000 each, appear to have current and liquid assets (as defined in section III, paragraph 4(d), FCC Form 301) in excess of current liabilities sufficient to meet their commitments to the applicant. It cannot be determined, therefore, that the applicant is financially qualified.

3. Except as indicated above, each of the applicants appear to be qualified to construct, own and operate the proposed television broadcast station.

4. Upon due consideration of the above-captioned applications, the Commission finds that, pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary and that the said applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of McAlister Broadcasting Corp., and John B. Walton, Jr., doing business as KJJJ–TV, are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine, in connection with the application of McAlister Broadcasting Corp.:

(a) Whether a loan will be available to the applicant from Lubbock National Bank and, if so, the amount, terms, and conditions thereof.

(b) Whether the stockholders who have undertaken to loan funds to the applicant have sufficient current and liquid assets (as defined in section III, paragraph 4(d), FCC Form 301) in excess of current liabilities to meet their commitments to the applicant.

(c) In the event that it is determined that the funds upon which the applicant relies will, in fact, be available to it, how the applicant will obtain sufficient funds to construct and operate the proposed station for 1 year.

(d) Whether, in the light of the evidence adduced pursuant to the foregoing, the applicant is financially qualified.

2. To determine which of the proposals would better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, McAlister Broadcasting Corp., and John B. Walton, Jr., d/b as KJJJ–TV, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: March 8, 1966.

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

[F.R. Doc. 66–2591; Filed, Mar. 10, 1966; 8:49 a.m.]

[Docket Nos. 16060, 16061; FCC 66M–324]

CLAY COUNTY BROADCASTING CO. AND WILDERNESS ROAD BROADCASTING CO.

Order Continuing Hearing

In re applications of John E. White, Calvin C. Smith, Jack C. Hall and Cloyd Smith, d/b as Clay County Broadcasting Co., Manchester, Ky., Docket No. 16060, File No. BPH–4596; The Wilderness Road Broadcasting Co., Manchester, Ky., Docket No. 16061, File No. BPH–4655; for construction permits.

Here contemplated is a letter to the Examiner from counsel for Clay County Broadcasting Co., dated February 16, 1966, which is interpreted as a motion for continuance and for other relief; Broadcast Bureau's Comments on Request for Continuance and Other Relief, filed February 25, 1966; and a telephone conversation between the Examiner and counsel for Wilderness Road Broadcasting Co., held on March 2, 1966;

It appearing that hearing date is imminent and that except for requested continuance, acquiesced in by all parties, other matters raised by the foregoing pleadings will be considered in a Memorandum Opinion and Order to be issued by the Examiner in the near future:

It is ordered, This 4th day of March 1966, that so much of Clay County's letter-petition of February 16, 1966, as requests continuance of hearing is granted, and the hearing now scheduled for March 7, 1966, is continued to April 18, 1966.

Released: March 7, 1966.

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

[F.R. Doc. 66–2592; Filed, Mar. 10, 1966; 8:49 a.m.]

[Docket Nos. 15841—15843; FCC 66M–330]

WTCN TELEVISION, INC. (WTCN–TV), ET AL.

Order Continuing Hearing

In re applications of WTCN Television, Inc. (WTCN–TV), Minneapolis, Minn., Docket No. 15841, File No. BPCT–2850; Midwest Radio-Television, Inc. (WCCO–TV), Minneapolis, Minn., Docket No. 15842, File No. BPCT–3292; United Television, Inc. (KMSP–TV), Minneapolis, Minn., Docket No. 15843, File No. BPCT–3293; for construction permits.

Due to a rescheduling of hearing dates:

It is ordered, This 7th day of March 1966, that the hearing in this proceeding now scheduled for May 9, be and the same is hereby rescheduled for May 26, 1966, 10 a.m., in the Commission's offices, Washington, D.C.

Released: March 7, 1966.

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

[F.R. Doc. 66–2594; Filed, Mar. 10, 1966; 8:49 a.m.]

AM/FM BATTERY-OPERATED RECEIVERS

Promotional Campaign

MARCH 4, 1966.

The Northeast power failure of November 9–10, 1965, brought to light the fact that the availability in the hands of the public of transistor radios able to receive information concerning the nature of the emergency may well have prevented a catastrophe of major proportions. It has been urged that the broadcasters and the Commission engage in a campaign to persuade the public of the desirability of possessing such radio receivers and to promote the sale and distribution of such sets. The Commission believes that this is a proper and useful activity for the broadcasters to engage in but that it would be inappropriate for the Commission, as a Government agency, to engage in such a campaign.

The Commission urges all broadcasters to conduct a massive and coordinated campaign to urge the American public to procure battery operated AM/FM radio receivers. The use and value of such sets during the Northeast power

failure can certainly be cited in the recommended promotional campaign.

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

[F.R. Doc. 66-2593; Filed, Mar. 10, 1966; 8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket No. E-7273]

INDIANA & MICHIGAN ELECTRIC CO. AND OHIO POWER CO.

Order Providing for Investigation and for Hearing

MARCH 1, 1966.

This order directs an investigation and hearing as to the lawfulness under the Federal Power Act of the rates, charges, rules, regulations, classifications, practices, and contracts for electric services to 16 municipally-owned and one investor-owned resale customers of Indiana & Michigan Electric Co. (Indiana & Michigan) and 14 municipally-owned customers of Ohio Power Co. (Ohio Power),[1] all as more fully identified in annexed Appendices A and B, respectively.

As a part of this investigation Indiana & Michigan and Ohio Power are being directed to submit cost of service data to this Commission within a period of 60 days, and to serve copies of such data upon the State regulatory commissions of Indiana, Michigan, and Ohio respectively, and the wholesale electric customers referred to hereafter. Following receipt and examination of such data the date for formal hearing will be fixed by further order of the Commission.

Examination and analysis of data currently available to the Commission indicate that Indiana & Michigan's wholesale rates, charges, rules, regulations, classifications, practices, and contracts relating to the 17 customers listed in Appendix A may result in excessive rates or charges, may be unjust, unreasonable, unduly discriminatory or preferential or may be otherwise unlawful within the meaning of the Federal Power Act. Other information available to the Commission indicates that Ohio Power's rates, charges, rules, regulations, classifications, practices, and contracts relating to the 14 wholesale customers listed in Appendix B may result in excessive rates or charges, may be unjust, unreasonable, unduly discriminatory, or preferential or may be otherwise unlawful within the meaning of the Federal Power Act.

Indiana & Michigan from time to time[2] tendered wholesale rate schedules for filing with this Commission following the issuance of Commission Opinion No. 458, Indiana & Michigan Electric Company, 33 F.P.C. ——, April 14, 1965, subject to an express reservation of the Company's right to challenge the Commission's determination of jurisdiction by timely petition for judicial review.[3] These Indiana & Michigan rate schedule submittals cover its wholesale sales of electricity to 16 municipally-owned electric systems and 8 cooperatively-owned systems. In addition, Indiana & Michigan recently filed a superseding rate schedule for one investor-owned system, Michigan Gas and Electric Co.[4] Rate schedule designations for these municipal and investor-owned customers are as set forth in annexed Appendix A. Rate schedule designations for Indiana & Michigan's cooperative wholesale customers are as set forth in annexed Appendix C.

To date Ohio Power has not tendered rate schedules for filing with this Commission covering its wholesale electric service to 14 municipally-owned electric systems or 15 cooperatively-owned electric systems. Ohio Power serves the 14 municipalities included in Appendix B and serves Belmont Electric Cooperative, Inc., Buckeye Rural Electric Cooperative, Inc., Carroll Electric Cooperative, Inc., Guernsey-Muskingum Electric Cooperative, Inc., Hancock-Wood Electric Cooperative, Inc., Holmes-Wayne Electric Cooperative, Inc., Licking Rural Electrification, Inc., Midwest Electric, Inc., North Central Electric Cooperative, Inc., Northwestern Electric Cooperative, Inc., Paulding-Putnam Electric Cooperative, Inc., South-Central Rural Electric Cooperative, Inc., Tuscarawas-Coshocton Electric Cooperative, Inc., United Rural Electric Cooperative, Inc., and Washington Electric Cooperative, Inc.[5]

The Commission further finds:

(1) It is necessary and appropriate for purposes of carrying out the provisions of the Federal Power Act, particularly, but not in limitation of the foregoing, sections 201, 205, 206, 208, 301, 304, 307, 308, and 309 that an investigation and hearing be instituted to determine: the lawfulness of Indiana & Michigan's rates, charges, rules, regulations, classifications, practices, and contracts for service to the 17 wholesale electric customers listed in Appendix A; the lawfulness of Ohio Power's rates, charges, rules, regulations, classifications, practices, and contracts for service to the 14 wholesale electric customers listed in Appendix B.

(2) It is necessary and appropriate for purposes of the Federal Power Act as referred to above and the Commission's regulations thereunder, and good cause has been shown, to accept for filing the respective rate schedules of Indiana & Michigan, to be designated and become effective as of the dates as shown in Appendixes A and C.

The Commission orders:

(A) A public hearing shall be held concerning the issues as specified in finding (1) above in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., at a time to be specified hereafter by further order of the Commission.

(B) Indiana & Michigan and Ohio Power shall within 60 days from the date hereof submit special reports setting out cost and revenue data, using 1965 as the test year, showing Indiana & Michigan's costs of rendering service to the 17 customers enumerated in Appendix A herein and Ohio Power's costs of rendering service to the 14 customers enumerated in Appendix B, calculated in accordance with applicable Commission precedents, submitted in the form as prescribed in statements A through O § 35.13(b)(4)(iv) of the Commission's regulations under the Federal Power Act and, which shall include in the case of Ohio Power a statement summarizing that company's rates, charges, rules, regulations, classifications, practices, and contracts for service to its municipal and cooperative electric customers as set forth in the recital above. An original and nine conformed copies of each report shall be submitted to this Commission with copies of Indiana & Michigan's report to be served by Indiana & Michigan upon the Public Service Commissions of the States of Indiana and Michigan and each of its wholesale customers set forth in Appendixes A and C and copies of Ohio Power's report to be served by Ohio Power upon the Public Utilities Commission of Ohio and each of Ohio Power's wholesale customers set forth in Appendix B and the recital above.

(C) In order that the issues involved herein may be properly determined, Indiana & Michigan and Ohio Power are hereby directed pursuant to the provisions of sections 201, 307, 308, and 309 of the Federal Power Act to grant to authorized members of the staff of the Federal Power Commission, during regular business hours, free access to their property and access to and the right to inspect and examine all of their accounts, records, and memoranda including, but not limited to the following: books, papers, correspondence, contracts, agreements, maps, reports of engineers, meter readings, and log sheets; and upon staff request shall furnish copies of such material to the staff.

[1] The companies are operating affiliates and are controlled by the American Electric Power Co.

[2] Indiana & Michigan commenced filing rate schedules July 1, 1965, with its most recent filing tendered January 3, 1966.

[3] On August 6, 1965, Indiana & Michigan sought court review of Commission Opinion No. 458, Indiana & Michigan Electric Co. v. Federal Power Commission (C.A. 7, No. 15285).

[4] Indiana & Michigan also maintains rate schedules on file with this Commission covering its transactions with Northern Indiana Public Service Co., Commonwealth Edison Co., Indianapolis Power & Light Co., Public Service Co. of Indiana, Ohio Power Co., Cincinnati Gas & Electric Co., Appalachian Power Co., Ohio Valley Electric Corp., and Illinois Power Co.

[5] Ohio Power maintains rate schedules on file with the Commission covering its transactions with Kentucky Utilities Co., Commonwealth Edison Co., Ohio Edison Co., B. F. Goodrich Co., Ohio Valley Electric Corp., Timken Roller Bearing Co., Beech Bottom Power Co., West Penn Power Co., Wheeling Electric Co., Appalachian Power Co., Central Operating Co., Cincinnati Gas & Electric Monongahela Power Co., Atomic Energy Com-Co., Indiana & Michigan Electric Co., mission, Cleveland Electric Illuminating Co., Columbus & Southern Ohio Electric Co., Duquesne Light Co., The Dayton Power & Light Co.

(D) The rate schedule submittals as designated in Appendices A and C are accepted for filing effective as of the respective dates specified therein.

(E) The issuance of this order shall constitute full notice of the filing and publication of the rate schedules referred to in paragraph (D) above insofar as their effective dates are concerned.

(F) Acceptance of the rate schedules as referred to in paragraph (D) above is without prejudice to any findings or orders which have been or may hereafter be made by this Commission in this or any proceeding by or against Indiana & Michigan; moreover, nothing in this order shall be construed as constituting approval by this Commission of any service, rate, charge, classification, or any rule, regulation, contract, or practice affecting such services or rates provided for in the rate schedules referred to in paragraph (D) above; nor shall this order be deemed as recognizing any claimed contractual right or obligation affecting or relating to such services or rates.

(G) Notices of intervention or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, on or before 80 days from the date of issuance of this order, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

APPENDIX A—INDIANA & MICHIGAN ELECTRIC CO.

RATE SCHEDULE DESIGNATIONS AND DESCRIPTIONS OF MUNICIPAL CUSTOMERS

Rate schedule designation	Effective date	Other party	Instrument	Date of instrument [1]
FPC No. 26	4-16-63	Town of Albion, Ind.	Service contract	11- 1-50
Exhibit A to FPC No. 26		do	Supplement M-R to terms and conditions.	12-30-63
Supplement No. 1 to FPC No. 26.	4-16-63	do	Tariff C.P	9- 1-61
Supplement No. 2 to FPC No. 26.	4-16-63	do	Terms and conditions of service	5- 1-55
Supplement No. 3 to FPC No. 26 (supersedes supplement No. 1).	7- 1-64	do	Tariff C.P	7- 1-64
Supplement No. 4 to FPC No. 26 (supersedes supplement No. 2).	7- 1-64	do	Terms and conditions of service	7- 1-64
FPC No. 27	4-16-63	City of Anderson, Ind.	Service contract	4-17-57
Exhibit A to FPC No. 27		do	Supplement M-R to terms and conditions.	12-30-63
Supplement No. 1 to FPC No. 27.	4-16-63	do	Tariff I.P	9- 1-61
Supplement No. 2 to FPC No. 27.	4-16-63	do	Terms and conditions of service	(2)
Supplement No. 3 to FPC No. 27.	4-16-63	do	Letter amendment	1- 2-63
Supplement No. 4 to FPC No. 27 (supersedes supplement No. 1).	7- 1-64	do	Tariff I.P	7- 1-64
Supplement No. 5 to FPC No. 27 (supersedes supplement No. 2).	7- 1-64	do	Terms and conditions of service	7- 1-64
FPC No. 28	4-16-63	City of Auburn, Ind.	Service contract	9- 6-60
			Tariff Q.P	9- 1-61
			Terms and conditions of service	(2)
FPC No. 29 (supersedes FPC No. 28).	11-16-64	do	Service contract	11-16-64
Exhibit A to FPC No. 29		do	Supplement M-R to conditions of service.	12-30-63
Supplement No. 1 to FPC No. 29.	11-16-64	do	Tariff I.P	7- 1-64
Supplement No. 2 to FPC No. 29.	11-16-64	do	Terms and conditions of service	7- 1-64
FPC No. 30	4-16-63	Town of Avilla, Ind.	Service contract	5-19-58
Exhibit A to FPC No. 30		do	Supplement M-R to terms and conditions.	12-30-63
Supplement No. 1 to FPC No. 30.	4-16-63	do	Tariff C.P	9- 1-61
Supplement No. 2 to FPC No. 30.	4-16-63	do	Terms and conditions of service	(2)

APPENDIX A—INDIANA & MICHIGAN ELECTRIC CO.

RATE SCHEDULE DESIGNATIONS AND DESCRIPTIONS OF MUNICIPAL CUSTOMERS

Rate schedule designation	Effective date	Other party	Instrument	Date of instrument [1]
Supplement No. 3 to FPC No. 30 (supersedes supplement No. 1).	7- 1-64	do	Tariff C.P	7- 1-64
Supplement No. 4 to FPC No. 30 (supersedes supplement No. 2).	7- 1-64	do	Terms and conditions of service	7- 1-64
FPC No. 31	4-16-63	City of Bluffton, Ind.	Service contract	12-17-57
Exhibit A to FPC No. 31		do	Supplement M-R to terms and conditions.	12-30-63
Supplement No. 1 to FPC No. 31.	4-16-63	do	Tariff Q.P	9- 1-61
Supplement No. 2 to FPC No. 31.	4-16-63	do	Terms and conditions of service	(2)
Supplement No. 3 to FPC No. 31 (supersedes supplement No. 1).	7- 1-64	do	Tariff Q.P	7- 1-64
Supplement No. 4 to FPC No. 31 (supersedes supplement No. 2).	7- 1-64	do	Terms and conditions of service	7- 1-64
FPC No. 32	4-16-63	City of Columbia City, Ind.	Service contract	1-18-57
Exhibit A to FPC No. 32		do	Supplement M-R to terms and conditions.	12-30-63
FPC No. 57 (supersedes FPC No. 32).	10-19-65	do	Service contract (filing date: 11-26-65).	9- 2-65
Exhibit A to FPC No. 57		do	Supplement M-R to terms and conditions (filing date: 11-26-65).	12-30-65
Supplement No. 1 to FPC No. 57.	10-19-65	do	Tariff Q.P. (filing date: 11-26-65)	7- 1-64
Supplement No. 2 to FPC No. 57.	10-19-65	do	Terms and conditions of service (filing date: 11-26-65).	7- 1-64
FPC No. 33	4-16-63	City of Fort Wayne, Ind.	Service contract	8-25-53
Exhibit A to FPC No. 33		do	Supplement M-R to terms and conditions.	12-30-63
FPC No. 34	4-16-63	Town of Frankton, Ind.	Service contract	4-10-62
Exhibit A to FPC No. 34		do	Supplement M-R to terms and conditions.	12-30-63
Supplement No. 1 to FPC No. 34.	4-16-63	do	Tariff C.P	9- 1-61
Supplement No. 2 to FPC No. 34.	4-16-63	do	Terms and Conditions of service.	(2)
Supplement No. 3 to FPC No. 34 (supersedes supplement No. 1).	7- 1-64	do	Tariff C.P	7- 1-64
Supplement No. 4 to FPC No. 34 (supersedes supplement No. 2).	7- 1-64	do	Terms and conditions of service	7- 1-64
FPC No. 35	4-16-63	City of Garrett, Ind.	Service contract	10-13-59
Exhibit A to FPC No. 35		do	Supplement M-R to terms and conditions.	12-30-63
Supplement No. 1 to FPC No. 35.	4-16-63	do	Tariff Q.P	9- 1-61
Supplement No. 2 to FPC No. 35.	4-16-63	do	Terms and conditions of service	(2)
Supplement No. 3 to FPC No. 35 (supersedes supplement No. 1).	7- 1-64	do	Tariff Q.P	7- 1-64
Supplement No. 4 to FPC No. 35 (supersedes supplement No. 2).	7- 1-64	do	Terms and conditions of service	7- 1-64
FPC No. 36	4-16-63	City of Gas City, Ind.	Service contract	5-12-59
Exhibit A to FPC No. 36		do	Supplement M-R to terms and conditions.	12-30-63
Supplement No. 1 to FPC No. 36.	4-16-63	do	Tariff Q.P	9- 1-61
Supplement No. 2 to FPC No. 36.	4-16-63	do	Terms and conditions of service	(2)

See footnotes at end of table.

APPENDIX A—INDIANA & MICHIGAN ELECTRIC COMPANY
RATE SCHEDULE DESIGNATIONS AND DESCRIPTIONS OF MUNICIPAL CUSTOMERS

Rate schedule designation	Effective date	Other party	Instrument	Date of instrument [1]
Supplement No. 3 to FPC No. 36 (supersedes supplement No. 1).	7- 1-64	do	Tariff Q.P	7- 1-64
Supplement No. 4 to FPC No. 36 (supersedes supplement No. 2).	7- 1-64	do	Terms and conditions of service	7- 1-64
FPC No. 37	4-16-63	City of Mishawaka, Ind.	Service contract	12-30-57
Exhibit A to FPC No. 37		do	Supplement M-R to terms and conditions.	12-30-63
FPC No. 38	4-16-63	Town of New Carlisle, Ind.	Service contract	5- 1-56
Exhibit A to FPC No. 38		do	Supplement M-R to terms and conditions.	12-30-63
Supplement No. 1 to FPC No. 38.	4-16-63	do	Tariff C.P	9- 1-61
Supplement No. 2 to FPC No. 38.	4-16-63	do	Terms and conditions of service	(2)
Supplement No. 3 to FPC No. 38 (supersedes supplement No. 1).	7- 1-64	do	Tariff C.P	7- 1-64
Supplement No. 4 to FPC No. 38 (supersedes supplement No. 2).	7- 1-64	do	Terms and conditions of service	7- 1-64
FPC No. 39	4-16-63	City of Niles, Mich	Service contract	6- 4-56
Supplement No. 1 to FPC No. 39.	4-16-63	do	Supplemental agreement	9-20-60
FPC No. 40	4-16-63	City of Richmond, Ind.	Interconnection agreement	3-16-59
Exhibit A to FPC No. 40		do	Supplement M-R to terms and conditions.	12-30-66
Supplement No. 1 to FPC No. 40.	4-16-63	do	Appendix (terminal facilities)	(2)
Supplement No. 2 to FPC No. 40.	4-16-63	do	Letter amendment	8-30-61
FPC No. 58 (supersedes FPC No. 40).	1- 1-66	do	Service contract and appendix (filing date: 1-3-66).	11-15-65
Exhibit A to FPC No. 58		do	Supplement M-R to terms and conditions (filing date: 1-3-66).	12-30-63
Supplement No. 1 to FPC No. 58.	1- 1-66	do	Tariff I.P. (filing date: 1-3-66)	7- 1-64
Supplement No. 2 to FPC No. 58.	1- 1-66	do	Terms and conditions of service (filing date: 1-3-66).	7- 1-64
FPC No. 41	4-16-63	City of Sturgis, Mich	Service contract	3- 1-58
FPC No. 59 (supersedes FPC No. 41).	1- 1-66	do	Service contract (filing date: 1-3-66).	1- 1-66
FPC No. 42	4-16-63	Town of Warren, Ind.	Service contract	2- 9-60
Exhibit A to FPC No. 42		do	Supplement M-R to terms and conditions.	12-30-63
Supplement No. 1 to FPC No. 42.	4-16-63	do	Tariff C.P	9- 1-61
Supplement No. 2 to FPC No. 42.	4-16-63	do	Terms and conditions of service	(2)
Supplement No. 3 to FPC No. 42 (supersedes supplement No. 1).	7- 1-64	do	Tariff C.P	7- 1-64
Supplement No. 4 to FPC No. 42 (supersedes supplement No. 2).	7- 1-64	do	Terms and conditions of service	7- 1-64

[1] Where instrument is a tariff or terms and conditions bearing more than one date, the latest of such dates is taken as the date of intrument.
[2] Instrument not dated.

APPENDIX A—INDIANA & MICHIGAN ELECTRIC COMPANY
RATE SCHEDULE DESIGNATIONS AND DESCRIPTIONS FOR MICHIGAN GAS & ELECTRIC CO.

Rate schedule designation	Effective date [1]	Date of instrument	Instrument
Rate Schedule FPC No. 25 (supersedes FPC No. 15).	1- 1-66	3- 8-50	Interconnection agreement.
Exhibit A to FPC No. 25		7-17-51	Letter agreement establishes initial period date.
Supplement No. 1 to Rate Schedule FPC No. 25.	1- 1-66	3- 8-50	Service schedule A.
Supplement No. 2 to Rate Schedule FPC No. 25.	1- 1-66	3- 8-50	Service schedule B.
Exhibit A to supplement No. 2 to Rate Schedule FPC No. 25.		6- 6-51	Letter agreement establishes effective date, service schedule B.
Supplement No. 3 to Rate Schedule FPC No. 25.	1- 1-66	9-11-53	Modification No. 1 to 3/8/50, agreement provides for relocating metering on Hartford-Lawton line.
Supplement No. 4 to Rate Schedule FPC No. 25.	1- 1-66	12- 2-55	Modification No. 2 to 3/8/50, agreement provides for Three Rivers interconnection.
Supplement No. 5 to Rate Schedule FPC No. 25.	1- 1-66	7- 5-60	Letter agreement establishes Vicksburg and Prairie Rhoade interconnections.
Supplement No. 6 to Rate Schedule FPC No. 25.	1- 1-66	9-27-60	Letter agreement establishes Twin Lakes interconnection.
Supplement No. 7 to Rate Schedule FPC No. 25.	1- 1-66	12-19-61	Letter agreement and appendix establishes Constantine interconnection.

[1] 30 days after completion of filing.

APPENDIX B—OHIO POWER CO.
MUNICIPAL WHOLESALE ELECTRIC CUSTOMERS

Villages of: Arcadia, Bloomdale, Carey, Cygnet, Greenwich, Ohio City, Plymouth, Republic, St. Clairsville, Shiloh, Sycamore, and Wharton.

Cities of: Martins Ferry and Wapakoneta.

APPENDIX C—INDIANA & MICHIGAN ELECTRIC CO.
RATE SCHEDULE DESIGNATIONS AND DESCRIPTIONS OF COOPERATIVE CUSTOMERS

Rate schedule designation	Effective date	Other party	Instrument	Date of instrument
FPC No. 43A	4-16-63	United REMC (Indiana): Allen-Wells County REMC.	Service contract (Ossian)	8- 1-46
			Letter amendment	1-24-50
			Supplemental agreement	12-29-50
			Service contract (Pleasant)	5-10-51
			Service contract (Kingsland)	9-27-54
			Service contract	7- 6-64
FPC No. 44A (supersedes FPC No. 43A).	7-15-64	do		
Exhibit A to FPC No. 44A		do	Supplement M-R to terms and conditions.	12-30-63
Supplement No. 1 to FPC No. 44A.	7-15-64	do	Tariff REMC	7-15-64
Supplement No. 2 to FPC No. 44A.	3-29-65	do	Letter amendment: Consolidation with Huntington County REMC.	3-29-65
FPC No. 43B	4-16-64	United REMC (Indiana): Huntington County REMC.	Service contract	10-15-59
			Supplemental agreement	8-31-61

APPENDIX C—INDIANA & MICHIGAN ELECTRIC COMPANY
RATE SCHEDULE DESIGNATIONS AND DESCRIPTIONS OF COOPERATIVE CUSTOMERS

Rate schedule designation	Effective date	Other party	Instrument	Date of instrument [1]
FPC No. 44B (supersedes FPC No. 43B).	7-15-64	do	Service contract	7- 9-64
Exhibit A to FPC No. 44B		do	Supplement M-R to terms and conditions.	12-30-63
Supplement No. 1 to FPC No. 44B.	7-15-64	do	Tariff REMC	7-15-64
Supplement No. 2 to FPC No. 44B.	3-29-65	do	Letter amendment: Consolidation with Allen-Wells County REMC.	3-29-65
FPC No. 45	4-16-63	Fruit Belt Electric Coop. (Michigan).	Service contract	10-29-57
			Supplemental agreement	11-12-59
			Supplemental agreement	4-29-60
			Supplemental agreement	9-25-62
FPC No. 46 (supersedes FPC No. 45).	11-24-64	Fruit Belt Electric Co-op (Michigan).	Service contract	11-24-64
Supplement No. 1 to FPC No. 46.	11-24-64	do	Schedule D, Tariff	(1)
FPC No. 47	4-16-63	Jay County REMC (Indiana).	Service contract (Monroe)	9- 8-58
			Servic contract (Antiville)	11-10-59
			Service contract (Berne)	11-10-59
			Service contract (Bluff Pointe)	11-10-59
			Service contract (Red key)	11-10-59
FPC No. 48 (supersedes FPC No. 47).	7-15-64	do	Service contract	6-23-64
Exhibit A to FPC No. 48		do	Supplement M-R to terms and Conditions.	12-30-63
Supplement No. 1 to FPC No. 48.	7-15-64	do	Tariff REMC	7-15-64
FPC No. 49	4-16-63	Noble County REMC (Indiana).	Service contract (Wold Lake)	7- 3-57
			Service contract (Brimfield)	7- 3-57
			Service conract (Albion)	9-14-59
			Service contract (Avilla)	9-14-59
			Service contract (Ligonier)	9-14-59
FPC No. 50 (supersedes FPC No. 49).	7-21-64	do	Service contract	7-21-64
Exhibit A to FPC No. 50		do	Supplement M-R to terms and conditions.	12-30-63
Supplement No. 1 to FPC No. 50.	7-21-64	Noble County REMC (Indiana).	Tariff REMC	7-15-64
FPC No. 51	4-16-63	Paulding-Putnam Electric Coop., Inc. (Ohio).	Service contract	4-12-60
			Supplemental agreement	8-31-61
FPC No. 52 (supersedes FPC No. 51).	7-15-64	do	Service contract	6- 9-64
Exhibit A to FPC No. 52		do	Supplement M-R to terms and conditions.	12-30-63
Supplement No. 1 to FPC No. 52.	7-15-64	do	Tariff REMC	7-15-64
FPC No. 53	4-16-63	Wayne County REMC (Indiana).	Contract as amended between Public Service Co. of Indiana and Wayne County REMC (Buena Vista delivery point) transferred to Indiana & Michigan:	
			Service contract	4- 1-49
			First supplemental agreement	9- 1-49
			Second supplemental agreement	2- 1-50
			Indiana & Michigan amendments to transferred contract:	
			Supplemental agreement	12-29-50
			Letter agreement	2-11-52
			Service contract (Modoc)	1-21-54
FPC No. 54 (supersedes FPC No. 53).	7-15-64	do	Service contract	7- 7-64
Exhibit A to FPC No. 54		do	Supplement M-R to terms and conditions.	12-30-63
Supplement No. 1 to FPC No. 54.	7-15-64	do	Tariff REMC	7-15-64
FPC No. 55	4-16-63	Whitley County REMC (Indiana).	Service contract (Whitley)	11-12-59
			Service contract (all delivery points except Whitley).	11-12-59
			Supplemental agreement	8-31-61
FPC No. 56 (supersedes FPC No. 55).	7-15-64	do	Service contract	7- 2-64
Exhibit A to FPC No. 56		do	Supplement M-R to terms and conditions.	12-30-63
Supplement No. 1 to FPC No. 56.	7-15-64	do	Tariff REMC	7-15-64

[1] Instrument not dated.

[F.R. Doc. 66-2409; Filed, Mar. 10, 1966; 8:45 a.m.]

[Docket Nos. G-18570, etc.] [1]

RESERVE OIL AND GAS CO.

Order Accepting Amended Offer of Settlement, Requiring Filing of Notices of Change, Severing and Terminating Proceedings, and Requiring Refunds

MARCH 2, 1966.

On March 15, 1965, Reserve Oil and Gas Co. (Reserve) filed an offer of settlement, which it amended on May 13, 1965, relating to sales of natural gas made under 14 of Reserve's currently effective FPC Gas Rate Schedules in various fields in Texas Railroad Commission District Nos. 2, 3, and 4. In its proposal, Reserve stated that if the Commission should accept its proposal upon certain conditions it would be unwilling to accept such an order. Upon consideration of Reserve's proposal, we found such conditions to be proper, and, therefore, by order issued June 16, 1965, we rejected Reserve's offer. However, the rejection was without prejudice to the filing by Reserve of an offer in accordance with the conditions we indicated would be acceptable.

In that order we pointed out that the proposed 14.6 cents settlement rates under the second amendment to our Statement of General Policy No. 61-1, as amended, for sales by Reserve under its FPC Gas Rate Schedule Nos. 1 and 2 to Union Texas Petroleum, a Division of Allied Chemical Corporation (Union) were not acceptable because the area price levels announced in that Statement are applicable to the resale of the subject gas by Union to Texas Eastern Transmission Corp. after gathering and processing. We also noted that the proposed settlement rates of 15 cents per Mcf under the second amendment for sales under Reserve's FPC Gas Rate Schedule Nos. 21 and 29 were unacceptable because no deliveries are presently being made under those rate schedules.

On October 15, 1965, Reserve filed a motion requesting reconsideration of its original proposal in the light of Opinion No. 468 where the Commission applied the appropriate area price to pipeline quality gas regardless of the point of delivery. Reserve claims that the gas sold under its FPC Gas Rate Schedule Nos. 1 and 2 is high pressure pipeline quality gas and therefore under Opinion

[1] The additional dockets involved herein are set forth in the appendix hereto.

No. 468 it is entitled to the applicable area ceiling.

In Opinion No. 468 we determined the just and reasonable rates for all producer-respondents in the Permian Basin Area, including the rates by producers selling to intermediary producers as well as the resale of intermediary producers to pipeline purchasers after gathering and processing. Since the intermediary producer here, Union, is not before us now, we are in no position at the present time to determine the appropriate rate level for the sales by Reserve to Union, as we were in Opinion No. 468. Moreover, Opinion No. 468 does not, contrary to Reserve's contention, have any effect on the price levels announced in the policy statement outside of the Permian Basin Area. We must therefore adhere to our previous ruling in the June 16 order and shall exclude Reserve's FPC Gas Rate Schedule Nos. 1 and 2 from the settlement.

Reserve in its motion for reconsideration indicated that if the Commission decided not to reconsider and approve its original settlement offer, it was agreeable to (1) deletion of its FPC Gas Rate Schedule Nos. 1 and 2 from the offer, (2) settlement rates of 14 cents per Mcf for sales under its FPC Gas Rate Schedule Nos. 21 and 29, and (3) inclusion of Docket No. RI66–89 (relating to a proposed increase under its FPC Gas Rate Schedule No. 24) in the offer. With these changes, we find Reserve's proposal to be consistent with our policy statement, and, therefore shall approve the same.

Under its settlement proposal, as amended, Reserve will refund monies charged and collected, subject to refund to two jurisdictional pipeline purchasers: Tennessee Gas Transmission Corp. (TGT) and Texas Eastern Transmission Corp. (TETCO). The amount of refunds is approximately $6,000, exclusive of interest. TGT acknowledges an express flow-through obligation of such monies to its jurisdictional customers. Consequently, we shall order Reserve to make such refunds to TGT. TETCO disclaims any obligation on its part to flow-through such refund monies to its jurisdictional customers, and for all of the reasons set forth in the order in Humble Oil & Refining Co., Docket Nos. G–9287 and G–9288, et al., 32 FPC 49, we shall order Reserve to retain such refund monies pending further order of the Commission directing the nature of their disposition. In the order in Humble (supra) and in subsequent settlement orders, where we have directed certain refund monies to be retained pending further order, we have provided, in most instances, that the monies could be retained by the producer and commingled with its general assets and used for corporate purposes with a charge of 6 percent interest thereon. However, in Opinion No. 468, Area Rate Proceeding, et al., Docket Nos. AR61–1, et al., 34 FPC—(Issued August 5, 1965) we determined that the proper rate of interest to be paid on retained refund monies commingled with the general assets of producers authorized so to do be 4.5 per annum from the date of filing of the refund report to the date on which they are paid over to the person ultimately determined to be entitled thereto. At the time of issuance of Opinion No. 468, the prime rate of interest was 4.5 percent per annum, and had been so since August 23, 1960. Subsequently, the Commission by order granted motions filed by producers and one pipeline company who had been ordered to retain refund monies, changing the rate of interest to 4.5 percent per annum on such commingled funds.

On December 6, 1965, the prime rate of interest became 5 percent per annum (Federal Reserve Bulletin, January 1966, p. 71, footnote) and, therefore, we find the proper rate of interest to be at that rate for monies ordered to be retained after December 6, 1965, when the producer or pipeline elects to commingle such monies with its general assets pending final order of the Commission.

We believe that Reserve's settlement proposal, as amended, is in the public interest and shall approve the same. However, we desire to make it clear that acceptance of Reserve's offer of settlement, as amended, shall not be construed as approval of any future increased rate that may be filed by Reserve under the subject rate schedules and is without prejudice to any findings or order of the Commission in any future proceeding involving Reserve's rates and rate schedules. Additionally, for all of the reasons set forth in Humble Oil & Refining Co., Docket Nos. G–9287, et al., 32 FPC 49, we shall require Reserve to deposit the refund monies in a special escrow account or to commingle the retained refunds with its general assets pending future order of the Commission.

The Commission finds: The proposed settlement of the above-designated proceedings, on the basis described herein, as more fully set forth in the offer of settlement, as amended, filed with the Commission by Reserve on October 15, 1965, is consistent with the Statement of General Policy No. 61–1, as amended, 18 CFR 2.56, and approval thereof as made effective and hereinafter ordered is in the public interest and is appropriate to carry out the provisions of the Natural Gas Act.

The Commission orders:

(A) The offer of settlement, as amended, filed with the Commission by Reserve on October 15, 1965, is approved in accordance with the provisions of this order.

(B) Reserve shall file, within 30 days from the date of issuance of this order, notices of change in rates under its FPC Gas Rate Schedules to reflect the settlement rates and executed contract amendments in accordance with the terms of its settlement proposal, as amended, and as approved herein. The notices of change and the contractual amendments shall be submitted in accordance with Part 154 of the Commission's regulations under the Natural Gas Act.

(C) Reserve shall compute the difference between the rates collected subject to refund and the settlement rate for the sales for which it proposes to make refunds with applicable interest to the date of this order, and shall within 45 days from the date of issuance of this order submit a report to the Commission, with a copy to its jurisdictional pipeline purchasers, setting out the amount of refunds (showing separately the principal and applicable interest) the bases used for such determination, the period covered, and 10 days thereafter shall submit to the Commission a copy of a letter from its jurisdictional pipeline purchasers agreeing to the correctness of such amounts.

(D) Reserve shall retain the amounts shown in the report required under paragraph (C) above, subject to further order of the Commission directing the disposition of those amounts, excepting the refunds due and owing to TGT to which Reserve shall refund such monies 10 days after receiving the letter from TGT required by paragraph (C) above, with applicable interest.

(E) Reserve may deposit the retained refunds in a special escrow account, and shall tender for filing within 60 days of the date of issuance of this order an executed Escrow Agreement, conditioned as set out below, accompanied by a certificate showing service of a copy thereof upon its jurisdictional pipeline customers. Unless notified to the contrary by the Secretary within 30 days from the date of filing thereof, the Escrow Agreement shall be deemed to be satisfactory and to have been accepted for filing. The Escrow Agreement shall be entered into between Reserve and any bank or trust company used as a depository of funds of the U.S. Government and the agreement shall be conditioned as follows:

(1) Reserve, the bank or trust company, and the successors and assigns of each, shall be held and formally bound unto the Federal Power Commission for the use and benefit of those entitled thereto, with respect to all amounts and the interest thereon deposited in the special escrow account, subject to such agreement, and such bank or trust company shall be bound to pay over to such person or persons as may be identified and designated by final order of the Commission and in such manner as may be therein specified, all or any portion of such deposits and the interest thereon.

(2) The bank or trust company may invest and reinvest such deposits in any short-term indebtedness of the United States or any agency thereof or in any form of obligation guaranteed by the United States which is, respectively, payable within 120 days as the said bank or trust company in the exercise of its sound discretion may select.

(3) Such bank or trust company shall be liable only for such interest as the invested funds described in paragraph (2) above will earn and no other interest may be collected from it.

(4) Such bank or trust company shall be entitled to such compensation as is fair, reasonable, and customary for its services as such, which compensation shall be paid out of the escrow account to such bank or trust company. Said bank or trust company shall likewise be entitled to reimbursement for its reasonable expenses necessarily incurred in the administration of this escrow account,

which reimbursement shall be paid out of the escrow account.

(5) Such bank or trust company shall report to the Secretary quarterly, certifying the amount deposited in the bank or trust company for the quarterly period.

(F) If Reserve elects to commingle the retained refunds with its general assets and use them for business purposes, it shall notify the Secretary of the Commission of its intention so to do within 60 days of the issuance of this order, and shall pay interest on such monies at the rate of 5 percent per annum from the date of issuance of this order to the date on which they are paid over to the person or persons ultimately determined to be entitled thereto by final order or orders of the Commission.

(G) Upon notification by the Secretary of the Commission that Reserve has complied with the terms and conditions of this order, the proceedings in the appendix hereto shall terminate, the proceeding in Docket Nos. G–19888, G–19902, RI60–347, RI60–348, RI61–79, RI63–343, RI63–344, and RI63–345 shall be severed from the proceedings in Docket Nos. AR64–2, et al., and the proceedings in said dockets and Docket No. RI66–89 shall terminate, all without further order of the Commission.

(H) The acceptance by the Commission of Reserve's offer of settlement, as amended, is without prejudice to any findings or determinations that may be made in any proceeding now pending, or hereafter instituted by or against Reserve and is without prejudice to claims or contentions which may be made by Reserve, the Commission staff, or any affected party hereto, in any proceedings.

By the Commission.

[SEAL] GORDON M. GRANT,
Acting Secretary.

APPENDIX—RESERVE OIL & GAS CO., DOCKET NOS. G–18570, ET AL.

Rate schedule and supp. No.	Purchaser	Docket No.	Effective date	Rates [1]		
				Approved	Suspended	Settlement
	Texas Railroad District No. 2					
20–12	Texas Eastern Transmission Corp.	RI63–343	7–18–63	13.8733	14.3733	[2] 14.0
23–12	do	RI63–344	7–18–63	13.8733	14.3733	[2] 14.0
27–10	do	RI63–344	7–18–63	13.8733	14.3733	[2] 14.0
32–9	do	RI63–345	7–18–63	13.8733	14.3733	[2] 14.0
33–10	do	RI63–345	7–18–63	13.8733	14.3733	[2] 14.3733
34–7	do	RI63–345	7–18–63	13.8733	14.3733	[2] 14.3733
35–6	do	RI63–345	7–18–63	13.8733	14.3733	[2] 14.3733
36–7	do	RI63–345	7–18–63	13.8733	14.3733	[2] 14.3733
39–9	do	RI63–344	7–18–63	13.8733	14.3733	[2] 14.0
24–8	United Gas Pipe Line Co.	RI66–89	Suspended	14.0	15.485	[4] 14.6
37.5	do	RI61–79	2–19–61	7.596	14.5	[4] 14.5
	Texas Railroad District No. 4					
21–5	Tennessee Gas Transmission Co.	G–19902	4–1–60	11.90337	14.87589	14.0
21–6	do	RI60–347	10–21–60		[3] 17.02416	
29–3	do	G–19888	4–1–60	11.90337	14.87589	14.0
29–4	do	RI60–348	10–21–60		[3] 17.02416	

[1] Cents per Mcf at 14.65 p.s.i.a.
[2] Reserve proposes to delete the periodic escalation provisions. Other price escalation provisions were previously eliminated.
[3] Reserve proposes to delete the periodic escalation provisions and will eliminate a pressure reduction provision which has become effective under the contract.
[4] Reserve proposes to delete the favored-nation and/or price redetermination provisions. Periodic escalations would be rescheduled to provide for 1.0 cent per Mcf every 5 years commencing Nov. 11, 1968.
[5] Nondehydrated gas. Buyer has deducted 0.21931 cent dehydration charge.

[F.R. Doc. 66–2484; Filed, Mar. 10, 1966; 8:45 a.m.]

[Docket No. CP66–150]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Setting Application for Hearing Procedures for Exchange of Prepared Testimony and Granting Interventions

MARCH 3, 1966.

On November 22, 1965, the Commission issued a notice of the application filed by Transcontinental Gas Pipe Line Corp. (Transco) on November 12, 1965, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale of an additional 22,556 Mcf of gas per day to two existing resale customers, Public Service Co. of North Carolina, Inc., and Piedmont Natural Gas Co., Inc.

Transco plans to install and operate 11.8 miles of 36-inch mainline loops (7.65 miles in Mississippi and 4.15 miles in Alabama), 28.0 miles of 16-inch sales lateral starting from the discharge side of its station 140 in South Carolina and terminating at Tryon, N.C., and three sales meter and regulator stations which will be used to supply additional gas to the above-named customers.

Petitions to intervene were filed by the following companies on the dates indicated:

Petitioner	*Date filed*
Carolina Natural Gas Corp.	Dec. 10, 1965
United Cities Gas Co.	Dec. 13, 1965
Piedmont Natural Gas Co., Inc.	Do.
Fuels Research Council, Inc.	Do.
National Coal Association	Do.
United Mine Workers of America	Do.
North Carolina Natural Gas Corp.	Do.

The North Carolina Utilities Commission filed a notice of intervention on December 9, 1965.

The Commission finds:

It is desirable to allow the companies which have filed petitions to intervene to become interveners in this proceeding in order that they may establish the facts and law from which the nature and validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) The above-named Petitioners are hereby permitted to become Interveners in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such Interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such Interveners shall not be construed as recognition by the Commission that any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The applicant and interveners supporting its application who intend to present evidence shall file with the Commission and serve on all parties and the Commission staff on or before March 16, 1966, the proposed evidence comprising their cases in chief including prepared testimony of witnesses and exhibits. Interveners protesting the application and staff of the Commission shall file their prepared testimony and exhibits on or before March 23, 1966.

(C) A public hearing on the issues presented by the application of Transcontinental Gas Pipeline Corporation will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C., commencing at

10 a.m., e.s.t., March 28, 1966, at which time the parties shall proceed to the cross-examination of the applicant's direct case.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-2567; Filed, Mar. 10, 1966; 8:47 a.m.]

[Docket No. CP66-277]

TENNESSEE GAS TRANSMISSION CO. AND UNITED GAS PIPE LINE CO.

Notice of Application

MARCH 3, 1966.

Take notice that on February 23, 1966, Tennessee Gas Transmission Co. (Tennessee), Post Office Box 2511, Houston, Tex., and United Gas Pipe Line Co. (United), 1525 Fairfield Avenue, Shreveport, La., filed in Docket No. CP66-277 a joint application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas and the construction and operation of the facilities necessary therefor in accordance with an agreement between said parties dated December 29, 1965, and for permission and approval to abandon, upon the issuance of the requested certificate authorization, certain existing transportation service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, United proposes to construct two new delivery points in the Lapeyrouse and Four Isle Dome Fields in Terrebonne Parish, La., and to modify existing meter and regulating stations in the Weeks Island Field area, Iberia Parish, La.

Applicants propose to exchange up to 10,000,000 Mcf of gas annually, which gas is to be delivered by United to Tennessee at daily rates up to 65,000 Mcf during May through October of each year until the termination date of April 30, 1971, at an existing point of interconnection in Ouachita Parish, La. Applicants further propose that Tennessee return such exchange gas to United during November through April at existing points of interconnection of their facilities near the Weeks Island Field and in Calcasieu Parish, La.

Applicants also propose that Tennessee transport ultimately up to 176,000 Mcf per day of gas for United from existing points of interconnection in Vermilion, Iberia, and Plaquemines Parishes, La., and Hancock County, Miss., and from the two proposed delivery points. Applicants state that all such transportation gas is to be redelivered by Tennessee to United at the existing point of interconnection in Calcasieu Parish, La.

Applicants request that upon certification of their joint proposal the Commission issue an order granting them permission and approval to abandon the transportation service heretofore authorized by Commission order issued in Docket No. CP64-92 on December 19, 1963, and amended on October 1, 1965, since such service would no longer be required.

The total estimated cost of United's proposed construction is $67,082, which cost will be financed from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 31, 1966.

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 are 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.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-2568; Filed, Mar. 10, 1966; 8:47 a.m.]

[Docket No. CP66-278]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

MARCH 3, 1966.

Take notice that on February 24, 1966, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex., 77001, filed in Docket No. CP66-278 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 authority to construct and operate a sales meter and appurtenant equipment to be located within the building housing the existing Hockessin delivery point to Delaware Power & Light Co. on Applicant's 16-inch transmission sales lateral near the Pennsylvania-Delaware State line in Chester County, Pa. The application states that said sales meter will be utilized as an additional point of delivery for natural gas service to Eastern Shore Natural Gas Co. (Eastern Shore), an existing customer, for resale.

Applicant states that Eastern Shore has requested the proposed new delivery point in order to tie into the 14.5 miles of 10-inch pipeline for which Eastern Shore seeks authorization in its application filed in Docket No. CP66-234 on January 19, 1966 (31 F.R. 2501). Applicant further states that it has been advised by Eastern Shore that the estimated peak day volume of natural gas to be delivered at this point in the third year of proposed operations is 10,600 Mcf and that volumes of gas purchased by Eastern Shore from Applicant at this point will be out of allocations previously authorized by the Commission.

The total estimated cost of Applicant's proposed facilities is $47,000, which cost will be financed from general funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 31, 1966.

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.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 66-2569; Filed, Mar. 10, 1966; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

VIRGINIA COMMONWEALTH CORP.

Order Approving Application Under Bank Holding Company Act

In the matter of the application of Virginia Commonwealth Corp., Richmond, Va., for approval of the acquisition of voting shares of The Bank of Central Virginia, Lynchburg, Va.

There has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(2)) and section 222.4(a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), an application by Virginia Commonwealth Corp., Richmond, Va., a registered bank holding company, for the Board's prior approval of the acquisition of more than 80 percent of the voting shares of The Bank of Central Virginia, Lynchburg, Va., to be converted from State Industrial Loan Corp., Lynchburg, Va.

As required by section 3(b) of the Act, notice of receipt of the application was given to, and views and recommendation requested of, the Commissioner of Banking of the Commonwealth of Virginia. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on November 10, 1965 (30 F.R. 14179), providing an opportunity for interested persons to submit comments and views with respect to the proposed acquisition. The time for filing such comments and views has expired, and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement [1] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) within 7 calendar days after the date of this Order or (b) later than 3 months after said date.

Dated at Washington, D.C., this 4th day of March 1966.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 66-2548; Filed, Mar. 10, 1966; 8:45 a.m.]

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

CHAMPLAIN WATERWAY

Report Regarding Construction, Maintenance, and Operation

MARCH 8, 1966.

On July 5, 1962, the Governments of Canada and the United States requested the International Joint Commission to examine into and report on the feasibility and economic advantages of improving or developing a waterway from the St. Lawrence River in Canada, through Lake Champlain, to the Hudson River at Albany in the United States.

The Commission held initial public hearings in 1963 and the technical investigations and studies necessary for the preparation of its report have been completed by the International Champlain Waterway Board, which the Commission established for the purpose. In its Report to the Commission the Board has concluded that, while no insurmountable engineering problem exists that would make impracticable the construction of an improved waterway of any reasonable dimensions from the St. Lawrence River to the Hudson River at Albany, the value of the transportation savings that would be realized from any such improvement would be far below the level required to justify its construction, maintenance and operation.

In order that interested persons may have opportunity to examine the Board's Report, the Commission is sending copies directly to those who have made representations to the Commission or have otherwise indicated their interest in the subject. Others may obtain copies by writing to either of the Commission's Secretaries. Copies of the report are also available for inspection at the following locations:

University of the State of New York, Legislative Reference Library, State Education Building, Washington Avenue, Albany, N.Y.

Plattsburgh Public Library, Oak and Brinkerhoff Streets, Plattsburgh, N.Y.

U.S. Army Engineer District, New York, 111 East 16th Street, New York, N.Y.

Fletcher Free Library, 227 College Street, Burlington, Vt.

The Commission will conduct public hearings during the month of May at times and places to be announced, in order to obtain the views of all concerned prior to formulation of the Commission's report and recommendations to the two Governments.

WILLIAM A. BULLARD, *Secretary, United States Section, International Joint Commission.*

[F.R. Doc. 66-2572; Filed, Mar. 10, 1966; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-1926]

INTERNATIONAL HARVESTER OVERSEAS CAPITAL CORP.

Filing of Application for Order Exempting Company

MARCH 7, 1966.

Notice is hereby given that International Harvester Overseas Capital Corp. ("applicant"), 401 North Michigan Avenue, Chicago, Ill., 60611, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting it from all provisions of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The applicant was organized by International Harvester Co. ("International") under the laws of the State of Delaware on March 2, 1966. All of the capital stock issued by applicant consisting of 10,000 shares of common stock with a par value of $100 per share has been purchased for $1,000,000 in cash by International. On or prior to September 1, 1966, International will make a capital contribution to the applicant of, or purchase additional stock of the applicant for, additional cash, securities or other property so that the capital of the applicant will not be less than $5,000,000 at that date. Any additional securities which applicant may issue other than debt securities shall be issued only to International. International will not dispose of any of the securities of applicant held by International except to applicant or to another wholly owned subsidiary of International.

International, a New Jersey corporation, is engaged in the manufacture of motor trucks, farm, construction, and industrial equipment, and is a major producer of gasoline and diesel engines. International has entered into an Agreement of Merger dated January 20, 1966, with its wholly owned subsidiary International Harvester Corp., a Delaware corporation, pursuant to which, subject to stockholder approval at the annual meeting to be held on March 16, 1966, it will be merged into said subsidiary.

Applicant has been organized in order to finance the expansion and development of International's foreign operations in a manner which is designed to assist in improving the balance of payments position of the United States, in compliance with the voluntary cooperation program instituted by the President in February 1965. Applicant intends to issue and sell an aggregate of $25,000,000 principal amount of Guaranteed Debentures Due 1986 ("Debentures"). International will guarantee the principal, premium, if any, interest and sinking fund payments on the Debentures. Any additional debt securities of applicant which may be issued to or held by the public will be guaranteed by International. The Debentures will be convertible from October 1, 1967, to and including March 31, 1976, into shares of common stock of International.

The net proceeds received from the sale of the Debentures will be used outside the United States and will be invested in or loaned to certain of International's subsidiaries and affiliates to assist in financing their requirements for working capital and capital expenditures in connection with plant expansion programs and may also be used outside the United States for direct or indirect investments in other companies. It is expected that a substantial part of the funds will be invested in or loaned to European subsidiaries of International, including those in France, Germany, and Great Britain. A portion of the proceeds may be used to retire or replace presently outstanding indebtedness recently incurred by International or its subsidiaries for the above purposes. It is also expected that at least 90 percent of the assets of applicant will be invested in or loaned to foreign companies (including U.S. companies all or substantially all of whose business is carried on abroad) which are affiliated companies of International as defined by section 2(a)(2) of the Act, or which will become affiliated companies immediately after such investments. All of the companies in which the applicant's funds will be invested will be primarily engaged in a

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551 or to the Federal Reserve Bank of Richmond.

[2] Voting for this action: Chairman Martin, and Governors Robertson, Shepardson, Mitchell, Daane, and Maisel. Absent and not voting: Governor Balderston.

business other than investing, reinvesting, owning, holding, or trading in securities. Pending commitment of the proceeds of the Debentures to International's operations abroad, and from time to time thereafter in connection with changes in the applicant's long-term investments, the applicant may make short-term investments or deposits in banks outside the United States.

The Debentures are to be sold to underwriters under conditions which are intended to assure that the Debentures will not be sold to nationals or residents of the United States or its territories or possessions. The Agreement Among Underwriters will contain various provisions intended to assure that the Debentures will not be purchased by nationals or residents of the United States or its territories or possessions.

Council has advised the applicant that U.S. persons will be required to report and pay interest equalization tax with respect to acquisitions of the Debentures, except where a specific statutory exemption is available. Thus, by financing its foreign operations through the applicant rather than through sale of its own debt obligations, International will utilize an instrumentality the acquisition of whose debt obligations by U.S. persons would, generally, subject such persons to interest equalization tax, thereby tending to discourage them from purchasing such debt securities.

The Debentures will be registered under the Securities Act of 1933, the Securities Exchange Act of 1934 and listed on the New York Stock Exchange.

Applicant submits that it is 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 for the Commission to enter an order exempting applicant from each and every provision of the Act for the following reasons: (1) The sole purpose of the applicant is to assist in improving the balance of payments program of the United States by serving as a vehicle through which International may obtain funds to meet its foreign capital requirements from sources other than U.S. nationals or residents; (2) payment of principal and interest on the Debentures and the right of the Debentureholders to convert the Debentures into common stock of International do not depend upon the operations or investment policy of applicant because the Debentures are unconditionally guaranteed by International; (3) none of the equity securities of applicant will be held by any person other than International or a wholly owned subsidiary of International; (4) applicant will not deal or trade in securities; (5) applicant's security holders will have the benefit of the disclosure and reporting provisions of the Securities Exchange Act of 1934 and of the New York Stock Exchange; the offering of the Debentures will be pursuant to a Prospectus complying with section 10(a) of the Securities Act of 1933 and the Debentures (and the common stock into which they will be convertible) will be registered under said Act and the Indenture pursuant to which the Debentures will be issued will be qualified under the Trust Indenture Act of 1939; (6) the Debentures will be offered and sold to foreign nationals under circumstances designed to prevent any reoffering or resale in the United States or its territories or its possessions or to any national or resident thereof.

Notice is further given that any interested person may, not later than March 21, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or of law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-2553; Filed, Mar. 10, 1966; 8:45 a.m.]

[File No. 70-4359]

NEW ORLEANS PUBLIC SERVICE, INC., AND MIDDLE SOUTH UTILITIES, INC.

Proposed Issue and Sale at Competitive Bidding of Principal Amount of First Mortgage Bonds and Issue and Sale of Common Stock to Holding Company

MARCH 7, 1966.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 280 Park Avenue, New York, N.Y., 10017, a registered holding company, and its electric utility subsidiary company, New Orleans Public Service, Inc. ("New Orleans"), have filed a joint application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 7, 9(a), 10, and 12(f) of the Act and Rules 43 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

New Orleans proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $23,250,000 principal amount of its First Mortgage Bonds, ____ percent Series due 1996. The interest rate of the new bonds (which will be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to New Orleans (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The new bonds will be issued under the Mortgage and Deed of Trust dated as of July 1, 1944, between New Orleans and The Chase Manhattan Bank (National Association), New York, N.Y., and J. J. O'Connell, successor Trustees, as heretofore supplemented and as to be further supplemented by a Seventh Supplemental Indenture to be dated as of April 1, 1966. The new bonds will be issued as fully registered bonds and as coupon bonds.

New Orleans also proposes to issue and sell, and Middle South proposes to acquire, 675,000 of New Orleans' presently authorized but unissued shares of common stock, $10 par value, at the price of $10 per share or $6,750,000 in the aggregate.

New Orleans proposes to use the net proceeds from the issue and sale of the new bonds and common stock for the purpose of financing the cost of the construction of its Michoud Steam-Electric Generating Station, Unit No. 3 and facilities related thereto, including the retirement of short-term bank borrowings in an amount presently estimated at approximately $7,500,000 made or to be made in order to provide temporary financing pending the consummation of the transactions proposed herein. The company expects its construction program to result in expenditures of approximately $46,941,000 for the year 1966, of which $28,989,000 will be for the Michoud Steam-Electric Generating Station Unit No. 3 and related facilities.

The issue and sale of the new bonds and the additional common stock by New Orleans have been expressly authorized by the Council of the City of New Orleans, a State commission (as defined in the Act) of the State in which the company is organized and doing business. The joint application states that no other State or Federal regulatory authority, other than this Commission, has jurisdiction over the proposed transactions.

The fees and expenses to be incurred by New Orleans in connection with the issue and sale of the new bonds are estimated at $70,000, including counsel fees of $18,500, auditors' fees of $4,000, fees of management consultants of $1,750, and miscellaneous expenses of $10,972. Fees of counsel for the underwriters in the amount of $8,000 will be paid by the successful bidders. It is stated that no special or separable expenses are anticipated by either New Orleans or Middle South in connection with the sale of the additional common stock.

Notice is further given that any interested person may, not later than April 1, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he

be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application, as filed or as it may be amended, may be granted 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.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-2554; Filed, Mar. 10, 1966; 8:46 a.m.]

[812-1915]

STATE STREET INVESTMENT CORP.

Filing of Application for Order Exempting Sale by Open-End Company of Its Shares

MARCH 7, 1966.

Notice is hereby given that State Street Investment Corp. ("Applicant"), 140 Federal Street, Boston, Mass., which is registered under the Investment Company Act of 1940 ("Act") as an open-end diversified investment company, has filed an application pursuant to section 6(c) of the Act. Applicant proposes to issue its shares at net asset value for substantially all of the cash and securities of the Korrick Investment Co. ("Korrick") and requests an order of the Commission exempting the transaction from the provisions of section 22(d) of the Act. Generally speaking, section 22(d) of the Act, with certain exceptions not here relevant, prohibits a registered investment company from selling any redeemable security issued by it to any person except at a current offering price described in the prospectus. Because Applicant does not now have an effective prospectus which describes a current offering price for its shares, the proposed transaction would be prohibited by section 22(d) unless the Commission issues an order of exemption. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Korrick, an Arizona corporation, was organized in 1927 and presently is being operated as an investment company. All of Korrick's issued and outstanding shares are owned by 16 stockholders. As at January 10, 1966, the net assets of Applicant and Korrick were approximately $334,500,000 and $1,663,000, respectively.

Pursuant to an agreement between Applicant and Korrick, substantially all the assets of Korrick will be transferred to Applicant in exchange for stock of Applicant which in turn will be distributed to Korrick's shareholders.

The amount of Applicant's stock to be delivered to Korrick in accordance with the terms of the above-described agreement will be determined on the basis of the value of the gross assets of Korrick to be transferred to Applicant and the net asset value per share of Applicant, respectively, as of the close of business on the last full business day of the New York Stock Exchange preceding the date of closing. Such amount of stock shall be computed by dividing Applicant's per share net asset value into the aggregate value of Korrick's assets, which aggregate value will first be reduced by an adjustment for potential Federal income taxes payable upon the realization of the appreciation in the value of the securities of Korrick to the extent that any such appreciation may proportionately exceed the appreciation of the securities of Applicant on the date of closing. As at January 10, 1966, no such adjustment would have been required. As of that date the appreciation (realized and unrealized) as a percentage of the net asset values of Applicant and Korrick approximated 45 percent and 6 percent, respectively.

Notice is further given that any interested person may, not later than March 24, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-2555; Filed, Mar. 10, 1966; 8:46 a.m.]

[File No. 1-3393]

VTR, INC.

Order Suspending Trading

MARCH 7, 1966.

The common stock, $1 par value, of VTR, Inc., being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period March 8, 1966, through March 17, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 66-2556; Filed, Mar. 10, 1966; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 144]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 8, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 9411 (Sub-No. 1 TA), filed March 4, 1966. Applicant: LAURA W. FRERICHS, doing business as FRE-

RICHS FREIGHT LINES, 135 North 28th Street, Belleville, Ill., 62221. Applicant's representative: Delmar O. Koebel, 107 West St. Louis Street, Lebanon, Ill., 62254. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated containers*, knocked down, from Belleville, Ill., to Chesterfield, Mo., for 180 days. Supporting shipper: Weyerhaeuser Co., 100 South Wacker Drive, Chicago, Ill., 60606. Send protests to: Harold Jolliff, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 476, 325 West Adams Street, Springfield, Ill., 62704.

No. MC 44639 (Sub-No. 18 TA), filed March 3, 1966. Applicant: SAM MAITA AND IRVING LEVIN, doing business as L. & M. EXPRESS CO., 220 Ridge Road, Lyndhurst, N.J., 07070. Applicant's representative: Herman B. J. Weckstein, 1060 Broad Street, Newark, N.J., 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, and materials, and supplies used in the manufacture of wearing apparel*, between Crewe, Va., and Bailey, Nashville, and Wendell, N.C., to be tacked with MC 44639 Sub-No. 4 at Crewe, Va., for 150 days. Supporting shipper: Gerson & Gerson, 519 Eighth Avenue, New York, N.Y., 10018. Send protests to: Joel Morrows, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1060 Broad Street, Newark, N.J., 07102.

No. MC 50493 (Sub-No. 2 TA), filed March 3, 1966. Applicant: P. C. M. TRUCKING, INC., 1063 Main Street, Orefield, Pa., 18069. Applicant's representative: Frank A. Doocey, 527 Hamilton Street, Allentown, Pa., 18101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizers, fertilizer materials, insecticides, and fungicides*, in bulk, in dump trucks and other self-unloading vehicles, and in bags, on pallets, between the plants of Lebanon Chemical Corp., its subsidiaries and affiliates in Lebanon County, Pa., and the plants in Dayton and Trenton, N.J., and from the plant at Dayton, N.J., to points in New Jersey, Delaware, New York, Connecticut, New Hampshire, Massachusetts, and Vermont, and (2) *dry materials used in the manufacture of fertilizer*, in dump trucks, from points in Montgomery, Bucks, and Philadelphia Counties, Pa., to the plants of Lebanon Chemical Corp., its subsidiaries and affiliates in Dayton and Trenton, N.J., for 150 days. Supporting shipper: Lebanon Chemical Corp., Post Office Box 180, Lebanon, Pa., 17042. Send protests to: F. W. Doyle, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 900 U.S. Customhouse, Philadelphia, Pa., 19106.

No. MC 75212 (Sub-No. 1 TA), filed March 3, 1966. Applicant: SHANAHAN TRUCKING, INC., 25 Fifth Street, Post Office Box 28, Turners Falls, Mass., 01376. Applicant's representative: Arthur A. Wentzell, Post Office Box 720, Worcester, Mass., 01601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal* (iron or steel), from Greenfield, Mass., to St. Johnsbury, Vt., for 150 days. Supporting shipper: I. Kramer & Sons, Inc., Post Office Box 588, Greenfield, Mass., 01301. Send protests to: Joseph W. Balin, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 338 Federal Building, Springfield, Mass., 01103.

No. MC 103993 (Sub-No. 242 TA), filed March 3, 1966. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind., 46415. Applicant's representative: William G. Starnal (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from La Follette, Tenn., to points in Tennessee, Alabama, Georgia, South Carolina, North Carolina, Kentucky, Massachusetts, Pennsylvania, Delaware, Maryland, West Virginia, Illinois, Oklahoma, Kansas, Texas, Arkansas, Louisiana, Missouri, Indiana, Mississippi, Florida, Virginia, and Ohio, for 180 days. Supporting shipper: Rockland Homes, Inc., Post Office Box 1380, La Follette, Tenn. Send protests to: District Supervisor Dixon, Bureau of Operations and Compliance, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind., 46802.

No. MC 109612 (Sub-No. 8 TA), filed March 4, 1966. Applicant: LEE MOTOR LINES, INC., State Road, 67 South, Post Office Box 728, Muncie, Ind., 47305. Applicant's representative: Donald W. Smith, Suite 511, Fidelity Building, Indianapolis, Ind., 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Detroit, Mich., and Oshkosh, Wis., to Muncie, Ind., and *empty beverage containers*, on return movement, for 180 days. Supporting shipper: Atlas Beverage Co., 250 Hoyt Avenue, Muncie, Ind. Send protests to: Heber Dixon, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind., 46802.

No. MC 111170 (Sub-No. 107 TA), filed March 4, 1966. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, from El Dorado, Ark., to South Charleston, W. Va., for 180 days. Supporting shipper: Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo., 63166. Send protests to: D. R. Partney, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol Avenue, Little Rock, Ark., 72201.

No. MC 111401 (Sub-No. 190 TA), filed March 3, 1966. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla., 73701. Applicant's representative: Alvin R. Hamilton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizers*, from the plants of Gulf Oil Corp., at Enid and Altus, Okla., to points in Texas on and north of U.S. Highway 80 from the Texas-Louisiana State line to Fort Worth, Tex., and on and north of U.S. Highway 180 from Fort Worth, Tex., to the Texas-New Mexico State line, for 180 days. Supporting shipper: Gulf Oil Corp., chemicals department, William R. Morand, Post Office Box 2245, Enid, Okla. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla., 73102.

No. MC 111467 (Sub-No. 9 TA), filed March 4, 1966. Applicant: ARTHUR J. PAPE, doing business as ART PAPE TRANSFER, 1381 Rockdale Road, Dubuque, Iowa, 52001. Applicant's representative: William A. Landau, 1307 East Walnut Street, Post Office Box 1634, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer materials* (except liquid, in bulk, in tank vehicles), from Clinton and Dubuque, Iowa, to points in Illinois on and north of Illinois Highway 9, and points in Wisconsin on and south of U.S. Highway 18, for 180 days. Supporting shipper: FS Services, Inc., 1701 Towanda Avenue, Bloomington, Ill., 61702. Send protests to: Charles C. Biggers, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 235 U.S. Post Office Building, Davenport, Iowa, 52801.

No. MC 119567 (Sub-No. 4 TA), filed March 3, 1966. Applicant: F. H. McCLURE AND R. V. ESTELL, a partnership, doing business as EMPIRE TRANSPORT, 2007 Overland Road, Boise, Idaho, 83705. Applicant's representative: Kenneth G. Bergquist, 1110 Bank of Idaho Building, Boise, Idaho, 83702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in sacks, from Boise, Idaho, to Lime, Oreg., for 180 days. Supporting shipper: Oregon Portland Cement Co., 111 Southeast Madison, Portland, Oreg., 97214. Send protests to: C. W. Campbell, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 203 Eastman Building, Boise, Idaho, 83702.

No. MC 119778 (Sub-No. 104 TA), filed March 4, 1966. Applicant: REDWING CARRIERS, INC., Wilson Road, Powderly Station, Post Office Box 34, Birmingham, Ala., 35221. Applicant's representative: H. D. McGough (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum rubber processing oil*, in bulk, in tank vehicles, from Triangle

Refineries, near Lynn Park (Walker County), Ala., to Cedartown, Ga., for 150 days. Supporting shipper: Sun Oil Co., 1608 Walnut Street, Philadelphia, Pa., 19103. Send protests to: B. R. McKenzie, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 212, 908 South 20th Street, Birmingham, Ala., 35205.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-2575; Filed, Mar. 10, 1966; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 8, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 40346—*Returned iron or steel printing paper winding cores.* Filed by Southwestern Freight Bureau, agent (No. B-8827), for interested rail carriers. Rates on iron or steel printing paper winding cores, in carloads, from points in southwestern territory, to points in official, southern and western trunkline territories, also points in Canada.

Grounds for relief—Carrier competition.

Tariff—Supplement 18 to Southwestern Freight Bureau, agent, tariff ICC 4632.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 66-2576; Filed, Mar. 10, 1966; 8:47 a.m.]

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