Just Released

CODE OF FEDERAL REGULATIONS
(As of January 1, 1966)

Title 7—Agriculture (Parts 1-45)  
(Revised)  
$1.25

Title 23—Highways  
(Revised)  
$0.25

Title 26—Internal Revenue (Parts 20-29)  
(Pocket Supplement)  
$0.40

Title 26—Internal Revenue (Parts 300-499)  
(Pocket Supplement)  
$0.50

Title 31—Money and Finance  
Treasury  
(Revised)  
$1.25

[A cumulative checklist of CFR issuances for 1966 appears in the first issue of the Federal Register each month under Title 1]

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United States Government Printing Office,  
Washington, D.C. 20402
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Title 5—ADMINISTRATIVE PERSONNEL
Chapter I—Civil Service Commission
PART 213—EXCEPTED SERVICE
Department of Health, Education, and Welfare

Section 213.3316 is amended to show the exception under Schedule C of an additional position of Assistant to the Commissioner, Office of Education. Effective on publication in the Federal Register, subparagraph (16) is added to paragraph (c) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.
  (c) Office of Education. * * *
  (16) One Assistant to the Commissioner.


UNITED STATES CIVIL SERVICE COMMISSION,
[SRAL] Mary V. Wenzel,
Executive Assistant to
the Commissioners.

[F.R. Doc. 68-3036; Filed, Mar. 21, 1966; 8:51 a.m.]

Title 14—AERONAUTICS AND SPACE
Chapter I—Federal Aviation Agency
[Docket No. 7213; Amdt. 39-234]
PART 39—AIRWORTHINESS DIRECTIVES
Piper Model PA-24-400 Airplanes

There has been premature deterioration of the fuel purge valve hose assembly due to heat in the engine compartment on Piper Model PA-24-400 airplanes. Since this condition is likely to exist or develop in certain other airplanes of the same type design, an airworthiness directive is being issued to require replacement of the fuel purge valve hose assembly with a shielded hose assembly on the subject airplanes.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489),

§ 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:


Compliance required as indicated.

To prevent deterioration of the fuel purge valve hose assembly due to heat in the engine compartment, accomplish the following:
(a) Before each flight after the effective date of this AD until a modified hose assembly is installed in accordance with paragraph (b), inspect fuel purge valve hose assembly, P/N 25561-04, in accordance with Piper Service Letter No. 228, dated January 7, 1966.
(b) Unless already accomplished, within the next 10 hours' time in service after the effective date of this AD, replace fuel purge valve hose assembly, P/N 17768-06, with hoses assembly, P/N 25561-04 in accordance with Piper Service Letter No. 228, dated January 7, 1966.

The issue of the appropriate terms, conditions, and limitations which the Board should adopt to govern certificated supplemental air transportation, was forth those terms, conditions, and limitations which also will govern the conduct of certificated supplemental air transportation (other than transatlantic supplemental air transportation and inclusive tour transportation). We have considered the examiner's proposed regulations and the evidence of record and have determined a determination of what limitations, if any, should be imposed by the Board to assure that the service rendered pursuant to any certificate to be issued would be limited to supplemental air transportation as defined in the Act. The examiner, after considering the evidence, contents, and briefs of the parties, attached to his recommended decision (Appendix E) a set of comprehensive regulations which he recommended that the Board adopt to implement the decision, including a revised Part 208 setting forth the terms, conditions, and limitations for the conduct of certificated supplemental air transportation. We have considered the examiner's proposed regulations and the evidence of record and have determined to adopt most of his recommendations (with the exception of those provisions pertaining to inclusive tour charter authority which we are issuing as a separate regulation). This revised Part 208 will bring together in one regulation all

1 Except with respect to the authorization to operate inclusive tour charters which is for 6 years.
2 The authority to operate inclusive tour charters is subject to the terms, conditions, and limitations set forth in new Part 208 issued concurrently with Board Order E-23350, dated Mar. 11, 1966.

FEDERAL REGISTER, VOL. 31, NO. 55—TUESDAY, MARCH 22, 1966
of the terms, conditions, and limitations which we deem appropriate to govern supplemental air transportation. Although the regulation we are issuing as a part of Board Order E-23550 differs to some extent from that proposed by the examiner, the differences are largely a matter of form. Moreover, the provisions of this revised Part 208 are, for the most part, reflected in existing Part 208. In the interim, certificates of the supplemental air carriers and, with appropriate adaptations and modifications, in existing Part 295, the regulation which pertains to transatlantic supplemental air transportation.

In addition, the provisions of revised Part 208 were the subject of intensive examination and argument by the parties. The interested parties have, therefore, been afforded a full opportunity to comment on the substance of this rule in the above-described proceeding.

In view of the foregoing, the Board finds that further notice and public procedure hereon are unnecessary and not in the public interest. Accordingly, the

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In view of the foregoing, the Board finds that further notice and public procedure hereon are unnecessary and not in the public interest. Accordingly, the
(n) "Charter organization" means that organization, group, or other entity from whose members (and their immediate families) a charter group is derived.

(o) "Immediate family" means only the following persons who are living in the household of a member of a charter organization, namely: the spouse, dependent children, and parents, of such member.

(p) "Solicitation of the general public" means:

(1) A solicitation going beyond the bona fide members of an organization (and their immediate families). This includes air transportation services offered by an air carrier under circumstances in which the services are advertised in mass media, whether or not the advertisement is addressed to members of a specific organization, and regardless of who places or pays for the advertising. Mass media shall be deemed to include radio and television, and newspapers and magazines. Advertising in such media as newscasts or periodicals of membership organizations (including newsletters, college radio stations, and college newspapers shall not be considered advertising in mass media to the extent that:
   (I) The advertising is placed in a medium of communication circulated mainly to members of an organization that would be eligible to obtain charter service, and
   (ii) The advertising states that the charter is open only to members of the organization referred to in subdivision (i) of this subparagraph, or only to members of a subgroup thereof. In this context, a subgroup is a membership drawn primarily from members of the organization referred to in subdivision (i) of this subparagraph:

Provided, That this paragraph shall not be construed to apply to the solicitation of the general public by advertising which offers charter services to bona fide organizations, without reference to a particular organization or flight.

(2) The solicitation, without limitation, of the members of the organization so constituted as to ease of admission to membership, and nature of membership, as to be in substance more in the nature of a segment of the public than a private entity.

(q) "Bona fide members" means those members of a charter organization who have not joined the organization merely to participate in the charter as the result of solicitation directed to the general public. Presumptively persons are not bona fide members of a charter organization unless they are members at the time the organization first gives notice to its members of firm charter plans. This presumption will not be applicable in the case of charters composed of (1) students and educational staff of a school, and immediate families thereof; (2) employees of a single Government agency, industrial plant, or mercantile establishment, and immediate families thereof; or (3) participants in a study group. In the case of all other charters, rebuttal to this presumption may be offered for the Board's consideration by request for waiver.

(r) Reserved

(s) "Charter flight" (other than transportation pursuant to authority conferred under section 7 of Public Law 87-528) means:

(1) Air transportation of persons and/or property pursuant to contracts with the Department of Defense where the entire capacity of one or more aircraft has been engaged by the Department, or charterer.

(2) Air transportation performed by a direct air carrier on a time, mileage or trip basis where:
   (i) The entire capacity of one or more aircraft has been engaged for the movement of persons and property—
      (a) By a person for his own use—
         (1) In the case of charters composed of groups of (1) students and educational staff of a school, and immediate families thereof, or (2) employees of a single Government agency, industrial plant, or mercantile establishment, and immediate families thereof, or (3) participants in a study group.

Provided, That, with respect to subdivisions (i) and (ii) of this paragraph, the Board may be maintained at either the principal office or principal operations base of the carrier.

LIAIBILITY INSURANCE REQUIREMENTS

§ 208.10 Applicability of liability insurance requirements.

(a) No supplemental air carrier shall engage in air transportation unless such carrier has and maintains in effect liability insurance coverage evidenced by a currently effective certificate of liability insurance filed with the Board as complying with the requirements of this part; and no supplemental charter carrier shall engage in air transportation of any aircraft, or perform services within any geographical area, to which such insurance does not apply. "Insurance certificate," as used herein, means one or more than one certificate, evidence of or notice of one or more than one policy of aircraft liability insurance properly endorsed, issued by one or more than one insurer, which alone or in combination provides the minimum coverage prescribed in § 208.11. When more than one insurer is involved, in providing the minimum coverage prescribed herein, the limits and types of liability assumed by each insurer shall be clearly stated in the certificate of insurance.

(b) The insurance coverage and certificate required by this part shall be obtained from a reputable and financially responsible insurance company or asso-
sion which is legally authorized to issue aircraft liability policies in one or more States of the United States or in the District of Columbia.

§ 208.11 Minimum limits of liability.

The minimum limits of liability insurance coverage maintained by a supplemental air carrier shall be as follows:
(a) Liability for bodily injury to or death of persons (excluding passengers): A limit for any one passenger of at least fifty thousand dollars ($50,000), and a limit for each occurrence in any one aircraft of at least an amount equal to the sum produced by multiplying fifty thousand dollars ($50,000) by seventy-five percent (75%) of the total number of passenger seats installed in the aircraft.
(b) Liability for bodily injury to or death of persons (excluding passengers): A limit of at least fifty thousand dollars ($50,000) for any one person in any one occurrence, and a limit of at least five hundred thousand dollars ($500,000) for each occurrence.
(c) Liability for loss of or damage to property: A limit of at least five hundred thousand dollars ($500,000) for each occurrence.

§ 208.12 Terms and conditions of insurance coverage.

With respect to insurance required by this part:
(a) Insurance contracts shall provide for payment of other damages to property, resulting from the negligence, or violation of the insured carrier, of or damage to property of others, resulting from the negligent operation, maintenance or use of aircraft in air transportation by the insured carrier.
(b) The liability of the insurer shall apply to all operations by the insured carrier in air transportation. The liability of the insurer shall not be subject to any exclusion or limitation of liability resulting from the negligence of or damage to property of others, resulting from the negligent operation, maintenance or use of aircraft in air transportation by the insured carrier.
(c) The liability of the insurer shall not be contingent upon the financial condition, solvency, or freedom from bankruptcy of the insured.
(d) The limits of the insurer's liability for the amount prescribed herein shall apply separately to each occurrence, and any payment made under the policy because of any one occurrence shall not reduce the liability of the insurer for payment of other damages resulting from any other occurrence.
(e) Existing liability policies wherein the insurer shall not be relieved from liability by any condition in the policy or any endorsement thereon, or violation thereof by the insured air carrier, other than the exclusions set forth in § 208.13, or such other exclusions as may be individually approved by the Board. Cancellation of an approved policy shall be effected only upon written notice to the Board, in accordance with § 208.14(d).
(f) Any loss arising from operations by the Named Insured within any country of the Sino-Soviet bloc or Cuba: Provided, That a loss caused by mere misadventure in flying over or landing in such territory shall not be excluded. The "Sino-Soviet bloc" is defined to include: Albania, Bulgaria, Romania, Hungary, Poland, East Germany (Soviet zone of Germany and Soviet sector of Berlin), Communist China, North Korea, North Vietnam, Outer Mongolia, and the Union of Soviet Socialist Republics.
(g) Any loss arising from operations by the Named Insured to or from installations of the Distant Early Warning System (DEW line) or the Ballistic Missile Early Warning System (BMEWS).

§ 208.13 Authorised exclusions of liability.

Unless other exclusions are individually approved by the Board, no policy or certificate of insurance required by this part shall contain any exclusion other than the following authorized exclusions:
(a) Loss against which the Named Insured has other valid and collectible insurance, except that the limits of liability prescribed by this policy be in excess of the limits provided by such other valid and collectible insurance up to the limits certified in a Certificate of Insurance issued by the Federal Aviation Agency and shall in no event exceed the limits of liability expressed elsewhere in this policy;
(b) Loss arising from the negligence, or violation of the insured carrier, of or damage to property of others, resulting from the negligent operation, maintenance or use of aircraft in air transportation by the insured carrier.
(c) The insurance afforded under this policy shall not apply to:

§ 208.14 Filing of certificates, endorsements, and notices.

(a) Certificates of insurance, endorsements, and notices of cancellation shall be filed in duplicate on forms prescribed and furnished by the Board. All documents shall be signed in ink by an authorized officer or agent of the insurer; no facsimile signatures will be accepted.
(b) Endorsements that add previously unlisted aircraft to coverage or that delete listed aircraft from coverage shall be filed with the Board not more than five (5) days after the effective date of such endorsement: Provided, however, That aircraft shall not be listed in the carrier's operations specifications with the Federal Aviation Agency and shall not be operated unless liability insurance coverage has attached.
(c) A supplemental carrier which intends to operate a charter flight to or from a country of the Sino-Soviet bloc or Cuba or to or from a DEW line or BMEWS installation and whose approved insurance coverage excludes operations within such areas shall file an endorsement waiving the applicable exclusion, or a separate certificate of insurance expressly applicable to such flight, at least 30 days before the proposed flight date, unless the Board finds that waiver of this requirement is in the public interest.
(d) Certificates of insurance approved by the Board shall not be canceled by the insurer upon less than thirty (30) days' notice to the Board and the insured carrier by registered mail. An insured carrier shall not cancel an approved certificate during the effectiveness of any operating authorization from the Board.
RULERS AND REGULATIONS

§ 208.15 Compliance.

In addition to all other applicable sanctions provided by law or the regulations of the Board, operation in air transportation of any aircraft, or performance of services within any geographical area, to which Board-approved liability insurance does not apply shall be cause for immediate suspension of all operating authority, pursuant to section 401(n) of the Act and Subpart J of Part 302 of this chapter.

Minimum extent of service

§ 208.25 Minimum service requirements.

Each supplemental air carrier shall perform services authorized by its certificate of authority to engage in supplemental air transportation for at least 500 hours of revenue flight in any two consecutive calendar quarters. Failure to perform such minimum services shall be deemed to constitute a prima facie case for suspension of the carrier's operating authority pursuant to the provisions of section 401(n) (5) of the Act: Provided, That in no event may the Board, by order entered within 15 days after the end of the two consecutive calendar quarters in which such failure occurred, show unusual circumstances constituting good cause why its operating authority should not be suspended.

Operations and tariffs

§ 208.30 Prohibited advertising.

(a) No supplemental air carrier shall advertise its services or hold itself out to the public as an air carrier authorized to engage in air transportation unless such advertising includes a charge for ferry mileage, the words "supplemental air carrier," or indicates by assignment, transfer of voting stock, or otherwise, to any person who controlled, or participated in control of, as a partner, officer, director, or other person in any air carrier therefor found by the Board to have committed knowing and willful violations of the Civil Aeronautics Act of 1938, as amended, the Federal Aviation Act of 1958, or any order, rule, or regulation issued pursuant to said Acts during the period such person controlled or participated in the control of such air carrier.

(b) Any such application shall be approved by the Board with or without hearing. No such application shall be denied unless the Board finds, after notice to said supplemental air carrier and the person making the proposed transfer, and after opportunity for hearing, that, in the event the proposed transfer is consummated, said supplemental air carrier shall thereby be rendered unprofitable unwise, or unable to conform to the provisions of the Federal Aviation Act of 1958, and the rules, regulations, and requirements of the Board thereunder. For the purposes of this section, a transfer of 20 percent or more of the voting stock of the supplemental air carrier shall be deemed to constitute prima facie evidence of a transfer of control so as to require the filing of an appropriate application with the Board.

§ 208.31a Written agreements with ticket agents.

Each agreement between a supplemental air carrier and any ticket or cargo agent shall be reduced to writing and signed by all of the parties thereto, if it relates to any of the following subjects:

(a) The furnishing of persons or property for transportation;

(b) The arranging for flights for the accommodation of persons or property;

(c) The solicitation or generation of passenger or cargo traffic to be transported;

(d) The charter or lease of aircraft.

§ 208.32 Tariffs and terms of service.

(a) No air carrier shall perform any supplemental air transportation unless such air carrier shall file with the Board, pursuant to Part 221 of this chapter, a currently effective tariff showing all rates, fares, and charges for the use of the entire capacity or less than the entire capacity (as defined in § 208.3(a)) of one or more aircraft in such supplemental air transportation and showing all rules, regulations, practices, and services in connection with such supplemental air transportation, including eligibility requirements for charter groups not inconsistent with those established in the case of any one charterer of less than the capacity of an aircraft, at the option of any one charterer, furnish alternative air transportation at no additional cost to the passenger or charterer, or immediately refund the full value of the unused ticket or the unperfomed charter contract.

(b) In case of additional flight delays en route exceeding 6 hours for charter flights or 2 hours for individually ticketed flights, the carrier shall furnish an alternative air transportation to the specified destination, or immediately refund the full value of unperfomed transportation. The en route delays shall be calculated without inclusion of any delay at the point of departure but all additional delays at intermediate stops en route shall be added up in determin-
In case of flight cancellations or flight delays, refunds shall be paid immediately upon presentation of an unused flight coupon or upon demand of the charterer or his representative (or in the case of the engagement by one charterer of less than the capacity of an aircraft, upon demand of any one charterer or his representative) to the air carrier or its agent.

(d) The rules and regulations in the carrier's tariffs governing immediate refunds or alternative transportation may provide for an exception in case of unavoidable delays due solely to weather.

§ 208.33a Substitution or subcontracting.

Supplemental air carriers may subcontract the performance of services which they have contracted to perform only to air carriers authorized by the Board to perform such services.

§ 208.34 Records and record retention.

(a) Prior to performing any supplemental air transportation pursuant to this part, the carrier shall execute, and require the travel agent (if any) and charterer to execute, the form "Statement of Supporting Information" attached hereto and made a part hereof.

(b) Each air carrier operating pursuant to this part shall comply with the applicable record-retention provisions of Part 249 of this chapter, as amended.

§ 208.35 Payments, gratuities, and donations.

(a) Neither a carrier nor a travel agent shall make any payments or extend gratuities of any kind, directly or indirectly, to any member of a chartering organization in relation either to air transportation or land tours or otherwise.

(b) Neither a carrier nor a travel agent shall make any donation to a chartering organization or an individual charter participant.

(c) Nothing in this section shall preclude a carrier from paying a commission (within the limits of § 208.202) to a member of a chartering organization if such member is its agent, or restrict a carrier or a travel agent from offering to each member of the charter group such advertising and good will items as are customarily extended to individually ticketed passengers (e.g., canvas traveling bag or a money exchange computer).

Subpart B—Provisions Relating to Military Charters

§ 208.100 Applicability of subpart.

This subpart sets forth the special rules applicable to military charters.

§ 208.101 Minimum rates and compensation for air transportation performed for the military establishment.

The authority conferred upon a supplemental air carrier pursuant to section 7 of Public Law 87-526, and/or a certificate of public convenience and necessity issued under section 491(d) of the Act, insofar as it encompasses the right to provide air transportation pursuant to contract with the military establishment of the United States or any branch thereof or in foreign and overseas air transportation, and air transportation between the 48 contiguous States on the one hand and the States of Alaska and Hawaii on the other hand, shall be subject to the condition that the rate or compensation received by the carrier for such air transportation is not less than that set forth in § 286.7 of this chapter, irrespective of whether such contract falls within the definition of short notice MATS charter service contained in § 288.1 of this chapter.

§ 208.102 Substitute service.

Supplemental air carriers are authorized to provide "substitute service" as defined in this part, subject to the provisions of Part 288 of this chapter.

Subpart C—Provisions Relating to Pro Rata Charters

§ 208.200 Applicability of subpart.

This subpart sets forth the special rules applicable to pro rata charters, other than the subject to Part 295 of this subchapter.

§ 208.200a Solicitation and formation of a chartering group.

(a) A carrier shall not engage, directly or indirectly, in any solicitation of individuals (through personal contact, advertising, or otherwise) as distinguished from the solicitation of an organization for a charter trip.

(b) A carrier shall not employ, directly or indirectly, any person for the purpose of organizing and assembling members of any organization, club, or other entity into a group to make the charter flight.

§ 208.201 Pretrip notification.

Upon a charter flight date being reserved by the carrier or its agent, the carrier shall provide the prospective charterer with a copy of this Part 208. This copy shall include a provision that the charterer, and any agent thereof, shall only act with regard to the charter in a manner consistent with this part and that the charterer shall within due time submit to the carrier such information as specified in §§ 208.314 and 208.315 and submit to each charter participant the information required in §§ 208.316 and 208.317, respectively.

§ 208.202 Agent's commission.

The carrier shall not pay its agent a commission or any other benefits, directly or indirectly, in excess of 5 percent of the total charter price as set forth in the carrier's charter tariff on file with the Board, or more than the commission related to charter flights paid to any agent by a carrier certificated to render regular service on the same route, whichever is greater. The carrier shall not pay any commission whatsoever to an agent if the agent receives a commission from the charterer for the same service.

Requirements Relating to Travel Agents

§ 208.203 Prohibition against double compensation.

A travel agent may not receive a commission from both the direct air carrier and the charterer for the same service.

§ 208.204 Statement of supporting information.

Travel agents shall execute, and furnish to air carriers, Section A of Part II of the Statement of Supporting Information attached hereto and made a part hereof, at such time prior to flight as required by the carrier to afford it due time for review thereof.

Requirements Relating to the Chartering Organization

§ 208.210 Solicitation of charter participants.

As the following terms are defined in § 208.3, members of the charter group may be solicited only from among the bona fide members of an organization, club, or other entity, and their immediate families, and may not be brought together by means of a solicitation of the general public. Solicitation of, as well as participation by, members of an organization with respect to charter flights shall extend only to the organization, or the particular chapter or unit thereof, which signs the charter agreement with the air carrier as the charterer.

§ 208.211 Passengers on charter flights.

Only bona fide members of the charterer, and their immediate families (except as provided in § 208.321), may participate as passengers on a charter flight. The charterer must maintain a central membership list, available for inspection by the carrier or Board representative, which shows the date each person became a member. Solicitation of, as well as participation by, members of an organization with respect to charter flights shall extend only to the organization, or the particular chapter or unit thereof, which signs the charter agreement with the air carrier as the charterer. Where the charterer is engaging in round-trip transportation, one-way passengers shall not participate in the charter flight except as provided in § 208.321. When more than one round trip is contracted

§ 208.212...
for, intermingling between flights or re-forming of plane-load or less than plane-load charter groups shall not be per-mitted and each such group must move as a unit in both directions.

§ 208.212 Participation of immediate families in charter flights.

The immediate family of any bona fide member of a charter organization may participate in a charter flight: Provided, however, That this section shall not apply to study group charters.

§ 208.213 Charter costs.

(a) The costs of charter flights shall be prorated equally among all charter passengers and no charter shall be prorated for actual labor and personal expenses incurred by them. Such charge shall not exceed $300 (or $500 where the charter participants number more than 80) per round-trip flight. Neither the organizers of the charter, nor any member of the chartering organization, may receive any gratuities or compensation, direct or indirect, from the charter agent, or any organization which provides any service to the chartering organization whether of an air transportation nature or otherwise.

(b) The charterer shall not make charges to the charter participants which exceed the actual costs incurred in connection with the charter flight. All charges related to the charter flight arrangement shall be prorated equally among all charter participants which exceed the actual costs thereof shall be refunded to the participants in the same ratio as the charges were collected.

(c) Reasonable administrative costs of organizing the charter may be divided among the charter participants. Such costs may include a reasonable charge for compensation to members of the charter or charter organization. The charterer may include as a part of the assessment for the charter flight any charge for purposes of charitable donations.

§ 208.214 Statements of charges.

(a) Any announcements or statements by the charterer to prospective charter participants of the anticipated individual charge shall clearly identify the portion of the charges to be paid separately for the air transportation, for the land tour, and for the administrative expenses of the charterer.

(b) Within 15 days after completion of each one-way or round-trip flight, the charterer shall complete and supply to each charter participant and the air carrier involved a detailed report showing the charge per passenger transported and the charterer's total receipts and expenditures. The report shall be submitted in the form of, and contain such information including the above as more fully specified by the "Non-transatlantic Charter—Post Flight Report," annexed hereto and made a part hereof.

§ 208.215 Passenger manifests.

(a) Prior to each one-way or round-trip flight a manifest shall be filed by the charterer with the air carrier showing the number and type of persons to be transported and specifying the relationship of each person to the charterer (by designating opposite his name one of the three relationship categories as hereinafter described). The manifest may include "stand-by" participants (by name, address, and relationship to charterer).

(b) The relationship of a prospective passenger shall be classified under one of the following categories and specified on the passenger manifest as follows:

1. A bona fide member of the chartering organization at the time the chartering organization first gave notice to its members of firm charter plans, or (3) is a member of an entity consisting of (a) students and educational staff of a single school, or (b) employees of a single Government agency, industrial plant, or mercantile establishment, or (4) is a person whose participation has been specifically permitted by the Civil Aeronautics Board, or (5) is a bona fide participant in a study group charter.

§ 208.216 Statement of supporting information.

Charterer shall execute and furnish to air carriers Section B of Part II of the Statement of Supporting Information attached hereto and made a part hereof at such time prior to flight as required by the carrier to afford it due time for review thereof.

Subpart D—Provisions Relating to Single Entity Charters

§ 208.300 Applicability of subpart.

This subpart sets forth the special rules applicable to single entity charters, other than those subject to Part 295 of this subchapter.

§ 208.301 Tariffs to be on file.

The provisions of § 208.32(a) shall apply to charters under this subpart.

§ 208.302 Terms of service.

(a) The total charter price and other terms of service shall conform to those set forth in the applicable tariff filed in accordance herewith and the contract shall be for the entire capacity or less than the entire capacity of one or more aircraft as defined in § 208.31(b).

(b) The terms of service prescribed in §§ 208.10 through 208.15, inclusive, §§ 208.32(d), 208.33, and 208.33a shall be applicable in the case of single entity charters.

§ 208.303 Commissions paid to travel agents.

No direct air carrier shall pay a travel agent any commission in excess of 5 per cent of the total charter price or more than the commission related to charter flights paid to an agent by a carrier certified to fly the same route, whichever is greater.

Subpart E—Provisions Relating to Mixed Charters

§ 208.400 Applicable rules.

The rules set forth in Subpart C of this part shall apply in the case of mixed charters, other than those subject to Part 295 of this subchapter.

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

By the Civil Aeronautics Board.

[SEAL]

HAROLD R. SANDERSON, Secretary.
### Rules and Regulations

#### NonTransatlantic charters—Statement of purpose of trip

<table>
<thead>
<tr>
<th>Part</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td><strong>To be completed by air carrier for each single entity, mixed, or pro rata charter.</strong> (Where more than one round-trip flight is to be performed under the charter contract, clearly indicate applicability of answers.)</td>
</tr>
<tr>
<td></td>
<td>1. Name of transporting carrier:</td>
</tr>
<tr>
<td></td>
<td>2. Commencement date(s) of proposed flight(s):</td>
</tr>
<tr>
<td></td>
<td>(a) Going:</td>
</tr>
<tr>
<td></td>
<td>(b) Returning:</td>
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<tr>
<td></td>
<td>3. Points to be included in proposed flight(s):</td>
</tr>
<tr>
<td></td>
<td>(a) From:</td>
</tr>
<tr>
<td></td>
<td>(b) Returning from:</td>
</tr>
<tr>
<td></td>
<td>(c) Other stops required by charter:</td>
</tr>
<tr>
<td></td>
<td>4. (a) Type of aircraft to be used:</td>
</tr>
<tr>
<td></td>
<td>(b) Seating capacity:</td>
</tr>
<tr>
<td></td>
<td>(c) Total charter price:</td>
</tr>
<tr>
<td></td>
<td>(d) Does the charter price conform to a tariff on file with the Board?</td>
</tr>
<tr>
<td></td>
<td>5. (c) If pro rata or mixed charter, explain construction of charter price in relation to tariff on file with the Board. (In case of mileage tariff, show mileage for each segment involved and indicate whether segment is live or ferry.)</td>
</tr>
<tr>
<td></td>
<td>6. (a) Has the air carrier paid or does it contemplate the payment of any commissions, direct or indirect, in connection with the proposed flight?</td>
</tr>
<tr>
<td></td>
<td>(b) If &quot;yes,&quot; give names and addresses of such recipients and indicate the amount paid or payable to each recipient. If any commission to a travel agent exceeds 5 percent of the total charter price, attach a statement justifying the higher amount under this regulation.</td>
</tr>
<tr>
<td></td>
<td>7. (c) If pro rata or mixed charter, explain construction of charter price in relation to tariff on file with the Board. (In case of mileage tariff, show mileage for each segment involved and indicate whether segment is live or ferry.)</td>
</tr>
<tr>
<td></td>
<td>8. If charter is single entity, indicate purpose of flight:</td>
</tr>
<tr>
<td></td>
<td>9. On what date was the charter contract executed?</td>
</tr>
<tr>
<td></td>
<td>10. If the charter is pro rata, has a copy of Part 206 of the Civil Aeronautics Board's Economic Regulations been mailed to or delivered to the prospective charterer?</td>
</tr>
<tr>
<td></td>
<td><strong>Part II—To be completed for pro rata or mixed charters only.</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Section A—To be supplied by travel agent, or, where none, by the air carrier or an affiliate under whose control the operation is performed or under whose control performs any travel agency function or service (excluding air transportation sales but including ground service arrangements).</strong></td>
</tr>
<tr>
<td></td>
<td>1. Has the agent or, to his knowledge, have any of his principals, officers, directors, associates or employees compensated any member of the chartering organization in relation to the proposed charter flight or any land tour? Yes [ ] No [ ]</td>
</tr>
<tr>
<td></td>
<td>2. Does the applicant have a financial interest in any organization rendering service to the chartering organization? Yes [ ] No [ ]</td>
</tr>
</tbody>
</table>

1. **Verification**

<table>
<thead>
<tr>
<th>State of</th>
<th>County of</th>
<th>Member's household</th>
</tr>
</thead>
<tbody>
<tr>
<td>STATE OF</td>
<td>County of</td>
<td>92</td>
</tr>
<tr>
<td>- - - - -</td>
<td>- - - - -</td>
<td>- - - - -</td>
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</tbody>
</table>

2. **Warranty of charter**

<table>
<thead>
<tr>
<th>Signature of person administering oath. Also, set forth here below the name, address and authority of such person.</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAME</td>
</tr>
<tr>
<td>[ ]</td>
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</tbody>
</table>

3. **Verification of employer**

<table>
<thead>
<tr>
<th>State of</th>
<th>County of</th>
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</thead>
<tbody>
<tr>
<td>STATE OF</td>
<td>County of</td>
</tr>
<tr>
<td>- - - - -</td>
<td>- - - - -</td>
</tr>
</tbody>
</table>

4. **Warranty of employer**

<table>
<thead>
<tr>
<th>Signature of employer entity</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAME</td>
</tr>
<tr>
<td>[ ]</td>
</tr>
</tbody>
</table>
or persons in the immediate families of such employees.

(Signature and title of authorised official of employer.)

[seal]

WARRANTY OF AIR CARRIER

To the best of my knowledge and belief, all the information presented in this statement including, but not limited to, those parts verified by the charterer and the travel agent, is true and correct. I represent and warrant that the carrier has acted with regard to this charter operation (except to the extent fully and specifically explained in this statement or any attachment thereto) and will act with regard to such operation in a manner consistent with Part 208 of the Board’s Economic Regulations.

(Signature and title of authorized official of air carrier.)

NONTRANSATLANTIC CHARTERS—POSTFLIGHT REPORT (INSTRUCTIONS)

The charterer shall complete and file a report in this form with the air carrier within 15 days of each one-way or round-trip charter flight. A report in this form shall also be furnished each charter participant by the carrier within 15 days after completion of each one-way or round-trip charter flight.

1. Name of carrier: ____________________________

2. Name of chartering organization: ____________________________

3. Analysis of charterer’s receipts:

   (a) Nontransportation

   (b) Transportation

   (c) Other

   (d) Total receipts [(a)+(b)+(c)] =

4. Analysis of charterer’s expenditures:

   (a) Meals

   (b) Transportation

   (c) Other

   (d) Total expenses [(a)+(b)+(c)] =

Item of expenditure ² Paid to ² Amount

<table>
<thead>
<tr>
<th>Item of expenditure ²</th>
<th>Paid to ²</th>
<th>Amount</th>
</tr>
</thead>
</table>

Total ³

4 As a separate item there should be listed here a total of all the amounts refunded to the charter participants; also list separately air transportation, land tour, and administrative expenses.

5 Disclose any relationship to chartering organization.

6 If this item does not agree with item 3(d), submit an explanation of the reason therefor.

STATE OF __________ County of __________ ss:

I, ____________________________, being duly sworn, hereby depose and say that this report has been prepared by me and under my direction, that I have carefully examined it and that to the best of my knowledge and belief it is a complete and accurate statement, and a copy hereof has been distributed to each charter participant.

(Signature of person in charge of charter arrangements.)

Sworn to before me this day, the ___ day of ___.

(Signature and title of authorized official of air carrier.)

[seal]

SUBCHAPTER D—SPECIAL REGULATIONS (Reg. No. SPD-14)

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

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of March 1968.

By notice of proposed rule making, SPD#-6, dated January 5, 1968, and published in 30 F.R. 281, the Board gave notice that it was considering (1) the amendment of the interim certificates and interim operating authorizations of supplemental air carriers who the Board finds qualified to perform all-expense-paid (inclusive) tours in interstate and overseas air transportation, and (2) the promulgation of a new Part 378 of the Board’s Special Regulations to authorize, subject to the conditions provided therein, inclusive tours by tour operators with the air transportation portion thereof provided by the supplemental air carriers. In response to this notice, comments were submitted by 12 trunkline air carriers, 3 local service carriers, 3 other route carriers, 1 supplemental carrier, 1 foreign air carrier, 17 travel agencies (including travel agents’ associations), 4 labor unions, 5 government agencies, and 2 private associations. In addition, replies were submitted by 12 trunkline carriers, 8 supplemental carriers, 1 foreign air carrier, 2 travel agents’ associations, 1 union, and 1 government agency.

After further consideration, the Board decided (supplemental notice of proposed rule making, SPD#-6A, April 27, 1968, 33 F.R. 6119) to defer further action in the rule making proceeding until after issuance of the examiner’s Recommended Decision in the Supplemental Air Service Proceeding, Docket 13795 et al.

A joint comment was filed by American Airlines, Braniff Airlines, Continental Air Lines, Delta Air Lines, Eastern Air Lines, National Airlines, Northwest Airlines, Pan American World Airways, Trans World Airlines, United Air Lines, United Airlines, and Western Airlines. In addition, Northwest Airlines filed a supplemental comment and Northeast Airlines submitted a separate comment.

Bonanza Air Lines, Lake Central Airlines, and Trans-Texas Airways.

Alaska Airlines, Hawaiian Airlines, and Trans Caribbean Airlines.

AAXICO Airlines, American Flyers Airline, Capital Airline, Modern Air Transport, Overseas National Airways (ONA), Purdue Aeronautics, Saturn Airways, Trans International Airlines (TTA), Vance Roberts, World Airline, and Zanport Air Transport. A comment was also filed by Holiday Airways, a supplemental carrier which, unlike the others, lacked interim operating authority.

Japan Air Lines.

American Society of Travel Agents (ASTA), Camino Tours, Creative Tour Operators Association (CTOA), Fugany Travel Bureau, Lafayette Tours, Lafayette Travel Service, and Pan American Tours.

Master Executive Council of Pilots of Eastern Air Lines, etc.; United Public Workers of Honolulu; United Airlines Employees, and Bartenders Union (Local No. 5, Honolulu); and International Association of Machinists (Honolulu Lodge).

Port of New York Authority; Board of Supervisors of County of Maui, Hawaii; Board of Supervisors of County of Hawaii, Hawaii; Senate and House of the State of Hawaii; Council of City and County of Honolulu; and Department of Attorney General, State of Hawaii.

Hawaii Hotel Association and Hawaii Restaurant Association.

A joint reply by the same carriers which filed a joint comment (see footnote 1, supra).

The same supplemental which filed a joint comment (see footnote 3, supra).

Japan Air Lines.

ASTA and CTOA.

Master Executive Council of Pilots of Eastern Air Lines, etc.

St. Louis Airport Commission.

FEDERAL REGISTER, VOL. 31, NO. 55—TUESDAY, MARCH 22, 1966
By supplemental notice of proposed rule making, SPD--6B, dated October 11, 1965, and published in 30 F.R. 13077, the Board amended proposed Part 378 to correspond with the scope of inclusive tour authority which might be granted as a result of the Supplemental case and/or the Reopened Transatlantic Charter Investigation (All-expense Tour Phase), Docket No. 71696, et al.. The amendments primarily involved (1) making the period of tour operator authorization coextensive with that awarded to supplemental carriers, and (2) extending the regulatory terms to include inclusive tours in foreign, as well as interstate and overseas, air transportation. Comments with respect to the amendments were filed by 11 trunkline air carriers, 3 supplemental carriers, 2 travel agents (or associations), and interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matter presented. In view of the interrelationship between the rule making and the Supplemental case with respect to the inclusive tour operation, and because Part 378 is being issued in conjunction with the decision in the domestic phase of the latter proceeding, the discussion of the regulatory provisions as adopted, which normally accompanies the rule, is contained in the Supplemental opinion. For the reasons set forth therein, we have decided to adopt the new Part 378 (14 CFR Part 378) as read to as follows:

Subpart A—General Provisions

§ 378.1 Applicability.

This part establishes the terms and conditions governing the furnishing of inclusive tours in interstate air transportation by supplemental air carriers and tour operators. This part also rectifies tour operators from various provisions of the Act and the Board's regulations for the purpose of enabling them to provide charter and land services, and which public utilizing aircraft chartered from supplemental air carriers. The provisions of this regulation shall not be construed as limiting any authority other than air transportation issued by the Board. Nothing contained in this part shall be construed as repeating or amending any provision of any of the Board's regulations, unless the context so requires.

§ 378.2 Definitions.

As used in this part, unless the context otherwise requires:

(a) "Inclusive tour charter" means the charter of an entire aircraft by a tour operator for the carriage by a supplemental air carrier of persons traveling in interstate air transportation on inclusive tours.

(b) "Inclusive tour" means a round-trip tour which combines air transportation pursuant to an inclusive tour charter and transportation by ground services.

(c) "Tour operator" means any person, firm, corporation, or association engaged in, or proposing to engage in, the formation of groups for the purpose of enabling them to provide inclusive tours.

(d) "Tour participant" means a member of the inclusive tour group.

(e) "Supplemental air carrier" means a supplemental air carrier as defined in § 200.8 of the Board's economic regulations and authorized under section 7 of Public Law 87-526 or section 401(d) (3) of the Act to perform inclusive tour charters.

(f) "Price" means the total amount of money paid by the tour participant to the tour operator for the inclusive tour.

§ 378.3 Exemption.

Subject to the provisions of this part and the conditions imposed, tour operators are hereby relieved from the following provisions of Title IV of the Federal Aviation Act of 1958, as amended, to the extent necessary to permit them to provide inclusive tours:

Section 401.

Section 402.

Section 404(a), except the requirement to provide safe and adequate service, equipment and facilities in connection with tours operated hereunder.

Section 405 (b), (c), and (d).

Sections 408 (a) and 409, except control or interlocking relationships with direct air carriers.

§ 378.4 Approval of certain interlocking relationships.

To the extent that any officer or director of a tour operator would be in violation of any of the provisions of section 409(a) (a) and (b) by participating in interlocking relationships covered by the exemption granted by § 378.3, such participation is hereby approved by the Board.
§ 378.5 Effect of exemption on anti-trust laws.

The relief granted by §§ 378.3 and 378.4 from the requirements of 409, and 412 of the Act shall not constitute an order under such sections within the meaning of section 414 of the Act, and shall not confer any immunity or relief from operation of the "anti-trust laws" or any other statute (except the Act) with respect to any transaction, interlocking relationship, or agreement otherwise within the purview of such sections.

§ 378.6 Suspension of exemption authority.

The Board reserves the power to suspend the exemption authority of any tour operator, without hearing, if it finds that such action is necessary in order to protect the rights of the traveling public.

Subpart B—Conditions and Limitations


No inclusive tour or series of tours scheduled to commence on or before December 31, 1967, shall be operated, nor shall any tour operator sell or offer to sell, solicit, or advertise such tour or tours, unless an application for an exemption from the Board authorizing the specific tour or series of tours shall be filed.

§ 378.11 Procedure for obtaining a Statement of Authorization.

(a) Applications for a Statement of Authorization shall be filed with the Civil Aeronautics Board (Director, Bureau of Operating Rights) jointly by the supplemental air carrier and the prospective tour operator at least 90 days in advance of the date of commencement of the proposed tour or series of tours. If a series of tours is to be operated for one tour operator pursuant to one charter contract, the application may cover the entire series, provided that the elapsed time between the commencement of the first tour and the completion of the last tour shall not be more than 180 days. Late filing of the application will not be permitted except for good cause shown.

(b) The application shall be verified, in the form set forth in the appendix, by a duly authorized officer of both the supplemental air carrier and the tour operator and shall include the Statement of Tour Operator's Qualifications and the Tour Prospectus. In the event of any change in the facts as reflected in the application, an amended application shall be filed no later than five (5) days following such change.

(c) Copies of the application shall be served upon each direct air carrier certificated to provide passenger service between any of the points involved in the proposed tour or tours, and on such other persons as the Board may require, and proof of such service shall accompany the certification provided in § 302.8 of this chapter. Answers to the application may be filed by interested persons no later than 10 days thereafter and shall conform to the requirements of § 302.1022 (a) and (b) of this chapter.

(d) The Board finds that if the proposed tour or tours comply with the requirements of this regulation and that the tour operator applicant is properly qualified, it will issue a Statement of Authorization for the conduct of the tour or tours set forth in the application. Among the factors which the Board will consider in determining whether the tour operator applicant is properly qualified to engage in the proposed tour operation are its financial resources, prior experience in the transportation business, and any other information bearing upon the ability of the applicant to perform successfully the proposed operations. The Statement of Authorization may be conditioned or limited by the Board in order to assure compliance with the requirements of this regulation.

(e) Deviations from the tour or tours authorized by the Board may not be made without Board permission except where there are circumstances beyond the control of the carrier or tour operator and there is insufficient time to request Board permission therefor.

§ 378.12 Statement of Tour Operator's Qualifications.

The Statement of Tour Operator's Qualifications shall be in the form set forth in the appendix. A tour operator who has filed a Statement of Tour Operator's Qualifications in connection with one application may, with respect to subsequent applications, file a verified statement to the effect that the facts contained in his previously filed Statement of Qualifications have not changed, except as set forth in such verified statement.

§ 378.13 Tour Prospectus.

The Prospectus shall include copies of the charter contract, the contract between the tour operator and tour participants, and the tour operator's surety bond, and shall contain the following information:

(a) Name and address of the tour operator;

(b) The proposed date and time of each flight;

(c) Equipment to be used, including the aggregate price of each type of aircraft and capacity;

(d) The tour itinerary, including hotels (name and length of stay at each), and sightseeing or other arrangements, if any;

(e) The tour price per passenger;

(f) The number of persons expected to participate in the tour;

(g) The aggregate price of the aircraft;

(h) The individually ticketed air fare, computed as provided in § 378.2(b) (4);

(i) Samples of solicitation materials proposed by the tour operator (all sales advertising and solicitation materials employed by the tour operator shall state the name of the supplemental air carrier to be utilized).

§ 378.14 Charter contract.

The charter contract between the tour operator and the supplemental carrier shall evidence a binding commitment on the part of the carrier to furnish the air transportation required for the tour or tours covered by the contract.

§ 378.15 Tariffs to be filed for charter trips.

No supplemental air carrier shall perform any charter trips for inclusive tours unless such air carrier shall have on file with the Board a currently effective tariff showing all rates, fares, and charges for such charter trips and showing the rules, regulations, practices, and services in connection with such transportation.

§ 378.16 Surety bond.

The tour operator shall furnish a surety bond in an amount of not less than twice the amount of the charter price for the air transportation to be furnished in connection with such tour: Provided, however, That the liability of the surety to any tourist participant shall not exceed the tour price. Such bond shall insure the financial responsibility of the tour operator and the supplying of the transportation and all other accommodations, services, and facilities in accordance with the contract between the tour operator and the tour participants, and shall be in the form set forth in the appendix. Such bond shall be issued by a reputable and financially responsible bonding or insurance company, which is licensed to issue surety bonds of that type in the State in which the tour originates. For purposes of this section, the term "State" includes any territory or possession of the United States, or the District of Columbia. The Board will consider that a bonding or surety company is prima facie qualified under this section if such company's surety bonds are accepted by the Interstate Commerce Commission under 49 CFR 174.8, and if such company is listed in Best's Insurance Reports (Fire and Casualty) with a general policyholders' rating of "A" or better. If the bond does not comply with the requirements of this section, or for any reason fails to provide satisfactory or adequate protection for the public, the Board will notify the supplemental air carrier and the tour operator, registered or certified mail, stating the deficiencies of the bond. Unless such deficiencies are corrected within the time set forth in such notification, the subject tour or tours shall in no event be operated.

§ 378.17 Contract between tour operators and tour participants.

Where each participant in a tour receives the same accommodations, land tours, etc., the contract between the tour operator and the tour participants shall be the same. Contracts between tour operators and tour participants shall include provisions concerning the following matters:

(a) Method of payment, e.g., installment payments;

(b) Refunds in the event of the tour's cancellation or the passenger's change in plans;

(c) Carriers' liability limitations for passengers' baggage;

(d) Aircraft equipment substitutions;
§ 378.18 Procedure applicable to periods on or after January 1, 1966.

(a) No inclusive tour or series of tours scheduled to commence on or after January 1, 1968, shall be operated, nor shall any tour operator sell or offer to sell, solicit, or advertise such tour or tours, unless there is on file with the Board a Tour Prospectus satisfying the requirements of § 378.15. If a series of tours is to be operated by the same tour operator pursuant to one charter contract, the Prospectus shall cover the entire series, provided the elapsed time between the commencement of the first tour and the completion of the last tour shall not be more than 180 days. The Tour Prospectus shall be verified by a duly authorized officer of both the supplemental air carrier and the tour operator and shall be filed at least 60 days before the commencement of the tour or tours. Late filing of the Prospectus will not be permitted except for good cause shown.

(b) If in change in the facts as reflected in the Prospectus, an amended Prospectus shall be filed no later than five (5) days following such change. Deviations from the Tour Prospectus, or the amended Prospectus, may not be made except where they are compelled by circumstances beyond the control of the carrier or tour operator and there is insufficient time to file an amended Prospectus.

Subpart C—Post Tour Reporting Requirements

§ 378.20 Post tour reporting.

(a) Within 30 days after completion of a tour or in the case of a series of tours, the last of the series, the supplemental air carrier and tour operator shall jointly file with the Board (Supplementary Services Division, Bureau of Operating Rights) a post tour report. The post tour report shall be verified by both the supplemental air carrier and the tour operator and shall indicate whether or not the tours as authorized hereunder were, in fact, performed. To the extent that the operations differed from those authorized under § 378.11 or described in the Prospectus filed under § 378.18, such differences shall be fully detailed including the reasons therefor. However, the making of such explanation shall not of itself operate as authority for or excuse of any such deviation.

(b) The supplemental air carrier shall promptly notify the Board regarding any tours covered by a Statement of Authorization, or a Tour Prospectus filed under § 378.18, that are later canceled.

Subpart D—Miscellaneous

§ 378.30 Waiver.

A waiver of any of the provisions of this regulation may be granted by the Board upon its own initiative, or upon the submission by a supplemental air carrier of a written request therefor provided that such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein.

§ 378.31 Enforcement.

In case of any violation of the provisions of the Act, or this part, or any other rule, regulation, or order issued under the Act, the violator may be subject to a proceeding pursuant to sections 1002 and 1007 of the Revised Statutes, or a U.S. District Court, as the case may be, to compel compliance therewith, to civil penalties pursuant to the provisions of section 904 (a) of the Act, or, in the case of willful violation, to criminal penalties pursuant to the provisions of section 902 (a) of the Act; or other lawful sanctions.

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

By the Civil Aeronautics Board.

[Seal] HAROLD R. SANDERSON, Secretary.

Verification of Application under Part 378 of the Special Regulations of the Civil Aeronautics Board (14 CFR Part 378)

STATE OF..., COUNTY OF,...

(Name)

being duly sworn, hereby separately deposes and says that I have carefully examined the attached application for a Statement of Authorization, and each of the documents comprising such application (Statement of Operator's Qualifications and Tour Prospectus) and that to the best of my knowledge and belief the information contained therein is true and correct.

(Signature and title of duly authorized official of the supplemental air carrier.) Sworn to before me this day, the... of...

(Signature of person administering oath.

(Signature and title of duly authorized official of the tour operator.) Sworn to before me this day, the... of...

(Signature and title of person administering oath.

STATEMENT OF TOUR OPERATOR'S QUALIFICATIONS UNDER PART 378 OF THE SPECIAL REGULATIONS OF THE CIVIL AERONAUTICS BOARD (14 CFR PART 378)

1. Identification of tour operator applicant:
   (a) Name: __________________________
   (b) Trade name: ______________________
   (c) Name in which firm is to be issued the Statement of Authorization: ______________________

2. Address of principal place of business:

3. Mailing address:

4. Form of organization: □ Corporation; □ Partnership; □ Other (Specify): ______________________

5. State in which incorporated or under whose laws the company is authorized to operate:

6. Date of incorporation or formation of company: ______________________

7. Full name, address, title, citizenship (country) and percent of stock or other interest of officers, managers, key personnel, or majority owner of stock or other interest of applicant, and owners of more than 5 percent of outstanding stock of corporation or owners of more than 5 percent of company if other than corporation:

8. Full name, address, citizenship (country) and percent of stock or other interest of directors of applicant:

9. Percent of voting interest owned or controlled by citizens of the United States or one of its possessions: □ 75 percent or more; □ Less than 75 percent.

10. If any of applicant's stock is held by a corporation, percent of voting interest in such corporation owned or controlled by citizens of the United States or one of its possessions: □ 75 percent or more; □ Less than 75 percent.

11. Description of current business activities and length of time engaged therein:

12. Description of previous business experience related to transportation activities and dates engaged therewith:

13. Kind of operating facilities used (such as: broker, surface or air freight forwarder, motor carrier, ocean freight forwarder, etc.) issued to applicant by the U.S. Government, including (a) permit, registration or certificate number, or other evidence of registration, (b) issuing agency, and (c) effective dates of license or registration:

14. Has any operating authority or registration included in Item 13, above, been revoked, canceled, suspended or otherwise terminated? □ Yes □ No

15. Description of previous business experience of applicant's officers, managers, and key personnel in air transportation or other transportation:

16. State any additional information or comments as desired in support of the application:

17. Give a brief account of any arrangement through which applicant will have available to it the financial resources and facilities of other companies or individuals:

18. Submit with this statement, in duplicate, the most recent balance sheet of applicant. Use footnotes to explain items fully, in order to avoid time-consuming correspondence for explanation of balance sheet entries.

TOUR OPERATOR'S SECURITY BOND UNDER PART 378 OF THE SPECIAL REGULATIONS OF THE CIVIL AERONAUTICS BOARD (14 CFR PART 378)

Know all men by these presents, that we

( Name of tour operator of __________________________)

(City) (State)

as Principal (hereinafter called Principal), and ______________________ a corpora-

(Names of Surety)
tion created and existing under the laws of the State of ________, as Surety (hereinafter called Surety) is bound unto the United States of America, in the sum of $86171, for the payment, well and truly to be made by the Principal for the supplying of transportation and other services pursuant to Part 378 of the Board's Special Regulations in accordance with contracts, agreements, and arrangements made by the Principal to remain in full force and effect, provided, however, that the Surety will not be liable hereunder for the payment of any of the damages hereinbefore described, if the Principal shall pay any such damages arising as the result of contracts, agreements, or arrangements made by the Principal for the supplying of transportation and other services pursuant to Part 378 of the Board's Special Regulations, in accordance with contracts, agreements, and arrangements made by the Principal, to a tour operator pursuant to the provisions of Part 378 of the Board's Special Regulations and other rules and regulations of the Board relating to insurance or other security for the protection of tour participants, and it is in effect for the supplying of transportation and other services pursuant to and in accordance with the provisions of Part 378 of the Board's Special Regulations, then this obligation shall be void, otherwise it shall be deemed to be fully and completely binding and irrevocable.

Whereas this bond is written to assure compliance by the Principal as an authorized tour operator with Part 378 of the Board's Special Regulations, and other rules and regulations of the Board relating to insurance or other security for the protection of tour participants, and it is in effect for the supplying of transportation and other services pursuant to and in accordance with the provisions of Part 378 of the Board's Special Regulations, then this obligation shall be void, otherwise it shall be deemed to be fully and completely binding and irrevocable.

Now, therefore, the condition of this obligation is such that if the Principal shall pay or cause to be paid to tour participants any payment or succession of payments for transportation and other services pursuant to and in accordance with the provisions of Part 378 of the Board's Special Regulations, in accordance with contracts, agreements, and arrangements made by the Principal to remain in full force and effect, the liability of the Surety shall be void, otherwise it shall remain in full force and effect.

The liability of the Surety with respect to any tour participant shall not exceed the tour price (as defined in Part 378 of the Board's Special Regulations) paid by or on behalf of such participant.

The liability of the Surety shall not be discharged by any payment or succession of payments made to tour participants and the Surety will not be liable for the payment or payments shall amount in the aggregate to the penalty of the bond, and in no event shall the Surety's obligation hereunder exceed the amount of the bond.

The Surety agrees to furnish written notice to the Civil Aeronautics Board forthwith of all suits filed, claims rendered, and payments made by said Surety under this bond.

This bond is effective the day of ________, 19______, standard time at the address of the Principal as stated herein and shall continue in force until terminated as hereinafter provided. The Principal or the Surety may at any time terminate this bond by written notice to the Civil Aeronautics Board in Washington, D.C., such termination to become effective thirty (30) days after actual receipt of said notice by the Board. The Surety shall not be liable hereunder for the payment of any of the damages hereinafter described which arise as the result of any contracts, agreements, arrangements, undertakings, or arrangements made by the Principal for the supplying of transportation and other services after the terminations hereinbefore described, but such termination shall not affect the liability of the Surety hereunder for the payment of any such damages arising as the result of contracts, agreements, or arrangements made by the Principal for the supplying of transportation and other services prior to the date such termination becomes effective.

In witness whereof, the said Principal and Surety have executed this instrument on the day of ________, 19______.

PRINCIPAL

Name ____________________________

By ____________________________ (Signature and title)

SURETY

Name ____________________________

By ____________________________ (Signature and title)

Only corporations may qualify to act as surety and they must establish to satisfaction of the Civil Aeronautics Board legal authority to assume the obligations of surety and financial ability to discharge them.

[F.R. Doc. 66-2881; Filed, Mar. 21, 1966; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10th Gen. Rev. of Export Rgs., Amdt. 19]

PART 384—GENERAL ORDERS

Exports to Southern Rhodesia

Section 384.8. Exports to Southern Rhodesia, as amended to read as follows: 
§ 384.8 Exports to Southern Rhodesia.

(a) Additional requirements for validated licenses. The requirements for a validated export license are increased as a result of the revisions in the general licenses described herein.

(1) General License G—DEST. Effective 12:01 a.m., e.s.t., March 18, 1966, United States registered aircraft may no longer depart from the United States for a temporary sojourn in Southern Rhodesia under the provisions of General License G—DEST. Exporters should note that the rescission of General License G—DEST does not affect the departure of aircraft operating under an Air Carrier Operating Certificate, Commercial Operating Certificate or Air Taxi Operating Certificate issued by the Federal Aviation Agency, as set forth in § 371.15 of the Comprehensive Export Schedule.

(2) General License GATS. Effective 12:01 a.m., e.s.t., March 18, 1966, United States registered aircraft may no longer depart from the United States for a temporary sojourn in Southern Rhodesia under the provisions of General License G—ATS. Exporters should note that the rescission of General License G—ATS does not affect the departure of aircraft operating under an Air Carrier Operating Certificate, Commercial Operating Certificate or Air Taxi Operating Certificate issued by the Federal Aviation Agency, as set forth in § 371.15 of the Comprehensive Export Schedule.

(3) Saving clause exception. Shipments to Southern Rhodesia removed from General License G—DEST or General License G—ATS as a result of changes set forth in subparagraph (1) or (2) of this § 384.8(a) and which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit prior to 12:01 a.m., e.s.t., March 18, 1966, may be exported under the previous General License G—DEST or GLV provisions up to and including April 18, 1966. Any such shipment not laden aboard the exporting carrier on or before April 18, 1966, requires a validated license for export.

(4) General License GATS. Effective 12:01 a.m., e.s.t., March 18, 1966, United States registered aircraft may no longer depart from the United States for a temporary sojourn in Southern Rhodesia under the provisions of General License G—ATS. Exporters should note that the rescission of General License G—ATS does not affect the departure of aircraft operating under an Air Carrier Operating Certificate, Commercial Operating Certificate or Air Taxi Operating Certificate issued by the Federal Aviation Agency, as set forth in § 371.15 of the Comprehensive Export Schedule.

(5) Other general licenses. Exports to Southern Rhodesia may continue to be made under the provisions of any general license except as described in subparagraphs (1), (2), and (4) of this § 384.8(a).

(b) Consideration of license applications. Under the terms of the restrictive policy on exports and reexports of commodities important to the economy of Southern Rhodesia, applications covering the following commodities will generally not be approved by the Office of Export Control.

Export control commodity No. and commodity description.

001-112 Live animals, beverages, and food, except feeding-stuff (other than unsmoked cured) for animals.

411-451 Animal and vegetable oils and fats.

61200 Synthetic organic medicinal chemicals.

61410-64990 Medicinal and pharmaceutical products.

61203 Hospital beds, hospital benches, etc.

61201-61590 Clothing, accessories, and footwear.

61810 Ophthalmic glass, lens blanks, and focus lenses, unmounted; and spectacle and gogglet.

61810 Medical, dental, surgical, ophthalmic and veterinary instruments and apparatus (other than electro-medical), except apparatus wholly made of polytetrafluoroethylene.

68049-68500 Developed photographic and motion picture film.

89150 Phonograph records.

89133-89242, 89364 Printed matter, n.e.c.

89512-89562 Hearing aids and other aural appliances and articles, artificial parts of body, and fracture appliances.

89512-89562 Hearing aids and other aural appliances and articles, artificial parts of body, and fracture appliances.

89512-89562 Hearing aids and other aural appliances and articles, artificial parts of body, and fracture appliances.

89512-89562 Hearing aids and other aural appliances and articles, artificial parts of body, and fracture appliances.
Title 21—FOOD AND DRUGS
Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare
Part 8—COLOR ADDITIVES
Subpart D—Listing of Color Additives for Food Use Exempt From Certification

§8.318 Grape skin extract (enocianina).

(a) Identity. (1) The color additive grape skin extract (enocianina) is a purplish-red liquid prepared by the aqueous extraction (steeping) of the fresh de-seeded marc remaining after grapes have been pressed to produce grape juice or wine. It contains the common components of grape juice—anthocyanins, tartaric acid, tannins, sugars, minerals, etc., but not in the same proportions as found in grape juice. During the steeping process, sulphur dioxide is added, and most of the extracted sugars are fermented to alcohol. The extract is concentrated by vacuum evaporation, during which practically all of the alcohol is removed. A small amount of sulphur dioxide may be present.

(2) Color additive mixtures for food use made with grape skin extract (enocianina) may contain only those dyes listed in Subpart D of this part as safe and suitable in color additive mixtures for coloring foods.

(b) Specifications. Grape skin extract (enocianina) shall conform to the following specifications:

Pesticide residues, not more than permitted in or on grapes by regulations promulgated under section 408 of the Federal Food, Drug, and Cosmetic Act (as Pb), not more than 10 parts per million.

(c) Uses and restrictions. Grape skin extract (enocianina) may be safely used for the coloring of still and carbonated drinks and ases, beverage bases, and alcoholic beverages subject to the following restrictions:

(1) It may not be used to color foods for which standards of identity have been promulgated under section 401 of the act unless artificial color is authorized by such standards.

(2) Its use in alcoholic beverages shall be in accordance with the provisions of Parts 4 and 5, Title 27, Code of Federal Regulations.

(d) Labeling requirements. The label of the color additive and any mixtures prepared therefrom intended solely for or in part for coloring purposes shall conform to the requirements of § 8.32. The common or usual name of the color additive is “grape skin extract” followed, if desired, by “(enocianina)”.

Certificate of this color additive is not necessary for the protection of the public health, and therefore batches thereof are exempt from the certification requirements of section 706(c) of the act.

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

Effective date. This order shall become effective 60 days from the date of its publication in the Federal Register, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the Federal Register.

Dated: March 14, 1966.

J. K. IRICK, Assistant Commissioner for Operations.
The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP-SA1690) filed by Northwestern Malt and Grain Co., 375 Grain Exchange, Minneapolis, Minn., 55415, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of potassium bromate in the malting of barley used in the production of fermented malt beverages and distilled spirits. Evidence is available to show that the bromate quickly degrades to bromide. The tolerance established for bromide in fermented malt beverages provides for the total of bromide residues from the treatment with potassium bromate in the malting of barley and from the authorized fumigation of barley. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1768; 21 U.S.C. 348(c)(1)), and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (31 CFR 2.120; 31 F.R. 3008), Part 121 is amended as follows:

1. Section 121.1020 is amended by redesignating paragraph (c) as paragraph (w), with changes, and by adding a new paragraph (c), as follows:

§ 121.1020 Inorganic bromide.

(c) When the food additive is present, as a result of the use of potassium bromate treated malt, in fermented malt beverages and distilled spirits, as described in § 121.1194.

(d)–(y) [Reserved]

(w) Where tolerances are established under sections 408 and 409 of the act on both the raw agricultural commodities and processed foods made therefrom, the total residues of inorganic bromide in or on the processed food shall not be greater than those specified in this section.

2. The following new section is added to Subpart D:

§ 121.1194 Potassium bromate.

The food additive potassium bromate may be safely used in the malting of barley under the following prescribed conditions:

(1) It is used or intended for use in the malting of barley under conditions whereby the amount of the additive present in the malt from the treatment does not exceed 75 parts per million of bromate (calculated as Br), and the treated malt is used only in the production of fermented malt beverages or distilled spirits.

(2) The combined residue in fermented malt beverages resulting from the use of the treated malt and additional residues of inorganic bromides which may be present from fumigation of the grain in accordance with section 408 of the act does not exceed 25 parts per million of bromide (calculated as Br). (No tolerance is established for bromide in distilled spirits because there is evidence that inorganic bromides do not pass over in the distillation process.)

(b) To assure safe use of the additive, the label or labeling of the food additive shall bear, in addition to the other information required by the act, the following:

(1) The name of the additive.

(2) Adequate directions for use.

(c) To assure safe use of the additive, the label or labeling of the treated malt shall bear, in addition to other information required by the act, the statement, "Brewer's Malt—To be used in the production of fermented malt beverages only" or "Distiller's Malt—To be used in the production of distilled spirits only," whichever is the case.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the Federal Register file a hearing with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5449, 330 Independence Avenue SW., Washington, D.C., 20201, with written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effect date. This order shall become effective on the date of its publication in the Federal Register.

§ 121.2566 Antioxidants and/or stabilizers for polymers.

(b) List of substances:

• • •

p-tert-Amylphenol-formaldehyde resins produced when one mole of p-tert-amyilphenol is made to react under acid conditions with one mole of formaldehyde.

For use only at levels not to exceed 2.1% by weight of polyamide resins that are:

1. Derived from dimerized vegetable oil acids (containing not more than 20% of mono-mer acids) and ethylenediamine.

2. Used in compliance with regulations in this Subpart F.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the Federal Register file a hearing with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5449, 330 Independence Avenue SW., Washington, D.C., 20201, with written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effect date. This order shall become effective on the date of its publication in the Federal Register.

§ 121.2566(b) is amended by inserting alphabetically in the list of substances the following new item:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

• • •

p-tert-amylation-formaldehyde resins produced when one mole of p-tert-amylation is made to react under acid conditions with one mole of formaldehyde.

For use only at levels not to exceed 2.1% by weight of polyamide resins that are:

1. Derived from dimerized vegetable oil acids (containing not more than 20% of mono-mer acids) and ethylenediamine.

2. Used in compliance with regulations in this Subpart F.


J. K. KIRK,
Assistant Commissioner
for Operations.

[F.R. Doc. 66-2986; Filed, Mar. 21, 1966; 8:49 a.m.]
Note, among other things, a particular
assuming public understands the unmodified
term "suede" for a flocked fabric.

The resulting fabric, it was said, has the
appearance and feel of velvet and suede.

The manufacturer had described the material in question as one formed
by applying a flocked fabric.

(d) The fabric in question, therefore, may properly be designated only as
"suede fabric", "suede cloth"; "velvet-like fabric" or "velvet-like cloth" or
by words of similar import. The expressions "suede fabric", "suede cloth";
"velveted fabric" or "velveted cloth"; "velvet-like fabric" or "velvet-like cloth"
or words of similar import are also unobjectionable.


Issued: March 21, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, Secretary.

[F.R. Doc. 66-3017; Filed, Mar. 21, 1966;
8:51 a.m.]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 20—OCCUPATIONAL TRAINING OF UNEMPLOYED PERSONS

Eligibility for Training Allowance

Pursuant to authority contained in
section 297 of the Manpower
Development and Training Act of 1962 (42 U.S.C.
2587), I hereby amend Title 29, Part 20 of the Code of Federal Regulations as
set forth below.

Section 4 of the Administrative Procedure Act (5 U.S.C. 1003) which
requires notice of proposed rules, opportu-
nity for public participation and delay in
effective data is not applicable be-
cause these rules only relate to public
benefits. I do not believe such procedure
will serve a useful purpose here. Ac-
cordingly, this amendment shall become
effective immediately.

The amendment reads as follows:
Section 20.30 (a) is amended to read as
follows:
§ 20.30 Eligibility for training allow-
ances.
(a) An unemployed individual selected
and referred to training pursuant to the provisions of section 208 of the Act and
who is 17 years of age or older, or who is
under age 17 but is the head of a family
or head of a household, may be eligi-
able for a training allowance in accord-
ance with the provisions of this subpart,
or the Railroad Retirement Board's ac-
count or a State's account in the Un-
employment Trust Fund may be re-
bursed, if he has had at least 2 years'
experience in gainful employment prior
to the week of training involved and,
for the week for which an allowance is
sought, has been enrolled in accordance
with the requirements of the training
facility in a training program: Provided,
That not more than two persons in any
family or household shall receive a train-
ing allowance, other than a youth
training allowance, for any week except
in an area designated as a redevelopment
area under any Federal Act authorizing
such designation.

WILLARD WIRTZ;
Secretary of Labor.

[F.R. Doc. 66-2976; Filed, Mar. 21, 1966;
8:49 a.m.]

Chapter XII—Bureau of Labor Standards, Department of Labor

PART 1505—GEAR CERTIFICATION

Criteria Governing Accreditation

Pursuant to section 41 of the Long-
shoremen's and Harbor Workers' Com-
pensation Act (33 U.S.C. 941), I hereby
amend paragraph (a) of 29 CFR 1505.6 by
adding a new provision at the end thereof to read as set forth below.

Because this provision constitutes a
general statement of agency policy, no-
tice of proposed rule making, public par-
ticipation, and delay in effective data
are not required by section 4 of the Ad-
ministrative Procedure Act (5 U.S.C.
1003). I do not believe such procedures
will serve a useful purpose here. Ac-
cordingly, the amendment shall become
effective immediately.

As amended 29 CFR 1505.6(a) reads as
follows:
§ 1505.6 Criteria governing accredita-
tion.
(a) (1) A person applying for accredi-
tation to issue permit and pertinent
certificates, to maintain registers and
appropriate records, and to conduct ini-
tial, annual and quadrennial surveys,
shall not be accredited unless he is en-
grossed in one or more of the following activities:

(1) Classification of vessels;

(2) Certification of vessels' cargo

(3) Shipbuilding or ship repairing, or both

(4) Unit and loose gear testing of ves-
sels' cargo handling gear.

(5) Applicants for accreditation under
paragraph (a) (1) of this section for op-
erations in coastal or Great Lakes ports
who come within subdivisions (ii) or (iv)
shall not be accredited unless they con-
duct at least 1,500 hours of cargo gear
certification work per year.

(33 U.S.C. 941)

Signed at Washington, D.C., this 15th
day of March 1966.

WILLARD WIRTZ;
Secretary of Labor.

[F.R. Doc. 66-2976; Filed, Mar. 21, 1966;
8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER H—SUPPLIES AND EQUIPMENT

PART 621—LOAN OF PROPERTY

Loan of Army/DSA Owned Property to
Recognized Veterans' Organizations

In § 621.1, the section heading and para-
graphs (b) and (e) are revised to read as
follows:
§ 621.1 Loan of Army/DSA owned
property to recognized veterans' or-
ganizations for use at National and State
conventions.

(1) Recognized organizations. This
section applies to the following veterans'
or-ganizations and their youth affiliates.
Requests for youth affiliates to have
loans of Army-owned property will be
processed by the parent organizations:
(1) Veterans of Foreign Wars of the
United States.

(2) American Legion.

(3) Blinded Veterans Association.

(4) Disabled American Veterans.

(5) Catholic War Veterans of the
United States of America.

(6) Jewish War Veterans of the United
States.

(7) Legion of Valor of the United
States of America, Inc.

(8) Disabled Officers Association.

(9) The Military Order of the Purple
Heart, Inc.

(10) United Indian War Veterans,
U.S.A.

(11) Army and Navy Union, U.S.A.

(12) United Spanish War Veterans.

(13) Fleet Reserve Association.

(14) Military Order of the World
Wars.

(15) Regular Veterans' Association.

(16) Marine Corps League.

(17) American Veterans of World War
II (AMVETS).

FEDERAL REGISTER, VOL. 31, NO. 55—TUESDAY, MARCH 22, 1966
Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

SUBCHAP. A—GENERAL

[CGTS 60-10]

PART 3—COAST GUARD DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

Captain of the Port Areas in Seventh Coast Guard District and Factory Inspections of Sebring, Ohio

The amendments to 33 CFR 3.35-55 to 3.35-85, inclusive, revise the boundary descriptions of the Captain of the Port areas in the Seventh Coast Guard District to bring these descriptions up-to-date. The amendments to the notes following 33 CFR 3.10-50(b) and 3.45-5(b) provide, that the factory inspections at the town of Sebring, Ohio, shall be conducted by marine inspectors assigned from the office of the Officer in Charge, Marine Inspection, at Cleveland, Ohio, rather than from the office of the Officer in Charge, Marine Inspection, at Pittsburgh, Pa., for economic reasons. By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 in Title 14, U.S. Code, and Treasury Department Orders 120, dated July 31, 1959 (15 F.R. 6521), and July 17, 1955 (20 F.R. 4976), as well as the statutes cited with the regulations below, the following amendments are prescribed and shall be in effect on and after the date of publication in the Federal Register:

Subpart 3.10—Second Coast Guard District

1. The note following § 3.10-50(b) is amended to read as follows:

§ 3.10-50 Pittsburgh Marine Inspection Zone.

† † † † †
thence to 34°27' N. latitude, 81°44' W. longitude; thence west to 82°40' W. longitude; thence north to 24°09' N. latitude; thence east to 81°44' W. longitude; thence northeasterly to 25°05' N. latitude, 81°27' W. longitude; thence southerly to 25°41' N. latitude, 81°39' W. longitude; thence northeasterly to 25°48' N. latitude, 81°21' W. longitude; thence to 25°53' N. latitude, 81°16' W. longitude; thence southeasterly to the point of beginning.

§ 3.35-0 Miami Captain of the Port.

(a) The Miami Captain of the Port Office is in Miami, Fla.

(b) The Miami Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries:
A line extended from a point located at 27°09'.5" N. latitude, 80°18'.5" W. longitude, east to 80°05'.5" W. longitude; thence southerly to 25°05'.5" N. latitude, 80°12'.5" W. longitude; thence thence southerly to 25°30'. N. latitude, 80°02'.5" W. longitude; thence to 25°05'.5" N. latitude, 80°14'.5" W. longitude; thence thence southerly to 25°00'. N. latitude, 82°30'.5" W. longitude; thence east to 82°55'. W. longitude; thence northerly to 28°00'. N. latitude; thence to 28°30'. N. latitude, 82°50'. W. longitude; thence southerly to 27°45'.5" N. latitude, 82°15'. W. longitude; thence to 27°00'. N. latitude, 82°30'. W. longitude; thence to 27°30'. N. latitude, 82°55'. W. longitude; thence west to 83°05'. W. longitude; thence to 29°05'. N. latitude, 83°30'. W. longitude; thence to 29°50'. N. latitude, 84°00'. W. longitude; thence west to 84°20'. W. longitude; thence south to 29°40'. N. latitude; thence west to 84°40'. W. longitude; thence to 39°32'. N. latitude, 85°02'. W. longitude; thence 013'. T. to eastern shore of Apalachicola River Inlet; thence along the eastern shoreline of Apalachicola River to 29°49'.5" N. latitude; thence to 30°10'. N. latitude, 84°26'. W. longitude; thence east to 84°48'. W. longitude; thence southeasterly to 29°00'. N. latitude, 83°20'. W. longitude; thence southeasterly to 33°45'. N. latitude, 81°46'. W. longitude; thence to 30°00'. N. latitude, 81°36'. W. longitude; thence to the point of beginning.

§ 3.35-72 Port Canaveral Captain of the Port.

(a) The Port Canaveral Captain of the Port Office is in Port Canaveral, Fla.

(b) The Port Canaveral Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries:
A line extended from a point located at 29°42.5' N. latitude, 81°28'. W. longitude, east to 81°10'. W. longitude; thence southerly to 28°30'. N. latitude, 80°27'. W. longitude; thence to 27°03.5' N. latitude, 80°05'. W. longitude; thence west to 80°15'. W. longitude; thence to the point of beginning.

§ 3.35-75 San Juan Captain of the Port.

(a) The San Juan Captain of the Port Office is in San Juan, P.R.

(b) The San Juan Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the United States Commonwealth of Puerto Rico and territory of the Virgin Islands.

§ 3.35-80 Savannah Captain of the Port.

(a) The Savannah Captain of the Port Office is in Savannah, Ga.

(b) The Savannah Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries:
A line extended from Bay Point Edisto Island, southeasterly to 30°00'. N. latitude, 80°64'. W. longitude; thence southerly to 31°45'. N. latitude, 81° W. longitude; thence to 30°50'. N. latitude, 81°23'. W. longitude; thence west to 81°48'. W. longitude; thence northerly to 31°54'. N. latitude, 81°22'. W. longitude; thence to 32°30'. N. latitude, 80°55'. W. longitude; thence to 32°41'. N. latitude, and eastern shore of Edisto River; thence along the eastern shore of Edisto River to the point of the beginning.

§ 3.35-85 Tampa Captain of the Port.

(a) The Tampa Captain of the Port Office is in Tampa, Fla.

(b) The Tampa Captain of the Port area comprises all navigable waters of the United States and contiguous land areas within the following boundaries:
A line extended from a point located at 27°09'.5" N. latitude, 81°10'.5" W. longitude, to 25°05'.5" N. latitude, 81°27'.5" W. longitude; thence southerly to 25°41'.5" N. latitude, 81°39'.5" W. longitude; thence northeasterly to 25°48'. N. latitude, 81°21'.5" W. longitude; thence to 25°53'. N. latitude, 81°16'.5" W. longitude; thence southeasterly to the point of beginning.

§ 3.35-70 Miami Captain of the Port.

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-16—PROCUREMENT FORMS

Subpart 9-16.1—Forms for Advertised Supply Contracts

Subpart 9-16.4—Forms for Advertised Construction Contracts

Subpart 9-16.50—Contract Outlines

Miscellaneous Amendments

1. In §§ 9-16.104-50 AEC additions to Standard Form 32, General Provisions (Supply Contract) (September 1961 edition), the title is revised to read as follows:


2. In §§ 9-16.404-52 AEC additions to Standard Form 23A, General Provisions (Construction Contract) (April 1961 edition), the title is revised to read as follows:


3. The references cited in the following sections are revised to read as follows:

<table>
<thead>
<tr>
<th>Section</th>
<th>Present Reference</th>
<th>New Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>9-16.104-50</td>
<td>AECPR 9-7.5006-12</td>
<td>AECPR 9-7.5006-49</td>
</tr>
<tr>
<td>9-16.104-55</td>
<td>AECPR 9-7.5006-33</td>
<td>AECPR 9-7.5006-33</td>
</tr>
</tbody>
</table>

FEDERAL REGISTER, VOL. 31, NO. 55—TUESDAY, MARCH 22, 1966
4. In § 9-16.5002-2 Outline of a cost-plus-a-fixed-fee supply contract (performed by commercial concerns in contractor's facilities), paragraphs (12), (14), and (23) are revised and new paragraphs (35), (36), (37), (38), and (39) are added as follows: § 9-16.5002-2 Outline of a cost-plus-a-fixed-fee supply contract (performed by commercial concerns in contractor's facilities).

5. In § 9-16.5002-4 Outline of a cost-plus-a-fixed-fee construction contract, Article V—Allowable costs and fixed fee, and Note A of Article V—Payments, are revised to read as follows: § 9-16.5002-4 Outline of a cost-plus-a-fixed-fee construction contract.

6. In § 9-16.5002-5 Outline of a cost-plus-a-fixed-fee architect-engineer contract, Article VI—Payments, Note A is revised to read as follows: § 9-16.5002-5 Outline of a cost-plus-a-fixed-fee architect-engineer contract.

7. In § 9-16.5002-6 Outline of a lump-sum architect-engineer contract (with cost reimbursement features), Article V—Payments, Note B and C are revised to read as follows: § 9-16.5002-6 Outline of a lump-sum architect-engineer contract (with cost reimbursement features).

8. In § 9-15.5002-8 Outline of fixed-price contract for research and development with educational institutions, Article B—XXVI—Soviet-Bloc Controls, is revised to read as follows: § 9-16.5002-8 Outline of fixed-price contract for research and development with educational institutions.

9. In § 9-16.5002-9 Outline of cost-type contract for research and development with educational institutions, Article B—XXX—Soviet-Bloc Controls, and Article B—XXX— Controls in the National Interest, are revised to read as follows: § 9-16.5002-9 Outline of cost-type contract for research and development with educational institutions.
PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

VETERANS EDUCATIONAL ASSISTANCE; ACCRUED

In § 3.1000, paragraph (g) is added to read as follows:


(g) Veterans educational assistance. Educational assistance allowance under 38 U.S.C. ch. 34 remaining due and unpaid at the date of the veteran's death is payable under the provisions of this section.

(72 Stat. 1114; 38 U.S.C. 310; Public Law 89-362.)

This VA regulation is effective June 1, 1966.

Approved: March 15, 1966.

By direction of the Administrator.

[CYRIL F. BRICKFIELD, Deputy Administrator.]

FEDERAL REGISTER, VOL 31, NO. 55—TUESDAY, MARCH 22, 1966

PART 3—ADJUDICATION

Subpart B—Burial Benefits

PAYMENT OF BURIAL EXPENSES OF DECEASED VETERANS

In § 3.1600, the introductory portion preceding paragraph (a) is added and paragraphs (a) and (b) are amended to read as follows:

§ 3.1600 Payment of burial expenses of deceased veterans.

For the purpose of payment of burial expenses the term "veteran" includes a person who died during a period deemed to be active military, naval or air service under § 3.8(b) (6). (Public Law 69-509.)

(a) Wartime veterans. When a veteran of any war dies, an amount not to exceed $250 (250 Philippine pesos in those cases covered in § 3.8 (c) and (d)) is payable on the burial and funeral expenses and transportation of the body to the place of burial, if otherwise entitled within the further provisions of §§ 3.1600 through 3.1611. For this purpose the period of any war is as defined in § 3.2, except that World War I extends only from April 6, 1917, through November 11, 1918, or if the veteran served with the U.S. military forces in Russia through April 1, 1920.

(b) Peacetime veterans. A veteran of service other than during a war period has basic entitlement:

(1) If he was discharged or retired from active service for a disability incurred or aggravated in line of duty.

The official service department records showing that the veteran was discharged or retired from service for disability incurred in line of duty will be accepted for this purpose, notwithstanding, that the Veterans Administration has determined, in connection with a claim for
monetary benefits, that the disability was not incurred in line of duty; or
(2) If he was at the time of his death in receipt of, or, but for receipt of retirement pay would have been entitled to receive disability compensation; or
(3) Where the official service records show discharge for a reason other than disability but also show a service-connected disability for which the veteran was receiving treatment at time of discharge and the Veterans Administration determines that the facts were sufficient to have warranted a discharge for disability incurred in line of duty. If the veteran was not under treatment for such disability at time of discharge, entitlement exists if the Veterans Administration determines that the disability in medical judgment was of such character, duration and degree as to have justified a discharge for disability incurred in line of duty; or
(4) If he dies of a service-connected disability. (Public Law 89-360.)

Payments will be for the same purposes and in the same amounts provided in paragraph (a) of this section.

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

This VA Regulation is effective March 7, 1966.

Approved: March 16, 1966.

By direction of the Administrator.

[SMAL]

CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 66-2662; Filed, Mar. 21, 1966; 8:48 a.m.]

Title 42—PUBLIC HEALTH

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

SUBCHAPTER D—GRANTS

PART 57—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES (INCLUDING MENTAL RETARDATION RESEARCH FACILITIES), TEACHING FACILITIES AND STUDENT LOANS

Subpart C—Student Loans (Excluding Nursing Student Loans)

PHARMACY AND PODIATRY, PRACTICING IN SHORTAGE AREA; MISCELLANEOUS AMENDMENTS

Notice of proposed rule making, public rule making procedures and postponement of effective date have been omitted in the issuance of the following amendments to Subpart C—Student Loans (Excluding Nursing Student Loans), which relate solely to loans to students of medicine, dentistry, osteopathy, optometry, pharmacy and podiatry. The purpose of these amendments is to implement those provisions of Public Law 89-280 which amended the Public Health Service Act to provide for the extension of and improvement in the health professions student loan program, including, among other things, the extension of such program to students at schools of pharmacy and podiatry, and provision for cancellation of a portion of the loan of a borrower who engages in the practice of medicine, dentistry, osteopathy or optometry in a "shortage area."

Except as otherwise specifically stated, the amendments below shall become effective on the date of publication in the Federal Register.

1. Section 57.201 is amended to read as follows:

§ 57.201 Policy and purpose of the Health Professions Student Loan Program.

Part C of Title VII of the Public Health Service Act, as amended, authorizes the Health Professions Student Loan Program. Under this program, Health Professions Student Loan funds will be established at participating schools of medicine, dentistry, osteopathy and optometry, and, effective July 1, 1966, at participating schools of pharmacy and podiatry, in a State. The purpose of these funds is to make long-term, low-interest loans to qualified students who are in need of such financial assistance in order to pursue a full-time course of study leading to the degree of Doctor of Medicine, Doctor of Dental Surgery or an equivalent degree, Doctor of Osteopathy, Doctor of Optometry or equivalent degree, Bachelor of Science in Pharmacy or equivalent degree, or Doctor of Podiatry or equivalent degree.

2. Subparagraph (1) of paragraph (d), paragraph (f), subparagraph (3) of paragraph (g), and subparagraphs (1) and (3) of paragraph (n) of § 57.202 are amended to read as follows:

§ 57.202 Definitions.

(d) School of medicine, dentistry, osteopathy, optometry, pharmacy or podiatry. (1) The terms "school of medicine," "school of dentistry," "school of osteopathy," "school of optometry," "school of pharmacy," and "school of podiatry" mean a school which provides training leading respectively to a degree of Doctor of Medicine, Doctor of Dental Surgery or equivalent degree, Doctor of Osteopathy, Doctor of Optometry or equivalent degree, Bachelor of Science in Pharmacy or equivalent degree, or Doctor of Podiatry or equivalent degree, and which is accredited by a recognized body or bodies approved for such purpose by the Commissioner, except that a new school which (by reason of no, or an insufficient, period of observation) is not, at the time of entering into an agreement for Federal Capital Contributions, eligible for accreditation by such a recognized body or bodies, shall be deemed accredited for the purposes of such an agreement if the Commissioner finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of the first entering class in such school or, if later, upon completion of a project for construction as provided under section 744(b) (1) (B) (d) of the Act. Where the university has more than one such school, each is eligible to participate individually, and may only participate individually, in the Health Professions Student Loan Program.

(1) Institution. The term "institution" means a school of medicine, school of dentistry, school of osteopathy, school of optometry, school of pharmacy or school of podiatry. Where two or more such schools exist in a university, each such school is regarded as a separate institution for the purposes of the regulations in this subpart.

(c) Institutional application to participate in the Health Professions Student Loan Program. An "institutional application to participate in the Health Professions Student Loan Program" means:

(1) If the Institution's capital contribution is to be financed in whole or in part through a Federal institutional loan, an application in such form as the Surgeon General may require, for a Federal institutional loan pursuant to section 744 of the Act.

(n) Course of study; full-time course of study. (1) "Course of study" means the curriculum offered by a school of medicine, dentistry, osteopathy, optometry, pharmacy or podiatry, satisfactory completion of which entitles a student to receive a degree of Doctor of Medicine, Doctor of Dental Surgery or equivalent degree, Doctor of Osteopathy, Doctor of Optometry or equivalent degree, Bachelor of Science in Pharmacy or equivalent degree, or Doctor of Podiatry or equivalent degree, or, where a school offers only 2 years or other portion of such curriculum, the term applies to the portion of the curriculum offered by such school.

(2) These terms do not include that preprofessional training which is prerequisite to acceptance for enrollment in a school of medicine, dentistry, osteopathy, optometry, pharmacy or podiatry, nor do they include internship or residency training.

3. Paragraph (c) of § 57.206 is amended to read as follows:

§ 57.206 Eligibility and selection of student loan recipients.

(e) Limitations governing maximum amount of loans. The total of the loans from any Fund or Funds for any academic year to any student may not exceed $2,500 or the amount of such student's financial need, whichever is the lesser. However, when a student during a 12-month period pursues the course of study for a longer period than an academic year, he may borrow more than $2,500 on an academic year equivalent basis.
RULES AND REGULATIONS

4. Paragraph (a) of § 57.207 is amended to read as follows:

§ 57.207 Advancement and repayment of student loans.

(a) Evidence of indebtedness—Note.

(1) The note which shall be executed by a student-borrower shall be in such form as shall be approved by the Surgeon General. Except for a provision reflecting an institution’s election to require security or endorsement in cases permitted under paragraph (b) of this section, any substantive deviations from the promissory note form so approved shall be made only pursuant to approval by the Surgeon General prior to the making of any loan or accrued interest thereon. Each promissory note shall set forth the annual interest rate which is to be borne by the loan during the period the loan is repayable. Such interest rate shall be 3 percent per year or the “going Federal rate” as defined in section 741(e) of the Act, whichever rate is the higher. The rate of interest thus determined for the fiscal year, the Surgeon General shall advise each participating school of the amount of the Federal rate of interest for the fiscal year.

(2) Each promissory note shall also contain a provision whereby the borrower agrees that for repayment purposes, all student loans made to him shall be combined into a total loan, and (1) that each payment made by him shall be applied to the principal sum of the total loan and (2) that payment made by him shall be applied to the principal sum of the total loan and accrued interest thereon.

(3) A copy of each executed note shall be supplied to the student maker thereof.

5. Section 57.208 is amended by adding at the end thereof a new paragraph (c), to read as follows:

§ 57.208 Provisions for student loan cancellations.

(c) Practicing in a shortage area.

(1) Subject to the provisions of section 741(f) of the Act and of this paragraph, any person who obtained one or more loans from a loan fund established under Part C of Title II of the Act and who engages in the practice of medicine, dentistry, optometry, or osteopathy in an area having a shortage of and need for physicians, dentists, or optometrists, and whose practice is certified by the State health authority and of which is designated as a shortage area, shall be entitled, upon compliance with the state, regulations and instructions, to have a portion of such loans cancelled as follows: 10 percent of the total of such loans (plus accrued interest on such amount) which are unpaid as of the date that such person begins practice in such area, for each year of such practice thereafter, up to 50 percent of the total of such unpaid amount (plus accrued interest thereon).

(2) For purposes of subparagraph (1) of this paragraph, the State health authority may designate as areas in the State in which there is a shortage of and need for physicians, dentists, or optometrists any county (or established comparable political subdivision in those States in which they are political entities) in which the ratio of practicing physicians, dentists, or optometrists respectively to the most recent available estimated population in the county is lower than the following ratios:

Physicians—1:2,500.
Optometrists—1:10,000.

Provided, That the State health authority may, with the approval of the Surgeon General, designate as shortage areas: (1) Geographical areas other than counties where he finds that the use of another classification of areas of the State will better reflect the administrative, geographical, or other needs of the State, and (2) counties or other geographical areas in which the ratio of such professional personnel to population is equal to or greater than the ratios specified in the circumstances such as (a) in accessibility of medical services to the residents of the area, (b) age or incapacity of professionals rendering service, and (c) particular local health problems.

(3) For purposes of subparagraph (1) of this paragraph, in determining whether the practice of a physician, dentist, or optometrist in a shortage area helps to meet the shortage of and need for such professional services in the area, the State health authority shall take into consideration the amount of time which the practitioner devotes to serving the health needs of persons living in the area; the extent to which his services are generally available to residents of the area, and such other factors as will permit the State health authority to determine that the physician, dentist, or optometrist is substantially helping to meet the shortage of and need for professional services for residents of the area.

(4) For purposes of subparagraph (1) of this paragraph, a year of practice in a shortage area means any 12-month period of continuous practice (1) after the date the person begins practice in such area if the area is at that time designated as an area in which there is a shortage of and need for physicians, dentists, or optometrists, or (ii) after the date the area is designated as such area if the area was so designated subsequent to the date that such person began practicing in such area: Provided, That, when an area’s designation is changed, after a practitioner would otherwise be eligible for cancellation of a portion of his loan by practicing in such area, so that such area is no longer a shortage area, such change in status will not affect the eligibility of such practitioner to have a portion of his loan canceled for any year in which he continues to practice his profession in such area.

(5) For the purposes of subparagraph (1) of this paragraph, the State health authority shall certify to the Surgeon General in such form and at such times as the Surgeon General may prescribe: (1) The areas of his State which he has determined to be shortage areas and (ii) the names of loan recipients whose practice in such areas he has determined to meet the shortage of and need for physicians, dentists, or optometrists, in the designated area in accordance with the criteria prescribed in this paragraph.


WILLIAM H. STEWART, Surgeon General.

Approved: March 12, 1966.

WILBUR J. COHEN, Acting Secretary.

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Nevada 065601]

NEVADA

Withdrawal in Aid of Legislation

By virtue of the authority vested in the Secretary of the Interior by section 4 of the act of March 3, 1927 (44 Stat. 1337; 25 U.S.C. 398a), it is ordered as follows:

1. Subject to valid existing rights, the following described lands which are under jurisdiction of the Secretary of the Interior, are hereby temporarily 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, in aid of legislation:

MOUNT DIABLO MERRIAM

T. 41 N., R. 29 E., Sec. 7, Lots 1 to 6, incl., S 1/2 N 1/4 and NW 1/4 N 1/4; Sec. 8, N 1/4.

The areas described aggregate 608.38 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRY R. ANDERSON, Assistant Secretary of the Interior.

MARCH 15, 1966.

FEDERAL REGISTER, VOL. 31, NO. 55—TUESDAY, MARCH 22, 1966
LAKE SUPERIOR

Revocation of National Forest Administrative Sites and Experimental Range Withdrawals

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4631), it is ordered as follows:

1. The departmental orders of November 28, 1955, and October 23, 1957, November 19 and 25, 1957, and January 7, 1968, February 12, 1958, and October 6, 1958, and Public Land Orders No. 1120 of April 12, 1955, No. 1230 of September 29, 1955, No. 1655 of June 23, 1958, and No. 1902 of July 15, 1959, withdrawing lands as administrative sites and experimental ranges are hereby revoked so far as they affect the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN (PUBLIC LANDS)

BLANCO ADMINISTRATIVE SITE

T. 29 N., R. 9 W.
Sec. 17, SW¼NE¼.

APACHE NATIONAL FOREST

MANGAS RANGER STATION

T. S.S., R. 15 W.
Sec. 36, SW¼NE¼, NW¼, NE¼SW¼, NW¼SE¼.

EL CASO LOOKOUT

T. 2 S., R. 15 W.
Sec. 47, SE¼SE¼.

FOX MOUNTAIN LOOKOUT

T. 3 S., R. 15 W.
Sec. 3, E¼SE¼, NW¼, NW¼SE¼.

JEWETT RANGER STATION

T. 4 S., R. 17 W.
Sec. 8, S¼NE¼, SE¼.

LUNA RANGER STATION

T. 5 S., R. 20 W.
Sec. 33, NE¼.

CARSON NATIONAL FOREST

CEBOLLA MESA EXPERIMENTAL RANGE

T. 3 N., R. 12 E.
Sec. 26, lots 5, 6, and S¼NW¼;
Sec. 27, N¼SE¼, E¼NW¼, NW¼SE¼.

NO AGUA EXPERIMENTAL RANGE

T. 29 N., R. 9 E.
Sec. 33, N¼.

CANJILLO ADMINISTRATIVE SITE

T. 29 N., R. 5 E.
Sec. 2, S¼SE¼;
Sec. 11, N¼SE¼.

VALLECITOS ADMINISTRATIVE SITE

T. 28 N., R. 7 E.
Sec. 5, Metes and bounds survey as per plat attached to order of withdrawal.

FELIDITO ADMINISTRATIVE SITE

T. 27 N., R. 7 E.
Sec. 9, Metes and bounds survey as per plat attached to order of withdrawal.

JICARILLA ADMINISTRATIVE SITE

T. 29 N., R. 4 W.
Sec. 1, lots 12, 13, 14, S¼NW¼SE¼, SE¼ SE¼;
Sec. 12, lot 1, N¼N¼SE¼.

LOWER SAN ANTOnYO ADMINISTRATIVE SITE

T. 30 N., R. 7 E.
Sec. 1, N¼SE¼.

CROSA NATIONAL FOREST

CANON LOMO ADMINISTRATIVE SITE

T. 11 N., R. 8 W.
Sec. 6, N¼SE¼, SW¼SE¼.

Lincoln National Forest

WINSO ADMINISTRATIVE SITE

T. 17 S., R. 14 E.
Sec. 19, SE¼SE¼;
Sec. 28, SW¼SE¼;
Sec. 30, N¼N¼SE¼.

The areas described aggregate approximately 2,785 acres.

2. At 10 a.m. on April 20, 1966, the national forest lands described above will be open to such forms of disposition as may by law be made of national forest lands.

3. At 10 a.m. on April 20, 1966, the public lands described as SW¼NE¼ Sec. 17, T. 29 N., R. 9 W., New Mexico Principal Meridian, New Mexico, which were withdrawn for use by the Forest Service as the Blanco Administrative Site, shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on April 20, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands described in paragraphs 2 and 3 have been open to applications and offers under the mineral leasing laws. They will be open to location under the U.S. mining laws at 10 a.m. on April 20, 1966.

5. The State of New Mexico has waived the preference right of applications granted to certain States by R.S. 2471 as amended (43 U.S.C. 832).

Inquiries concerning the lands, which should be addressed to the Chief, Division of Lands and Minerals Program Management and Land Office, Bureau of Land Management, Santa Fe, N. Mex.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MARCH 15, 1966.

[FR. Doc. 66-2965; Filed, Mar. 21, 1966; 8:46 a.m.]
The areas described aggregate approximately 10,146 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws, as the same apply to the lands described in subparagraph 1(a).

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MARCH 15, 1966.

[F.R. Doc. 66-2966; Filed, Mar. 21, 1966; 8:46 a.m.]

[Washington 05071]

WASHINGTON

Powersite Modification No. 442, Columbia River, Wash.

By virtue of the authority contained in the act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 1950 Reorganization Plan No. 3 (64 Stat. 1262; 5 U.S.C. 1332-15, note), it is ordered as follows:

The Departmental order of June 22, 1944, establishing Powersite Classification No. 394, and the order of April 4, 1950, of the Geological Survey creating Powersite Classification No. 405, are hereby modified to the extent necessary to permit the grant of a highway right-of-way under R.S. 2477 (43 U.S.C. 932), to Kittitas County, Wash., for construction of a public highway over the following described lands, as shown on a map on file with the Bureau of Land Management under Washington 05071:

WILLAMETTE MERIDIAN

T. 16 N., R. 23 E., Sec. 6, lot 2; Sec. 18, E1/2, SE1/4.

Containing approximately 6 acres.


HARRY R. ANDERSON,
Assistant Secretary of the Interior.

MARCH 15, 1966.

[F.R. Doc. 66-2967; Filed, Mar. 21, 1966; 8:46 a.m.]

[Washington 05071]

ALASKA

Partial Revocation of Public Land Order No. 1173; Withdrawal for Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), and by virtue of the authority contained in the act of May 31, 1938 (52 Stat. 593; 43 U.S.C. 355a), it is ordered as follows:

1. Public Land Order No. 1173 of June 24, 1955, so far as it withdrew the following described land under the jurisdiction of the Department of the Air Force for military purposes is hereby revoked:

BEETHEL

Beginning at a point from which USGS Station “Bethel Map” in latitude 60°47’50.9” N., longitude 161°26’24.8” W., bears N. 89°40’ W., 002° N., 89°40’ W., 2,323.07 feet, 8°20’ E., 2,560 feet, and N. 89°40’ W., 3,930 feet; thence S. 89°40’ W., 10,372.10 feet; S. 89°40’ E., 7,692.69 feet; N. 89°40’ E., 002° W., 6,671.60 feet; N. 23°30’ E., 1,166.15 feet along the northwest boundary of the area described in paragraph 2(b) of Public Land Order No. 1173 to the point of beginning; excepting 14.69 acres more particularly described as follows:

Beginning at a point which bears north 500 feet from a point found at latitude 60°46’44.107” N., longitude 161°32’59.669” W.; thence east 400 feet more or less to Corner No. 1; south 800 feet more or less to Corner No. 2; west 800 feet more or less to Corner No. 3; north 800 feet more or less to Corner No. 4; east 400 feet more or less to the point of beginning.

The tract described contains 1,497.31 acres, of which approximately 43 acres remain withdrawn by Public Land Order.
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No. 3445, for maintenance of an air navigation facility of the Federal Aviation Agency. The lands are situated in the Bethel, Alaska, area. Topography is generally rolling coastal tundra. All but the sandy hills are permanently frozen to a depth of 300 feet.

2. Subject to valid existing rights, the following described land which forms a part of that released from withdrawal by paragraph 1 of this order, is hereby withdrawn under the jurisdiction of the Secretary of the Interior from all forms of appropriation under the public land laws, including the mining laws (Title 30, U.S.C., Ch. 2), as an administrative site:

**BETHEL**

Beginning at a point which bears N 36°49'03" E, 1,942.83 feet from USC and GS "Bethel 1946", thence proceeding as follows: West 2,310 feet to a point; thence south 3,200 feet, more or less, to a point located 200 feet west of the northwest corner of the property reserved for the U.S. Air Force and known as the Bethel White Alice Site; thence east 200 feet to a point identical with the northwest corner of the property reserved for the use of the U.S. Air Force and known as the Bethel White Alice Site; thence east, along the northern boundary of said site, a distance of 3,240 feet, more or less, to a point due south of the southeast corner of the FAA H-Marker Site, FLO 3445; thence north 4,090 feet, more or less, to a point identical with the southeast corner of the FAA H-Marker Site, FLO 3445; thence south 57°40'23" W, 1,500 feet to the point of beginning.

The tract described contains approximately 275 acres.

3. Until 10 a.m. on June 14, 1966, the State of Alaska shall have a preferred right to select the land released from withdrawal by paragraph 1 of this order and not otherwise withdrawn, as provided by the act of July 28, 1956 (70 Stat. 709; 48 U.S.C. 46-3b), section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), and the regulations in 45 CFR, 2.7(a). After that time, the land shall be open to the operation of the public land laws generally, including the mining and mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on June 14, 1966, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The withdrawal made by paragraph 2 of this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

Inquiries concerning the land should be addressed to the manager, District and Land Office, Bureau of Land Management, Fairbanks, Alaska.

**HARRY R. ANDERSON,**
Assistant Secretary of the Interior.

March 15, 1966.

[F.R. Doc. 66-2999; Filed, Mar. 21, 1966; 8:48 a.m.]
(iv) "Social sciences" means the branch of science that deals with the institutions and functioning of human society and with the interpersonal relationships of individuals as members of society, including Anthropic and Anthropological Studies (including American Civilization and Culture), Business and Commerce, Economics (including Agricultural Economics), Industrial Relations, Education and Sociology. Fields such as History, Government, and Education, while considered branches of Social Science, are given separate, special emphasis in the Act and are separately counted.

(v) Fields which are interdisciplinary or overlapping within the sciences, include such as the following: Biochemistry, Biophysics, Astrophysics, Geophysics, Geochronology, Forestry, Oceanography, Home Economics, Library Sciences, and Information Sciences.

(2) "Mathematics" means the logical study of shape, arrangement, and quantity; the study of numbers and their operations, interrelations, combinations, transformations, and generalizations. Included under this definition are all fields dealing with mathematical and statistical theory and methodology as distinguished from fields of study or research the principal content of which is a natural, social or engineering science.

(3) "Foreign language" means:

(A) Any languages other than English; and

(B) English, as a foreign language.

(4) "History" means the study of past and contemporary events in relation to peoples and their cultures.

(5) "Geography" means the study of the spatial distributions and relationships on the earth's surface of those elements that give character to places. These include natural phenomena (such as land, water, air), biotic phenomena (plant and animal life), and human phenomena (such as population, occupations, transportation and communications).

The term includes the study of physical, political, social, economic, and historical geography.

(6) "Government" or "political science" means the study of political and governmental institutions and processes. This definition includes the study of American government, comparative government, international organization, and public administration.

(7) "English" means the study of the English language in its spoken and written forms, and training and practice in the acquisition of the skills of communication, listening, speaking, reading, and writing. It includes speech, grammar, literature, language arts, journalism, creative writing, and remedial or supplemental reading designed for college-bound students.

(10) "Education" means the study of the learning process and of subjects related to teaching and to the organization, administration and administration of education, including the history and philosophy of education, curriculum development, and programs to prepare students for specialized teaching fields such as physical education, education of the physically, mentally, or emotionally handicapped, agricultural education, business or commercial education, trade and industrial vocational education, music or art education.

(i) "Equipment" means any instrument, machine, apparatus, or set of articles which meet the following conditions: (1) It retains its original shape and appearance with use; and (2) It is nonexpendable; that is, if the article is damaged or some of its parts are lost or worn out, it is usually more feasible to repair it than to replace it with an entirely new unit.

(2) "Institutional fiscal year" means for a particular institution or branch campus a period of 1 year, not necessarily corresponding with the school year, at the end of which financial accounts are closed and reports made, usually June 30 or December 31.

(3) "Instructional and library facilities" means all rooms or groups of rooms used regularly for instruction of students, for faculty offices, or for library purposes. A room intended and equipped for any of the purposes listed below should be counted. These purposes include the following: curriculum development, and public administration.

(4) "Instructional and library facilities" are subdivided into the following categories:

(1) "General classrooms" means all instructional rooms used or intended to be used chiefly for lectures, recitation, and similar meetings, regardless of the size of the room. The seating area of an auditorium or theater, if regularly used for scheduled class meetings, should be classified and counted as a general classroom.

(2) "Instructional laboratories or shops" means all instructional rooms used or intended for special purposes such as physical education, experimental, and research, practical art, music, and vocational instruction, and for service in home economics, shopwork-in-industrial

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arts, painting, etc. (Adjoining areas
such as a balance room, supply room, dark
room, or projection room, are consid-
ered to be "service areas for teaching
facilities" and are not to be counted with
instructional laboratories and shops.)

(2) Other teaching facilities include
all other rooms and areas regularly used
or intended for scheduled class meet-
ings or individual instruction, such as:
Music practice rooms (for individual
practice) and music rooms in which
an instructor's office serves also as a studio.
(3) "Clothes closets" should be counted to-
gether with the offices themselves.

(n) "Instructional television fixed service" (ITFS), as defined by the Fed-
eral Communications Commission (47
C.F.R. 105) shall mean a fixed station
operated by an educational organi-
zation and used primarily for the trans-
mission of visual and aural instruction,
cultural, and other types of education
tal materials, for non-programming
locations. Instructional television fixed
service stations operate in the portion of
the microwave spectrum from 2500 to
2600 megacycles.

(q) "Minor remodeling" means those
major alterations in a previously com-
bined building in space which are to be
used as a classroom (as defined in para-
graph (g) of this section) or as an audio-
visual center or as a closed-circuit tele-
vision center or as a closed-circuit tele-
vision facility, which are needed to make
available for instructional purposes.

(r) "Rental expenditures for equip-
ment, materials and minor remodeling"
means: (1) In connection with projects for
labouratory and other special equip-
ment and materials (and directly asso-
ciated minor remodeling) for closed-circuit
direct instruction in the eligible subjects,
the total of all expenditures for such pur-
poses, from both current funds and plant funds (as de-
defined in related legislation) and use of govern-
ment facilities, for the eligible subjects;
from both current funds and plant funds, for the insti-
tution or branch campus for which the project
application is submitted; and (2) in connection

(o) "Project" means a separate pro-
posal for improvement of undergraduate
instruction in one or more of the eligible
subjects through either: (1) The acqui-
sition (by purchase, lease-purchase, or
lease) and use of laboratory and other
special equipment and materials (and di-
rectly associated minor remodeling);
or
(2) the acquisition (by purchase, lease-
purchase, or lease) and use of television
equipment and materials for closed-
circuit direct instruction (and directly
associated minor remodeling).

(p) "Materials" means those items
which are regularly used in the teach-
ing and research laboratories, fixed
indefinite retention in reference collec-
tions, and other printed and published
materials such as maps, globes, and
charts. The term does not include such
items as textbooks (as defined in para-
graph (x) of this section) or chemical,
glassware and other supplies which are
consumed in use.

(7) "State agency designated or estab-
lished pursuant to section 603 of the
Act" means the document submitted by the State com-
misson and approved by the Commissioner, which
sets forth the standards, methods, and
administrative procedures whereby the
State commission shall review projects
proposed by applicants in the State for Federal assistance under this part and shall determine and recommend the relative priority of each such project and the Federal share of the costs eligible for Federal financial participation.

(1) "Equipment for closed-circuit direct instruction" means fixed or movable equipment items which are suitable for use in originating, distributing, and receiving programs or units of instruction by use of television, in institutions of higher education. The term includes studio equipment, control and recording equipment, transmitters, receivers, and associated distribution equipment, antennas, and supporting towers for instructional television fixed service as defined by the Federal Communications Commission and for point-to-point microwave relay equipment, but does not include towers, antennas or broadcast transmitters designed to operate on VHF or UHF frequencies in the standard broadcast band. "Closed-circuit direct-instruction" also includes the distribution of television instruction from any source (such as television camera, filmstrip, tape, or playback apparatus, monoscope devices or receiving antenna) to one or more television monitors or receivers at one or more viewing locations. The term does not include instructional installations for any noninstructional uses, such as monitoring for security purposes.

(2) "Textbook" means a book or work- book, or manual, which is used as a principal course of study material for a given class or group of students, a copy of which is expected to be available for the individual use of each student in such a class or group.

(3) "Undergraduate level" programs of instruction means all courses of regular length which are intended primarily for meeting program requirements for students pursuing bachelor's degrees or first-professional degrees in programs which do not require 3 or more years of previous college work for entry and do not extend beyond the fifth year of college, or more years of previous college recording degrees, or students enrolled in terminal-occupational programs. Not included under this definition are courses which are intended primarily for meeting program requirements for students pursuing graduate degrees or first professional degrees in programs extending beyond the fifth year of college or requiring 3 or more years of previous college work for entry into the first professional degree program. Also excluded are noncredit courses and conferences.

§ 171.2 Institutional eligibility.

To qualify for a grant under this part an institution shall meet requirements specified in subsection 801(a) of the Act. An institution which is not accredited by a nationally-recognized accrediting agency or association listed pursuant to section 801 of the Act may qualify, alternatively, by obtaining a certification from the Commissioner (dated no earlier than two years prior to the date of application for a grant) that the institution meets requirements set forth in subsection 801(a) (5) of the Act.

§ 112.3 Conditions for grant approval.

(a) Required assurances. Before approving a grant under this part, the Commissioner shall verify fulfillment of the requirements set forth in subsection 605(b) of the Act.

(b) Maintenance of effort. An assur- ance shall be filed with the branch or campus which will meet the maintenance of effort provision in section 604(b) of the Act shall be supported by a comparison of the budgeted amounts for pertinent expenditures for equipment, materials and minor remodeling (as defined in paragraph (r) of § 171.1) for the Federal fiscal year in which the project applica- tion is submitted with the amount actu- ally expended for such purposes for the preceding Federal fiscal year.

(c) Items which may be included. Projects under this part may cover only (1) television equipment and materials (and directly associated minor remodeling) or (2) television equipment and materials for closed- circuit direct instruction and directly associated minor remodeling, to be used for improvement of instruction at the undergraduate level in one or more of the eligible subjects in institutions of higher education. The project shall not extend beyond the fifth year of instruction means all courses of regular length which are intended primarily for meeting program requirements for students pursuing bachelor's degrees or first-professional degrees in programs which do not require 3 or more years of previous college work for entry and do not extend beyond the fifth year of college, or more years of previous college recording degrees, or students enrolled in terminal-occupational programs. Not included under this definition are courses which are intended primarily for meeting program requirements for students pursuing graduate degrees or first professional degrees in programs extending beyond the fifth year of college or requiring 3 or more years of previous college work for entry into the first professional degree program. Also excluded are noncredit courses and conferences.

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level not less than that required to qualify under the State plan for such a Federal share amount.

(f) Recommendation by State commissions. Promptly upon completing its consideration of applications as of each closing date, and no later than May 31 of the Federal fiscal year 1966 and March 31 of subsequent fiscal years, each State commission will forward to the Office of Education of the disposition of the eligibility question.

(d) Determination of relative priorities and Federal shares. All applications received by each specified closing date, and verified by State commission review to be accurate and complete, shall be considered together (projects for laboratory and materials budget and eligible projects) and assigned relative priorities and recommended Federal shares in accord with the provisions of the State plan.

(e) Procedures where funds are insufficient to provide full Federal shares for all eligible projects. In any case where the funds available in a State allotment for projects considered as of a particular closing date are insufficient to cover all eligible applications, the State commission shall nevertheless determine the Federal share determined according to the State plan for each project considered; and (2) the application form and exhibits in the number of copies requested by the Commissioner, for each project assigned a priority high enough to warrant receipt of a Federal grant with the amount of funds available in the allotment for the State.

(g) Notification to applicants. The State commission shall promptly notify each applicant of all final determinations regarding its application as of each closing date, and the records of official State commission proceedings shall be a matter of public record within the State.

(h) Disposition of applications which are not recommended for grants. Applications which are not recommended for Federal grant funds for the particular fiscal year in which they are filed, shall be retained by the State commission until notified that all recommended applications for such fiscal year have been approved by the Commissioner. New applications shall be required to be filed each fiscal year for any project which does not receive a recommendation for a grant and which the applicant desires to have reconsidered in a subsequent fiscal year.

(i) Offer and acceptance of grant. For a project application which meets all eligibility requirements the Commissioner will approve the application and reserve Federal funds appropriate State allotment and will prepare and send to the applicant a grant award, which sets forth the pertinent terms and conditions, and which is contingent upon acceptance by the applicant within a specified period of time. The accepted grant award will constitute a formal grant agreement between the Commissioner and the applicant, for completion of the project and for Federal grant participation in the eligible costs of the project, according to the conditions contained therein.

(j) Amendment of project applications. Any time prior to a closing date for which an application is to be considered, the applicant may make changes in the application by written notification to the State commission. After the closing date, no changes in applications shall be permitted, except corrections or submission of additional data as requested by the State commission and reductions in project scope as provided for in paragraph (e) of this section.

§ 171.5 Criteria for standards and methods to determine relative priorities of eligible projects.

(a) Each State plan shall set forth separately the standards and methods to be used for determining the relative priorities of eligible projects for: (1) Acquisition of laboratory and other special equipment and materials; and (2) television equipment and materials for closed-circuit direct instruction.

(b) The standards applicable to projects for acquisition of laboratory and other special equipment and materials shall in every case include the following, each of which shall be assigned at least the indicated percentage of the total point scores possible for all standards applicable to such projects:

(1) The average of the basic educational and general expenditures per semester credit hour equivalent (with priority advantage given to lower averages), at the institution or branch of the State where the project is submitted, for the three completed fiscal years (or for the completed years, if less than three) immediately preceding the closing date for which the application is filed with the State commission (at least 25 percent of total weight).

(2) Whether or not the equipment and materials to be purchased under the project are to be placed and used in: (i) Existing classrooms (as defined in paragraph (g) of § 171.1) or audiovisual centers; or (ii) classrooms (as defined in paragraph (g) of § 171.1) or audiovisual centers to be made available by new construction and/or by major rehabilitation or conversion of existing facilities. Points for this standard shall be awarded according to the percentage of the total equipment and materials budget which is for equipment and materials to be placed and used in existing classrooms or audiovisual centers.
(3) The capacity/enrollment ratio (as defined in paragraph (f) of § 171.1) at the institution or branch campus for which the project is submitted, as of the fall term which opened preceding the closing date for which the application is filed (at least ten percent of total weight, with priority advantage given to lower ratios.)

(4) The standards applicable to projects for the acquisition of television equipment and materials for closed-circuit direct instruction shall in every case include the standards listed below, each of which shall be assigned at least the indicated percentage of the total point scores possible for all standards applicable to such projects:

1. The average of the basic educational and general expenditures per semester credit hour equivalent (with priority advantage given to lower averages) at the institution or branch campus for which the project is submitted, for the three completed institutional fiscal years (or for the completed years, if less than three) immediately preceding the closing date for which the application is filed with the State commission (at least 25 percent of total weight).

2. The ability of the applicant to effectively utilize educational television as evidenced by the number of planned additional graduate level courses to be programed by the applicant for closed-circuit instruction at the institution or branch campus covered by the project as of the opening of the second fall term after the fall term preceding the closing date for which the application is filed (with higher priority value awarded for a greater number of additional courses to be programed). As used here, "courses" means a part-time course offering (such as "English I") rather than an individual section of the same course (at least 15 percent of total weight).

3. The ability of the applicant to effectively utilize educational television as evidenced by the projected number of additional student enrollments in undergraduate and graduate level courses to be programed for closed-circuit instruction at the institution or branch campus covered by the project as of the opening of the second fall term after the fall term preceding the closing date for which the application is filed (at least ten percent of total weight, with higher priority value awarded to a greater number of additional student enrollments).

(d) The State plan may include additional standards for determining relative priorities of either category of projects, which are not inconsistent with the criteria set forth in paragraphs (b) and (c) of this section and which will carry out the purposes of the Act.

(e) The methods for application of the standards of the standards shall provide for the assignment of points for each standard, which shall be assigned in the State plan, applications for institutions or branch campuses which have not been in operation for at least one academic year preceding the academic year in which the application is filed shall receive one-half of the points provided in the State plan for the standards required by paragraphs (b) and (c) of (1) of this section. Except as provided in paragraph (b) (2) of this section, the assignment of points for each standard may be by one of the following scoring methods: a different one of which may be used in connection with each standard:

1. Applications may be ranked according to relative performance for the standard, and assigned a point score for relative rank (e.g., 10 points for placement in the highest 10 percent, 9 points for placement in the second highest 10 percent, 8 points for placement in the third highest 10 percent, etc.).

2. Applications may be compared to a scoring table for the standard and assigned points accordingly (e.g., for capacity/enrollment ratio, a scoring table might provide for 10 points for a ratio of 101 to 150, 9 points for a ratio of 151 to 200, 8 points for a ratio of 201 to 250, 6 points for a ratio of 251 to 300, 5 points for a ratio of 301 to 350, etc.). In connection with standards required by paragraphs (b) and (c) of this section, State plans may provide for separate scoring scales for applications for different sizes or different educational or functional types of institutions. Separate tables or data based on recent research and analysis are supported by objective normative data based on recent research and analysis.

3. Applications may be compared to a fixed requirement for the standard, and assigned points if they meet the requirements or denied if they do not. This type of scoring should be used where comparison against the standard involves a "yes-no" decision.

(f) The method for application of the standards shall provide also for determination of relative priorities on the basis of information earned by each application for each applicable standard and shall specify factors to be applied in determining which application shall receive the higher priority in the case of identical scores. Where funds available in the applicable State allotment are insufficient to provide full Federal shares for both or all of the bid applications, standards and methods shall provide for placement in the second highest 10 percent, etc.

§ 171.6 Criteria for standards and methods to determine Federal shares of eligible projects.

(a) Each State plan shall set forth separately the standards and methods for determining the Federal shares of eligible projects for: (1) Acquisition of laboratory and other special equipment and materials; and (2) television equipment and materials for closed-circuit direct instruction. In determining the Federal share to be provided by such standards and methods shall not exceed 50 percent of the project cost.

(b) The State plan may provide for Federal shares of up to 80 percent of the project cost for institutions proving insufficient resources to otherwise participate in the project and inability to acquire such resources. Any such provision in a State plan shall include specification of objective criteria which will have to be satisfied before such determination can be made by the State commission. The Federal share may in no case be increased above 50 percent except where such provisions are included in the State plan as approved.

(c) Standards and methods for determining the Federal share pursuant to paragraphs (a) and (b) of this section:

1. Must be objective and simple to apply;
2. May involve the use only of data which are to be on file on the application form prescribed by the Commissioner, required by the State commission to be submitted in connection with the filing of an application, or contained in reports or publications readily available to the State commission and the institutions of higher education within the State;
3. Must be such as will enable an applicant to calculate in advance (on the assumption that sufficient funds will be available to cover all applications) the estimated Federal share which the State commission will certify to the Commissioner if it recommends the project for a Federal grant; and (4) must be consistent with the criteria published by the Commissioner with respect to the determination of relative priorities among projects and be promotive of the purposes of title VI.

§ 171.7 Fiscal control and fund accounting procedures.

(a) State commissions. Each State plan shall contain specific information regarding fiscal control and fund accounting procedures as required by the Commissioner to ensure proper disbursement of and accounting for Federal funds which may be paid to the State commission for expenses necessary for the proper and efficient administration of the State plan.

(b) Institutions. Applicants shall maintain adequate and separate accounting and fiscal control of all funds provided from any source to pay the cost of equipment, materials, and minor remodeling for each approved project, and audits of such records by the Commissioner's designated representa-
amendments shall apply uniformly to all applications to be considered together as of any closing date, and, unless otherwise provided in the State plan, shall become effective immediately upon approval of the Commissioner, except that in no event shall any amendment which affects the standards and methods for determining priorities or Federal shares or any amendment providing for an additional closing date or for the change in an existing closing date become effective sooner than 60 days after the date the proposal to make such amendment is received by the Commissioner and 30 days after the date of the Commissioner's approval of the amendment as a part of the State plan: Provided, however, That amendments which are required by amendments of the Act or are designed to promptly implement amendments of the Act may be made effective immediately upon their approval by the Commissioner.

§ 171.10 Requirement for economical methods of purchase.

All equipment, materials, and minor remodeling work, the cost of which is to be charged to an approved project, shall be procured in an economical manner consistent with sound business practice. Proposed methods of purchase shall be set forth by the applicant as part of each project application, and shall include specific justification for any proposal to follow procedures other than open, competitive bidding.

§ 171.11 Determination of costs eligible for Federal participation.

(a) Costs eligible for Federal participation in connection with any project shall include only those costs to the applicant which are determined to be eligible in accordance with paragraphs (c) and (d) of §171.3, are consistent with the plan for improvement of undergraduate education and which are determined to be consistent with sound business practice, and are for items which are not overly elaborate or extravagant. Expenditures in which Federal participation is claimed may include the cost of raw or processed materials or component parts to be made into finished products or into complete equipment units, including the cost (above and beyond salaries of any regular employees of the applicant) of making and assembling such equipment.

(b) Such determinations shall be finally made by the Commissioner at the time a final audit is made of the completed project and related financial accounts.

(c) In any case where the costs eligible for Federal participation, as determined by the final audit, exceed those provided for in the grant agreement for the project, the Federal share entitlement of the applicant shall be limited to that proportion of the greater cost, as determined by the final audit, which would have been recommended for the project, based on the lesser eligible cost, under State plan provisions in effect at the time the project was recommended for a grant, if sufficient funds had been available in the State allotment at that time to provide the maximum possible Federal share provided for by the plan under such circumstances. If such determined Federal share entitlement is less than the amount provided in the grant agreement, the grant shall be reduced accordingly, and any overpayment of Federal funds, plus any interest earned thereon, shall immediately be due to the Government of the United States. If such determined Federal share is equal to or greater than the amount of the Federal share provided in the grant agreement, that final settlement shall be based on the Federal share amount provided in the grant agreement.

§ 171.12 Payment of grant funds on approved projects.

The Commissioner shall provide for payment of grant funds for the project pursuant to such methods as the Commissioner determines will best meet the needs of the applicant at the time, and may require the applicant to make such arrangements as he may deem necessary to provide for payment of funds on a timely basis.


Harold Howe II,
Commissioner of Education.

Approved: March 12, 1966.

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

[FR Doc. 66-2987; Filed, Mar. 21, 1966; 8:49 a.m.]

Chapter III—Bureau of Federal Credit Unions, Social Security Administration, Department of Health, Education, and Welfare

PART 301—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

Insured Loans to Student Members in Eligible Higher Education or Vocational Institutions

Notice of proposed rule making, public procedures thereon, and delay in effective date in the issuance of the following amendment have been omitted because of the following findings and reasons:

Title IV, Part B, P.L. 89-329, approved November 8, 1965, 79 Stat. 1236, and P.L. 89-287, approved October 22, 1965, 79 Stat. 1037, enlarged the powers of Federal credit unions with respect to making loans to members by authorizing in section 434, and section 16, respectively, the
Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[80.970]

PART 95—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

At a session of the Interstate Commerce Commission held in Washington, D.C., on the 16th day of March A.D. 1966.

It appearing, that the unprecedented level of the economy is placing tremendous pressures on railroad transportation facilities, causing such acute shortages of freight cars in all sections of the country, as to close industrial plants, impede the movements of agricultural products and other goods to market; that delays in transportation threaten to cause unwarranted increases in the prices of certain commodities; that car owners and shippers in all sections of the country are being deprived of the use of the cars acquired to handle their traffic; that present rules, regulations, and practices, including the use, supply, control, movement, exchange, interchange, and return of freight cars are not promoting the most efficient utilization of cars. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days’ notice.

It is ordered,

§ 95.975 Service Order No. 975.

(a) Railroad operating regulations for freight car movement. Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Placing of cars. (i) Loaded cars, which after placement will be subject to demurrage rules applicable to detention of cars awaiting unloading, shall be actually or constructively placed within 24 hours, exclusive of Sundays and holidays, following arrival at destination.

(ii) Actual placement means placing of a car on industrial interchange tracks or other-than-public-delivery tracks serving the consignee, or on public delivery tracks preceded or accompanied by proper notice.

(iii) When delivery of a car, either empty or loaded, consigned or ordered to an industrial interchange track or to other than a public delivery track cannot be made because of any condition attributable to the consignee, such car will be held at destination or, if it cannot reasonably be accommodated there, at an available hold point, and constructive placement notice shall be sent or given the consignor or consignee, in writing, within 24 hours, exclusive of Sundays and holidays, after arrival of car at destination or other hold point.

(iv) Loaded cars held at destination for accessorial terminal services designated in the applicable tariffs, such as holding for orders or inspection, shall be placed on unloading or inspection tracks, and proper notice given within 24 hours, exclusive of Sundays and holidays, after arrival at destination. On cars set off and held short of billed destination, a written notice shall be sent or given to consignee or other party entitled to receive such notice, within 24 hours of arrival, exclusive of Sundays and holidays, at the hold point.

(2) Removal of cars. (i) Empty cars must be removed from point of unloading or interchange tracks of industrial plants within 24 hours, exclusive of Sundays and holidays, following unloading or release by consignee or shipper, unless such empty cars are appropriated by the shipper with approval of the carrier for reloading within such 24-hour period. Empty cars not ordered for loading at point where made empty must be forwarded in line-haul service within 24 hours, following removal of empty cars.

(ii) Outbound loaded freight cars must be removed from point of loading or interchange tracks of industrial plants within 24 hours, exclusive of Sundays and holidays, following acceptance by carrier of the shipping instructions covering the cars. Such cars must be forwarded in line-haul service within 24 hours, following release and removal.

(iii) Cars subject to subdivisions (i) and (ii) of this subparagraph not made accessible to the carrier shall be subject to demurrage until such time as they become, and remain, accessible to the carrier.

(3) Forwarding of cars. (i) Loaded and empty cars of foreign or private ownership and empty cars when the holding line is the beneficiary of Car Distribution Directions or Orders issued by this Commission applicable to the kind of car held shall not be held in excess of 24 hours for any purpose, except as follows:

(ii) Loaded cars held subject to instructions of consignee, consignor, or other qualified owner of the freight contained therein.

(3) Cars held for repairs.

(iv) Cars held because no train or switch equipment is available between hold point and destination. (See subparagraph (6) of this paragraph).

(4) Cars held for repairs. (i) Loaded cars and empty cars of foreign or private ownership, and empty system cars when the holding line is the beneficiary of Car Distribution Directions or Orders issued by this Commission applicable to the kind of car held, which are held for light repairs and are placed on repair tracks not later than the first 7 a.m., ex-
RULES AND REGULATIONS

exclusively of Sundays and holidays after time carded for repairs. Light repairs shall be made on the same calendar day, exclusive of Sundays and holidays, that cars are placed on repair tracks; except that when necessary to order from car owner the material necessary to make light repairs to foreign or private cars, light repairs to foreign or private cars held awaiting such material shall be completed prior to 11:59 p.m., of the calendar day which includes the 7th hour of the 5th day, exclusive of Sundays and holidays, after receipt of such material at the station at which the repair point is located.

(ii) Light repairs are made as repairs requiring less than 20 man-hours by repair track forces to complete.

(5) Railroad operating regulations for the movement of freight cars. (i) No common carrier by railroad subject to the Interstate Commerce Act shall delay the movement of cars by holding such cars in yards, terminals, or sidings for the purpose of increasing the time in transit of such cars.

(ii) Cars shall not be set out between terminals except in cases of emergencies or sound operating practices.

(iii) Backhauling cars for the purpose of increasing the time in transit is prohibited.

(iv) Through cars shall not be handled on local or way freight trains for the purpose of increasing the time in transit of such cars.

(v) The use by any common carrier by railroad for the movement of cars over its line, of any route other than its usual and customary line, or of any line available (excluding a diversion or reconsignment privilege) is hereby prohibited.

(6) Availability of service. (1) The availability for movement of forty (40) or more cars on either loaded or in territory normally served by a single train or engine, shall be considered sufficient to justify the train or engine service required, above, or in territory normally served by a single train or engine serving the station or terminal where such cars are held, by that train shall be deemed compliance with subparagraph (1), (2), or (3) of this paragraph. Nothing in this paragraph shall be interpreted as to require the movement of a car in a direction opposite to that of movement, unless such back haul will expedite the overall movement of the car to its proper destination.

(a) Application. (1) The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(2) Holidays shall be those listed in Item 28 of Appendix H, Tariff No. ICC H-17 (Railway Bureau Tariff 4-G, ICC, H-17, issued by A. H. Hinsch, supplements thereto or resubmissions thereof, or to similar time-period demurrage rules applicable to detention and demurrage charges on all freight cars described in paragraph (1) of this section whether or not the cars are subject to monthly average demurrage or other periodic settlement period.

(b) Description of cars subject to this order. This order shall apply to freight cars which are subject to demurrage and detention rules applicable to detention of cars.

(c) Saturdays to be included in computing demurrage and detention on freight cars. Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce and obey the following rules, regulations, and practices with respect to its demurrage and car detention rules, practices, and charges:

(1) Description of cars subject to this order. This order shall apply to freight cars which are subject to demurrage and detention rules applicable to detention of cars.

(2) Saturdays to be included in computing demurrage and detention on freight cars. Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce and obey the following rules, regulations, and practices with respect to its demurrage and car detention rules, practices, and charges:

(1) Cars not subject to average demurrage agreement. $10.00 for each of the first 4 days, or fraction of a day after the expiration of the free time. $15.00 for each subsequent day, or fraction of a day, each car described in paragraph (b) of this section is held after the expiration of the free time at not less than the following rates:

(a) Cars not subject to average demurrage agreement. $10.00 for each of the first 4 days, or fraction of a day after the expiration of the free time. $15.00 for each subsequent day, or fraction of a day.

(b) Description of cars subject to average demurrage agreement. On cars subject to Average Demurrage Agreement, as provided in Rule 8, Item 940, Freight Car Demurrage Tariff 4-G, ICC, H-17, issued by H. H. Hinsch, supplements thereto or resubmissions thereof, or to similar time-period demurrage settlement rules in other tariffs lawfully in effect, demurrage will be assessed as follows: $10.00 for each debit not offset by a credit. After a car has accrued four debits, a charge of $15.00 will be assessed for each subsequent day, or fraction of a day.

(c) Saturdays to be included in computing demurrage and detention charges as required by paragraph (e) of this section, and the demurrage or detention charges on all freight cars described in paragraph (d) of this section, shall apply to all detention accruing on or after 7 a.m., April 1, 1966.

(2) Notice in this order shall be construed to require the reduction of any higher demurrage charges resulting from the application of any tariff lawfully in effect.

(g) Effective date. Effective March 21, 1966.

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Tariff 4-G, ICC, H-17, issued by H. R. Hinsch, supplements thereto or reissues thereof, or of similar rules in other demurrage tariffs lawfully in effect, will remain in effect for the periods defined in such items.

(h) Regulations suspended—announced required. The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9(k) of the Commission's Tariff Circular No. 20, announcing such suspension.

(i) Effective date. This order shall become effective at 7 a.m., April 1, 1966.

(j) Expiration date. This order shall expire at 6:59 a.m., December 1, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service, and per diem agreement under the terms of that agreement; and that notice of this order 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 it with the Director, Office of the Federal Register.

By the Commission.

[Seal] H. NEIL GARSON, Secretary.

[F.R. Doc. 66-3072; Filed, Mar. 21, 1966; 8:51 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

Subchapter C—The National Wildlife Refuge System

PART 32—HUNTING

Necedah National Wildlife Refuge, Wis.

On page 2764 of the Federal Register of February 16, 1966, there was published a notice of a proposed amendment to § 32.21 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide public hunting of upland game on the Necedah National Wildlife Refuge, Wis., as legislatively permitted.

Interested persons were given 20 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the Federal Register.


Section 32.21 is amended by the addition of the following area as one where hunting of upland game is authorized.

§ 32.21 List of open areas; upland game.

- - - - - - WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

- - - - - - JOHN A. CARVER, JR.,

Under Secretary of the Interior.

MARCH 16, 1966.

[F.R. Doc. 66-2978; Filed, Mar. 21, 1966; 8:47 a.m.]
Section 5410-5450 of this chapter and in connection with the provisions in the contract to cover conditions peculiar to the sale area, such as road construction, logging methods, silvicultural practices, reforestation, snag felling, slash disposal, fire prevention, fire control, and protection of improvements, watersheds, and recreational values. Such additional provisions shall be made available for inspection by prospective bidders during the advertising period.

(b) Where a timber sale notice provides that the successful bidder may use a Small Business Administration road construction loan, and the bidder has reason to believe that he qualifies for such road construction loan under SBA regulations (13 CFR Part 121), the bidder shall submit to the authorized officer a statement of his intention to file with SBA for such SBA road construction loan. The purpose of the filing is to facilitate action by the Authorized officer and the Small Business Administration on the loan application.

Subpart 5437—Performance Bonds

4. Section 5437.1 is amended by rewording paragraph (b) to delete reference to a logging unit and permit cutting of timber against the increase in value of the minimum performance bond. It will also permit payment for timber so cut in the regular installment manner. As amended § 5437.1(b) reads as follows:

§ 5437.1 Requirements.

* * * * *

(b) The authorized officer may permit the cutting of timber before payment of the second or subsequent installments as provided in this paragraph. The purchaser must increase the minimum performance bond required by paragraph (a) of this section by an amount equal to one or more installment payments. The unenhanced value of timber allowed to be cut in advance of payment is limited to the amount of the increase over and above the minimum performance bond required by paragraph (a) of this section and in no event shall the unenhanced value of the timber cut exceed 50 percent of the total contract purchase price. The increased amount of the bond shall be used to assure payment for such timber. Timber cut pursuant to this paragraph must be paid by installments. Upon payment, the increased amount of the bond may be applied to other timber sold under the contract to permit its cutting in advance of payment.

* * * * *

PART 5440—FOREST PRODUCT DISPOSALS; GENERAL

Subpart 5440—Forest Product Disposals; General

1. Section 5440.0-5 is amended by clarifying the wording of paragraphs (a) and (f) and the deletion of the paragraph defining "Logging unit" to read as follows:

§ 5440.0-5 Definitions.

Except as the context may otherwise indicate, the terms are used in Parts 5440-5450 of this chapter and in contracts issued thereunder:

(a) "Bureau" means the Bureau of Land Management, Department of the Interior.

(b) "Director" means the Director of the Bureau of Land Management.

(c) "Authorized Officer" means an employee of the Bureau of Land Management, to whom has been delegated the authority to take action.

(d) "O. and C. Lands" means the Reverted Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant Lands and other lands administered by the Bureau of Land Management under the provisions of the Act of August 28, 1937 (50 Stat. 874).

(e) "Public Lands" means the public domain and its surface resources under the jurisdiction of the Bureau of Land Management and lands from which the vegetative resources may be sold in accordance with the provisions of § 6400.3(a) (2) (I).

(f) "Timber" means standing trees, downed trees or logs which are capable of being measured in board feet.

(g) "Other vegetative resources" means all vegetative material which cannot be measured in units of board feet of timber.

(f) "Set-aside" means a designation of timber for sale which is limited to bidding by small business concerns as defined by the Small Business Administration in its regulations (13 CFR Part 121) under the authority of section 15 of the Small Business Act of July 16, 1958 (72 Stat. 384).

(i) "Third party scaling" means the measurement of logs by a scaling organization, other than a Government agency, approved by the Bureau.

(j) "Sale value" means the contract value of the stumpage sold under the contract.

PART 5450—PRESALE PREPARATION, ADVERTISEMENT AND CONTRACT PREPARATION

Subpart 5450—Bids and Awards of Contract

2. Section 5450.1 is amended by deleting paragraph (b) from § 5450.1 and incorporating it in § 5450.3 and then read as follows:

§ 5453.1 Qualification of bidders and purchasers.

A bidder or purchaser for the sale of timber must be (a) an individual who is a citizen of the United States, (b) a partnership composed wholly of such citizens, or (c) an unincorporated association composed wholly of such citizens, or (d) a corporation authorized to transact business in the states in which the timber is located. A bidder must also have submitted a deposit in advance, as required by § 5433.2. To qualify for bidding to purchase set-aside timber, the bidder must accompany his deposit with a self-certification statement that he is qualified as a small business concern as defined by the Small Business Administration (13 CFR Part 121).

Subpart 5456—Contract Forms

3. Section 5456.1 is amended by the addition of paragraph (b) requiring a bidder to notify the authorized officer of his intent to apply for an SBA road construction loan, and is intended to facilitate action on the loan application rather than being a bid qualification. As so amended § 5456.1 reads as follows:

§ 5456.1 Provisions.

(a) All sales shall be made on contract forms approved by the Director. The authorized officer may include additional provisions in the contract to cover conditions peculiar to the sale area, such as road construction, logging methods, silvicultural practices, reforestation, snag felling, slash disposal, fire prevention, fire control, and protection of improvements, watersheds, and recreational values. Such additional provisions shall be made available for inspection by prospective bidders during the advertising period.

(b) Where a timber sale notice provides that the successful bidder may use a Small Business Administration road construction loan, and the bidder has reason to believe that he qualifies for such road construction loan under SBA regulations (13 CFR Part 121), the bidder shall submit to the authorized officer a statement of his intention to file with SBA for such SBA road construction loan. The purpose of the filing is to facilitate action by the Authorized officer and the Small Business Administration on the loan application.

Subpart 5457—Performance Bonds

4. Section 5457.1 is amended by rewording paragraph (b) to delete reference to a logging unit and permit cutting of timber against the increase in value of the minimum performance bond. It will also permit payment for timber so cut in the regular installment manner. As amended § 5457.1(b) reads as follows:

§ 5457.1 Requirements.

* * * * *

(b) The authorized officer may permit the cutting of timber before payment of the second or subsequent installments as provided in this paragraph. The purchaser must increase the minimum performance bond required by paragraph (a) of this section by an amount equal to one or more installment payments. The unenhanced value of timber allowed to be cut in advance of payment is limited to the amount of the increase over and above the minimum performance bond required by paragraph (a) of this section and in no event shall the unenhanced value of the timber cut exceed 50 percent of the total contract purchase price. The increased amount of the bond shall be used to assure payment for such timber. Timber cut pursuant to this paragraph must be paid by installments. Upon payment, the increased amount of the bond may be applied to other timber sold under the contract to permit its cutting in advance of payment.

* * * * *

PART 5440—SALE ADMINISTRATION

Subpart 5441—Contract Performance

5. Section 5441.2 is amended to conform to the provisions of 5437.1 by rewording paragraph (c) (2) to require installment payment prior to removal of timber cut against the bond. Paragraph
(d) is reserved to require payment in full prior to expiration of the time for cutting and removal. As so amended, § 5441.2 (c) (2) and (d) read as follows:

§ 5441.2 Payment.

(a) * * * * * * *

(2) Payment in advance of skidding, yarding or removal. The first installment shall be paid in the same manner as provided in subparagraph (1) of this paragraph. If cutting is permitted before payment of the second installment, as provided by § 5437.1(b) of this chapter, payment by installment shall be made prior to the skidding, yarding, or removal of the timber sold. Each subsequent installment shall be due and payable without notice when the sale value of the timber skidded, yarded or removed equals the sum of the all the payments minus the first installment.

(3) The total amount of the contract purchase price must be paid prior to expiration of the time for cutting and removal under the contract. For a cruise sale the purchaser shall not be entitled to a refund even though the amount of timber cut, removed, or designated for cutting may be less than the estimated total volume shown in the contract. For a scale sale, if it is determined after all designated timber has been cut and measured that the total payments made under the contract exceed the total sale value of the timber and such excess shall be refunded to the purchaser within 60 days after such determination is made.

Subpart 5443—Extension of Contracts

6. Section 5443.1 is amended to permit receipt of application for contract extension prior to the expiration of the time for cutting and removal. As amended § 5443.1 reads as follows:

§ 5443.1 Time.

If the purchaser shows that his delay in cutting or removal was due to causes beyond his control, without his fault or negligence, the authorized officer may grant an extension of time, not to exceed one year, upon written request of the purchaser. Additional extensions may be granted upon written request of the purchaser. Written requests for extension must be received prior to the expiration of the time for cutting and removal. No extension may be granted without reappraisal as provided in § 5443.2.

7. Section 5443.2 (b) is amended to permit the authorized officer to waive the payment in full requirement as a condition of granting a contract extension. As amended § 5443.2 (b) reads as follows:

§ 5443.2 Reappraisal.

(a) * * * * * * *

(b) For a cruise sale the timber sold remaining on the contract area shall be reappraised for the purpose of computing the reappraised total purchase price. The reappraised total purchase price shall not be less than the total purchase price established by the contract or last extension. The authorized officer may require that the reappraised total purchase price shall be paid in advance as a condition of granting an extension.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.
March 16, 1966.

[FR Doc. 66-5297; Filed, Mar. 21, 1966; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE
Consumer and Marketing Service
[7 CFR Part 51]

MUSHROOMS

Proposed Standards for Grades

Notice is hereby given that the U.S. Department of Agriculture is considering the revision of the U.S. Standards for Mushrooms pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same in duplicate, not later than April 15, 1966, with the Hearings Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C., 20250, where they will be available for public inspection during official hours (paragraph (b) of § 1.27, as amended at 29 F.R. 7311).

Statement of considerations leading to the proposed revision of the grade standards. Representatives of the mushroom industry have for some time indicated a need for changes in the grade standards for mushrooms. The present U.S. standards have been in effect since October 1928 and need to be brought in line with current marketing practices. Consumer demands have changed greatly in past years and so have the marketing methods of the mushroom industry. The proposed revision to the extent practical is designed to reflect current quality marketing practices.

The proposed revision would provide two grades, U.S. No. 1 and U.S. No. 2 instead of only one grade, U.S. No. 1, as provided by the current standards. The U.S. No. 1 grade would not allow open veils at shipping point, but would permit a 10-percent tolerance for this factor en route or at destination. The proposal would also permit a 10-percent tolerance for open veils in the U.S. No. 2 grade at shipping point, and a 25-percent tolerance en route or at destination. Only two size classifications would be provided, whereas existing standards provide four. The two described size classifications are "Small to Medium", which would include mushrooms ranging up to 1-inch in diameter, and "Large" composed of mushrooms over 1-inch in diameter. The size classification section would permit other size designations which may be specified by the seller or buyer.

The proposed revision of the standards results from extensive study and consultation with industry representatives. A study draft incorporating their recommendations was distributed to industry members in September 1965. Only minor changes have been made in the text of that draft.

The proposed revised standards, are as follows:

GRADENo.

51.3385 U.S. No. 1.
51.3386 U.S. No. 2.

APPLICATION OF TOLERANCES

51.3388 Application of tolerances.

DEFINITIONS

51.3389 Similar varietal characteristics.
51.3390 Mature.
51.3391 Fairly well shaped.
51.3392 Well trimmed.
51.3393 Open veils.
51.3394 Spots.
51.3395 Damages.
51.3396 Length of stem.
51.3397 Diameter.

METRIC CONVERSION TABLE

51.3398 Metric conversion table.


§ 51.3385 U.S. No. 1.

"U.S. No. 1" consists of fresh mushrooms of similar varietal characteristics which are mature, at least fairly well shaped, well trimmed, free from open veils, disease, spots, insect injury, and decay, and from damage by any cause.

(a) Size. Size is specified in terms of diameter and unless otherwise specified meets the requirements of one of the following size classifications:

(1) Small to medium—up to 1-inch in diameter.
(2) Large—over 1-inch in diameter.

(b) Tolerances. In order to allow for variations incident to proper grading and handling the following tolerances, by weight, are provided as specified:

(1) At shipping point, 5 percent for mushrooms in any lot which fail to meet the requirements of this grade, but not more than one-fifth of this amount or 1 percent shall be allowed for mushrooms affected by disease, spots, or decay.

(2) En route or at destination. 10 percent for mushrooms in any lot which have open veils. 5 percent for mush-

PROPOSED RULE MAKING

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rooms in any lot which fail to meet the remaining requirements of this grade, but not more than one-fifth of this latter amount or 1 percent shall be allowed for mushrooms affected by disease, spots, or decay.

(3) For off-size. 10 percent for mushrooms in any lot which fail to meet the specified size requirements.

§ 51.3387 U.S. No. 2.

"U.S. No. 2." The requirements for this grade are the same as for U.S. No. 1 except for a greater tolerance for open veils and a larger tolerance for defects.

(a) Size. Size is specified in terms of diameter and unless otherwise specified the requirements of one of the following size classifications:

(1) Small to medium—up to 1½ inches in diameter; (2) Large—over 1½ inches in diameter.

(b) Tolerances. In order to allow for variations incident to proper grading and handling the following tolerances, by weight, are provided as specified:

(1) At shipping point. 10 percent for mushrooms in any lot which have open veils. 10 percent for mushrooms in any lot which fail to meet the remaining requirements of this grade, but not more than one-tenth of this latter amount or 1 percent shall be allowed for mushrooms affected by disease, spots or decay.

(2) En route or at destination. 25 percent for mushrooms in any lot which have open veils. 10 percent for mushrooms in any lot which fail to meet the remaining requirements of this grade, but not more than one-tenth of this latter amount or 1 percent shall be allowed for mushrooms affected by disease, spots or decay.

(3) For off-size. 10 percent for mushrooms in any lot which fail to meet the specified size requirements.

UNCLASSIFIED

§ 51.3387 Unclassified.

"Unclassified" consists of mushrooms which have not been classified in accordance with either of the foregoing grades. "Unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.3388 Application of tolerances.

The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations:

(a) For a tolerance of 10 percent or more, individual packages in any lot shall have not more than one and one-half times the tolerance specified: Provided, That the average for the entire lot is within the tolerance specified for the grade.

(b) For a tolerance of less than 10 percent, individual packages in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package: Provided, That the average for the entire lot is within the tolerance specified for the grade.

DEFINITIONS

§ 51.3389 Similar varietal characteristics.

"Similar varietal characteristics" means that the mushrooms are of the same general color. For example, white and brown mushrooms shall not be mixed in the same container.

§ 51.3390 Mature.

"Mature" means that the mushroom is firm and well developed; the veil area may be stretched but not broken.

§ 51.3391 Fairly well shaped.

"Fairly well shaped" means that the mushroom cap is not flattened, scalloped, indented or otherwise deformed to an extent which materially detracts from the appearance or marketing quality.

§ 51.3392 Well trimmed.

"Well trimmed" means that the stems are smoothly cut, fresh from rough fleshy butts, the flared portion of the butt is removed and the remaining portion of the stem does not exceed the depth of the cap.

§ 51.3393 Open veils.

"Open veils" means that the cap has expanded to the extent that the protective covering or "veils" joining the margin of the cap to the stem have broken and exposed the gills or underside of the cap.

§ 51.3394 Spots.

"Spots" means pitted or discolored areas.

§ 51.3395 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects which materially detracts from the appearance, or the edible or marketing quality of the individual mushroom or of the mushrooms in the lot. The following specific defects shall be considered as damage:

(a) Discoloration when the color of the cap or stem materially affects the appearance or marketing quality of the mushrooms.

(b) Dirt when any amount is embedded in the cap or stem.

§ 51.3396 Length of stem.

"Length of stem" means the greatest distance as measured from the point of attachment of the "veils" on the stem to the butt.

§ 51.3397 Diameter.

"Diameter" means the greatest dimension of the cap measured at right angles to the stem.

METRIC CONVERSION TABLE

§ 51.3398 Metric conversion table.

<table>
<thead>
<tr>
<th>Inches (mm)</th>
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<th>1/32</th>
<th>1/64</th>
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<td>38.1</td>
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<td>4</td>
<td>101.6</td>
<td>50.8</td>
<td>25.4</td>
</tr>
</tbody>
</table>

Dated: March 17, 1966.

G. R. Grange,
Deputy Administrator,
Marketing Services.

[F.R. Doc. 66-3011; Filed, Mar. 21, 1966; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

Docket No. 16538; FCO 66-265

TABLE OF TELEVISION ASSIGNMENTS, TELEVISION BROADCAST STATIONS

Notice of Proposed Rule Making

1. On February 9, 1966, the Commission adopted the fifth report and order in Docket 14298, revising the UHF Television table of assignments. The new assignment plan was developed through the use of an electronic computer. One of the criticisms raised when this plan was first advanced was that the geographic flexibility provided was inefficient and wasteful of channels. In the fifth report and order we stated: "The use of geographic flexibility and the attendant reduction in efficiency is one of the penalties of a preplanned table of assignments. Television broadcast stations are required by rule to meet certain geographic separations in order to prevent destructive interference between stations on the channel and on a number of technically related channels. Where the exact transmitter location is known as in the case of applications these distances can be determined accurately and assignments made at or very near the required separations. In a preplanned assignment table, many assignments are made for future use where there is no advance knowledge of transmitter sites which might be used. Thus, such a table must take into account the possibility that available land, local zoning require-
In view of the above, and the fact that Akron is substantially larger than Canton, comments are requested on the desirability of amending §73.606 of the rules to read as follows:

<table>
<thead>
<tr>
<th>City</th>
<th>Channel No.</th>
<th>Present</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Akron, Ohio</td>
<td>49, 55, 67</td>
<td>9, 23</td>
<td>19, 67</td>
</tr>
<tr>
<td>Canton, Ohio</td>
<td>17, 23</td>
<td>17, 47</td>
<td></td>
</tr>
</tbody>
</table>

Application is on file for Channel 23 at Canton. This application was filed in the latter part of December 1965, after the Commission’s announcement of September 15, 1965 (FCC 65-813, Minno No. 72543) which stated that an effort would be made to retain channels for applicants which had filed prior to that date. Applicants filing later were on notice that the assignments contained in the fourth report table would likely be changed.

4. If it is determined by the Commission that the rule amendment proposed here in will serve the public interest, the Commission will take such action as may be appropriate with respect to outstanding authorizations.

5. Authority for the adoption of the amendments proposed in this document is contained in sections 41, 303, and 307(b) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set out in §1.115 of the Commission’s rules, interested parties may file comments on or before April 18, 1966, and reply comments on or before April 29, 1966. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

7. In accordance with the provisions of §1,119 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: March 16, 1966.

Released: March 17, 1966.

Federal Communications Commission.

[SEAL] Ben F. WAPLE, Secretary.

[F.R. Doc. 66-3000; Filed, Mar. 21, 1966; 8:50 a.m.]

**FEDERAL HOME LOAN BANK BOARD**

**[12 CFR Parts 522, 524]**

**[No. 19,785]**

**FEDERAL HOME LOAN BANK SYSTEM**

**Compensation and Budgets**

March 16, 1966.

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508), it is hereby proposed, by amendment (a) of §522.71 and §524.6, to amend the regulations for the Federal Home Loan Bank System (12 CFR 522.71(a) and 524.6) to be amended by amending the substance of which as are found in the table. This is done by using a reference point in the city for the computation of distance and then making the assignments at somewhat more than the required minimum geographic separation. The reference point used in the city is usually the location of the main post office. Main post offices were chosen because every city or town likely to be included in the list of assignments will have a main post office.

"If assignments could be made at exactly the required geographic separation, the greatest number of assignments on each channel could be realized. However, cities are not so ideally spaced and most assignments are at more than the minimum separation. This reduces the efficiency of any plan and when the separations are lengthened to provide flexibility in the future selection of transmitter sites the inefficiency is increased." 2

In the plan adopted in the fourth report and order, the computer was instructed to provide at least 10 miles of geographic flexibility for cochannel assignments. The same geographic flexibility was incorporated in the fifth separation and order; however, in a number of instances the efficiency of the plan was not impaired by making minor deviations in individual areas. Other cases may come to light where, for example, the exact geographic flexibility for cochannel assignments and aeronautical hazard considerations might limit the choice of sites in any direction around the city listed in the table. This is done by using a reference point in the city for the computation of distance and then making the assignments at somewhat more than the required minimum geographic separation. The reference point used in the city is usually the location of the main post office. Main post offices were chosen because every city or town likely to be included in the list of assignments will have a main post office.

2. In the plan adopted in the fourth report and order, the computer was instructed to provide at least 10 miles of geographic flexibility for cochannel assignments. The same geographic flexibility was incorporated in the fifth separation and order; however, in a number of instances the efficiency of the plan was not impaired by making minor deviations in individual areas. Other cases may come to light where, for example, the exact geographic flexibility for cochannel assignments and aeronautical hazard considerations might limit the choice of sites in any direction around the city listed in the table. This is done by using a reference point in the city for the computation of distance and then making the assignments at somewhat more than the required minimum geographic separation. The reference point used in the city is usually the location of the main post office. Main post offices were chosen because every city or town likely to be included in the list of assignments will have a main post office.

**FEDERAL REGISTER, VOL. 31, NO. 55—TUESDAY, MARCH 22, 1966**
Notices

DEPARTMENT OF JUSTICE
Office of Alien Property

HERTA HOFFMANN ET AL.

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof to prior to return, and after adequate provision for taxes and conservatory expenses:

Claimants, Claim No., Property, and Location

Herta Hoffmann, 8551 Bertoldshofen Nr. 551/2, Uber Kaufeuten, Altgau, Germany; Claim No. 37668; Vesting Order No. 1639; $58.84 in the Treasury of the United States.

Irene Zita, Korachstr. 40, 19, 52 Over Kaufbeur, AligRu, Germany; Claim No. 1669; Vesting Order No. 1639; $11.14 in the Treasury of the United States.

Herta Hoffmann, 8551 Bertoldshofen Nr. 551/2, Uber Kaufeuten, Altgau, Germany; Claim No. 37668; Vesting Order No. 1639; $11.14 in the Treasury of the United States.

DEPARTMENT OF THE INTERIOR

National Park Service

CAPE HATTERAS NATIONAL SEASHORE

Notice of Intention To Extend Concession Contract

Pursuant to the provisions of section 5, Public Law 92-249, public notice is hereby given that the Department of the Interior, through the Superintendent of Cape Hatteras National Seashore, National Park Service, proposes, thirty (30) days after the date of publication of this notice, to issue for the period March 31, 1966, through December 31, 1968, the concession permit under which Mrs. Thelma Gregory Bullock provides concession facilities and services for the public in Cape Hatteras National Seashore.

Note: The foregoing concessioner has performed her obligations under a prior permit 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 permit and in the negotiation of a new permit. However, under the act cited above the Service is also required to consider and evaluate all proposals received as a result of this notice.

LEHMANN CAVES NATIONAL MONUMENT

Notice of Intention To Issue Concession Permit

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 Lehman Caves National Monument, National Park Service, proposes, thirty (30) days after the date of publication hereof, the following proposal to issue a permit, to issue for the period March 31, 1966, through December 31, 1968, the concession permit under which Mrs. Henrlette Jedlickova, Jaromer, Trutnov, Czechoslovakia; Claim No. 37669; Vesting Order No. 1639; $22.28 in the Treasury of the United States.

For the Attorney General.

DEPUTY DIRECTOR, BUREAU OF MINES

Delegation of Authority

The following delegation is a portion of the Delegation of Authority, the numbering system is that of the Manual.

FEDERAL REGISTER, VOL. 31, NO. 55—TUESDAY, MARCH 22, 1966

Notices
NOTICES

GLEN EDGAR LIVESTOCK COMMISSION CO., INC., ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

<table>
<thead>
<tr>
<th>Original name of stockyard, location, and date of posting</th>
<th>Current name of stockyard and date of change in name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Done at Washington, D.C., this 10th day of March 1966.</td>
<td></td>
</tr>
</tbody>
</table>
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Food and Drug Administration
CIBA PHARMACEUTICAL CO.

Notice of Filing of Petitions for Food Additive Sulfachlorpyridazine

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that petitions (PAPs 6D1873, 6D1885) have been filed by CIBA Pharmaceutical Co., Summit, N.J., 07901, proposing the issuance of a regulation to provide for the safe use of sulfachlorpyridazine (N'- (6-chloro-3-pyridazinyl)-sulfanilamide) for intravenous or intraperitoneal administration to calves for treatment of diarrhea caused by E. coli (colibacillosis) and for intraperitoneal administration to swine for treatment of diarrhea caused by E. coli (colibacillosis) and V. coli (vibriosis).


J. K. Kirk,
Assistant Commissioner for Operations.

[F.R. Doc. 66-2988; Filed, Mar. 21, 1966; 8:49 a.m.]

ELANCO PRODUCTS CO.

Notice of Filing of Petition for Food Additive Tylosin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (PAP 6D1951) has been filed by Elanco Products Co., a division of Eli Lilly & Co., Indianapolis, Ind., 46206, proposing that § 121.217 Tylosin be amended to provide for the safe use of tylosin for intramuscular injection of cattle at 1 to 2 milligrams per pound of body weight daily as an aid in the treatment of pneumonia, bronchitis, mastitis, contagious bovine pleuropneumonia, foot rot, diphtheria, pneumococcal infections of calves, secondary bacterial infections associated with virus diseases, and infections associated with surgery or injuries.


J. K. Kirk,
Assistant Commissioner for Operations.

[F.R. Doc. 66-2989; Filed, Mar. 21, 1966; 8:49 a.m.]

FMC CORP.

Notice of Filing of Petition for Food Additive Coated Polycarbonate Film

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (PAP 6B1853) has been filed by FMC Corp., American Viscose Division, Marcus Hook, Pa., 19061, proposing the issuance of a regulation to provide for the safe use of coated polycarbonate film for the packaging of food.

Dated: March 14, 1966.

J. K. Kirk,
Assistant Commissioner for Operations.

[F.R. Doc. 66-2990; Filed, Mar. 21, 1966; 8:49 a.m.]

TENNECO CHEMICALS, INC.

Notice of Withdrawal of Petition for Food Additives Rosins and Rosin Derivatives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), the following notice is issued:

In accordance with § 121.52 Withdrawal of petitions without prejudice of the procedural food additive regulations (21 CFR 121.52), Tenneco Chemicals Inc., Newport Division, Post Office Drawer 911, Pensacola, Fla., 32502, has withdrawn its petition (PAP 6B1894), published in the Federal Register of November 30, 1965 (30 F.R. 14290), proposing that paragraph (a) (2) (iii) of § 121.2592 Rosins and rosin derivatives be changed to read as follows:

(iii) Partially dimerized rosin, dimerized by sulfuric acid or zinc chloride catalyst to a drop-softening point of 95°C–120°C, and a color of No. or paler.

The withdrawal of this petition is without prejudice to a future filing.

Dated: March 14, 1966.

J. K. Kirk,
Assistant Commissioner for Operations.

[F.R. Doc. 66-2991; Filed, Mar. 21, 1966; 8:49 a.m.]

UNION CARBIDE CORP.

Notice of Withdrawal of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348 (b) (5)), notice is given that a petition (PAP 6B1895) has been filed by FMC Corp., American Viscose Division, Marcus Hook, Pa., 19061, proposing the issuance of a regulation to provide for the safe use of triethylene glycol in ink employed in printing food-packaging materials and in printing other materials that contact food.

The withdrawal of this petition is without prejudice to a future filing.

Dated: March 14, 1966.

J. K. Kirk,
Assistant Commissioner for Operations.

[F.R. Doc. 66-2992; Filed, Mar. 21, 1966; 8:49 a.m.]

Office of the Secretary
CERTAIN DESIGNATED OFFICIALS

Delegation of Authority To Certify Copies of Documents

The delegation of authority to certify copies of documents (30 P.R. 15396) is hereby amended by adding the following items:

2. d. Director, Bureau of Drug Abuse Control.

Dated: March 14, 1966.

DONALD F. SIMPSON,
Assistant Secretary for Administration.

[F.R. Doc. 66-2996; Filed, Mar. 21, 1966; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF NEW HAMPSHIRE

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

On January 26, 1966; February 2, 1966; February 9, 1966; and February 16, 1966, the U.S. Atomic Energy Commission published for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of New Hampshire for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended. The effective date proposed by the State of New Hampshire for the agreement is May 16, 1966. Repudiation of the proposed New Hampshire agreement is necessary to reflect the recently established proposed effective date.

A résumé, prepared by the State of New Hampshire and summarizing the State's proposed program, was also submitted to the Commission and is set forth below as an appendix to this notice. Attachments referenced in the appendix are included in the complete text of the program. A copy of the program, including proposed New Hampshire regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW, Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C., 20545. All interested persons desiring to submit comments and sug-

WHEREAS, the U.S. Atomic Energy Commission (hereinafter referred to as the "Commission") is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the "Act"), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8 and section 101 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

WHEREAS, the Governor and Council of the State of New Hampshire is authorized under Chapter 229, New Hampshire Laws of 1963, to enter into this Agreement with the Commission; and

WHEREAS, the Governor of the State of New Hampshire certified on _______ that the State of New Hampshire (hereinafter referred to as the "State") has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials subject to control by the State, and that the State desires to assume regulatory responsibility for such materials; and

WHEREAS, the Commission found on _______ that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

WHEREAS, the State and the Commission recognize the desirability and importance of cooperation between the State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

WHEREAS, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemption from licensing of those materials subject to this Agreement, and

WHEREAS, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended; and

NOW, THEREFORE, the parties hereto agree between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I. Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials;

C. Special nuclear materials in quantities not sufficient to form a critical mass;

ARTICLE II. This Agreement does not provide for discontinuance of any activity and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission finds to time to time determines necessary for the protection against hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ARTICLE III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, or adopt, modify, or rescind such rules, regulations, and orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ARTICLE IV. The Commission shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ARTICLE V. The Commission will use its best efforts to cooperate with the State and other agreements States in the formulation of standards and regulations for the protection against hazards of radiation and to assure that the State's program for protection against hazards of radiation will be coordinated and compatible.

ARTICLE VI. The Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.
unnecessary radiation exposure; to enter at all reasonable times upon any private or public property for the purpose of determining whether there is compliance with or violations of the RSA 135 and the rules and regulations issued thereunder; and to conduct inspections and surveys of radiation sources and their shielding and immediate surroundings.

RSA 135 further authorizes the Governor and Council, on behalf of the State, to enter into an agreement with the U.S. Atomic Energy Commission providing for the discontinuance of certain licensing responsibilities of the State Government with respect to sources of ionizing radiation and the assumption thereof by the State.

The New Hampshire Radiation Control Agency, with the assistance of the National Bureau of Standards with regard to radiation safety, was established in the early 1950's and were authorized to acquire and use Cobalt 60 sources in the training of radiological monitors within the State. Two of these personnel attended an instructor's school sponsored by the Federal Civil Defense Administration. They were employed on a part-time basis in the Radiological Defense Program of the New Hampshire Civil Defense Agency in 1950 and were subsequently employed in the Division of Health and Safety sponsored by the U.S. Department of Health, Education, and Welfare in Cincinnati, Ohio.

Division personnel began attending training programs in radiological health and safety sponsored by the U.S. Department of Health, Education, and Welfare in Cincinnati, Ohio. These personnel have since participated on a part-time basis in the Radiological Defense Instructor, Stationed N.H., District Industrial Hygiene Engineer, Acting Director of Division 1951.

1952-1962-Special courses in Industrial Hygiene, Director, Division of Industry and Office of Occupational Health.

**RADIATION EXPERIENCE**

1941-Date—Experience in industrial, diagnostic, therapeutic, and fluoroscopic X-ray machines—safety and health. Health and safety in use of radium in hospitals, clinics, and industry.

1951-Date—Special RADEF Officer in Civil Defense Program. Charge of radiological defense for State; training of monitors and care and maintenance of instruments.

1957-Date—Hold AEC licenses for use of sealed sources for use in training and calibration of instruments, including multicurie Cobalt 60 sources, Cesium 137 source (120 curie), including leak testing. 1957-Date—1951—Date—Appointed Director, State Radiation Control Agency, Division of Public Health, Department of Health and Welfare.

**RICHARD S. DUMM**

**EDUCATION**


Special courses:

- Industrial Ventilation, Michigan State University, 1951 (1 week).
- Radiological Defense Instructor, OCMD, 1951 (1 week).
- Civil Effects Test Group, AEC Nevada Test Site, 1957 (2 weeks).
- Civil Defense for Food and Drug Officials, USFDA, 1968 (1 week).
- Radiological Health Physics, Oak Ridge Institute of Nuclear Studies, 1964 (10 weeks).

**EXPERIENCE**

Enlisted USNR Nov. 1945—June 1945 (27 mos. active).


Commissioned USNR Jan. 1952-date (13 mos. active).

**U.S. Naval Reserve (active) Feb. 1951—Mar. 1953.**

State of New Hampshire, Dept. of Health, Division of Industrial Hygiene, Apr. 1953-date.

**Health and safety of medical and industrial uses of X-ray and medical radium:** Teaching radiological defense to local town and city organizations; 1957-date.

**SPECIAL TRAINING**


**INDUSTRIAL HYGIENE CHEMISTRY COURSE—DOH, USPHS Cincinnati, Ohio, 1963 (1 week).**

**DUST EVALUATION TECHNIQUES COURSE—DOH, USPHS Cincinnati, Ohio, 1963 (1 week).**

**CIVIL DEFENSE FOR FOOD AND DRUG OFFICIALS—USFDA, Concord, N.H., 1963 (1 week).**

**RADIONICS—Oak Ridge, Tenn., 1964 (10 weeks).**

**EXPERIENCE**


**INDUSTRIAL HYGIENE CHEMISTRY—Occupational Health Service, New Hampshire Department of Health and Welfare, 1962 to present.**

Immediate Supervisor, Forrest H. Bumford. Principal duties: (1) Chemical analysis of trace metals, solvents and metallic products of toxins using infrared spectroscopy, ultraviolet spectrophotometry and gas chromatography; (2) monitoring of daily air samples for beta activity.

**GOVERNOR'S RADIATION ADVISORY COMMITTEE**

Robert Normandi, Ph. D., Chairman, Professor of Biology and Radiology Biology, St. Anselm's College, Manchester, N.H. Holds AEC license.

Frank Lane, M.D., Chief Roentgenologist, Mary Hitchcock Memorial Hospital, Hanover, N.H., Radiation Safety Officer, Mary Hitchcock Memorial Hospital, Hanover, N.H. Medical physicist, both of which hold cobalt 60 teletherapy units. Holds AEC licenses.

Laurence Bizzy, M.D., Roentgenologist, Dover City Hospital, Dover, N.H., Roentgenologist, Friske Memorial Hospital, Rochester, N.H.

John Lockwood, Sc. D., Chairman, Department of Physics, University of New Hampshire, Durham, N.H. Considerable experience with various isotopes and member of University Radiation Committee. Holds AEC license.

J. Copenhaver, Ph. D., Chairman, Dept. of Biological Sciences, Dartmouth College, Hanover, N.H. Holds AEC license.

Gene Likens, Ph. D., Dept. of Biological Sciences, Dartmouth College, Hanover, N.H. Holds AEC license.

Richard D. Brew, President, Brew Co., Concord, N.H. Reps. representing industrial interests on committee.


The committee membership will be changed somewhat after January 1968, to give a more balanced membership among the various professional concerns involved in the logical health. This change will keep the Governor and Council informed on matters relative to radiation problems within the State.

They will also recommend programs and policies to the Radiation Control Agency and act as advisors to the Agency.

The inspector will prepare a detailed report to inform his superior and the licensees or registrants of necessary corrective action he has observed during the inspection, including recommendations for the abatement of noncompliance. The report will provide the basis for any enforceable action by the Agency.

In addition, there will be investigations of incidents and complaints involving licensed or registered sources of radiation to determine the cause, and measures taken by the licensee or registrant to cope with the incident, whether or not there was noncompliance with the regulations, and the steps the licensee or registrant is taking to ensure that any recurrence of the incident will not take place.

Enforcement. Minor items of noncompliance, such as improper signs, failure to label, etc., will be included in the Inspector's report. If the licensee or registrant agrees to correct these irregularities at the time of the inspection, the corrective action taken will be reviewed with the licensee or registrant during the next periodic inspection. If the Inspector reveals a noncompliance of a more serious nature, the licensee or registrant will be given details of the corrective action prior to a time fixed by the Director of the Agency, which time shall be not more than ten days subsequent to formal written notification by the licensee or registrant that such an order was received. If the reply does not satisfactorily explain the noncompliance and assure that further violations will be prevented, the Agency will take such administrative actions as are available to it.

Where administrative enforcement of the rules and regulations of the Agency does not prove successful, a civil action may be instituted on behalf of the Agency for injunctive relief to prevent the violation of the provisions of the rules and regulations.

The Director of the Agency has legal authority, in an emergency situation, to issue an order authorizing any necessary action as he deems necessary to prevent the violation of the rules or regulations.

Any person to whom such an order is directed is required by law to comply with the order immediately.

Any person who receives notice of violation of the rules or regulations of the Agency and an order of abatement of the violation, or who is required to comply with the orders of the Director of the Agency, in an emergency situation, may apply for a hearing in the Regional Office of Public Health Services, New Hampshire State Department of Health and Welfare, and a hearing will be conducted within 15 days.

Any person who willfully violates any of the provisions of the rules and regulations of the Agency, or who violates an order of the Agency, may be guilty of a crime and upon conviction may be punished by a fine or imprisonment or both, as provided by law.

Repeal and Reenactment. This chapter shall be null and void except persons from the licensing requirement of the regulations who use, transfer, possess, or receive byproduct, source, or special nuclear material in quantities not sufficient to form a critical mass pursuant to a license issued by the U.S. Atomic Energy Commission or by another agency state provided that such persons notify the Agency immediately of the presence of such materials within the state. Compliance. It is hereby recommended that the State of New Hampshire institute and maintain a regulatory program for sources of ionizing radiation so as to provide for a consistent program of noncompliance with the standards and regulatory programs of the Federal government and with those of other agreements.
NOTICES

CIVIL SERVICE COMMISSION

PROFESSIONAL ENGINEERS, CERTAIN PHYSICAL SCIENTISTS, AND MATHEMATICIANS

Notice of Adjustment of Minimum Rates and Rate Ranges

Correction

In F.R. Doc. 66-2888 appearing at page 4529 in the issue for Thursday, March 17, 1966, the salary rate for the first level of Grade 6 now reads "$6,564." It is correct to read "$6,564.

FEDERAL COMMUNICATIONS COMMISSION

(Northern Indiana) seeks a construction permit for a new Class III-B standard broadcast station to operate day and night with different directional arrays (DA-2) on 910 kc, 1 kw, at Mishawaka, Ind. The Hearing Examiner in an Initial Decision, released December 2, 1963 (FCC 63D-138), and a Supplemental Initial Decision, released October 23, 1965 (FCC 65D-46), recommended grant of the application. Exceptions were filed in each instance. Pending the scheduling of oral argument after the release of the Supplemental Initial Decision, the Commission issued its Policy Statement on section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 1 applicable in those situations where "the applicant's proposed 5 kw/m daytime contour would penetrate the geographic boundaries of any community with a population of over 50,000 persons and having at least twice the population of the applicant's specified community." Such circumstances, the Commission stated, will raise a presumption that "the applicant is realistically proposing to serve the larger community rather than his specified community," and if not rebutted, applicant will be required to meet the technical provisions of the Commission's rules for stations assigned to the larger community.


Regulation and its payment therefor on the date specified in the particular legend.

3. This delegation of authority supersedes the delegation effective January 25, 1955, as amended (20 F.R. 556, as amended at 23 F.R. 16132), respecting this same subject.

That the notification of witnesses desired for cross-examination shall be accomplished on or before April 14, 1966, in lieu of April 1, 1966;

It is further ordered, That the hearing now scheduled for April 28, 1966, be and the same is hereby rescheduled for April 28, 1966, 2 p.m., in the Commission's offices, Washington, D.C.

Released: March 17, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

[Seal] BEN F. WAPLE,
Secretary.

[P.R. Doc. 66-6001; Filed, Mar. 21, 1966;
8:30 a.m.]

[Docket No. 14825; FCC 66B-92]

NORTHERN INDIANA BROADCASTERS, INC.

Memorandum Opinion and Order Enjoining Issues

In re application of Northern Indiana Broadcasters, Inc., Mishawaka, Ind., Docket No. 14855, File No. BP-14771; for construction permit.

1. The Review Board has before it for consideration the Broadcast Bureau's petition to enlarge issues and remand the proceeding to the Examiner for further hearing. In an Order released March 14, 1966 (File No. BP-14234), the Bureau, together with supporting and opposition pleadings addressed thereto; and a petition for consolidated oral argument of the Bureau request with the exceptions and limitations assigned to the larger community.

3. The Bureau in its moving petition points out that since Mishawaka with a population of 132,445 persons, and since the proposed operation is directionalized toward South Bend, the presumption applies and the application shall therefore be remanded to the Hearing Examiner in order to afford Northern Indiana an opportunity to rebut this presumption in accordance with the considerations set forth by the Commission in its policy statement. The Bureau therefore seeks enlargement of the issues so that, in addition to the usual 307(b) evidence concerning the independence of a suburban community from its central city, the party may fully establish its case relating to the need for the proposed operation, by demonstrating the extent to which the specified station location has separate and distinct program needs, the extent to which these needs are not being met by existing standard broadcast stations, and the extent to which this program proposal will meet these needs; and further to adduce evidence as to whether the projected sources of advertising revenues from within the specified station location are adequate to support the program proposal as compared with the projected sources from all other areas; or in the alternative that evidence may be adduced pursuant to the technical requirements of the rules. South Bend Tribune, licensee of Station WSBT, in support of the Bureau's request, points out that since it was not permitted to adduce evidence to show how Station WSBT, a 5 kw regional station in South Bend, does serve the needs of Mishawaka, on its face the record does not contain all the necessary information sought by the policy statement, and that the proceeding must therefore be remanded.

4. Northern Indiana, in its opposition urges first that the Commission did not by its policy statement establish any guidelines other than to seek a reasonable assurance that the applicants intend to provide a local transmission service to the suburban community and that it is not in fact circumventing its inability to meet certain technical requirements for assignment to the larger city, and since the record establishes that its application is in fact for Mishawaka and not South Bend, the Commission concern is met. Northern Indiana also urges that the record establishes that the applicants intends to provide the fact that the South Bend stations serve the needs of Mishawaka since Mishawaka is included in their service areas, but argues essentially that they are primarily South Bend oriented stations and that the need for the first local transmission service in Mishawaka, oriented and geared to the needs of the local community is paramount and not extinguished as a precedent over any other presumptions which may be raised by the policy statement. Northern Indiana contends that...
the record contains the information with respect to the needs of the community and how its programming will meet these needs, and that it is not possible, save to attempt to prove that the South Bend stations are not meeting the requirements of their licenses, to show that they do not meet at least some of the needs of the community. It therefore alleges that no useful purpose will be served by reopening this record and remanding the proceeding for further hearing. Northern Indiana requests in the alternative that rather than remand the proceeding, that the Review Board permit oral argument on the petition to reopen the record coincidently with oral argument on the exceptions to the Examiner's Initial Decision, thus facilitating the proceeding.

5. As indicated, Northern Indiana's position is not that all of the information sought by the policy statement is in fact contained in the record, but rather that the policy statement does not set out the quantum of proof required to rebut the presumption. It urges that if the Review Board were to set out and establish proper guidelines, the record could in fact be four hundred pages and still fail to meet the requirement. 

The evidence in the existing record is not sufficient to resolve the Issues being sought by the Broadcasting company. In accordance with the Commission's criteria set out in the policy statement. The policy statement is clear and concise with respect to what evidence is necessary to rebut the presumption that the applicant intends to serve the larger of the two communities as opposed to the suburban community. Absent this information in the record, the Board is required to remand the proceeding to the Examiner on the enlarged issues so that additional evidence may be adduced. The Board will therefore remand the proceeding accordingly. In the event applicant fails to rebut this presumption, evidence may be adduced to permit a determination whether applicant meets all of the technical provisions of the rules assigned to it in an appropriate larger community. Further, where the applicant would comply with the "10 Percent Rule" if the proposal is determined to be for the specified station location, in the event the proposal is determined to be for the larger community, applicant will be required to establish that the latter community complies with the 10 Percent Rule or that waiver is warranted. The burden of proof with respect to each additional issue is upon the applicant. Northern Indiana's alternative request will be denied. Since the information is not in the record, the Board does not agree that it is feasible to permit oral argument without allowing the respondents ample opportunity to avail themselves of the relief granted during the course of the hearing.

Accordingly, it is ordered, This 10th day of March 1966, That the petition to accept the late-filed opposition to petition to enlarge issues, filed on February 4, 1966, by Northern Indiana Broadcasters, Inc., is granted, and the opposition tendered therewith is accepted; and it is further ordered, That this proceeding is remanded to the Hearing Examiner for further hearing and for preparation of Supplemental Initial Decision consistent with this Memorandum Opinion and Order; and it is further ordered, That the issues in this proceeding are hereby enlarged as follows:
(a) To determine whether the proposal of Northern Indiana Broadcasters, Inc., will realistically provide a local transmission service for its specified station location or for another larger community, in light of all of the relevant evidence, including, but not necessarily limited to, the showing with respect to: the technical provisions of the rules, including § 73.188(b) (1) and (2), for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service.
(b) To determine, in the event that it is concluded pursuant to the foregoing issue (a) that the proposal will not realistically provide a local transmission service for its specified station location, whether each such proposal meets all of the technical provisions of the rules, including §§ 73.30, 73.31, and 73.188(b) (1) and (2), for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service.
(c) To determine, in the event that it is concluded pursuant to the foregoing issues (a) that Northern Indiana Broadcasters, Inc., will not realistically provide a local transmission service for Mishawaka whether South Bend has any existing standard broadcast nighttime facility, and if so, whether the interference which would be received by the applicant would affect more than 10 percent of the normal protected primary service area in contravention of § 73.28(d) (3) of the rules, and if so, whether circumstances exist which would warrant a waiver of that section of the rules.

It is further ordered, That the petition for oral argument, filed by Northern Indiana Broadcasters, Inc., on February 4, 1966, is denied.

Released: March 11, 1966.

D. H. OVERMYER COMMUNICATIONS CO. AND MAXWELL ELECTRONICS CORP.

Order Scheduling Hearing
In re applications of D. H. Overmyer Communications Co., Dallas, Tex., Docket No. 16388, File No. BFC'T-3463; Maxwell Electronics Corp., Dallas, Tex., Docket No. 16389, File No. BFC'T-3469; for proceeding permits.
The Hearing Examiner having under consideration determination dated March 11, 1966, on behalf of D. H. Overmyer Communications Co. requesting consideration and order, it is ordered, That this proceeding be scheduled for June 13, 1966;

It appearing, that good cause exists why said request should be granted and counsel for Overmyer indicates that counsel for Maxwell Electronics Corp. and the Commission's Broadcast Bureau concur in said request;

Accordingly, it is ordered, This 18th day of March 1966, That the request is granted and the evidentiary hearing be and the same is hereby scheduled for June 13, 1966, 10 a.m., in the Commission's offices, Washington, D.C.

Released: March 16, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

Docket Nos. 16388, 16389; FCC 66M-378

City of New York and Grace Line, Inc.

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1321 L Street NW., Room 301; or permit 'inspect agreements' at the offices of the District Managers,

FEDERAL REGISTER, VOL. 31, NO. 55—TUESDAY, MARCH 22, 1966
California Oil Co., filed The California Co., a division of California Oil Co., in the name of the company had been changed effective July 1, 1965.

The Commission orders:

(A) The orders amending the California Co., a division of California Oil Co., in the following docket are amended by changing the name of the certificate holder to The California Co., a division of California Oil Co.; in all other respects the orders issuing certificates shall remain in full force and effect; and the related rate schedules are redesignated accordingly:

<table>
<thead>
<tr>
<th>Certificate</th>
<th>FPC gas rate schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Docket No.</td>
<td></td>
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<tr>
<td>G-9720</td>
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<td>C16-594</td>
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</table>


(B) The name of the respondent in the proceedings pending in Docket Nos. G-10794; G-14313; G-16992; G-18535; and G-20346 is changed from The California Co., a division of California Oil Co., to The California Co., a division of Chevron Oil Co., and the proceedings are redesignated accordingly.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 65-2955; Filed, Mar. 22, 1966; 8:45 a.m.]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

MARCH 15, 1966.

Take notice that on March 7, 1966, El Paso Natural Gas Co. (Petitioner), filed in Docket No. CP62-154 a petition to amend the order of the Commission issued in said docket on October 17, 1965, 6 FCC 614, and amended on August 31, 1964, 22 FCC 674, and December 28, 1965, by requesting authorization so as to change the volumetric limitation on its natural gas service to Southern California Gas Co. and Southern Counties Gas Co. of California (jointly Southern) to an annual maximum of 63,725,000 Mcf of gas in lieu of the presently authorized daily maximum of 174,680 Mcf, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Consolidated with Docket No. AB152-2, et al.

By order issued in the instant docket on October 17, 1965, 6 FCC 614, Petitioner was granted authorization to sell and deliver on an interruptible, best efforts basis, its Rate Schedule G-X-2, FPC Gas Tariff, Original Volume No. 1, during the calendar year 1966, up to 25,700,000 Mcf of natural gas (at 14.9 p.s.i.a.) to Southern for resale by Southern in its southern California market area.

Service to Southern under Rate Schedule G-X-2 for a period commencing August 31, 1964, and continuing through December 31, 1965, was authorized by order issued in the instant docket on August 31, 1964, 22 FCC 674. The aforementioned order of the Commission is amended on December 28, 1965, the instant docket so as to authorize, during the limited period commencing January 1, 1966, and continuing through December 31, 1966, the sale and delivery of a maximum of 174,680 Mcf of natural gas (at 14.73 p.s.i.a.) daily to Southern.

The instant filing Petitioner seeks to amend further its G-X-2 authorization so as to change the volumetric limitation from the presently authorized daily maximum of 174,680 Mcf to an annual maximum of 63,725,000 Mcf (63,000,000 Mcf at 14.9 p.s.i.a.).

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the notice and procedure (18 CFR 1.8 and 1.10) and the Regulations under the Natural Gas Act (157.10) on or before April 11, 1966.

JOSEPH H. GUTRIDE, Secretary.

[F.R. Doc. 65-2955; Filed, Mar. 21, 1966; 8:45 a.m.]

[Order Docket No. G-10992 etc]}

T. L. JAMES & CO., INC., ET AL.

Order Approving Offer of Settlement, Severing and Terminating Proceedings and Assigning Refunds

MARCH 14, 1966.


Austral Oil Co., Inc. (Austral) and Nickelos Oil & Gas Co. (Operator), et al. (Nicklos) in Docket Nos. G-20289 and G-20290, respectively, on February 7, 1966, jointly filed an offer of settlement to resolve the conflicting interpretations of the tax reimbursement provisions in their rate schedules for jurisdictional sales of natural gas to Trunkline Gas Co. (Trunkline) in Louisiana. In summary respondents propose (Austral under its FPC Gas Rate Schedule No. 13; 1963 and Nicklos under its FPC Gas Rate Schedule No. 2):

(1) A settlement tax reimbursement rate of 1.80 cents per Mcf, in lieu of 2.85 cents per Mcf, as the applicable Louisiana severance reimbursement for the subject sales;
(2) Agree to refund to Trunkline, with interest at 6 percent per annum, 0.15 cents per Mcf to represent the refunds in the amount of $1,917,607.00 on all gas previously delivered under said rate schedules for which Trunkline has paid tax reimbursement at the rate of 2.05 cents per Mcf. As a part of their settlement proposal, Respondent Austral or Nicklos enters or as is allowed by the Commission's final order in South Louisiana Area Rate Proceedings, Dock-
et Nos. AR61-2, et al., which ever shall first occur.

(3) Further agree to pay over to Trunkline, as soon as such amount can be determined, an additional amount equal to the difference between tax reimbursement at 1.05 cents per Mcf on gas delivered after approval of this settlement proposal and such lower tax reimbursement, if any, as is provided by any general rate settlement into which Austral or Nicklos enters or as is allowed by the Commission's final order in South Louisiana Area Rate Proceedings, Dock-
et Nos. AR61-2, et al., which ever shall first occur.

Respondents' offer of settlement is similar to Pan American Petroleum Corp.'s offer of settlement with Trunkline which we accepted by order issued December 30, 1965, in Docket Nos. G-16492 and G-20289 and is conditioned as set out below, according to the correctness of such amounts. Order an executed escrow agreement, and said proceeds shall be severed from consolidated proceedings in Docket Nos. G-16492, et al.

Our action herein should not be construed as constituting approval of any future rate increases, if any, that may be filed under the subject rate schedules, and is without prejudice to any findings or order of the Commission in future proceedings, including area rate or similar proceedings for determining rates and rate schedules, their successors as assignees.

The Commission finds: The proposed settlements of the subject proceedings on the bases of the settlement proposal, as made effective as hereinafter ordered, and good cause exists for approving these settlements, for severing proceedings, for terminating Docket Nos. G-20289 and G-20290, and for providing for refunds.

The Commission orders:

(A) The offer of settlement filed with the Commission on February 7, 1966, by Respondents in Docket Nos. G-20289 and G-20290 is approved in accordance with provisions of this order.

(B) Respondents shall file, within 90 days from date of issuance of this order, notices of change in rates under their applicable FPC gas rate schedules to reflect the settlement rates applicable to severance tax reimbursement, notices of change shall be submitted in accordance with Part 194 of the Commission's regulations under the Natural Gas Act.

(C) Respondents shall compute the amount of refund payable, together with interest at 6 percent per annum to the date of issuance of this order, for a 0.15 cent per Mcf tax reimbursement for all gas previously delivered to Trunkline under Austral's FPC Gas Rate Schedule No. 13 and Nicklos' FPC Gas Rate Schedule No. 2 and shall within 45 days from the date of issuance of this order submit a report to the Commission, with a copy to Trunkline, setting out the amount of refund (showing separately the principal and applicable interest), the basis used for such determination, the period covered, and ten days thereafter shall submit to the Commission a copy of a letter from Trunkline agreeing to the correctness of such amounts.

(D) Respondents shall retain these amounts until the same shall be determined to be entitled thereto by final order or orders of the Commission.

(4) Such bank or trust company shall hold and formally bind the refunds plus interest. The Commission orders: (A) The offer of settlement filed with the Secretary of the Commission of its intention to do so 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.

(E) Upon notification by the Secretary of the Commission that a part of the refunds provided for in paragraph (D) above, has been paid over to the person or persons to which the same is payable, the Secretary of the Commission shall, without prejudice to any findings or determinations that may be made in any proceedings now pending, or hereafter instituted by or against Respondents and is without prejudice to claims or contents which may be made by Respondents, the Commission staff, or any affected party hereto, in any proceeding.

By the Commission.

[SEAL]

JOSEPH H. GUTRIDE, Secretary.

F.R. Doc. 85-2867; Filed, Mar. 21, 1966; 8:45 a.m.

[Docket No. CP66-286]

LONE STAR GAS CO.

Notice of Application

MARCH 15, 1966.

Take notice that on March 8, 1966, Lone Star Gas Co. (Applicant), 301 South Harwood Street, Dallas, Tex., 75201, filed an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the operation of certain facilities for the transportation of natural gas in Interstate commerce, all as more fully set forth in the applica-
tion which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks permission and approval to abandon by removal and salvage the operation of that portion of its Line GD-3 that is parallel by 2d Line GD-J between approximate stations 164+13 and 206+51 in Garvin County, Okla., consisting of approximately 4,178 feet of 6%-inch O.D. pipeline and 60 feet of 7-inch O.D. pipeline.

Applicant states that the town of Elmore City in Garvin County, Okla., proposes to impound water in a city water line, Horse Creek Reservoir Site which is on file with the Commission's rules of practice and procedures, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 C.F.R. 1.8 or 1.10) on or before April 6, 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, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

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. GUTREK, Secretary.

[For Doc. 66-23905; Filed, March 21, 1966; 8:45 a.m.]

[Docket Nos. G-23905, etc.]

NOTICES

MARATHON OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates

March 15, 1966.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service thereto or any diminution of natural gas service to any city, town, community or customer or lessen the service presently being rendered by Applicant.

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 C.F.R. 1.8 or 1.10) on or before April 6, 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 all applications in which no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a protest or petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given: Provided, however, That pursuant to § 256, Part 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity and granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

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

JOSEPH H. GUTREK, Secretary.

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<tr>
<th>Docket No. and case filed</th>
<th>Applicant</th>
<th>Price per Mcf</th>
<th>Pressure base</th>
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<td>G-2390-7 September</td>
<td>Marathon Oil Co., 520 South Main St., Findlay, Ohio, 45840.</td>
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<td>G-2391-7 September</td>
<td>Sinclair Oil &amp; Gas Co., Post Office Box 521, Tulsa, Okla.</td>
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<td>Westoma Oil Co., 1670 Deaver Club Blvd., Deaver, Col., 79020.</td>
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<td>Humble Oil &amp; Refining Co., Post Office Box 2380, Houston, Tex.</td>
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<td>G-2394-7 September</td>
<td>John W. Lamber Corp., 2401 East 2d Ave., Denver, Colo., 80202.</td>
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<td>G-2395-7 September</td>
<td>Allerton Miller, 2001 Grant Blvd., Pittsburgh, Pa. 15201.</td>
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<td>G-3016-10 December</td>
<td>Frank A. Schultz, et al., 720 Fidelity Union Tower, Aardvark and Pacific Sts., Dallas, Tex., 75201.</td>
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<td>G-3017-130 December</td>
<td>Scoopy Mobl Oil Co., Inc., Post Office Box 2414, Houston, Tex.</td>
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<td>G-3019-130 December</td>
<td>Farn Petroleum Corp., Post Office Box 591, Tulsa, Okla., 74102.</td>
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Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial successor.

See footnotes at end of table.

1 This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.

FEDERAL REGISTER, VOL. 31, NO. 55—TUESDAY, MARCH 22, 1966
### Texas Gas Transmission Corp. Notice of Application

**MARCH 15, 1966.**

Take notice that on March 7, 1966, Texas Gas Transmission Corp. (Applicant), Post Office Box 1160, Owensboro, Ky., 42301, filed in Docket No. CP66-285 an application pursuant to section 7(a) of the Natural Gas Act filed in Docket No. CP66-285 on December 23, 1965 (31 F.R. 3035). In said application Cincinnati has requested that the Commission direct Applicant to establish a new delivery point for service to Cincinnati and to sell to Cincinnati at such delivery point, beginning November 1, 1966, a volume of gas up to 10,200 Mcf per day on a firm basis. Applicant states that certification of the service proposed by Cincinnati would be in the public interest, but that it did not have the capacity available for the requested service but that Applicant would file the necessary certificate application to construct the required facilities. Applicant states that the instant application has been filed pursuant to the representation made in said Answer.

By the instant filing, Applicant seeks authorization to construct and operate the following facilities to render the service proposed by Cincinnati:

- Approximately 2,81 miles of 30-inch loop pipeline in Kentucky,
- Approximately 2,81 miles of 36-inch loop pipeline in Louisiana, Mississippi, and Tennessee.

And (a) One meter station in Ohio.

The total estimated cost Applicant’s proposed construction is $2,844,000, which will be financed through short-term bank loans pending long-term debt financing which has not, at this time, been finalized.

**Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules and procedure (16 CFR 1.8 or 1.10) and regulations under the Natural Gas Act (157.10) on or before April 11, 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 practice and procedures, any hearing will be held without further notice from 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 to 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.

[Docket No. CP66-285]

**Texas Gas Transmission Corp.**

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<td>CS66-152</td>
<td>Warren Petroleum Corp., Post Office Box 1530, Tulsa, Okla., 74102</td>
<td>Natural Gas Pipeline Co. of America, Thomas, Okla., Dewey and Custer Counties, Okla.</td>
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<td>CS66-265</td>
<td>Fred Lathro (successor to Union Pacific Co.), 1515 Young Ave., Denver, Colo., 80210</td>
<td>United Gas Pipe Line Co., Maxfield Field, Fennert County, Miss,</td>
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<td>CS66-489</td>
<td>Harry D. Owen, attorney, Post Office Box 2500, Kansas City, Mo., 64130</td>
<td>Mountain Fuel Supply Co., Powder Wash Field, Moffat County, Colo.</td>
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<td>CS66-497</td>
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<td>Adams Ranch Area, Meade County, Kan.</td>
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<td>CS66-520</td>
<td>Austin Oil Co., Inc. (successor to Cameron Petroleum Corp.), Oriskany, Texas, 7930,</td>
<td>Arkansas Louisiana Gas Co., Arka Area, Hebard, Lartem, and Pittman, Cheyenne, Okla., and Franklin County, Ark.</td>
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<td>CS66-627</td>
<td>Humble Oil &amp; Refining Co., Post Office Box 2150, Houston, Tex., 77002</td>
<td>Coltera Interests, Inc., Meese Field, Meade County, Okla.</td>
<td>16.0</td>
<td>15.0</td>
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<td>CS66-629</td>
<td>Shell Oil Co., 59 West 56th St., New York, N.Y., 10031</td>
<td>Ashland Oil &amp; Refining Co., Kansas, Regions Field, Grant and Haskell Counties, Okla.</td>
<td>16.0</td>
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<td>CS66-813</td>
<td>Cities Service Oil Co., Cities Service Building, Bartlesville, Okla., 74001</td>
<td>Texas Eastern Transmission Corp., North Panther, Reed Field, Campbell County, Texas</td>
<td>16.0</td>
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<td>CS66-814</td>
<td>Lobo Oil Drilling Co., Post Office Box 669, Great Bend, Kan., 67530</td>
<td>Panhandle Eastern Pipe Line Co., acreages in Edwards County, Texas</td>
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<td>14.65</td>
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<td>CS66-913</td>
<td>Chief Drilling Co., Inc., Box 749, Great Bend, Kan., 67530</td>
<td>Cities Service Gas Co., acreages in Barber Counties, Ohio</td>
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<td>CS66-917</td>
<td>Mid-South Oil Co., 1314 Oil Bldg, Pittsburgh, Pa., 15219</td>
<td>Consolidated Gas Supply Corp., Gaskill Township, Jefferson County, Ky.</td>
<td>27.5</td>
<td>15.325</td>
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<td>CS66-820</td>
<td>J.B. F. Smith, operator, Post Office Box 1948, Avalon, Tex., 75550</td>
<td>Panhandle Eastern Pipe Line Co., acreages in Beaver County, Okla.</td>
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<td>14.65</td>
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<td>CS66-821</td>
<td>Joseph E. Signer &amp; Sons, Inc., 86-A, Texas Field Oil Co., Post Office Box 474, Dallas, Tex., 75201</td>
<td>United Gas Pipe Line Co., Logans Crossing Field, Louisiana Parish, La.</td>
<td>15.0</td>
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<td>CS66-827</td>
<td>Tenneco Oil Co., Post Office Box 2521, Houston, Tex., 77009</td>
<td>Natural Gas Pipeline Co. of America, South Tulsa Field, Dewey County, Okla.</td>
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<td>CS66-829</td>
<td>Tenneco Oil Co. (Operator), et al., 16-A</td>
<td>El Paso Natural Gas Co., Hartwell Field, San Juan Basin, Rio Arriba County, N. Mex.</td>
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<td>CS66-831</td>
<td>The Atlantic Refining Co., Post Office Box 2818, Dallas, Tex., 75202</td>
<td>El Paso Natural Gas Co., Field, Rio Arriba County, N. Mex</td>
<td>13.0</td>
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<td>CS66-834</td>
<td>Sun Oil Co., Drawer A, 1011 Eastern Industrial Park, Fort Worth, Tex., 76161</td>
<td>El Paso Natural Gas Co., Blanco Field, San Juan County, N. Mex.</td>
<td>11.0</td>
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<td>CS66-836</td>
<td>Mesa Petroleum Co. Operator, Post Office Box 274, Amarillo, Texas, 79105</td>
<td>Northern Natural Gas Co., Loveladies Field, Harper County, Okla.</td>
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<td>CS66-837</td>
<td>Sun Oil Co, (Southwest Division), 1058 Walnut St., Philadelpia, Pa., 19103</td>
<td>Texas Eastern Transmission Corp., May Field, Kieboh County, Tex.</td>
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1 Application previously noticed June 2, 1966 at a total initial price of 14.6 cents per Mcf. Applicant has filed to amend its contract by deleting the indefinite price provisions insofar as they pertain to the subject area and to substitute a maximum price of 14.6 cents per Mcf.

2 Application heretofore noticed Dec. 7, 1965 at a total initial rate of 9.6 cents per Mcf. By letter filed Feb. 28, 1966, Applicant states the present effective rate under said rate schedule is 10.8 cents per Mcf, which does not exceed the applicable area rate established in the Commission's Opinion No. 468 and 469-A, as supplemented.

3 Includes 1.0 cent upward B.t.u. adjustment.

4 Settlement rate as approved by Commission order issued Dec. 23, 1965.

5 Applicant's interest is covered under certificates issued to Steve Goe, operator, et al.

6 Subject to upward B.t.u. adjustment.

7 Includes 1.5 cents tax reimbursement.

8 Subject to upward and downward B.t.u. adjustment.

9 Subject to 1.5 cents per Mcf adjustment for gathering charges.

[F.R. Doc. 65-2959; Filed, March 21, 1966; 8:45 a.m.]
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. GUTRIE,
Secretary.

[F.R. Doc. 65-2960; Filed, Mar. 21, 1966; 8:45 a.m.]

[Docket No. CP63-204 etc.]

TRANSWESTERN PIPELINE CO. ET AL.

Notice Changing Date of Oral Argument

MARCH 14, 1966.

Transwestern Pipeline Co., CP63-204 and CP64-91; Gulf Pacific Pipeline Co., CP63-223; El Paso Natural Gas Co., CP64-76.

Notice is hereby given that the oral argument originally scheduled by the Commission to commence on March 29, 1966, in the above-designated matter will commence at 10 a.m., on Monday, March 28, 1966, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

By direction of the Commission.

JOSEPH H. GUTRIE,
Secretary.

[F.R. Doc. 65-2961; Filed, Mar. 21, 1966; 8:45 a.m.]

[Docket No. E-7276]

WEST PENN POWER CO.

Notice of Application

MARCH 14, 1966.

Take notice that on March 7, 1966, the West Penn Power Co. (West Penn), filed an application with the Federal Power Commission pursuant to section 203 of the Federal Power Act seeking an order authorizing it to lease the entire electric facilities of the Borough of Brackenridge in Allegheny County, Pa. West Penn is incorporated under the laws of the State of Pennsylvania and authorized to do business in the States of Pennsylvania and West Virginia. It is an operating public utility engaged in the production, distribution and sale of electricity in the greater portion of the counties of Armstrong, Butler, Fayette, Greene, Washington, and Westmoreland, and in parts of Allegheny, Cameron, Centre, Clarion, Clinton, Elk, Indiana, Lycoming, McKean, and Potter Counties, Pa. It interchanges power with the Monongahela Power Co. in West Virginia and with the Potomac Edison Co. in Maryland.

According to the application West Penn proposes to lease the electric facilities of Brackenridge in accordance with a lease agreement dated December 23, 1965. West Penn has agreed to pay a total rental of $2,000,000 as follows: $500,000 on the effective date of the lease and the balance of $1,700,000 in 29 annual installments of $60,000. The lease includes all of the electric utility system of Brackenridge and all property used or useful in connection therewith. All transmission and distribution facilities are to be used by West Penn for the same purposes for which they are presently being used by Brackenridge. West Penn proposes that within 6 months after the lease of the proposed transaction it will construct facilities to connect the transmission and distribution system of Brackenridge with the electric utility system of West Penn. According to West Penn the original cost of the electric facilities to be leased is estimated at $236,000 and the reserve for depreciation of such facilities is estimated at $75,000. Any person desiring to be heard or to make any protest with reference to said application should file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission’s rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIE,
Secretary.

[F.R. Doc. 65-2962; Filed, Mar. 21, 1966; 8:45 a.m.]

[Docket No. R166-287 etc.]

ASHLAND OIL & REFINING CO. ET AL.

Order Providing for Hearing; Correction

MARCH 3, 1966.


In the order providing for hearing on and suspending of proposed changes in rates, issued February 17, 1966, and published in the Federal Register February 26, 1966 (F.P. Doc. 65-2963, 31 F.R. 8174) at page 8176, it was referred to the application as Docket No. R166-287, Wood Oil Co., FPC Gas Rate Schedule No. 3, correct “Supplement No. 1” to read “Supplement No. 2”.

JOSEPH H. GUTRIE,
Secretary.

[F.R. Doc. 65-2964; Filed, Mar. 21, 1966; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[862-1912]

WELLINGTON FUND, INC.

Notice of Filing of Application for Order Exempting Sale by Open-End Company of Shares at Other Than Public Offering Price in Exchange for Assets of Closely Held Company

MARCH 14, 1966.

Notice is hereby given that Wellington Fund, Inc. ("Wellington Fund"), 1830 Locust Street, Philadelphia, Pa., a Delaware corporation which is registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, has filed an application pursuant to section 8(c) of the Act requesting an order of the Commission exempting from the provisions of section 23(d) of the Act the proposed issuance of its shares, without sales charge, for substantially all of the cash and securities of Sutro-Westley, Inc. ("Sutro") and Sutro & Sons, a personal holding company since 1938, and Wheatley Corp. Sutro's shares of stock are owned by 24 individuals and 6 inter vivos trusts. Its assets consist of cash, marketable securities, certain notes and insurance policies. It is anticipated that the notes will have been liquidated and the funds surrendered for their cash value prior to the valuation date. Pursuant to an Agreement and Plan of Reorganization, Wellington Fund will acquire substantially all of the common stock of Sutro, which had a value as of December 31, 1965 of $5,697,548, in exchange for stock of Wellington Fund which will be distributed to shareholders of Sutro upon liquidation. Neither Sutro nor any of the shareholders of Sutro has any present intention of redeeming shares of Wellington Fund which they acquire.

The amount of stock of Wellington Fund to be delivered to Sutro will be determined on the basis of the values at 3:30 p.m. on the business date next succeeding the date on which Wellington Fund receives from the underwriter of its stock on sale of its shares to the public. This amount is the net asset value per share plus a charge, recently computed at 4 cents per share, to reflect the per share amount of annual brokerage commissions paid by Wellington Fund in acquiring portfolio securities. The market value of the assets of Sutro will be adjusted according to a formula set forth in the application which would not affect the book value or unrealized appreciation in the assets of Sutro to be acquired by Wellington Fund. As of December 31, 1965, unrealized appreciation represented approximately 11.8 percent of the net asset value of the shares of Wellington Fund.
and approximately 38.4 percent of the value of the securities of Stro. to be acquired by Wellington Fund, and Wellington Fund had undistributed long-term capital gain of $1,326,977. Of all the securities to be acquired, Wellington Fund intends, subject to changes in investment conditions and considerations, to sell securities having a value as of December 31, 1965, of approximately $1,326,977 with unrealized capital gain of $323,369, and to retain securities having a value of approximately $3,533,594 with unrealized capital gain of $1,543,591.

Notice is further given that any interested person may, not later than March 30, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter and a record in support thereof. Such request shall be served personally or by certified mail (if the person being served is located more than 50 miles from the point of mailing) upon the 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 8-3 of the rules and regulations promulgated under the Act, an order disposing of the application hereinafter or upon the Commission's own motion. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549.

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 state 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 by the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

**INTERSTATE COMMERCE COMMISSION**

**Notice 190**

**MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS**

March 17, 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 office 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.
TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill., 60650. Applicant's representative: Harry J. Ornstein, 96 S. La Salle Street, Chicago, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Chemicals, in bulk, in tank vessels, from the Dow Chemical Co., terminal at Arvida, Que., to Nebraska, Indiana, Mexico, and Wyoming, for 180 days. Supporting shipper: The Dow Chemical Co., H. W. Westerman, traffic manager, southern region, Freeport, Tex., 77541. 


NO. MC 116273 (Sub-No. 59 TA), filed March 14, 1966. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill., 60650. Applicant's representative: Harry J. Ornstein, 96 S. La Salle Street, Chicago, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Chemicals, in bulk, in tank or hopper type vehicles, from Decatur, Ill., to points in New Jersey, for 180 days. Supporting shipper: A. E. Staley Manufacturing Co., Decatur, Ill., 62529. Applicant's representative: Raymond C. Minks (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Glass bottles with caps, covers, stoppers or tops, from Terre Haute, Ind., to Flint, Mich. and, empty pallets, packing material, and defective or rejected glass bottles, on return, for 180 days. Supporting shipper: N. Masechak, assistant to director of transportation, American Can Co., 100 Park Avenue, New York, N.Y., 10017. Send protests to: Emil F. Schrabs, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1010 Federal Building, 550 Main Street, Cincinnati, Ohio, 45202.
NOTICES

FEDERAL REGISTER, VOL. 31, NO. 55—TUESDAY, MARCH 22, 1966


By the Commission. [Seal] H. Neil Garson, Secretary.

[F.R. Doc. 66-3014; Filed, Mar. 21, 1966; 8:51 a.m.]

JOHN V. LAWRENCE

Statement of Changes in Financial Interests

Pursuant to subsection 302(e), Part III, Executive Order 10847 (30 F.R. 8769)


No change.

JOHN V. LAWRENCE.

MARCH 14, 1966.

[F.R. Doc. 66-2978; Filed, Mar. 21, 1966; 8:47 a.m.]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 17, 1966.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the Federal Register.

LONG-AND-SHORT HAUL

FSA No. 40363—Vinyl acetate to Chicago, Ill. Filed by O. W. South, Jr., agent, Central Railroad Co. Rates on vinyl acetate, in tank carloads, from Gelsomino, La., to Chicago, Ill.

Grounds for relief—Market competition.


By the Commission. [Seal] H. Neil Garson, Secretary.

[F.R. Doc. 66-3015; Filed, Mar. 21, 1966; 8:51 a.m.]
CUMULATIVE LIST OF CFR PARTS AFFECTED—MARCH

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during March.

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<td>Dec. 13, 1878 (revoked in part by PLO 3946)</td>
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**32A CFR**

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**FEDERAL REGISTER**

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**PUBLIC LAND ORDERS:**

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**Public Land Orders—Continued**

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