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

[Revised Edition—1965]

This pamphlet contains typical legal references which require further citing. The official published volumes in which the citations may be found are shown alongside each reference—with suggestions as to the logical sequence to follow in using them. Additional finding aids, some especially useful in citing current legislation, also have been included. Examples are furnished at pertinent points and a list of references, with descriptions, is carried at the end.

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

Price: 10 cents

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

[Published by the Committee on the Judiciary, House of Representatives]

## List of CFR Parts Affected

**Codification Guide**

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date appears at the end of each issue beginning with the second issue of the month. A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1966, and specifies how they are affected.

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**Notes**

- Lassen Volcanic National Park, California; proposed wilderness establishment
- East Ohio Gas Co., and Lake Shore Pipe Line Co.; proposed intra-system sale of gas pipe line assets to affiliated gas company
Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1624). Interested persons were given until March 16, 1966, to submit written data, views, or arguments for consideration in connection with the proposed revision.

Statement of consideration leading to the revised standards. Certain changes are made as a result of the comments of interested persons in connection with the proposal of March 16, 1965. Most important of these changes are:

1. Slight changes in the amounts of recommended minimum quantity of pickle ingredient in relation to the amount of liquid in the container.

2. Sliced sizes of whole cucumbers are listed with provisions for “blend of sizes” and “mixed sizes”.


4. New subtypes of cured sweet pickles and relish—“mild sweet”—which contains less acid than regular sweets.

5. Common U.S. units of weights and measures are included with equivalents in metric and Imperial systems.

Other changes include some reorganization of text and modification of wording for purposes of clarification of meaning.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following U.S. Standards for Grades of Pickles are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1690, as amended; 7 U.S.C. 1624).

The revision is as follows:

**PRODUCT DESCRIPTION AND STYLES**

**Types of Pack**

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**Cured type**

*Pickles* means the product prepared entirely or predominantly from cucumbers (Cucumis sativus L.). Clean, sound ingredients are used which may or may not have been previously subjected to fermentation and curing in a salt brine (solution of sodium chloride NaCl). The prepared pickles are packed in a vinegar solution, to which may be added salt and other vegetable(s), nutritive sweetener(s), seasoning(s), flavoring(s), spice(s) and other ingredients permissible under the Federal Food, Drug, and Cosmetic Act. The product is packed in suitable containers and heat treated, or otherwise processed to assure preservation.

**Defects.**

“Pickles” means the product prepared entirely or predominantly from cucumbers (Cucumis sativus L.). Clean, sound ingredients are used which may or may not have been previously subjected to fermentation and curing in a salt brine (solution of sodium chloride NaCl). The prepared pickles are packed in a vinegar solution, to which may be added salt and other vegetable(s), nutritive sweetener(s), seasoning(s), flavoring(s), spice(s) and other ingredients permissible under the Federal Food, Drug, and Cosmetic Act. The product is packed in suitable containers and heat treated, or otherwise processed to assure preservation.

**Pickles** means the product prepared entirely or predominantly from cucumbers (Cucumis sativus L.). Clean, sound ingredients are used which may or may not have been previously subjected to fermentation and curing in a salt brine (solution of sodium chloride NaCl). The prepared pickles are packed in a vinegar solution, to which may be added salt and other vegetable(s), nutritive sweetener(s), seasoning(s), flavoring(s), spice(s) and other ingredients permissible under the Federal Food, Drug, and Cosmetic Act. The product is packed in suitable containers and heat treated, or otherwise processed to assure preservation.

**Sizes and Counts**

52.1689 Slices for whole pickles.

**Factors of Quality**

52.1690 Ascertaining the grade of a sample unit.

**Uniformity of size.**

52.1691 Ascertaining the rating for each factor.

52.1692 Color.

52.1693 Uniformity of size.

52.1694 Defects.

52.1695 Texture.

**Methods of Analysis and Definitions**

52.1696 Definitions of analytical terms.

52.1697 Definition of equalization.

52.1698 Definitions and measurement of pickles.

**Methods of determining quantity of pickle ingredient.**

**LOT COMPLIANCE**

52.1700 Ascertaining the grade of a lot.

**EXPLANATION OF WEIGHTS AND MEASURES**

52.1701 Units of weights and measures.

**Score Sheet**

52.1702 Score sheet for pickles.

**AUTHORITY:** The provisions of this subpart issued under secs. 52.1681 to 52.1703 issued under sec. 205, 60 Stat. 1690, as amended; 7 U.S.C. 1624.

**PRODUCT DESCRIPTION AND STYLES**

§ 52.1681 Product description.

(b) “Sliced crosswise” or “crosscut” applies to cucumbers cut into slices transversely to the longitudinal axis. The cut surfaces may have flat-parallel or corrugated-parallel (waffle cut) surfaces.

(c) “Sliced lengthwise” means cut longitudinally into halves, quarters, or other triangular shapes, or otherwise into units with parallel surfaces with or without ends removed.

(d) “Cut” means cut or broken into units which may or may not be uniform in size or shape.

(e) “Relish” means finely cut or finely chopped pickles.

**TYPES OF PACK**

§ 52.1683 Cured type.

Pickles of cured type are cured by natural fermentation in a salt brine solution (NaCl) which may contain dill herb or other flavorings. The pickle ingredient may be partially desalted and is then processed or preserved in a vinegar solution with other ingredients of various compositions to give the characteristics of the particular type of pickle. The distinguishing characteristics of the various types of cured pickles are as follows:

(a) Dill pickles (natural or genuine). Dill pickles (natural or genuine) are cured in salt brine with dill herb.

(b) Dill pickles (processed). Dill pickles (processed) are cured pickles packed in a vinegar solution with dill flavoring(s).

(c) Sour pickles. Sour pickles are cured pickles packed in a vinegar solution.

(d) Sweet pickles and mild sweet pickles. Sweet pickles and mild sweet pickles are cured pickles packed in a vinegar solution with suitable nutritious sweetening ingredient(s).

(e) Sour mixed pickles. Sour mixed pickles are cured pickles packed in a vinegar solution. The pickles may be of any style or combination of styles other than relish. Sour mixed pickles contain onions and cauliflower and other ingredients as outlined in Table I.

(f) Sweet mixed pickles. Sweet mixed pickles are cured pickles packed in a vinegar solution with suitable nutritious sweetening ingredient(s). The pickles may be of any style or combination of styles other than relish. Such pickles contain onions and cauliflower and other ingredients as outlined in Table I.

(g) Sour mustard pickles or sour chow-chow pickles. Sour mustard pickles or sour chow-chow pickles are cured pickles of the same styles and ingredients as sour mixed pickles, except that instead of liquid solution they are packed in a prepared mustard sauce of proper consistency. The pickle ingredients are as outlined in Table I.
Sweet mustard pickles or sweet chow-chow pickles are cured pickles of the same styles and ingredients as sweet mixed pickles, except that instead of liquid solution they are packed in a sweetened prepared mustard sauce of proper consistency. The pickle ingredients are as outlined in Table I.

(1) Sour pickle relish. Sour pickle relish consists of cured, finely cut or finely chopped cucumber pickles packed in a vinegar solution. Sour pickle relish may contain other finely cut or chopped vegetable ingredients as outlined in Table I.

(2) Sweet pickle relish and mild sweet pickle relish. Sweet pickle relish and mild sweet pickle relish consists of cured, finely cut or finely chopped cucumbers packed in a vinegar solution with suitable nutritive sweetening ingredient(s). Sweet pickle relish may contain other finely cut or chopped vegetable ingredients as outlined in Table I.

§ 52.1684 Fresh-pack type.

Pickles of fresh-pack type are prepared from uncurled unfermented cucumbers and are packed in a vinegar solution with other ingredients of various compositions to give the characteristics of the particular type of pickle. They are sufficiently processed by heat to assure preservation of the product in hermetically-sealed containers. The distinguishing characteristics of the various types of fresh-pack pickles are as follows:

(a) Fresh-pack dill pickles. Fresh-pack dill pickles are packed in a vinegar solution with dill flavoring(s).

(b) Fresh-pack sweetened dill pickles. Fresh-pack sweetened dill pickles are packed in a vinegar solution with nutritive sweetening ingredient(s), and dill flavoring(s).

(c) Fresh-pack sweet relish. Fresh-pack sweet relish consists of finely cut or finely chopped cucumbers packed in a vinegar solution with suitable nutritive sweetening ingredient(s), and dill flavoring(s). The relish may contain other finely cut or finely chopped vegetable ingredients as outlined in Table I.

(d) Fresh-pack sweet pickle relish and fresh-pack mild sweet pickle relish. Fresh-pack sweet pickle relish and fresh-pack mild sweet pickle relish are packed in a vinegar solution with nutritive sweetening ingredient(s). The relish may contain other finely cut or finely chopped vegetable ingredients as outlined in Table I.

(e) Fresh-pack dietetic pickles. Fresh-pack dietetic pickles may be prepared in any style with or without the addition of sweetening ingredient(s), salt (NaCl), and other suitable ingredients as declared and permitted under the Federal Food, Drug, and Cosmetic Act for foods purporting to be for special dietary uses.

<table>
<thead>
<tr>
<th>Pickle ingredients and style</th>
<th>Cured type and fresh-pack type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sour pickled; sweet mixed; sour mustard or sour chow; sweet mustard or sweet chow chow</td>
<td>Sour relish; sweet relish; sweetened dill relish; hamburger relish; mustard relish</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Percent by weight of drained weight of product</th>
<th>Cucumbers—any style other than relish</th>
<th>Cabbage—any style other than relish</th>
<th>Green tomatoes—whole or pieces</th>
<th>Onions—sliced or cut</th>
<th>Onions—finely cut</th>
<th>Red, green, or yellow peppers or pimientos—cut, finely cut, or pieces</th>
<th>Tomato paste</th>
</tr>
</thead>
<tbody>
<tr>
<td>60% to 65%</td>
<td>60% to 100%</td>
<td>10% to 30%</td>
<td>10% to 30%</td>
<td>5% to 12%</td>
<td>5% to 10%</td>
<td>10% to 50%</td>
<td>10% maximum</td>
</tr>
<tr>
<td>15% maximum</td>
<td>10% maximum</td>
<td>5% maximum</td>
<td>5% maximum</td>
<td>5% maximum</td>
<td>5% maximum</td>
<td>5% maximum</td>
<td>5% maximum</td>
</tr>
</tbody>
</table>

Table I—Proportions of pickle ingredients in certain types and styles

§ 52.1685 Grades of pickles.

(a) "U.S. Grade A" (or "U.S. Fancy") is the quality of pickles in which the cucumbers possess similar varietal characteristics; and that for the applicable type: (1) possesses a good flavor; (2) possesses a good color; (3) are reasonably uniform or practically uniform in size; (4) are practically free from defects; (5) possess a good texture; and (6) score not less than 90 points as outlined in this subpart.

§ 52.1686 Recommended fill of container.

It is recommended that each container be filled as full as practicable with products without impairment of quality. The pickle ingredient shall be covered or packed in a manner that will protect from condensation, and the product shall occupy not less than 90 percent of the total capacity of the container.

§ 52.1687 Quantity of pickle ingredient.

(a) The recommended minimum quantity of pickle ingredient is designated as a percentage of the declared volume of product in the container for all types except pickle relish. Minimum quantity of pickle relish is designated as a relationship of the drained weight of the pickle ingredient to the declared volume of the container (see § 52.1688). The minimum quantities of pickle ingredient recommended herein are not incorporated in the grades of the finished product, since minimum quantity, as such, is not a factor of quality for the purposes of these grades.

(b) The percent volume of pickle ingredient is determined for all styles, except relish, by one of the following methods or any other method that gives equivalent results:

Method 1—Direct displacement (overflow method) (See § 52.1689).

Method 2—Displacement in graduated cylinder.

Method 3—Measurement of pickle liquid.

(ii) Copies of these methods and the procedure for the determination of percent weight/volume (w/v) of relish and recommended amounts for most container sizes are available upon request from:


Table II—All styles (other than relish)—Recommended pickle ingredient

<table>
<thead>
<tr>
<th>Type of Pack (Volume)</th>
<th>Minimum</th>
<th>Fill</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fresh-Pack</td>
<td>5%</td>
<td>5%</td>
<td></td>
</tr>
</tbody>
</table>

Table III—Relish—Recommended drained weight

<table>
<thead>
<tr>
<th>Type of Pack (Weight)</th>
<th>Minimum</th>
<th>Fill</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fresh-Pack</td>
<td>5%</td>
<td>5%</td>
</tr>
</tbody>
</table>

§ 52.1688 Compliance with recommended minimum quantity of pickle ingredient.

Compliance with the recommended minimum quantity of pickle ingredient is to be determined by averaging the values obtained from all the containers in the sample which represents a specific lot. The lot is considered as meeting the recommendations if the following criteria are met:

(a) The sample average meets the recommended minimum quantity of pickle ingredient; and

(b) There is no unreasonable shortage of pickle ingredient in any container.
§ 52.1690 Ascertaining the grade of a sample unit.

(a) General. The grade of a sample unit is ascertained by considering certain factors and analytical requirements which are not scored; the ratings for the factors of color, uniformity of size, defects, and texture which are scored; the total score; and the limiting rules which may apply.

(b) Factors and analytical requirements not rated by score points. The relative importance of each factor is expressed numerically on a scale of 100. The maximum number of points that may be given each factor is:

Factors: Points
Color 20
Uniformity of size 20
Defects 30
Texture 30
Total score 100

(c) Factors rated by score points. The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range for the rating of each factor is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.1691 Ascertaining the rating for each factor.

The essential variations within each factor are as described that the value may be ascertained for each factor and expressed numerically. The numerical range for the rating of each factor is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.1692 Color.

(a) (A) classification. Pickles that possess a good color may be given a score of 18 to 20 points. "Good color" means that the overall color appearance is typical of pickles that have been properly prepared and properly preserved or processed; and that has the following further meanings for the respective type:

1. **Grade A Color—cured type.**
   - The typical skin color of the cucumber ingredient ranges from a translucent light green to dark green and is practically free from bleached areas. Not more than 10 percent, by weight, of the cucumber ingredient may vary markedly from such typical color.
   - In mixed pickles, chow chow pickles, and pickle relish all of the pickle ingredients possess a reasonably good, reasonably uniform typical color for the respective ingredient.
   - The pickles shall be free from ripe cucumbers or other off-color vegetable ingredients.

2. **Grade B Color—fresh-pack type.**
   - The typical skin color of the cucumber ingredient ranges from yellow-green to green. Not more than 30 percent, by weight, of the cucumber ingredient may vary markedly from such typical color.
   - In pickles relish all of the pickle ingredients possess a good, fairly uniform typical color for the respective ingredient.
(iii) The pickles shall be free of ripe cucumbers or other off-color vegetable ingredients.

(c) (SStd.) classification. Pickles that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 15 points and shall not be graded above substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1693 Uniformity of size.

(a) Definitions of terms. (1) "Diameter" of a whole pickle means the shortest diameter measured transversely to the longitudinal axis at the greatest circumference of the pickle.

(2) "Diameter" of a unit sliced crosswise is determined by measuring the shortest diameter of the largest cut surface of the unit.

(b) (A) classification. Pickles that are practically uniform in size may be given a score of 16 to 23 points and shall not be graded above substandard, regardless of the total score for the product.

(b) (A) classification. Pickles that are practically uniform in size may be given a score of 16 to 23 points and shall not be graded above substandard, regardless of the total score for the product.

§ 52.1694 Defects.

(a) General. This factor is concerned with imperfections in the product, such as grit, attached stems, misshapen pickles, discoloration or mechanical damage which affect its appearance or edibility.

(b) Definitions. (1) "Curved" pickles means white cucumber pickles that are curved at more than a 60-degree angle, "nubbins", and other deformed pickles.

(2) "Grit, sand, or silt" means any particle of earthy material, whether in the liquid packing medium or imbedded in the skin or flesh of the pickle, that materially detracts from the edibility of the product.

(3) "Blemished" means affected by discoloration, scars, scratches, skin breaks, or other similar imperfections. Pickles so affected are classified in varying degrees as:

(a) Minor blemishes—those which detract only slightly from the appearance of the unit, but which in increasing numbers affect the overall appearance of the product.

(b) Major blemishes—those which detract, but not seriously, from the appearance and edibility of the product.

(c) Serious blemishes—those which strongly detract from the appearance and edibility of the product.

(d) "Mechanical damage" means crushed or broken units, slices with missing centers, or similar damage which materially detracts from the appearance of the unit. Small odd-sized units in top of container are not considered mechanical damage when apparently added to insure well-filled containers.

(6) "Stem" means any attached stem longer than three-eighths inch.

(7) "Long stem" means any attached stem longer than three-fourths inch.

(8) "End cut" in sliced crosswise means a cucumber unit with only one cut surface.

(9) "Other defects" means any defects, or defective units, not specifically mentioned which affect the appearance or edibility, or both, of the product. These include, but are not necessarily limited to, abnormally colored pickle ingredients and harmless vegetable or other harmless material not associated with proper pickle preparation or packaging.

(c) (A) Classification. Pickles that are practically free from defects may be given a score of 27 to 30 points. " Practically free from defects" means that:

(1) There may be present no more than a trace of grit;

(2) The product meets the requirements of Grade A as indicated in Table VII; and

(3) Other defects, individually or collectively, do not materially affect the appearance or edibility of the product.

(d) (B) Classification. If the pickles are reasonably free from defects, a score of 24 to 26 points may be given. Pickles that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that:

(1) There may be present a small amount of grit which does not seriously affect the edibility of the product;

(2) The product meets the requirements of Grade B as indicated in Table VIII; and

(3) Other defects, individually or collectively, do not seriously affect the appearance or edibility of the product.

(c) (SStd.) classification. Pickles that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 23 points and shall not be graded above substandard, regardless of the total score for the product (this is a limiting rule).

(d) (B) Classification. If the pickles are reasonably free from defects, a score of 24 to 26 points may be given. Pickles that fall into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that:

(1) There may be present a small amount of grit which does not seriously affect the edibility of the product;

(2) The product meets the requirements of Grade B as indicated in Table VIII; and

(3) Other defects, individually or collectively, do not seriously affect the appearance or edibility of the product.

(c) (SStd.) classification. Pickles that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 23 points and shall not be graded above substandard, regardless of the total score for the product (this is a limiting rule).

(d) Explanation of allowances. For the purposes of Table VIII of this subpart the allowances specified for the respective type of defect and grade classification are applicable to individual containers, except that when a fractional unit results because of the application of the percentage allowance a whole unit is permitted in lieu of such fractional unit: Provided, That in all containers comprising the sample the average of such defective units does not exceed the allowance.

FEDERAL REGISTER, VOL. 31, NO. 146—FRIDAY, JULY 29, 1966
§ 52.1695 Texture.

(a) General. The factor of texture refers to the firmness, crispness, and the condition of the cucumber ingredient and of any other vegetable ingredient(s) which may be present.

(b) Definitions. (1) "Chalky white area" means a pronounced opaque, chalky white internal portion of which, in cross-section, the chalky area exceeds 3/4 of the pickle area. Very pale green to translucent white internal areas are not considered "chalky white" areas.

(c) (A) classification. Pickles that possess a good texture may be given a score of 27 to 30 points. "Good texture" means that the cucumber and other vegetable ingredient(s) are firm and crisp, are practically free from cucumber pickle units with large objectionable seeds, detached seeds, and tough skins; and in addition has the following meanings for the respective type:

(1) Grade A texture—cured type. Of the cucumber ingredient, there may be present not more than:

(i) 10 percent, by count, that are markedly shriveled, soft, or slippery.

(ii) 5 percent, by count, that are shriveled, soft, or flabby.

(iii) 10 percent, by count, of whole, sliced, or cut units with chalky white areas.

(2) Grade B texture—fresh-pack type. Of the cucumber ingredient, there may be present not more than:

(i) 15 percent, by count, that are markedly shriveled, soft, or flabby; and

(ii) 25 percent, by count, of whole units with hollow centers.

(d) (B) classification. If the pickles possess a reasonably good texture a score of 24 to 26 points may be given. "Reasonably good texture" means that the cucumber and other vegetable ingredients are reasonably firm and crisp; are reasonably free from cucumber pickle units with large objectionable seeds, detached seeds and tough skins; and in addition has the following meanings for the respective type:

(1) Grade B texture—cured type. Of the cucumber ingredient, there may be present not more than:

(i) 10 percent, by count, that are shriveled, soft, or slippery.

(ii) 5 percent, by count, that are shriveled, soft, or flabby.

(iii) 10 percent, by count, of whole cucumber units with hollow centers.

(iv) 5 percent, by weight, of all cucumber units.

(v) 10 percent, by count, of all cucumber units with "long stems."  

(vi) 15 percent, by weight, of all cucumber units.

(vii) 10 percent, by count, of all pickle units including vegetable ingredients other than cucumber.

(2) Grade B texture—fresh-pack type. Of the cucumber ingredient, there may be present not more than:

(i) 15 percent, by count, but no more than 5 percent, by count, may be serious.

(ii) 20 percent, by count, but no more than 3 percent, by count, may be serious.

(iii) 30 percent, by count, but no more than 10 percent, by count, may be serious.

§ 52.1697 Definition of equalization.

(a) General. The equalization of the soluble solids between the pickle ingredient and packing medium is brought about by natural or simulated means and the results of either is considered "after equalization" and is afforded the same significance.

(b) Natural equalization. A natural equalization of the finished product is brought about after a certain time has elapsed after processing and storage, as follows:

(1) Sweetened pickles. Sweetened pickles with nutritive sweetening ingredient(s) are considered to be equalized 15 days or more after packing.

(2) Sour and dill pickles. Sour and dill pickles are considered to be equalized 10 days or more after packing.

(c) Simulated equalization. This is a method of simulating equalization by comminuting the finished product in a mechanical blender, filtering the suspended material from the comminuted mixture and making the required test on the filtrate.

(1) All styles and types of pickles. (a) On all size containers the entire sample (pickle ingredient and packing medium) is used with an equal weight of distilled water. Cut the large units of pickle ingredient into smaller sections prior to placing in a blender. Comminute the mixture for about two minutes. Strain through a U.S. Standard No. 20 sieve (0.841 mm opening) and when necessary further filter to obtain a clear sample and make desired analytical determinations. For some pickles may be made from the undiluted slurry without prior addition of water during blending. Such values are direct and are not multiplied by 2 to obtain final values.

§ 52.1698 Definitions and measurement of pickles.

(a) Curred pickle. A cured pickle is one that is cured at a temperature of 35 to 60 degrees when measured as illustrated.

(b) Crooked pickle. A crooked pickle is one that is curved at an angle greater than 60 degrees, similar to the following illustration:
RULES AND REGULATIONS

§ 52.1699 Methods of determining quantity of pickle ingredient.

(a) Direct displacement (overflow can method). (1) This method may be used for all types of pickles except relish. The can is a No. 10 or one to two gallon size with an overflow spout constructed from \( \frac{1}{2} \) to \( \frac{3}{4} \) inch inside diameter metal tubing. The tubing is soldered to opening inside of can about 1 inch from bottom and is bent upward parallel to sides. The tube is bent over and slightly downward from the can at upper end to form a spout about 1 1/2 inches below top of can. The lower tip end of the spout is lower than the inside lower curve of the spout (point A). The upper tip end of the spout is higher than the inside lower curve of the spout (point A). The upper tip end of the spout is slightly lower than the lower tip end of the spout. A brace near the top of the can holds tubing firmly in place. A woven wire basket made from screen wire and having 8 meshes to the inch with a handle is used for lowering the pickle ingredient into the overflow can.

(2) Place overflow can on level table so that overflow will discharge into sink. Fill overflow can with water at room temperature (approximately 20° C. or 68° F.). Place empty basket into filled overflow can.

(3) When overflow ceases, place beaker or graduated cylinder under spout. Remove basket and place drained pickle ingredient (at room temperature) in basket and lower slowly into overflow can. When overflow ceases, record fluid overflow. The percent volume of pickle ingredient (volume occupied) is calculated for the declared container size as follows:

\[
\frac{\text{Drained weight of pickle ingredient \times 100}}{\text{Declared fluid content of container}} = \text{percent volume of pickle ingredient}
\]

(4) Prior to determining the percent volume of pickle ingredient for rose chow chow pickles the drained pickle ingredient is prepared as follows: Empty the contents of the container upon a U.S. Standard No. 8 sieve of proper diameter so as to distribute the product evenly. Wash off all adhering sauce under a spray of water at a temperature of approximately 20° C. (68° F.). Incline the sieve to facilitate drainage, and allow to drain for 2 minutes. The drained weight is the weight of the sieve and the pickles less the weight of the dry sieve. A sieve 8 inches in diameter is used for 1 quart and smaller size containers and a sieve with 12 inches in diameter is used for containers larger than 1 quart in size.

(2) Minimum quantity of pickle ingredient is designated as percent weight/volume which for the purpose of these standards is calculated as follows:

\[
\frac{\text{Drained weight \times 100}}{\text{Declared fluid ounce contents of container} \times \text{US. fluid ounce}} = \text{percent volume of pickle ingredient}
\]

§ 52.1700 Ascertaining the grade of a lot.

The grade of a lot of pickles covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.37).
### RULES AND REGULATIONS

**Score Sheet**

<table>
<thead>
<tr>
<th>§ 52.1702</th>
<th>Score sheet for pickles.</th>
</tr>
</thead>
</table>

| Size and kind of container | Container code or marking | Label | Net weight (ounces) | Vacuum (inches) | Quantity pickles ingredient (v) or w/w | Type of pack (dill, sweet, sour, etc.) | Style of pickles (whole, sliced, etc.) | Density of scrap (degrees Baumé or degrees Brix) | Salt (NaCl) | Mordant or preservative | Sulfite | Sulfur dioxide | Acid (Citric acid) | Ethylene | Ethylene oxide | Formaldehyde | Other | Bin or lot number | Exposure | Pickles (which is the third issue) containing in this subpart shall become effective less than 30 days after its publication in the Federal Register. This amendment shall become effective July 31, 1966, with respect to all Federal meat grading services rendered on and after that date; including services under weekly contracts, whether heretofore or hereafter made. (Secs. 203, 205, 60 Stat. 1067, 1060, 7 U.S.C. 1622, 1624) Done at Washington, D.C., this 27th day of July 1966. G. R. GRANGE, Deputy Administrator, Marketing Services. [F.R. Doc. 66-8327; Filed, July 28, 1966; 8:49 a.m.] Chapter III—Agricultural Research Service, Department of Agriculture PART 319—FOREIGN QUARANTINE NOTICES Subpart—Nursery Stock, Plants, and Seeds POSTENTRY QUARANTINE OF CHRYSANTHÈMUM PLANTS On March 29, 1966, there was published in the Federal Register (31 F.R. 5074) a notice of rule making concernine the amendment of § 319.37-19(c) of the regulations relating to the importation of nursery stock, plants and seeds (7 C.F.R. 319.37-19(c)). After due consideration of all relevant matters presented and pursuant to the provisions of sections 1 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 154, 162), § 319.37-19(c) is hereby amended by adding to the tabular material therein, in the proper alphabetical order, the following item: § 319.37-19 Postentry quarantine. (c) ** * * * * * Plants to be grown under postentry quarantine Chrysanthemum spp. All foreign countries, except Canada. (Secs. 1 and 9, 37 Stat. 316, 318, as amended; 7 U.S.C. 154, 162; 29 F.R. 16210, as amended, 30 F.R. 5801, as amended; 30 F.R. 5795, as amended) The foregoing amendment shall become effective October 1, 1966. This amendment places further restrictions upon the importation of all plants of the genus Chrysanthemum, by imposing the postentry quarantine requirements set forth in § 319.37 upon the importation of such plants from all foreign countries except Canada. The purpose of the amendment is to prevent the entry into the United States of the "white rust" of chrysanthemums. The notice of March 29, 1966, proposed the imposition of postentry quarantine requirements on chrysanthemum plants from all foreign countries. However, the amendment, as amended, was deferred until early autumn. Done at Washington, D.C., this 26th day of July 1966. [DEAR] R. J. ANDERSON, Deputy Administrator, Agricultural Research Service. [F.R. Doc. 66-8326; Filed, July 28, 1966; 8:47 a.m.] Chapter XIV—Commodity Credit Corporation, Department of Agriculture SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS PART 1446—PEANUTS Subpart—1966 Crop Peanut Warehouse Storage Loan and Sheller Purchase Regulations GENERAL Sec. 1446.1630 General statement. 1446.1631 Administration. 1446.1632 Definitions. WAREHOUSE STORAGE LOANS 1446.1633 Level of price support. 1446.1634 Availability of warehouse storage loans. 1446.1635 Producer indebtedness. 1446.1636 Eligible peanuts. 1446.1637 Eligible producer. **FEDERAL REGISTER, VOL. 31, NO. 146—FRIDAY, JULY 29, 1966**
§ 1446.1630 General statement.

(a) Scope This subpart sets forth support prices for 1966 crops farmers stock peanuts and the terms and conditions under which (1) eligible producers acting collectively through specified cooperative marketing associations (referred to severally in this subpart as "the association") may obtain price support advances on eligible farmers stock peanuts; and (2) Commodity Credit Corporation, the Secretary of Agriculture, and Virginia-Carolina area, Peanut Growers Association, Division, Agricultural Stabilization and Conservation Service (referred to in this subpart as "ASCS") will administer this subpart.

(b) Limitations on authority. Counties and county ASC committees, and the associations do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto.

(c) Supervisory authority. No delegation of authority in this subpart shall preclude the Executive Vice President, CCC, or his designee, from determining any questions arising under the regulations or from reversing or modifying any determination made pursuant to such delegation.

§ 1446.1632 Definitions.

As used in this subpart, and in instructions and documents referred to herein, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) CCC. The provisions of this subpart issued under secs. 4 and 6, 2 Stat. 1070, as amended; 15 U.S.C. 714 b and c. Interpret or apply secs. 4 and 6, 2 Stat. 1071, as amended, 7 U.S.C. 1441, 1421.

(b) Effective farm allotment. The effective farm allotment for 1966 crop peanuts as defined in the marketing quota regulations.

(c) Farm. A farm as defined in the Regulations Governing Reconstitution of Farms, Allotments, and Base, as amended, Part 719 of this title, which in general defines a farm as all adjoining or nearby farmland which is operated by one person.

(d) Farmers stock peanuts. Peeled or thresher peanuts produced in the United States which have not been shelled, crushed, cleaned or otherwise changed (except for removal of foreign material, loose shelled kernels, and excess moisture) from the state in which picked or threshed peanuts are customarily marketed by producers.

(e) Farm purchase agreement. A contract dated within the marketing allotment period of 1966 crop peanuts between the CCC, the Executive Vice President, CCC, the office of the ASC county committee where records for the farm are kept, and the association which markets the peanuts on the farm which is picked or threshed.

(f) Form MQ-94. Inspection Certificate and Sales Memorandum, Form MQ-94 Peanuts, or Form MQ-94 Peanuts V-C.

(g) Inspector. A Federal or Federal-State inspector authorized or licensed by the Secretary, U.S. Department of Agriculture.

(h) Lot. That quantity of peanuts for which one Form MQ-94 or Inspection Certificate (Peanuts) is issued.

(i) Marketing quota regulations. The allotments and marketing quota regulations for Peanuts of the 1963 and subsequent crops, as amended, issued by the Administrator, ASCS, Part 729 of this title.

(j) Net weight. That weight of farmers stock or shellers peanuts obtained by multiplying the gross weight of peanuts by a percentage equal to 100 percent minus the sum of the percentages of (1) foreign material, and (2) moisture in excess of 7 percent in the Southwestern and Southwestern areas or 8 percent in the Virginia-Carolina area.

(k) Peanut receiving and warehouse contracts. Form CCC-1028 Identity Preserved (Segregation 1 and Segregation 2); Form CCC-1028-A (Commingled); or Form CCC-1028-B Identity Preserved (Segregation 2).

(l) Price support value. The value of a lot of farmers stock peanuts computed on the basis of the weight, quality and type of such peanuts and the support price for such peanuts under this subpart as shown on the Price Support Schedule for such type issued by CCC.

(m) Segregation 1 peanuts. Farmers stock peanuts with (1) at least 99 percent peanuts of one type, (2) not more than 2 percent damaged kernels and, (3) not more than 1 percent concealed damage caused by rancidity, mold or decay.

(n) Sound mature kernels. Kernels which are free from "damage" and "minor defects," as defined in the U.S. Standards for the applicable type of peanut effective on the date of inspection, and which will not pass through screens with the following openings:

(1) 1/16 inch by 3/8 inch in the case of Spanish and Valencia peanuts.

(2) 1/64 inch by 1 inch in the case of Virginia type peanuts.

(3) 1/64 inch by 5/32 inch in the case of Runner type peanuts.

(o) Extra large kernels. Shelled Virginia type peanuts which will not pass through a screen having 21-1/8 by 1-inch openings and which are "whole" and free from "minor defects" and "damage," as such terms are defined in the U.S. Standards for Shelled Virginia type peanuts effective on the date of inspection.

(p) Type. The generally known types of peanuts (i.e., Runner, Spanish, Valencia, and Virginia), as defined in the marketing quota regulations.

(q) Valencia type peanuts suitable for cleaning and roasting. Valencia type peanuts containing not more than 3 percent peanuts having shells damaged by (1) discoloration, (2) cracks or broken ends, or (3) both.

(r) Within quota card. Form MQ-76 (Peanuts), 1966 Peanut Within Quota. Marketing card, issued pursuant to the marketing quota regulations.

WAREHOUSE STORAGE LOANS

§ 1446.1633 Level of price support.

(a) Applicability. The support prices specified in this section apply to 1966 crop farmers stock peanuts in bulk, or in bags, net weight basis, eligible for price support advances under this subpart. The support prices in this subpart will not be reduced but will be increased if a combination of the supply percentage as of August 1, 1966, and the parity price on that date requires a higher price.

(b) National average price. The national average support price for 1966 crop peanuts is $237 per ton.
(c) Average support prices by type. The support prices by type per average grade ton of 1966 crop peanuts are:

<table>
<thead>
<tr>
<th>Type</th>
<th>Dollars per ton</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>225.60</td>
</tr>
<tr>
<td>Runner</td>
<td>214.36</td>
</tr>
<tr>
<td>Southeast Spanish</td>
<td>231.68</td>
</tr>
<tr>
<td>Southwest Spanish</td>
<td>222.70</td>
</tr>
<tr>
<td>Valencia type</td>
<td>239.86</td>
</tr>
</tbody>
</table>

(d) Calculation of support prices. The support price per ton for peanuts of a particular type and quality shall be calculated on the basis of the rates, premiums, and discounts. No value shall be assigned to damaged kernels.

(1) Kernel value per net ton excluding loose split kernels. (i) Price for each percent of sound mature and sound split kernels shall be as follows:

<table>
<thead>
<tr>
<th>Type</th>
<th>Dollars per ton</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>3.205</td>
</tr>
<tr>
<td>Runner</td>
<td>3.110</td>
</tr>
<tr>
<td>Southeastern Spanish</td>
<td>3.203</td>
</tr>
<tr>
<td>Southeastern Spanish</td>
<td>3.178</td>
</tr>
<tr>
<td>Valencia type</td>
<td>3.783</td>
</tr>
<tr>
<td>Southwestern area—suitable</td>
<td>3.578</td>
</tr>
<tr>
<td>Southwestern area—unsuitable</td>
<td>3.178</td>
</tr>
<tr>
<td>Southern area</td>
<td>3.033</td>
</tr>
</tbody>
</table>

(ii) Price for each percent of other kernels:

| All types                        | $1.40           |

(iii) Premium for each 1 percent extra large kernels in Virginia type peanuts shall be 45 cents, except that no premium shall be applicable to any lot of such peanuts containing more than 7 percent damaged kernels.

(2) Value of loose split kernels per pound:

| All types                        | $0.07           |

(3) Damaged kernel discount. For all types of peanuts, the discount per ton for damaged kernels shall be as follows:

<table>
<thead>
<tr>
<th>Peanuts containing damaged kernels of</th>
<th>Discount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 percent</td>
<td>None</td>
</tr>
<tr>
<td>2 percent</td>
<td>$3.40</td>
</tr>
<tr>
<td>3 percent</td>
<td>$5.40</td>
</tr>
<tr>
<td>4 percent</td>
<td>$7.40</td>
</tr>
<tr>
<td>5 percent</td>
<td>$9.40</td>
</tr>
<tr>
<td>6 percent</td>
<td>$11.00</td>
</tr>
<tr>
<td>7 percent</td>
<td>$12.50</td>
</tr>
<tr>
<td>8 percent</td>
<td>$14.00</td>
</tr>
<tr>
<td>9 percent</td>
<td>$15.50</td>
</tr>
<tr>
<td>10 percent and over</td>
<td>$10.00</td>
</tr>
</tbody>
</table>

(4) Sound split kernel discount. For all types of peanuts, the discount per ton for sound split kernels shall be as follows:

<table>
<thead>
<tr>
<th>Peanuts containing sound split kernels of</th>
<th>Discount per ton</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.3 percent</td>
<td>None</td>
</tr>
<tr>
<td>3 percent</td>
<td>$0.50</td>
</tr>
<tr>
<td>4 percent and above</td>
<td>$0.80</td>
</tr>
<tr>
<td>Plus $1.00 for each percent of sound split kernels in excess of 4 percent</td>
<td></td>
</tr>
</tbody>
</table>

(5) Foreign material discount. The discount for each full 1 percent foreign material in excess of 4 percent and not over 10 percent shall be $1 per ton.

(6) Premium for peanuts in Virginia-Carolina area and with other than a pneumatic sampler. The support price for Virginia type peanuts in the Virginia-Carolina area sampled with other than a pneumatic sampler shall be reduced by one-tenth cent per pound net weight including loose split kernels.

(7) Mixed types discount. Individual lots of farmers stock peanuts containing mixtures of two or more types in which there is less than 90 percent of any one type will be supported at a rate which is $10 per ton less than the support price applicable to the type in the mixture having the lowest support price.

(8) Location adjustments to support prices. Farmers stock peanuts delivered to the association for price support advances in the States specified, where peanuts are not customarily shelled or crushed, shall be discounted as follows:

- Arizona, $3 per ton.
- Arkansas, $10 per ton.
- California, $33 per ton.
- Louisiana, $7 per ton.
- Mississippi, $20 per ton.
- Tennessee, $25 per ton.

(9) Virginia type peanuts. Virginia type peanuts delivered to the association for price support as Virginia type, must contain 40 percent or more “fancy” size peanuts, as determined by a presizer with the rollers set at a 2-inch space. Virginia type peanuts so determined to contain less than 40 percent “fancy” size peanuts will be supported as though they were Runner type.

§ 1446.1634 Availability of warehouse storage loans.

(a) Loans to associations. The CCC will make advances to associations in the States specified in § 1446.1630 which contract with CCC to arrange for the storing and handling of eligible farmers stock peanuts for the CCC and to receive, grade, and store such peanuts as collateral for loans to be obtained from CCC.

(b) Area. Price support advances will be available in the following areas:

- The Southeastern area consisting of the States of Alabama, Georgia, Mississippi, Florida, and that part of South Carolina south and west of the Santé-Cooper-Florida Rivers.
- The Southwestern area consisting of the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas.
- The Virginia-Carolina area consisting of the States of Missouri, North Carolina, Tennessee, Virginia, and that part of South Carolina north and east of the Santé-Cooper-Florida Rivers.

(c) Where available. Price support advances will be available to eligible producers at warehouses which have entered into peanut receiving and warehouse contracts with an association. Such contracts will require the warehouses to inform producers that price support advances are available and to make advances to eligible producers on eligible peanuts tendered for price support as provided in paragraph (g) of this section. The names and locations of such warehouses may be obtained from the office of the appropriate association or from ASCS and State and County offices. The associations shall pledge all eligible peanuts upon which they have made price support advances to CCC as security for loans obtained pursuant to agreements with CCC.

(d) Time. Price support advances to eligible producers will be available from time of harvest through January 31, 1967, or such later date as may be established by the Executive Vice President, CCC. If the date of availability falls on a non-workday for the association, the applicable final date shall be the next workday.

(e) Inspection. The type and quality of each lot of farmers stock peanuts delivered to an association for a price support advance shall be determined by an inspector when such peanuts are received at a warehouse under contract with an association. The fee for such determination shall be paid by the association.

(f) Producer agreement. "To obtain a price support advance, the producer shall, in writing, authorize the association to pledge peanuts delivered to the association to CCC as collateral for a warehouse storage loan payable under the provisions of the CCC act, to the CCC, or to the association as security for any right to redeem or obtain possession of such peanuts.

(g) Advance to producer. For each lot of peanuts for which a price support advance is made, the association will make a price support advance to the producer in an amount equal to the price support value of such peanuts, except that, in addition to the deductions specified in § 1446.1631, the association will deduct from such advances and pay over to the proper State authorities any assessments or excise taxes necessary to comply with the regulations of the State Department of Agriculture.

(h) Fraud of producer. The making of any fraudulent representation by a producer in the loan documents or in obtaining a loan or advance shall render him subject to criminal prosecution under Federal law. The producer shall be personally liable to CCC, aside from any additional liability under criminal or civil frauds statutes, for the amount of such advance and for all costs which would not have incurred except for the producer's fraudulent representation, together with interest upon such amounts at the rate of 5 percent per annum. Provided, That the producer shall be given credit for the proceeds received by CCC upon sale of the peanuts upon which such advance was made.

§ 1446.1635 Producer indebtedness.

(a) Facility and drying equipment loans. If any installment or installments of any loan made by CCC on farm storage facilities or drying equipment are payable under the provisions of the note evidencing such loan out of any amount due the producer under this subpart, the amount due the producer, after deduction of amounts due prior lien-
holders, shall be applied to such install- 
ment(s).

(b) Producers listed on county debt 
debt record. If the producer is indebted to 
CCC or to any other agency of the United 
States and such indebtedness is listed on 
the county debt record, amounts due the 
producer under this subpart, after deduct- 
ion of amounts due prior lienholders and 
and farm storage facilities or drying equip- 
ment, shall be applied to such indebted- 
ess as provided in the Secretary's Debt 
Regulations, 29 F.R. 9425 and any 
amendments thereto.

(c) Producer's right. This section shall not deprive the producer of any 
right he would otherwise have to contest 
the justness of the indebtedness involved 
right he would otherwise have to contest 
the justness of the indebtedness involved 
in the setoff action either by administra-
tive appeal or by legal action.

§ 1446.1636 Eligible peanuts.

(a) Eligible peanuts. Peanuts eligible 
for price support advances shall be 1966 
crop farmers stock peanuts:

(1) Which were produced in the 
United States;

(2) Which contain not more than 10 
percent moisture, and which if they have 
been mechanically dried, contain at least 
6 percent moisture;

(3) Which contain not more than 10 
percent foreign material;

(4) Which were produced by an eligible 
producer on a farm on which the 1966 
farm peanut acreage does not exceed the 
effective farm allotment determined in 
accordance with the marketing quota 
regulations or on which the farm peanut 
acreage exceeds the effective farm allot- 
ment (i) if the producer establishes to the 
satisfaction of the ASC County 
Committee, as provided in paragraph (c) 
of this section, that he did not knowingly 
exceed such farm allotment, or (ii) if 
a within quota marketing card is issued 
upon the execution of a Form MQ-92 
Peanuts, Agreement by Operator of 
Overplanted Peanut Farm, by the ASC 
County Committee and the producer; the 
ASC County Committee may decline to 
execute such agreement in any case 
where it finds reasonable grounds to be-

(c) Determination that producer un- 
knowingly exceeded the effective farm 
allocation. A producer on a farm on 
which the farm peanut acreage exceeds 
the effective farm allocation shall be 
considered not to have knowingly ex- 
cceeded such allotment, if (1) the excess 
acreage is determined, in accordance 
with the applicable documents, to be 
zero, (2) payment of the liquidated damages 
provided for as the result of a breach of 
the terms of Form MQ—92—

Peanuts is not required under paragraph 
(b) of this section, at an erroneous no-
tice of measured acreage was issued to 
the producer and the farm peanut acre- 
egage is deemed to be equal to the effective 
farm allotment, and the determination 
of Agriculture relating to 1965 crop 
peanuts.

(b) Agreement by operator of over-
planted peanut farm. If a producer has 
executed a Form MQ-92 Peanuts, Agree-
ment by Operator of Overplanted Peanut 
Farm, and (1) the farm peanut acreage 
exceeded the effective farm allotment by 
more than the larger of one-tenth acre 
or 2 percent of such allotment, payment 
by CCC of the liquidated damages specified 
in the agreement will not be required 
if the ASCS State Executive Director, or 
in his absence, the Acting Executive Di-
rector, determines that the breach of 
such agreement was unintentional and 
occurred despite a bona fide effort by 
the operator and other producers on the 
farm to comply with such agreement, or 
(2) if farm peanut acreage exceeded 
the effective farm allotment by more 
than the larger of one-tenth acre or 
2 percent of such allotment, payment 
by CCC of the liquidated damages 
shall not be required if the ASC 
County Committee makes the determination 
specified in subparagraph (1) of this 
paragraph and also determines that 
the amount by which the farm acreage 
exceeded the effective farm allotment was 
so small in relation to such allotment that it 
did not materially impair CCC’s price sup-
port operating plans.

§ 1446.1638 CCC purchases from 
shellers.

Sections 1446.1636 through 1446.1656 
contain the terms and conditions under 
which CCC will purchase 1966 crop 
farmers stock and shelled peanuts from 
eligible shellers. Such shellers may offer 
peanuts to CCC through the appropriate 
association listed in §1446.1630.

§ 1446.1639 Eligible sheller.

To be eligible to sell peanuts to CCC 
under this subpart the sheller shall:

(a) File with the appropriate associa-
tion, not later than February 28, 1967, or 
such later date as may be approved by 
CCC, his notice of participation and the 
applicable price support documents.

(b) Execute and comply with any 
peanut marketing agreement approved 
by the Secretary of Agriculture relating 
to 1965 and 1966 crop peanuts.

(c) Comply with the association and 
CCC in making price support available 
to peanut producers by: (1) Informing 
each producer, upon request, of the 
price support value of his peanuts, (2) paying
producers not less than the price support value for each lot of farmers stock peanuts which are represented by a written agreement with the sheller.

(3) If requested by the association making price support advances available to producers by entering into peanut receiving and warehouse contract(s) with the association unless all his storage space is needed in his normal milling operations and other storage space is not available to him in his area at reasonable cost.

(4) Provide that the type and quality of each lot of farmers stock peanuts received by the sheller through purchase, loan or otherwise be determined by an inspector. The type and quality shall be shown on Form MQ-94 and be determined in accordance with procedures of the Consumer and Marketing Service, U.S. Department of Agriculture.

(e) Furnish CCC an assurance, in his notice of participation, that his cooperation will be conducted, and his facilities operated, in compliance with all requirements imposed by or pursuant to the regulations governing nondiscrimination in Federally assisted programs of the Department of Agriculture, Part 15 of this title (exclusive of Title VI of the Civil Rights Act of 1964).

§ 1446.1640 CCC purchases of eligible peanuts and prices.

(a) Basis of purchase. Except as otherwise provided in § 1446.1641, CCC will purchase from eligible shellers 1966 crop peanuts which meet the specifications contained in this section. The peanuts will be purchased on a net weight basis at the prices specified in paragraphs (b), (c), (d) and (d) of this section. CCC will also pay a carrying charge for farmers stock and U.S. grade shelled peanuts only which are delivered to CCC after November 10, 1966 in the Southwestern and Virginia-Carolina areas. The carrying charge will commence on December 1, 1966, in the Southeastern area, and January 1, 1967, in the Southwestern and Virginia-Carolina areas, and will accrue at the rate of 1% per ton net weight per calendar month or fraction thereof for farmers stock peanuts, but shall not exceed a total of $6 per ton net weight, and 3% per ton net weight per calendar month or fraction thereof for U.S. grade shelled peanuts, but shall not exceed a total of $17.25 per ton net weight.

(b) Farmers stock peanuts. Farmers stock—support price, out-weight-out-grade basis, plus $3 per ton net.

(c) U.S. Grade Shelled peanuts. (1) U.S. No. 1 (all types)—17.25 cents per pound.

(2) U.S. Extra Large Virginia—20.50 cents per pound.

(3) U.S. Medium Virginia—18.50 cents per pound.

(4) U.S. Splits (all types)—16.75 cents per pound.

U.S. grade shelled peanuts shall meet the U.S. Standards for such peanuts except that they shall not contain more than 1.25 percent damaged or unshelled kernels other than minor defects and not more than 2 percent damaged or unshelled and minor defects.

(d) Shelled peanuts—not U.S. grade. (1) No. 1 size (i.e., U.S. No. 1 peanuts)—17.25 cents per pound.

(2) Shelled kernels which will not pass through screens with the following size openings—16.25 cents per pound:

<table>
<thead>
<tr>
<th>Size</th>
<th>Price per pound</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>17 1/2 x 1&quot; slot.</td>
</tr>
<tr>
<td>Runner</td>
<td>17 1/2 x 1&quot; slot.</td>
</tr>
<tr>
<td>Spanish</td>
<td>17 1/2 x 1&quot; slot.</td>
</tr>
</tbody>
</table>

(3) Large split kernels (i.e., separated halves) which will not pass through screens with the following size openings—16.75 cents per pound:

<table>
<thead>
<tr>
<th>Size</th>
<th>Price per pound</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>17 1/2 x 1&quot; slot.</td>
</tr>
<tr>
<td>Runner</td>
<td>17 1/2 x 1&quot; slot.</td>
</tr>
<tr>
<td>Spanish</td>
<td>17 1/2 x 1&quot; slot.</td>
</tr>
</tbody>
</table>

(4) Small whole kernels which will not pass through screens with the following size openings—12 cents per pound:

<table>
<thead>
<tr>
<th>Size</th>
<th>Price per pound</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>17 1/2 x 1&quot; slot.</td>
</tr>
<tr>
<td>Runner</td>
<td>17 1/2 x 1&quot; slot.</td>
</tr>
<tr>
<td>Spanish</td>
<td>17 1/2 x 1&quot; slot.</td>
</tr>
</tbody>
</table>

(5) Small split kernels (i.e., separated halves) which will not pass through screens with the following size openings—12 cents per pound:

<table>
<thead>
<tr>
<th>Size</th>
<th>Price per pound</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia and Runner</td>
<td>17 1/2 x 1&quot; slot.</td>
</tr>
<tr>
<td>Spanish</td>
<td>17 1/2 x 1&quot; slot.</td>
</tr>
</tbody>
</table>

(6) Quality conditions: Any lot of shelled peanuts of the sizes described in subparagraphs (1) through (2) of this paragraph shall not contain more than 1% damaged or unshelled kernels other minor defects, (ii) 8% total damaged unshelled and minor defects, (iii) 9 percent moisture in the Southeastern and Southwestern areas, or 10 percent moisture in the Virginia-Carolina area, (iv) 6 percent fall through, as defined in subparagraph (2) of this paragraph (d) but CCC will not pay for any fall through in excess of 3 percent), and (v) 2 percent foreign material. The peanuts in any bag(s) in any lot shall meet the quality conditions set forth above in this subparagraph. If a sheller offers to CCC any lot of peanuts which contains peanuts of different sizes (i.e., No. 1 size, large whole, small whole, large split or small split kernels) bagged separately, the sheller (a) shall mark or tag each bag in the lot to show the size of the peanuts therein, and (b) shall stack the bags of each size of peanuts separately to make them readily available for sampling.

(7) The prices specified for shelled peanuts described in this paragraph shall be discounted (1) for damaged and unshelled kernels and minor defects at the rates prescribed in the table appearing at the end of this section, and (2) for foreign material at the rate of one-tenth of 1 cent per pound for each full one-tenth of 1 percent by which the foreign material is in excess of 1 percent.

(8) In addition to the other prices specified in this paragraph (d), CCC shall pay the sheller for fall through not exceeding 3 percent at the rate of 6 cents per pound. Fall through means all kernels or portions thereof which will pass through screens with the following size openings:

<table>
<thead>
<tr>
<th>Size</th>
<th>Price per pound</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>17 1/2 x 1&quot; slot.</td>
</tr>
<tr>
<td>Runner</td>
<td>17 1/2 x 1&quot; slot.</td>
</tr>
<tr>
<td>Spanish</td>
<td>17 1/2 x 1&quot; slot.</td>
</tr>
</tbody>
</table>

§ 1446.1641 Peanuts excluded from purchase.

CCC will not purchase from a sheller (a) any 1966 crop peanuts eligible for indemnification, or which would be eligible for indemnification if sold commercially, under the peanut marketing agreement relating to 1966 crop peanuts approved by the Secretary of Agriculture, or (b) a quantity of peanuts (farmers stock equivalent as determined by CCC) which exceeds 90 percent of the quantity of 1966 crop Segregation 1 farmers stock peanuts purchased by the sheller for which producers received not less than their price support value, exclusive of any 1966 crop peanuts purchased from CCC or an association for the restricted uses of crushing or export.

§ 1446.1642 Ineligible peanuts.

(a) Rejection or sale. (1) CCC may refuse to accept delivery of, or may reject, to the sheller, any lot of peanuts or any portion thereof, which (i) fails to meet all of the applicable quality requirements of the subpart, (ii) was offered or delivered by a sheller who was not an eligible sheller, or (iii) was excluded from purchase under § 1446.1641. With respect to any peanuts rejected, the sheller shall reimburse CCC for any transportation, storage or handling charges incurred thereon by CCC.

(2) If CCC has sold any lot of peanuts described in subparagraph (1) of this paragraph (a), the price paid the sheller shall be adjusted downward by CCC, in the case of peanuts described in subdivision (i) of subparagraph (1) of this paragraph, to reflect their reduced value due to the quality deficiencies, as determined by CCC, or in the case of peanuts described in subdivisions (ii) and (iii) of subparagraph (1) of this paragraph, to the final sales price of such peanuts received by CCC. The sheller shall promptly upon demand by CCC, pay to CCC all amounts due under this section.

(3) If CCC finds that a sheller has offered or delivered to CCC any lot of peanuts, or part thereof, which the sheller knew did not meet all of the applicable quality requirements of this subpart, CCC may thereafter terminate its obligation to purchase additional 1966 crop peanuts from such sheller.

(4) Liquidated damages. (1) CCC will incur administrative costs in connection with any peanuts described in subdivisions (i), (ii), and (iii) of subparagraph (1) of paragraph (a) of this section, as well as those花生 whose disposition of surplus peanuts, the amount of which would be difficult to
inspection certificate is Saturday, Sunday, the association shall be deemed to be the date the offer is received by the paragraph through:

The date the offer is received by the association from time of harvest to

form prescribed
written offers to sell peanuts to

fraudulent act on the part of a sheller.
Nothing contained in this section shall

amount of liquidated damages specified
CCC.

either rejected to the sheller or sold

CCC as soon as possible by CCC.

CCC, the association on the next regular work-
day will be considered timely. Offers

CCC, except that when

nuts which are not inspected before

quality and met weight. Shelled pea-

CCC.

any lot(s) offered to and delivered to

SIZE OF LOT. The sheller shall deliver all

CCC or the United States may have in the event of any unlawful or fraudulent act on the part of a sheller.

§ 1446.1643 Period of offering—size of lots—grading.

(a) Offers of peanuts. Unless a later date is approved in writing by CCC, written offers to sell peanuts to CCC, on the form prescribed by CCC, may be filed with the association from time of harvest through:

(1) July 31, 1967, for farmers stock peanuts described in § 1446.1640, paragraph (b), and for shelled peanuts not U.S. grade described in § 1446.1640, paragraph (c).

(2) December 31, 1967, for U.S. grade shelled peanuts described in § 1446.1640, paragraph (c).

(b) Time of offer and acceptance.

The date the offer is received by the association shall be deemed to be the date of the offer. If peanuts (other than farmers stock peanuts) are inspected before they are offered to CCC, the offer must be received by the association within 9 days after the date of the inspection certificate, except that when the 9th day following the date of the inspection certificate is Saturday, Sunday, or a holiday, receipt of the offer by the association on the next regular working day will be considered timely. Offers will be accepted by CCC as soon as possible by CCC.

(c) Contract. The sheller's offer, the acceptance, and the terms and conditions of §§ 1446.1638—1446.1655 shall constitute the sales contract between the sheller and CCC with respect to the lot(s) of peanuts covered by the acceptance.

(d) Size of Lot. CCC will, by written notice to eligible shellers, prescribe the quantity of peanuts to be included in any lot(s) offered to and delivered to CCC.

(e) Inspection. The type and grade of peanuts delivered to CCC shall be determined by inspectors whose findings shall be used for determining quality and net weight. Shelled peanuts which are not inspected before being offered to CCC shall be inspected at the time of delivery to CCC. If shelled peanuts have been inspected before being offered to CCC, the sheller may, at his expense, obtain from an inspector, a certificate showing the percentage of moisture in the peanuts at the time of delivery, and such percent-

age shall be used in determining the net weight of peanuts delivered to CCC. Farmers stock peanuts shall be inspected at the time of delivery to CCC. The sheller shall pay the cost of all inspections under this paragraph. Nothing in this paragraph shall be construed to require sheller or CCC from applying for an appeal inspection under the regulations governing inspection of fresh fruits, vegetables and other products, §§ 51.1—57.67 of this title.

(1) Identification. Each bag of shelled peanuts purchased by CCC shall be positively identified with a tag or seal affixed in accordance with instructions issued by the Federal or Federal-State Inspection Service.

(2) Weight. The gross weight of the peanuts delivered to CCC shall be determined at the time of delivery in a manner satisfactory to CCC.

§ 1446.1644 Determination of compliance.

Authorized representatives of CCC or the association may enter and remain in the sheller's mill(s) and storage and other facilities to the extent deemed necessary by the association to assure that the sheller is complying with all of the terms and conditions of this subpart.

§ 1446.1645 Delivery.

(a) Place of delivery. The sheller shall arrange with the association in his area for the delivery of lots of peanuts accepted by CCC. The sheller shall deliver all peanuts sold to CCC either f.o.b. cars or trucks (CCC's option) at sheller's expense and in accordance with instructions issued by CCC.

(b) Bags. The sheller shall deliver all shelled peanuts to CCC in bags of uniform size which are packed in accordance with instructions issued by the association.

(c) Title and risk of loss. The title and risk of loss to the peanuts purchased by CCC shall pass to CCC upon delivery. In calculating the price of shelled peanuts, the percentage of each grade factor shall be rounded to the nearest tenth of a percent; fractions of five-hundredths or less shall be dropped.

(b) Invoices. Payment for peanuts delivered to CCC by the sheller shall be made after presentation to the association of an invoice and such supporting documents as may be required by CCC.

§ 1446.1648 Records and books.

(a) The sheller shall keep complete and accurate records with respect to all his transactions relating to 1966 crop peanuts, including but not limited to:

(1) With respect to each lot of 1966 crop farmers stock or shelled peanuts purchased, the date and place received and the name and address of the vendor, the type and grade, or quality as determined by inspectors, the weight and price paid, and (2) with respect to each lot of 1966 crop peanuts sold, the date of sale, the name and address of the purchaser, the type and grade, or quality as determined by an inspector, and weight of peanuts delivered, by type, quantity, and price at the time of delivery to CCC pursuant to this subpart and make them available upon request to representatives of the association, the General Accounting Office or CCC for examination and audit. The sheller shall obtain and furnish to CCC a statement from any person from whom the sheller purchases farmers stock peanuts (other than a producer, an association, or another sheller participating in this program) to the effect that such person will keep such records for a period of 3 years after the final delivery of peanuts to CCC pursuant to this subpart and make such records available upon request to representatives of the association, the General Accounting Office or CCC.

§ 1446.1649 Covenant against contingent fees.

Sheller warrants that no person or agency has been or will be employed or retained to solicit or secure any contract entered into pursuant to this subpart upon any agreement or understanding for a commission, percentage, brokerage, or contingent fee, and that no person or agency has been or will be employed or retained to solicit or secure any such contract. Sheller warrants that no person or agency has been or will be employed or retained to solicit or secure any contract entered into pursuant to this subpart upon any agreement or understanding for a commission, percentage, brokerage, or contingent fee.
§ 1446.1650 Scoff.

If the sheller is indebted to CCC or any other agency of the United States, the amount of such indebtedness may be set off against any amount due the sheller under this subpart in accordance with the CCC Scoff and Withholding Regulations, 30 F.R. 8094, and any amendments thereto.

§ 1446.1651 Assignment.

No assignment shall be made by the sheller of any contract entered into pursuant to this subpart or any rights thereunder, except that the sheller may assign the proceeds of such contract to any bank, trust company, Federal lending agency, or other financial institution and, subject to the approval of CCC, assignment may be made to any other person: Provided, That such assignment shall be recognized only if and when the assignee files with CCC written notice of the assignment, together with a signed copy of the instrument of the assignment, in accordance with the instructions on Form CCC-253, “Notice of Assignment,” which form must be completed. Assignment of assignment is hereby disallowed. Provided further, That such assignment shall cover all amounts payable and not already paid under such contract, shall not be made to more than one person and shall not be subject to further assignment, except that such assignment may be made to one person as agent or trustee for two or more persons. The “Instrument of Assignment” may be executed on Form CCC-252, or the assignee may use his own form of assignment. Forms may be obtained from the Producer Associations Division, ASCS.

§ 1446.1652 Buy American.

The sheller warrants he will deliver to CCC only peanuts which have been produced in the United States.

§ 1446.1653 Convict labor.

The sheller, in the performance of any contract entered into pursuant to this subpart, agrees not to employ any person undergoing sentence of imprisonment at hard labor.

§ 1446.1654 Disputes.

(a) Questions of fact. Except as may otherwise be provided in this subpart, any dispute concerning a question of fact rising out of any sales contract entered into pursuant to this subpart, which is not disposed of by agreement shall be decided by the Director or Acting Director, Producer Associations Division, ASCS, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the sheller. Such decision shall be final and conclusive unless within 30 days from the date of receipt of such copy, the sheller mails or otherwise furnishes a written appeal addressed to the Contract Dispute Board, CCC. Such Board shall be final and conclusive unless decided by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this section, the sheller shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, if performance under said contract has not been completed by the sheller or terminated by CCC, the sheller shall proceed diligently with the performance of the contract. The decision of the Director or Acting Director, Producer Associations Division, ASCS.

(b) Questions of law. This “disputes” section does not preclude consideration of questions of law in connection with decisions provided for in paragraph (a) of this section: Provided, That nothing herein shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

§ 1446.1655 Officials not to benefit.

No member of or delegate to the Congress of the United States, or Resident Commissioner, shall be admitted to any share or part of any sales contract entered into pursuant to this subpart or to any benefit that may arise therefrom, but this provision shall not be construed to extend to such contract if made with a corporation for its general benefit, and shall not increase to that which may accrue from such contract to a member of or delegate to Congress or a Resident Commissioner in his capacity as a farmer.

§ 1446.1656 Equal employment opportunity.

During the period between the date the sheller files his notice of participation pursuant to § 1446.1639 and December 30, 1967, or, if later, the date on which he completes delivery of the final lot of peanuts sold to CCC pursuant to this subpart, the sheller agrees as follows:

(a) Nondiscrimination. The sheller will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The sheller will take such action to assure that applicants are employed and that employees are treated during employment without regard to their race, creed, color, or national origin. Such action shall not be limited to the following: Employment upgrading, demotion or transfer; recruitment or advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The sheller agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Association setting forth the provisions of this nondiscrimination clause.

(b) Advertisements. The sheller, will, in all solicitations or advertisements for employees placed in accordance with the provisions of this section, explicitly state that all vacancies listed are open to employees of any race, creed, color, or national origin.

(c) Notice to labor union. The sheller will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the said labor union or workers’ representative of the sheller’s commitments under this section and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) Executive Order No. 11246. The sheller will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and orders of the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(1) Noncompliance. In the event of the sheller’s noncompliance with the nondiscrimination clauses of this contract and with any rules, regulations, orders, or contracts, this order may be canceled, terminated or suspended in whole or in part and the sheller may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as the said Executive order or by rule, regulations, or order of the Secretary of Labor, or as otherwise provided by law.

(g) Subcontracts. The sheller will include the provision of this paragraph (g) through this (g) of this section in every subcontract or purchase order, unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 304 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The sheller will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event the sheller becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the sheller may request the United States to enter into such litigation to protect the interests of the United States.

The reporting and recordkeeping requirements contained in this subpart have been approved by, and are exempted from, the requirements will be subject to approval of the Bureau of the Budget in accordance with the Federal Register Act of 1932.

Effective date. This subpart shall be effective on the date of its publication in the Federal Register.


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

[F.R. Doc. 66-8283; Filed, July 28, 1966, 3:49 a.m.]
Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 307—FACILITIES FOR INSPECTION

PART 340—SPECIAL SERVICES RELATING TO MEAT AND OTHER PRODUCT

PART 355—CERTIFIED PRODUCTS FOR DOGS, CATS, AND OTHER CARNIVORA; INSPECTION, CERTIFICATION, AND IDENTIFICATION AS TO CLASS, QUALITY, QUANTITY, AND CONDITION

Miscellaneous Amendments

Pursuant to the statutory authorities cited below the fees relating to inspection are hereby amended due to increased cost resulting from the Federal Salary and Fringe Benefits Act of 1966 (P.L. 89-504).

1. Section 307.4 is amended to read as follows:

§ 307.4 Assignment of inspectors where members of family employed; soliciting employment.

The management of an official establishment, an importer, or an exporter desiring to work under conditions which will require the services of an employee of the Division on any Saturday, Sunday, or holiday, or for more than 8 hours on any other day, shall, sufficiently in advance of the period of overtime, request the Inspector in charge or his assistant to furnish inspection service during such overtime period, and shall pay the Administrator thereof $6.60 per hour to reimburse the Service for the cost of the inspection services so furnished. It will be administratively determined from time to time which days constitute holidays.


2. Section 340.7(c) is amended to read as follows:

§ 340.7 Fees and charges.

(c) The fees to be charged and collected for service under the regulations in this part shall be at the rate of $6.28 per hour for base time, $6.60 per hour for overtime including Saturdays, Sundays, and holidays, and $7.20 per hour for laboratory service, to cover the costs of the service and shall be charged for the time required to render such service, including but not limited to the time required for the travel of the Inspector or Inspector in connection therewith during the regularly scheduled administrative workweek.

3. Section 355.12 is amended to read as follows:

§ 355.12 Charge for service.

The fees to be charged and collected by the Administrator shall be $6.28 per hour for base time, $6.60 per hour for overtime including Saturdays, Sundays, and holidays, and $7.20 per hour for laboratory service to reimburse the Service for the cost of the inspection services so furnished.

(Rule No. 80, 60 Stat. 1060, as amended; 7 U.S.C. 1628)

§ 355.12 Charge for service.

It has been determined that in order to cover these increased costs of the service, the hourly fee charges in connection with the performance of the services must be increased as soon as practicable as provided for herein. The need for the increase and the amount thereof are dependent upon facts within the knowledge of the Consumer and Marketing Service. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 355.12), it is found that notices and other public procedure with respect to this amendment are impracticable and unnecessary and good cause is found for making the amendment effective less than 30 days after its publication in the Federal Register.

This amendment shall become effective July 31, 1966, with respect to the cost of all meat inspection services rendered on and after that date.

Done at Washington, D.C., this 27th day of July 1966.

R. K. Somers,
Deputy Administrator, Consumer Protection, Consumer and Marketing Service.

3. Section 340.7(c) is amended to read as follows:

§ 340.7 Fees and charges.

(c) The fees to be charged and collected for service under the regulations in this part shall be at the rate of $6.28 per hour for base time, $6.60 per hour for overtime including Saturdays, Sundays, and holidays, and $7.20 per hour for laboratory service, to cover the costs of the service and shall be charged for the time required to render such service, including but not limited to the time required for the travel of the Inspector or Inspector in connection therewith during the regularly scheduled administrative workweek.


PART 340—SPECIAL SERVICES RELATING TO MEAT AND OTHER PRODUCT

PART 355—CERTIFIED PRODUCTS FOR DOGS, CATS, AND OTHER CARNIVORA; INSPECTION, CERTIFICATION, AND IDENTIFICATION AS TO CLASS, QUALITY, QUANTITY, AND CONDITION

PART 355—CERTIFIED PRODUCTS FOR DOGS, CATS, AND OTHER CARNIVORA; INSPECTION, CERTIFICATION, AND IDENTIFICATION AS TO CLASS, QUALITY, QUANTITY, AND CONDITION

PART 39—AIRWORTHINESS DIRECTIVES

AIRCRUISERS EMERGENCY EVACUATION SLIDES

There have been instances in which certain Air Cruisers emergency evacuation slides installed on Boeing Model 727 Series airplanes have hung-up during operation. Since this condition is likely to exist or develop in other products of the same manufacture, an airworthiness directive is being issued to require modification of certain Air Cruisers emergency evacuation slides on Boeing Model 727 Series airplanes.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 5469), § 99.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

Air Cruisers. Applies to Emergency Evacuation Slides, P/Ns 15222129 and 15222219-1, manufactured before April 17, 1966, and installed on Boeing Model 727 Series airplanes.

Compliance required within the next 300 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent hang-up during operation, modify Air Cruisers emergency evacuation slides, P/Ns 15222129 and 15222219-1, manufactured before April 17, 1966, and installed on Boeing Model 727 Series airplanes, in accordance with Procedures 1 and 2 of Air Cruisers Service Bulletin SB-114-66-2, dated April 15, 1966, or later FAA-approved revision, or an equivalent approved by an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment becomes effective July 29, 1966.

(331.3(a), 601, 603, Federal Aviation Act of 1968 (49 U.S.C. 1354(a), 1421, 1423))

Issued in Washington, D.C., on July 29, 1966.

JAMES F. RUDOLPH,
Acting Director, Flight Standards Service.

[F.R. Doc. 65-8369; Filed, July 28, 1966; 8:49 a.m.]

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

Title 9—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT

[Docket No. 7518; Amdt. 39-267]

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Issued in Washington, D.C., on July 29, 1966.

JAMES F. RUDOLPH,
Acting Director, Flight Standards Service.

[F.R. Doc. 65-8369; Filed, July 28, 1966; 8:49 a.m.]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 65-SW-40]
RULES AND REGULATIONS

reflect this minor realignment in this north alternate segment.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001, est., September 15, 1966, as hereinafter set forth.

In § 71.123 (31 F.R. 4099, 4099, 7352, 7607) V-20 is amended by deleting

“including a 12 AGL N alternate via INT Palacios 016° and Houston 256° radials,” and substituting “including a 12 AGL N alternate via INT Palacios 031° and Houston 256° radials, and a 12 AGL S alternate via INT Palacios 064° and Houston 201° radials,” therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1440))

Issued in Washington, D.C., on July 22, 1966.

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

[F.R. Doc. 66-8270; Filed, July 28, 1966; 3:45 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 7495; Amtd. 249]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

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

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

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

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

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

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

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

<table>
<thead>
<tr>
<th>Transition</th>
<th>Course and distance</th>
<th>Minimum altitude (feet)</th>
<th>Condition</th>
<th>Ceiling and visibility minimums</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2-engine or less</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>65 knots or less</td>
</tr>
<tr>
<td>Bragg VOR</td>
<td>LOM (final)</td>
<td>Direct...</td>
<td>2400</td>
<td>T-dn.</td>
</tr>
<tr>
<td>Akron VOR</td>
<td>LOM...</td>
<td>Direct...</td>
<td>2500</td>
<td>C-dn.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>A-dn.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>NA</td>
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<tr>
<td></td>
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<td></td>
<td>NA</td>
</tr>
</tbody>
</table>

Radar available.

Procedure turn R side of CRS, 190° Outbound, 000° Inbound, 250° within 10 miles.

Minimum altitude over facility on final approach CRS, 2000'.

CRS and distance, facility to airport, 000' - 3.7 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing CA LOM, climb to 3000' on holding of 007°, proceed direct to ACO VOR. Hold E, 1-minute right turns, 250° Inbound.

MSA within 25 miles of facility: 000°-300°-2000'.

City, Akron; State, Ohio; Airport name, Akron-Canton; Elev., 1228'; Fac. Class., LOM; Ident., CA; Procedure No. 1, Amnd. 16; Eff. date, 20 Aug. 66; Sup. Amnd. No. 16; Dated, 7 Nov. 61.

Asheville VOR | Broad River RBN | Direct... | 5500 | T-dn. | 800-1 | 900-1 | 900-1 |
| Smarty VOR | Tuxedo Int... | Direct... | 5000 | C-dn. | 1200-2 | 1500-2 | 1500-2 |
| Greensboro VOR | Broad River RBN | Direct... | 5000 | S-dn-34° | 1200-2 | 1500-2 | 1500-2 |
|            |                     |                        |           | A-dn. | 1200-2 | 1500-2 | 1500-2 |
|            |                     |                        |           | NA.   | NA    | NA    | NA    |
|            |                     |                        |           | NA.   | NA    | NA    | NA    |
|            |                     |                        |           | NA.   | NA    | NA    | NA    |
|            |                     |                        |           | S-dn-34° | 800-1 | 900-1 | 900-1 |

Radar available.

Procedure turn R side of CRS, 161° Outbound, 341° Inbound, 5000' within 10 miles of Broad River RBN.

Minimum altitude over Broad River RBN on final approach CRS, 5000', over OM, 3000'.

CRS and distance, Broad River RBN to airport, 341° - .7 mile; OM to airport, 341° - .7 mile; LMM to airport, 341° - .6 mile.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.7 miles after passing BRA RBN, climb on CRS of 341° to BRA RBN and continue climb, if necessary, in holding pattern and to 5000' or higher as directed by ATC before returning to Broad River RBN or continuing climb on CRS, or when directed by ATC, climb on CRS of 341° from BRA RBN to 5000' within 20 miles.

1. If departure procedures: Takeoff to the N will comply with missed approach procedure when climbing to altitude. Takeoff to the S will climb on CRS of 161° over the OM and continue on CRS of 161° to Broad River RBN. Upon reaching 5000' or higher as directed by ATC, continue climb on CRS.

**Airport** contains a rapidity 2 miles W of airport. All maneuvering for circling approach must be accomplished at airport.

*No further amendments.*

MSA within 25 miles of facility: 000°-500°-7000'; 090°-150°-3000'; 180°-250°-6000'; 200°-300°-6000'.

City, Asheville; State, N.C.; Airport name, Asheville Municipal; Elev., 2101'; Fac. Class., HW; Ident., BRA; Procedure No. 1, Amnd. 6; Eff. date, 20 Aug. 66; Sup. Amnd. No. 3; Dated, 21 Jan. 66.

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**ADF Standard Instrument Approach Procedures—Continued**

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<tr>
<th>Transition</th>
<th>Course and distance</th>
<th>Minimum altitude (feet)</th>
<th>Condition</th>
<th>Ceiling and visibility minimums</th>
</tr>
</thead>
<tbody>
<tr>
<td>From</td>
<td>To</td>
<td></td>
<td></td>
<td>2-engine or less</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>65 knots or less</td>
</tr>
</tbody>
</table>

**Procedure turn E side of crs, 340° Outbound, 160° Inbound, 5500' within 10 miles.**

<table>
<thead>
<tr>
<th>Crs and distance</th>
<th>Facility to airport</th>
<th>Minimum altitude (feet)</th>
<th>Condition</th>
<th>Ceiling and visibility minimums</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct</td>
<td></td>
<td></td>
<td></td>
<td>2-engine or less</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>65 knots or less</td>
</tr>
</tbody>
</table>

| Bismarck Int.    | LOM                 | Direct                  | 3000      | T-40% | 200-1 | 200-1 | 200-1 |
|                  |                     | Direct                  | 3000      | T-40% | 200-1 | 200-1 | 200-1 |
|                  |                     | Direct                  | 3000      | T-40% | 200-1 | 200-1 | 200-1 |

**Procedure turn N side of crs, 004° Outbound, 254° Inbound, 3400' within 10 miles.**

<table>
<thead>
<tr>
<th>Crs and distance</th>
<th>Facility to airport</th>
<th>Minimum altitude (feet)</th>
<th>Condition</th>
<th>Ceiling and visibility minimums</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct</td>
<td></td>
<td></td>
<td></td>
<td>2-engine or less</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>65 knots or less</td>
</tr>
</tbody>
</table>

| Bismarck Int.    | LOM                 | Direct                  | 4000      | T-40% | 200-1 | 200-1 | 200-1 |
|                  |                     | Direct                  | 4000      | T-40% | 200-1 | 200-1 | 200-1 |
|                  |                     | Direct                  | 4000      | T-40% | 200-1 | 200-1 | 200-1 |

**Final approach from holding pattern at LOM (final).**

<table>
<thead>
<tr>
<th>Crs and distance</th>
<th>Facility to airport</th>
<th>Minimum altitude (feet)</th>
<th>Condition</th>
<th>Ceiling and visibility minimums</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct</td>
<td></td>
<td></td>
<td></td>
<td>2-engine or less</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>65 knots or less</td>
</tr>
</tbody>
</table>

| Bismarck Int.    | LOM                 | Direct                  | 5000      | T-40% | 200-1 | 200-1 | 200-1 |
|                  |                     | Direct                  | 5000      | T-40% | 200-1 | 200-1 | 200-1 |
|                  |                     | Direct                  | 5000      | T-40% | 200-1 | 200-1 | 200-1 |

**Bismarck Int.**

- **ADF Standard Instrument Approach**: 10250 RULES AND REGULATIONS

- **FEDERAL REGISTER, VOL. 31, NO. 146—FRIDAY, JULY 29, 1965**
### Rules and Regulations

#### Standard Instrument Approach Procedure—Continued

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<tr>
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<th>To</th>
<th>Course and distance</th>
<th>Minimum Altitude (feet)</th>
<th>Condition</th>
<th>Ceiling and visibility minimums</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mason Int.</td>
<td>Medora Rbn (final)</td>
<td>Direct</td>
<td>2700</td>
<td>T-north</td>
<td>600-2 (More than 2-engine, more than 65 knots)</td>
</tr>
<tr>
<td>Hamilton Int.</td>
<td>Medora Rbn</td>
<td>Direct</td>
<td>2700</td>
<td>C-north</td>
<td>800-2 (More than 2-engine, more than 65 knots)</td>
</tr>
<tr>
<td>Alexandria Int.</td>
<td>Medora Rbn</td>
<td>Direct</td>
<td>2700</td>
<td>S-north</td>
<td>800-2 (More than 2-engine, more than 65 knots)</td>
</tr>
<tr>
<td>CVG VOR</td>
<td>Medora Rbn</td>
<td>Direct</td>
<td>2700</td>
<td>A-north</td>
<td>800-2 (More than 2-engine, more than 65 knots)</td>
</tr>
</tbody>
</table>

**Radar Available:**

- Procedure turn 8 side of crs, 221° Outbound, 210° Inbound, 2500' within 10 miles of Medora Rbn.
- Minimum altitude over facility on final approach crs, 2700' over OM, 1000'.
- Clockwise, 2.2 miles; OM to airport, 280°—3.4 miles.
- If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 miles after passing Medora Rbn, hold E, 1-minute left turns, 35° inbound.
- LP-16 takeoff authorized Runways 211 and 8, 400-2 takeoff authorized Runways 201, 21, 24.

*City, Cincinnati; State, Ohio; Airport name, Cincinnati Municipal-Lunken Airport; Elev., 489'; Fac. Clsn., MHW; Ident., MHW; Procedure No. 1, Amdt. 1; Eff. date, 29 Aug. 66; Sup. Amdt. No. Orig.; Dated 9 July 66*

| Dallas VOR     | LOM                  | Direct              | 2000                    | T-north        | 300-2 (1-engine, more than 65 knots) |
| Boss Ave Int.  | LO                   | Direct              | 2000                    | C-north        | 400-2 (1-engine, more than 65 knots) |
| Lakeside Int.  | LO                   | Direct              | 2000                    | S-north-35°    | 400-2 (1-engine, more than 65 knots) |
|                |                      |                     |                         | A-north        | 800-2 (More than 2-engine, more than 65 knots) |

**Radar Available:**

- Procedure turn N side of crs, 330° Outbound, 120° Inbound, 2000' within 10 miles.
- Minimum altitude over facility on final approach crs, 2000'.
- Clockwise, 3.1 miles.
- If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.1 miles after passing LO L.. within 10 miles, make left turn, proceed direct to DAL VOR, climbing to 2000'.
- CAUTION: Procedure turn maneuvering must be completed N of final approach crs, 120°—360°. Standard clearance not provided over 1225° radio tower, 5.6 miles WNW of LO.
- MSA within 25 miles of facility: 1600'—2500'; 1600'—2500'; 1600'—2500'.

*City, Dallas; State, Tex.; Airport name, Dallas Love Field; Elev., 450'; Fac. Clsn., LOM; Ident., DA; Procedure No. 1, Amdt. 7; Eff. date, 29 Aug. 66; Sup. Amdt. No. 6; Dated 19 Apr. 65*

| Hollands Int.  | HNB Rbn              | Direct              | 2100                    | T-d             | 300-2 (1-engine, more than 65 knots) |
| St. Marks Int. | HNB Rbn              | Direct              | 2100                    | C-d             | 700-2 (1-engine, more than 65 knots) |
| Augusta Int.   | HNB Rbn              | Direct              | 2100                    | S-d-135°        | 700-2 (1-engine, more than 65 knots) |
|                |                      |                     |                         | A-d             | NA (1-engine, more than 65 knots) |

Procedure turn 8 side of crs, 240° Outbound, 300° Inbound, 2100' within 10 miles.
- Minimum altitude over facility on final approach crs, 1200'.
- Facility on airport.
- If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 10 miles of HNB Rbn, make left-turning climbing turn to 2100' on 300° crs outbound from HNB Rbn.
- CAUTION: For low approach, 300°—270°—35°.
- Facility is 1-mile radius.

*City, Farmingdale; State, N.Y.; Airport name, Republic Airport; Elev., 60'; Fac. Clsn., MHW; Ident., BBN; Procedure No. 1, Amdt. 5; Eff. date, 20 Aug. 66; Sup. Amdt. No. 6; Dated 4 July 64*

| LNL Rbn        | Direct              | 3000                    | T-north        | 300-2 (1-engine, more than 65 knots) |
|                |                     |                        | C-d            | 700-2 (1-engine, more than 65 knots) |
|                |                      |                        | S-d-135°       | 700-2 (1-engine, more than 65 knots) |
|                |                      |                        | A-d-135°       | NA (1-engine, more than 65 knots) |

Procedure turn W side of crs, 310° Outbound, 130° Inbound, 2200' within 10 miles.
- Minimum altitude over facility on final approach crs, 2000'.
- Facility on airport.
- If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1 mile of LNL Rbn, make left-climbing turn to 2200' on 130° crs outbound from LNL Rbn.
- CAUTION: For low approach, 2200°—3000°—130°.
- Facility is 1-mile radius.

*City, Land O’Lakes; State, Wis.; Airport name, Kings Land O’Lakes Municipal; Elev., 170'; Fac. Clsn., MHW; Ident., LNL; Procedure No. 1, Amdt. 1; Eff. date, 20 Aug. 66; Sup. Amdt. No. Orig.; Dated, 20 Dec. 65*
### ADP STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Course and distance</th>
<th>Minimum altitude (feet)</th>
<th>Condition</th>
<th>2-engine or less</th>
<th>More than 2-engine, less than 4-engine</th>
<th>More than 4-engine, 2-engine or less</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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<td>65 knots or less</td>
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<tr>
<td>SST VORTAC</td>
<td>AOO RBn</td>
<td>Direct</td>
<td>4600</td>
<td>T-dn</td>
<td>1000-1</td>
<td>1000-1</td>
<td>1000-3</td>
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<tr>
<td>Crystal Int.</td>
<td>AOO RBn</td>
<td>Direct</td>
<td>4600</td>
<td>C-d</td>
<td>1100-3</td>
<td>1100-3</td>
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<tr>
<td>Hutchinson Int.</td>
<td>AOO RBn</td>
<td>Direct</td>
<td>4500</td>
<td>C-d</td>
<td>1100-3</td>
<td>1100-3</td>
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<tr>
<td>A-dn</td>
<td>1000-3</td>
<td>1500-3</td>
<td>1500-3</td>
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</tbody>
</table>
| Procedure turn W side of crs, 625° Outbd, 206° Inbd, 3800' within 10 miles. Minimum altitude over facility on final approach crs, 3300'.
Crs and distance, facility to airport, 206°-1.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.2 miles after passing AOO RBn, climb straight ahead on 260° heading to 4800' within 10 miles of AOO RBn.
Return to AOO RBn. Hold NE, 1-minute right turns, 206° Inbd.
Air carrier NOTE: No reductions authorized. Temporary procedure; to be canceled on or about Aug. 28, 1966, with decommissioning of AOO RBn.

City, Martinsburg; State, Pa.; Airport name, Blair Count; Elev., 1524'; Fac. Class., MW; Ident., AOO; Procedure No. 1, Amdt. Orig.; Eff. date, 18 Aug. 66

| MTW VOR | SBM RBn | Direct | 2400 | T-dn | 300-1 | 300-1 | 300-1 |
| ORW VOR | SBM RBn | Direct | 2700 | C-d | 600-1 | 600-1 | 600-1 |
|          | S-dn | 600-1 | 600-1 | 600-1 |
|          | A-dn | NA | NA | NA |
| Procedure turn W side of crs, 625° Outbd, 206° Inbd, 2200' within 10 miles. Minimum altitude over facility on final approach crs, 3300'.
Crs and distance, facility to airport, 200°-3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2200' on crs, 206° from SBM RBn within 10 miles, turn right and return to SBM RBn.

NOTE: Use Green Bay altimeter setting. MSA within 35 miles of facility: 200'-270°-2200'; 200°-260°-2200'.

City, Sheboygan; State, Wis.; Airport name, Sheboygan County Memorial; Elev., 742'; Fac. Class., MW; Ident., SBM; Procedure No. 1, Amdt. Orig.; Eff. date, 18 Aug. 66

| FED RBn | LOM | Direct | 2700 | T-dn | 300-1 | 300-1 | 300-1 |
| FED VOR | LOM | Direct | 2700 | S-dn | 500-1 | 500-1 | 500-1 |
| Bestland Int. | LOM | Direct | 2700 | A-dn | 800-2 | 800-2 | 800-2 |
| Russell Int. | LOM | Direct | 2700 | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn S side of crs, 295° Outbd, 206° Inbd, 2700' within 10 miles. Minimum altitude over facility on final approach crs, 3300'.
Crs and distance, facility to airport, 206°-3.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 2700' on crs, 026°-3.9 miles of crs.

City, Ebeey Borough; State, Wis.; Airport name, Sheboygan County Memorial; Elev., 742'; Fac. Class., MW; Ident., SBM; Procedure No. 1, Amdt. Orig.; Eff. date, 18 Aug. 66

| Thornhurst VOR | LOM | Direct | 3000 | T-dn | 600-1 | 600-1 | 600-1 |
| Hallsburg RBn | LOM | Direct | 3000 | C-d | 1000-2 | 1000-2 | 1000-2 |
| Crystal Lake Rng | LOM | Direct | 3000 | C-d | 1200-3 | 1200-3 | 1200-3 |
| Crystal Lake Rng | LOM | Direct | 3000 | S-dn | 1200-3 | 1200-3 | 1200-3 |
|          | A-dn | 1400-3 | 1400-3 | 1400-3 |
|          | A-dn | 1600-3 | 1600-3 | 1600-3 |

Radar available. Procedure turn W side of crs, 223° Outbd, 049° Inbd, 3000' within 10 miles of LOM.

Minimum altitude over facility on final approach crs, 3300'.
Crs and distance, facility to airport, 049°-3.9 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing Wilkes-Barre LOM, climb to 5000' on crs, 049° from the Wilkes-Barre LOM, then proceed to Wilkes-Barre VOR, maintain 4000', hold E, 1-minute right turns, Inbound crs, 206°, or when directed by AFU, (1) climb to 5000' on crs, 049° from the Wilkes-Barre LOM, turn left and proceed direct to Wilkes-Barre LOM, maintain 3000', hold SW, 1-minute left turns, Inbound crs, 412°, (2) hold W of the Wilkes-Barre LOM at 3000', 1-minute right turns, Inbound crs, 109°.

Air carrier NOTE: Sliding Mais not authorized.

City, Wilkes-Barre; State, Pa.; Airport name, Wilkes-Barre-Scranton; Elev., 292'; Fac. Class., MW; Ident., AV; Procedure No. 1, Amdt. 7; Eff. date, 20 Aug. 66; Sup. Amdt. No. 6; Dated, 7 Aug. 66

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**FEDERAL REGISTER, VOL 31, NO. 146—FRIDAY, JULY 29, 1966**
### RULES AND REGULATIONS

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

**VOR STANDARD INSTRUMENT APPROACH PROCEDURE**

Raisings, headings, courses and radii are magnetic. Elevations and altitudes are in feet MSL. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

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

#### Transition

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<tr>
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<th>To</th>
<th>Course and distance</th>
<th>Minimum altitude (feet)</th>
<th>Condition</th>
<th>2-engine or less</th>
<th>More than 2-engines, more than 65 knots</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bismarck RBD</td>
<td>BIS VOR</td>
<td>Direct</td>
<td>3200</td>
<td>T-dn</td>
<td>300-1</td>
<td>200-45</td>
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<tr>
<td>R 080°, BIS VOR, clockwise</td>
<td>R 080°, BIS VOR</td>
<td>Direct</td>
<td>3400</td>
<td>C-dn</td>
<td>400-2</td>
<td>500-2</td>
</tr>
<tr>
<td>R 130°, BIS VOR, counterclockwise</td>
<td>R 095°, BIS VOR</td>
<td>Via 8-southeast</td>
<td>2700</td>
<td>A-dn</td>
<td>500-2</td>
<td>700-2</td>
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<tr>
<td>6-mile Fix, R 060°</td>
<td>BIS VORTAC</td>
<td>(final)</td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

#### Ceiling and visibility minimums

- T-dn: 300-1
- C-dn: 400-2
- A-dn: 500-2

#### Notes:

- Procedure turn N side of crs. 090° Outbound, 220° Inbound, 340° within 10 miles.
- Minimum altitude over 6-mile DME Fix, R 060° on final approach crs., 2600' over facility, 2700'.
- Crs and distance, facility to airport, 270°-3.6 miles.
- If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles after passing BIS VOR climb to 4000' on R 260°, BIS VOR within 20 miles, or when directed by ATC, make right-climbing turn to 4000' on R 260° BIS VOR within 20 miles.
- Final approach from holding pattern at VOR not authorized, procedure turn required.
- When weather is below 1500', aircraft departing southwestbound, flight below 3900' beyond 8-mile Fix to airport, prohibited between R 170° and 230°, inclusive, of the BIS VOR due to 3520' tower, 10 miles SSW of airport.
- MSA within 25 miles of facility: 000°-000°, 036°-336°, 190°-270°, 200°-300°, 270°-280°-360°.
- City, Bismarck; State, N. Dak.; Airport name, Bismarck Municipal; Elev., 1677'; Class., LBVORTAC; Ident., BIS; Procedure No. 1, Amdt. 8; Eff. date, 20 Aug. 66; Sup. Amdt. No. 7; Dated, 19 Mar. 66.

#### La Hastra Int.

| Spike Int, 24-mile DME Fix, LAX | BIS VOR | Direct              | 3000                    | T-dn      | 300-1           | 200-45                            |
| Norwegian Int, 15-mile DME Fix, LAX | R 061° | Direct              | 2500                    | C-dn      | 400-2           | 500-2                             |
| Nework Int, 15-mile DME Fix, LAX | BIS VORTAC | (final)            | 2000                    | A-dn      | 500-2           | 700-2                             |

#### Radar available.

Procedure turn not authorized. Minimum altitude over Bell Int, 10.8-mile DME Fix, LAX R 094°, on final approach crs., 2800'.

- Crs and distance, facility to airport, 2800' DME Fix, LAX R 094°, to airport, 2850' DME Fix, 5.5-mile break point to runway, 285-0.3 miles.
- When visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles after passing Bell Int, 5.8-mile DME Fix, LAX R 094°, climb to VOR, then climb via LAX, R 170° to 2000' within 10 miles or, when directed by ATC, climb via 220° bearing from LAX LOM to intercept and climb via LAX VOR, R 170° to 2000' within 10 miles.
- When authorized by ATC, DME may be used at 16 miles from LAX, R 242° clockwise R 064° and at 2500' between LAX R 064° and R 170° to position aircraft for straight-in approach.
- MSA within 25 miles of facility: 000°-000°, 036°-336°, 190°-270°, 200°-300°, 270°-280°-360°.
- City, Hawthorne; State, Calif.; Airport name, Hawthorne Municipal; Elev., 650'; Class., H-VORTAC; Ident., LAX; Procedure No. 1, Amdt. 3; Eff. date, 20 Aug. 66; Sup. Amdt. No. 2; Dated, 28 Nov. 64.

#### Radar available.

Procedure turn S side of crs, 280° Outbound, 060° Inbound, 200° within 10 miles.

- Minimum altitude over facility on final approach crs., 1600'; over 2.5-mile DME Fix, 650'.
- Crs and distance, facility to airport, 2800' DME Fix, 5.5-mile DME Fix to airport, 650'-2 miles.
- When visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.5 miles of LAX VOR, turn left, climb via R 006° to 2000' to Downey Int.

**Notes:**

- (1) Final approach from holding pattern at LAX VOR not authorized. Procedure turn required.
- (2) When authorized by ATC, DME may be used at 15 miles from LAX, R 342° clockwise R 250° and at 2500' between LAX, R 170° and R 170° to position aircraft for a straight-in approach with the elimination of procedure turn.
- MSA within 25 miles of facility: 000°-000°-7200°, 036°-336°, 190°-270°, 200°-300°-360°.
- City, Hawthorne; State, Calif.; Airport name, Hawthorne Municipal; Elev., 64°; Class., H-VORTAC; Ident., LAX; Procedure No. 2, Amdt. 1; Eff. date, 20 Aug. 66; Sup. Amdt. No. Orig.; Dated, 25 June 66.

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**FEDERAL REGISTER, VOL. 31, NO. 145—FRIDAY, JULY 29, 1966**
### YOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

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<th>From</th>
<th>To</th>
<th>Course and distance</th>
<th>Minimum altitude (feet)</th>
<th>Condition</th>
<th>2-engine or less</th>
<th>More than 2-engine, more than 65 knots</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Plains VHF Int.</td>
<td>UBG VOR</td>
<td>Direct</td>
<td>3000</td>
<td>T-da</td>
<td>500-1</td>
<td>500-1</td>
</tr>
<tr>
<td>Govevo VHF Int.</td>
<td>UBG VOR</td>
<td>Direct</td>
<td>3000</td>
<td>C-d</td>
<td>1000-1</td>
<td>1000-11</td>
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<tr>
<td>Aurora VHF Int.</td>
<td>UBG VOR</td>
<td>Direct</td>
<td>3000</td>
<td>C-d</td>
<td>1000-2</td>
<td>1000-2</td>
</tr>
<tr>
<td>Gladstone VHF Int.</td>
<td>UBG VOR</td>
<td>Direct</td>
<td>3000</td>
<td>A-dn</td>
<td>1000-2</td>
<td>1000-2</td>
</tr>
</tbody>
</table>

Procedure turn W side of ers, 166° Outbd, 340° Inbd, 270° within 10 miles.
Final approach from holding pattern at UBG VOR not authorized, procedure turn required.
Minimum altitude over facility on final approach ers, 2000'.
Crz and distance, facility to airport, 250°—311.6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 8 miles after passing UBG VOR, turn right to ers, 116° to intercept UGB VOR, R 614° chance direct to UBG VOR climbing to 2000'. Operations from 8 miles to airport must be conducted in accordance with visual flight rules.
CAUTION: VOR reception not available over the airport below 700'.
**Takeoffs all runways: Climb visually to 500' over airport then direct to UBG VORTAC.**

Procedure turn W side of ers, 349° Outbd, 169° Inbd, 5500' within 10 miles.
Minimum altitude over facility on final approach ers, 4500'; over 4-mile DME Fix, R 166°, 4399'.
Crz and distance, facility to airport, 167°—7.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.3 miles after passing LAA VOR, turn right, climbing to 6000' direct to LAA VOR.
**CAUTION:** Procedure not wholly within controlled airspace.
*Alternate minimums of 500-2 authorized for air carriers with weather reporting service available at airport. MSA within 5 miles of facility: 500'-3900'; 200°—5700`—5900'.

Procedure turn NW side of ers, 342° Outbd, 162° Inbd, 1900' within 10 miles.
Minimum altitude over facility on final approach ers, 1500'.
Crz and distance, facility to airport, 185°—6.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing OOL VOR, make right-climbing turn, proceed direct to OOL VOR, climbing to 1500', hold S, R 185°, 1-minute right turns.
**Red Bank operations altimeter normally available 0000—2400 daily.**
MSA within 5 miles of facility: 600'-2000'; 260°—360°—1000'.

Procedure turn N side of ers, 208° Outbd, 206° Inbd, 4500' within 10 miles.
Minimum altitude over facility on final approach ers, 3500'.
Crz and distance, facility to airport, 620°—2.5 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 miles after passing PUW VOR, turn left, climbing to 4500' on R 208° of PUW VOR within 10 miles of PUW VOR.
**Red Bank Operations 025°, turn S, climb direct PUW VOR before proceeding on crz.**

**FEDERAL REGISTER, VOL. 31, NO. 146—FRIDAY, JULY 29, 1966**
## RULES AND REGULATIONS

### VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

<table>
<thead>
<tr>
<th>From—</th>
<th>To—</th>
<th>Course and distance</th>
<th>Minimum altitude (feet)</th>
<th>Condition</th>
<th>Ceiling and visibility minimums</th>
</tr>
</thead>
<tbody>
<tr>
<td>FSD VOR</td>
<td>FSD VOR</td>
<td>Direct</td>
<td>2700</td>
<td>T-IPS</td>
<td>200-1</td>
</tr>
<tr>
<td>R 25°, FSD VOR, clockwise</td>
<td>R 25°, FSD VOR</td>
<td>Via 6-nautical miles DME Arp</td>
<td>2700</td>
<td>C-IPS</td>
<td>500-1</td>
</tr>
<tr>
<td>R 00°, FSD VOR, counterclockwise</td>
<td>R 25°, FSD VOR</td>
<td>Via 6-nautical miles DME Arp</td>
<td>2700</td>
<td>A-IPS</td>
<td>500-2</td>
</tr>
<tr>
<td>6-mile DME Fix, R 25°</td>
<td>FSD VORTAC (final)</td>
<td>Direct</td>
<td>2000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Procedure turn W side of crs, 217° Outbound, 147° Inbound, 200' within 10 miles.
Minimum altitude over facility on final approach crs, 200'.
Crss and distance, facility to airport, 147°—4.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles, after passing FSD VOR, climb to 3000' on R 60° within 20 miles.
C-200-1 required for takeoff on Runway 15.
For southbound aircraft when weather is below 2000-2, flight below 3000' beyond 5 miles E and SE of airport is prohibited between R 60° and B 135° of the FSD VOR. Restriction due to 3444' tower, 2.2 miles W.
Reduction not authorized for nonstandard REIL.

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

**TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE**

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

If an instrument approach procedure of the above type is conducted at the below-named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency.

<table>
<thead>
<tr>
<th>Transition</th>
<th>Ceiling and visibility minimums</th>
</tr>
</thead>
<tbody>
<tr>
<td>From—</td>
<td>To—</td>
</tr>
<tr>
<td>FSD VOR</td>
<td>FSD VOR</td>
</tr>
<tr>
<td>R 25°, FSD VOR, clockwise</td>
<td>R 25°, FSD VOR</td>
</tr>
<tr>
<td>R 00°, FSD VOR, counterclockwise</td>
<td>R 25°, FSD VOR</td>
</tr>
<tr>
<td>6-mile DME Fix, R 25°</td>
<td>FSD VORTAC (final)</td>
</tr>
</tbody>
</table>

Radar available.
Procedure turn R side of crs, 00° Outbound, 241° Inbound, 200' within 10 miles.
Minimum altitude over facility on final approach crs, 1100'; 1000' if Belden Int/Radar Fix identified.
Facility on airport, Belden Int/Radar Fix to airport, 241°—1.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of FSD VOR, make immediate left-climbing turn to 200', and hold 8 on R 176°, Clarksville VOR, 1-minute right turns, 360° Inbound.

CAUTION: Runways 1 and 23 due to obstructions in the approach area. Alternate minimums authorized for air carriers only, provided such air carriers have approval of their arrangement for weather service at this airport. Weather service not available to the general public.

<table>
<thead>
<tr>
<th>Transition</th>
<th>Ceiling and visibility minimums</th>
</tr>
</thead>
<tbody>
<tr>
<td>From—</td>
<td>To—</td>
</tr>
<tr>
<td>FSD VOR</td>
<td>FSD VOR</td>
</tr>
<tr>
<td>R 25°, FSD VOR, clockwise</td>
<td>R 25°, FSD VOR</td>
</tr>
<tr>
<td>R 00°, FSD VOR, counterclockwise</td>
<td>R 25°, FSD VOR</td>
</tr>
<tr>
<td>6-mile DME Fix, R 25°</td>
<td>FSD VORTAC (final)</td>
</tr>
</tbody>
</table>

Procedure turn R side of crs, 120° Outbound, 360° Inbound, 3100' within 10 miles.
Minimum altitude over East Chain Int on final approach crs, 1100'; 1000' if Belden Int/Radar Fix identified.
Facility on airport, Belden Int/Radar Fix to airport, 241°—1.1 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of FSD VOR, climb to 3100' on R 312° within 10 miles. Return to VOR and hold 8 on R 10°.

NOTE: Use Moxon City, Iowa, altimeter setting when control zone not effective.

<table>
<thead>
<tr>
<th>Transition</th>
<th>Ceiling and visibility minimums</th>
</tr>
</thead>
<tbody>
<tr>
<td>From—</td>
<td>To—</td>
</tr>
<tr>
<td>FSD VOR</td>
<td>FSD VOR</td>
</tr>
<tr>
<td>R 25°, FSD VOR, clockwise</td>
<td>R 25°, FSD VOR</td>
</tr>
<tr>
<td>R 00°, FSD VOR, counterclockwise</td>
<td>R 25°, FSD VOR</td>
</tr>
<tr>
<td>6-mile DME Fix, R 25°</td>
<td>FSD VORTAC (final)</td>
</tr>
</tbody>
</table>
### Terminal VOR Standard Instrument Approach Procedure—Continued

<table>
<thead>
<tr>
<th>Transition</th>
<th>Ceiling and visibility minimums</th>
</tr>
</thead>
<tbody>
<tr>
<td>From—</td>
<td>To—</td>
</tr>
<tr>
<td></td>
<td>Course and distance</td>
</tr>
<tr>
<td>------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Elizabeth VHF/DME Int...</td>
<td>FFM VOR.</td>
</tr>
<tr>
<td></td>
<td></td>
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<tr>
<td></td>
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<tr>
<td></td>
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</tr>
</tbody>
</table>

Procedure turn N side of crs, 47°0 Outbound, 260° Inbound, 2800' within 10 miles. Minimum altitude over facility on final approach crs, 600'. Facility on airport.

**NOTE:**
- Minimum altitude over facility on final approach crs, 600'. Facility on airport.
- **NOTE:** If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles of FFM VOR, make left-climbing turn to 200'.

### Terminal VOR Standard Instrument Approach Procedure—Continued

<table>
<thead>
<tr>
<th>Transition</th>
<th>Ceiling and visibility minimums</th>
</tr>
</thead>
<tbody>
<tr>
<td>From—</td>
<td>To—</td>
</tr>
<tr>
<td></td>
<td>Course and distance</td>
</tr>
<tr>
<td>------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>R 245°, BTM VOR, clockwise...</td>
<td>R 300°, BTM VOR.</td>
</tr>
<tr>
<td>6-mile DME Fix. R 260°</td>
<td>BTM VOR (final)</td>
</tr>
</tbody>
</table>

**PROCEDURE CANCELED, EFFECTIVE 20 AUG, 1965.**

City, Battie; State, Mont.; Airport name, Silver Bow County; Elev. 6500'; Fac. Class., BMT; Procedure No. VOR/DMB No. 1, Ammt. Orig.; Eff. date, 31 Aug. 65.
### VOR/DF5E Standard Instrument Approach Procedure—Continued

<table>
<thead>
<tr>
<th>From—</th>
<th>To—</th>
<th>Course and distance</th>
<th>Minimum altitude (feet)</th>
<th>Condition</th>
<th>Ceiling and visibility minimums</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Plains Int/11-mile DME Fix, R 334°</td>
<td>UBG VOR</td>
<td>Direct</td>
<td>3000</td>
<td>T-dn 7/10</td>
<td>65 knots or less&lt;br&gt;More than 65 knots&lt;br&gt;More than 65 knots</td>
</tr>
<tr>
<td>Oswego Int/10-mile DME Fix, B 360°</td>
<td>UBG VOR</td>
<td>Direct</td>
<td>3000</td>
<td>T-dn 7/10</td>
<td>65 knots or less&lt;br&gt;More than 65 knots&lt;br&gt;More than 65 knots</td>
</tr>
<tr>
<td>Aurora Int/10-mile DME Fix, R 130°</td>
<td>UBG VOR</td>
<td>Direct</td>
<td>3000</td>
<td>C-n</td>
<td>65 knots or less&lt;br&gt;More than 65 knots&lt;br&gt;More than 65 knots</td>
</tr>
<tr>
<td>5-mile DME Fix, R 183°</td>
<td>UBG VOR</td>
<td>Direct</td>
<td>3000</td>
<td>A-dn</td>
<td>65 knots or less&lt;br&gt;More than 65 knots&lt;br&gt;More than 65 knots</td>
</tr>
</tbody>
</table>

Procedure turn W side of crs, 160° Outbound, 250° Inbound, 270° within 10 miles.

Final approach from holding pattern at UBG VOR not authorized, procedure turn required.

Minimum altitude over facility on final approach crs, 2800'.

Crs and distance, facility to airport, 360°—11.1 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing UBG VOR, or at the 4-mile DME Fix, R 360°, turn right to crs, 140° to intercept UBG VOR, R 014°, thence direct to UBG VOR climbing to 270°. Operations from 6 miles to airport must be conducted in accordance with visual flight rules.

*Transition VOR reception not available below 700'.

*Takeoffs all runways: Climb visually to 1700' over airport, direct to UBG VORTAC.

Weather service not available 2300-0000 local time. Alternate minimums not authorized 2200-0000.

Air carrier not authorized.

MSA within 26 miles of facility: 000°—310°, 180°—270°, 270°—360°.

City: Hillisboro; State: Ore.; Airport name: Portland-Hillsboro; Elev.: 204'; Fac. Class: I; VORTAC; Ident., UC: UBG; Procedure No. VOR/DF5E No. 1, Amdt. 3; Eff. date, 18 Aug. 66; Sup. Amdt. No. 2; Dated, 15 Apr. 66.

<table>
<thead>
<tr>
<th>From—</th>
<th>To—</th>
<th>Course and distance</th>
<th>Minimum altitude (feet)</th>
<th>Condition</th>
<th>Ceiling and visibility minimums</th>
</tr>
</thead>
<tbody>
<tr>
<td>City, Macon; State: Ga.; Airport name, Macon Municipal; Elev.: 164'; Fac. Class: VORTAC; Ident., MCN; Procedure No. VOR/DF5E No. 1, Amdt. 6; Eff. date, 29 Aug. 66; Sup. Amdt. No. 6; Dated, 14 May 66</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

5. By amending the following instrument landing system procedures prescribed in § 9717 to read:

### ILS Standard Instrument Approach Procedure

<table>
<thead>
<tr>
<th>From—</th>
<th>To—</th>
<th>Course and distance</th>
<th>Minimum altitude (feet)</th>
<th>Condition</th>
<th>Ceiling and visibility minimums</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABI VOR</td>
<td>University Int.</td>
<td>Direct</td>
<td>3000</td>
<td>T-dn</td>
<td>65 knots or less&lt;br&gt;More than 65 knots&lt;br&gt;More than 65 knots</td>
</tr>
<tr>
<td>Drye VOR</td>
<td>ABI VOR</td>
<td>Direct</td>
<td>3000</td>
<td>C-dn</td>
<td>65 knots or less&lt;br&gt;More than 65 knots&lt;br&gt;More than 65 knots</td>
</tr>
<tr>
<td>ABI LOM</td>
<td>University Int.</td>
<td>Direct</td>
<td>3000</td>
<td>S-dn 14°</td>
<td>65 knots or less&lt;br&gt;More than 65 knots&lt;br&gt;More than 65 knots</td>
</tr>
<tr>
<td>Newent Int.</td>
<td>Fort Int.</td>
<td>Direct</td>
<td>3000</td>
<td>A-dn</td>
<td>65 knots or less&lt;br&gt;More than 65 knots&lt;br&gt;More than 65 knots</td>
</tr>
</tbody>
</table>

### VOR/DME Standard Instrument Approach Procedure—Continued

<table>
<thead>
<tr>
<th>From—</th>
<th>To—</th>
<th>Course and distance</th>
<th>Minimum altitude (feet)</th>
<th>Condition</th>
<th>Ceiling and visibility minimums</th>
</tr>
</thead>
<tbody>
<tr>
<td>Akron VOR</td>
<td>CA LOM</td>
<td>Direct</td>
<td>2800</td>
<td>T-dn</td>
<td>65 knots or less&lt;br&gt;More than 65 knots&lt;br&gt;More than 65 knots</td>
</tr>
<tr>
<td>Beggs VOR</td>
<td>CA LOM</td>
<td>Direct</td>
<td>2800</td>
<td>C-dn</td>
<td>65 knots or less&lt;br&gt;More than 65 knots&lt;br&gt;More than 65 knots</td>
</tr>
</tbody>
</table>

### Radar available.

Procedure turn E side of crs, 390° Outbound, 170° Inbound, 300° within 10 miles of University Int.

Minimum altitude over University Int on final approach crs, 2000'; over Fort Int, 3000'.

Crs and distance, University Int to Airport, 170°—3.9 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing University Int, climb to 2000' on 8 yaw ILS within 20 miles, or when directed by ATC, turn left and climb to 2000' on R 110° of ABI VOR within 20 miles.

Radar may be used to position aircraft over Fort Int at 2000', with elimination of procedure turn.

**Creating:** Fwore, 325°—2.5 miles WNW; 310°—2.5 miles NW, 2807—3.9 miles NW.

*600-1/2 authorized, except for 4-engine rocket, with operative high-intensity runway lights.*

City: Abilene; State: Tex.; Airport name, Abilene Municipal; Elev., 1778'; Fac. Class, I; VORTAC; Ident., I-AB; Procedure No. ILS-17 (Back crs), Amdt. 6; Eff. date, 29 Aug. 66; Sup. Amdt. No. 6; Dated, 29 July 66.

### Radar available.

Procedure turn E side of crs, 160° Outbound, 250° Inbound, 270° within 10 miles.

Minimum altitude at glide slope interception (ft), 2500'.

Altitude of glide slope and distance to approach end of runway at OW, 240°—3.7 miles; at SM, 160°—3.7 miles.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing CA LOM, climb to 2000' on N crs of OW to Derby Int. Hold N, 1-minute left turn, 160° inbound.

*600-1/2 authorized with glide slope inoperative.*

City: Akron; State: 0h; Airport name, Akron-Canton; Elev., 1208'; Fac. Class, I; VORTAC; Procedure No. ILS-1, Amdt. 16; Eff. date, 20 Aug. 66; Sup. Amdt. No. 6; Dated, 23 Apr. 66.

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### RULES AND REGULATIONS

#### ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

<table>
<thead>
<tr>
<th>From—</th>
<th>Course and distance</th>
<th>Transition</th>
<th>Minimum altitude (feet)</th>
<th>Altitude in glide slope interception</th>
<th>Condition</th>
<th>2-engine or less</th>
<th>More than 2-engine, 10,000 ft or more</th>
<th>Colliding and visibility minimums</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ashley VOR</td>
<td>Broad River VOR</td>
<td>Direct</td>
<td>5000</td>
<td>500’</td>
<td>F-E</td>
<td>200-1</td>
<td>200-1</td>
<td>200-1</td>
</tr>
<tr>
<td>Cherry Int.</td>
<td>Golden Int.</td>
<td>Direct</td>
<td>5000</td>
<td>500’</td>
<td>C-N</td>
<td>500-2</td>
<td>500-2</td>
<td>500-2</td>
</tr>
<tr>
<td>Sportberg VOR</td>
<td>Tucso Int.</td>
<td>Direct</td>
<td>6000</td>
<td>600’</td>
<td>A-D</td>
<td>500-2</td>
<td>500-2</td>
<td>500-2</td>
</tr>
<tr>
<td>Tucso Int.</td>
<td>Broad River VOR (final)</td>
<td>Direct</td>
<td>6000</td>
<td>600’</td>
<td>A-D</td>
<td>100-2</td>
<td>100-2</td>
<td>100-2</td>
</tr>
</tbody>
</table>

**Procedure turn E side of crs, 161° Outbound, 341° Inbound, 500’ within 10 miles of Broad River VOR.**

Minimum altitude at glide slope interception inbound, 300’. Altitude of glide slope and distance to approach and runway at Broad River VOR, 600’—4.7 miles; at OM, 230°—4.6 miles; and MM, 320°—0.6 miles. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.2 miles after passing Broad River VOR, climb on crs of 340° to ABN VOR and continue climb. If necessary, holding pattern S of ABN VOR (right turns, 1 minute) to 500’ or higher as directed by ATC before returning to Broad River VOR or continuing climb on crs, or when directed by ATC, climb on crs of 341° from ABN VOR to 500’ within 20 miles.

If FR departure procedure. Takeoffs to the W will comply with missed approach procedure when climbing to altitude. Takeoffs to S will climb on crs of 161° over the OM and continue on crs of 361° to Broad River VOR. Upon reaching 500’ or higher, as directed by ATC, continue climb on crs.

**CAUTION:** Terrain rises rapidly 2 miles W of airport. All maneuvering for circling approach must be accomplished E of airport. Night alternate predicated on landing straight-in Runway 34.

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**ILS-18L** required when glide slope not utilized.

@ Reduction not authorized.

**ILS-18L** required when glide slope not utilized.

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**ILS-18L** required when glide slope not utilized.

@ Reduction not authorized.

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@ Reduction not authorized.

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@ Reduction not authorized.

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@ Reduction not authorized.

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@ Reduction not authorized.

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**ILS-18L** required when glide slope not utilized.

@ Reduction not authorized.

**ILS-18L** required when glide slope not utilized.

@ Reduction not authorized.
### ILS Standard Instrument Approach Procedure—Continued

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Minimum altitude (feet)</th>
<th>Condition</th>
<th>Ceiling and visibility minimums</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ray Point Int</td>
<td>Hayward Rgn</td>
<td>Direct</td>
<td>6000</td>
<td>T-drift...</td>
</tr>
<tr>
<td>Alliant Int</td>
<td>Hayward Rgn</td>
<td>Direct</td>
<td>6000</td>
<td>C-drift</td>
</tr>
<tr>
<td>OAK VOR</td>
<td>Hayward Rgn</td>
<td>Direct</td>
<td>4000</td>
<td>D-drift...</td>
</tr>
<tr>
<td>Decoto Int</td>
<td>Hayward Rgn</td>
<td>Direct</td>
<td>4000</td>
<td>A-drift...</td>
</tr>
</tbody>
</table>

#### Radar Available

- Procedure turn W side of NW crs, 200° Outbd, 300° Inbd, 3000' within 10 miles.
- Minimum altitude at glide slope interception Enbd, 2000'.
- If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.6 mile after passing 3.8 miles after passing MM, proceed direct to OAK VOR, climbing to 2000' on OAK VOR R 200° to Richmond Int.
- **VVV** required if glide slope not utilized. 400°-1A authorized, except for 4-engine turbojet, with operative ALS.

#### City, Oakland; State, Calif.; Airport name, Metropolitan Oakland International; Elev., 6’; Fac. Class., ILS; Ident., L-OAK; Procedure No. ILS-71B, Amdt. 2; Eff. date, 20 Aug. 66; Sup. Amtd. No. ILS-71B, 20; Dated, 25 Oct. 66

| SAT VOR | Direct | 3000 | T-drift... | 300-1 | 200-1 | 200-15 |
| LOM | | 2700 | C-drift | 500-1 | 500-1 | 500-15 |
| Baytown VOR | | | D-drift... | 200-3 | 200-3 | 200-3 |
| Loma Int | | | A-drift... | 600-2 | 600-2 | 600-2 |
| Russell Int | | | | | | |

#### Procedure turn W side of NW crs, 200° Outbd, 300° Inbd, 2000' within 10 miles.

- Minimum altitude at glide slope interception Enbd, 2000'.
- If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM, climb to 2000' on NB crs of ILS within 10 miles.

- **VVV** required if glide slope not utilized. 400°-1A authorized, except for 4-engine turbojet, with operative ALS.

#### City, San Antonio; State, Tex.; Airport name, San Antonio International; Elev., 866’; Fac. Class., ILS; Ident., L-ANT; Procedure No. ILS-12, Amdt. 9; Eff. date, 20 Aug. 66; Sup. Amtd. No. 8; Dated, 31 June 66

- **VVV** required if glide slope not utilized.

#### Sioux Falls Rgn | | 2700 | C-drift | 300-1 | 300-1 | 200-15 |
| Sioux Falls VOR | | | A-drift... | 600-2 | 600-2 | 600-2 |
| Redfield Int | | | | | | |
| Lamar Int | | | | | | |
| Russell Int | | | | | | |

#### Procedure turn N side of crs, 200° Outbd, 200° Inbd, 2000' within 10 miles of Renner Int.

- Minimum altitude at glide slope interception Enbd, 2000'.
- If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing Renner Int, climb to 2000' on SW crs, 000° within 10 miles of LOM. Return to LOM and hold on 360° bearing.

- **VVV** required if glide slope not utilized. 400°-1A authorized, except for 4-engine turbojet, with operative ALS.

#### City, Sioux Falls; State, S. Dak.; Airport name, Joe Foss Field; Elev., 1429’; Fac. Class., ILS; Ident., L-FSD; Procedure No. ILS-21, Amdt. 8; Eff. date, 20 Aug. 66; Sup. Amtd. No. 7; Dated, 7 Aug. 66

- **VVV** required if glide slope not utilized.

#### Notes:

- *Descent on VOR, climbing to 3000', 300° between R 45° and R 135°, within 10 miles of LOM. It return to LOM and hold on 360° bearing.
- *When aircraft equipped to receive ILS and VOR simultaneously and Marie Int received, following minimums apply for all aircraft except 4-engine turbojet. 400°-1 with high-intensity runway lights; 600°-2 with ALS in operation.

#### Rules and Regulations

- **RULES AND REGULATIONS 10259**
- **FEDERAL REGISTER, VOL. 31, NO. 146-FRIDAY, JULY 29, 1966-**
<table>
<thead>
<tr>
<th>Transition</th>
<th>Ceiling and visibility minimums</th>
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<tr>
<td>From</td>
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<td>Sweet Valley Int</td>
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<td>Thornhurst VOR</td>
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<td>Lisbon Int</td>
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<td>Hazleton Int</td>
<td>CYE RBn.</td>
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<tr>
<td>Hazleton VOR</td>
<td>CYE RBn.</td>
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</tbody>
</table>

Radar available.

Procedure turn W side SW csa, 225° Outbound, 064° Inbound, 350° within 10 miles of Crystal Lake RBn. Minimum altitude at glide slope interception Inbound final, 377° over Crystal Lake RBn.

Altitude of glide slope and distance to approach end of runway at CYE RBn, 350°-50° miles at OM, 220°-3.5 miles at MM, 118°-6.5 miles at Wilkes-Barre LMM. Minimum altitude over Picture Rocks RBn, 350°-8.5 miles.

If visual contact established upon descent to authorized landing minimums or gliding not accomplished within 3.5 miles after passing Picture Rocks RBn, climb to 350° on e-90° from the Wilkes-Barre LOM, then proceed direct to the Wilkes-Barre VOR, maintain 400°. Hold E, 1-minute right turns, Inbound, 268°, or when directed by ATC, 1-climb to 390° on e-90° from the LOM, turn left and proceed direct to Crystal Lake RBn, maintain 350°, hold SW, 1-minute left turns, Inbound, 268°, or when directed by ATC, make a right (NW) climbing turn to 400° to intercept the MIP VOR, R 380°, proceed to Trout Run Int. Field W, Trout Run Int., 1-minute right turns Inbound inland, 110°.

FEDERAL REGISTER, VOL. 31, NO. 146—FRIDAY, JULY 29, 1966

6. By amending the following radar procedures prescribed in § 57.19 to read:

**Radar Standard Instrument Approach Procedure**

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

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

**Procedure Canceled, Effective 20 Aug. 1966.**
### 10261

**Radar Standard Instrument Approach Procedure—Continued**

#### SUBCHAPTER I—AIRPORTS

[Docket No. 7524; Amdt. 1, Amdt. 13; Eff. date, 20 Aug. 66; Sup. Amdt. No. 12; Dated, 12 June 56]

#### PART 151—FEDERAL AIRPORTS

### Equal Employment Opportunity

The purpose of this amendment is to reflect the changes in the equal employment opportunity regulations incorporated in this part brought about by Executive Order 11246 and subsequent action thereunder by the Secretary of Labor.

Section 151.54 reflects the equal employment opportunity requirements applicable to contractors and subcontractors under Federal-aid to Airports grants of the regulations of the President's Committee on Equal Employment Opportunity, 28 F.R. 9612, 11305. By Executive Order 11246, 30 F.R. 12319, the President abolished the Committee and transferred its functions to the Secretary of Labor. The Secretary established an Office of Federal Contract Compliance for the discharge of these responsibilities (31 F.R. 6921). He also adopted as his own the rules of the Committee “to the extent not inconsistent with Executive Order 11246 of September 24, 1965” and replaced the references to officers of the Committee in these rules by references to the Director of the Office of Federal Contract Compliance, effective October 24, 1965 (30 F.R. 13441). These changes should therefore be reflected in §151.54.

Since this amendment merely reflects rule making action already taken by the Secretary of Labor, notice and public procedure thereon are not required and the amendment may be made effective immediately. Accordingly, §151.54 of Part 151 of the Federal Aviation Regulations, 14 CFR 151.54, is amended, effective immediately, as follows:

1. By amending the introductory paragraph to read as follows:

   *In conformity with Executive Order 11246 of September 24, 1965 (30 F.R. 12319) the regulations of the former President's Committee on Equal Employment Opportunity, 41 CFR Part 50-1 (28 F.R. 9612, 11305), as adopted “to the extent not inconsistent with Executive Order 11246” by the Secretary of Labor (“Transfer of Functions,” Oct. 19, 1965, 30 F.R. 13441), are incorporated by reference into Subparts B and C of this part as set forth below. They are referred to in this section by section numbers of Part 50-1 of Title 41.*

2. By amending §151.54(d) by striking out the words “President's Committee on Equal Employment Opportunity” and “Executive Vice Chairman of the President's Committee” and inserting in place thereof, respectively, the words “Office of Federal Contract Compliance in the United States Department of Labor” and “Director of the Office of Federal Contract Compliance”.

3. By striking out the word “Committee” in §151.54(e) and inserting the words “Office of Federal Contract Compliance” in place thereof; and

4. By striking out the words “the Committee Regulations refer” in §151.54(g) and inserting the words “Part 50-1 refers” in place thereof.

Issued in Washington, D.C., on July 15, 1966.

**James F. Rudolph,**

*Acting Director, Flight Standards Service.*

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#### Table: Ceiling and visibility minimums

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<th>From</th>
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<th>Course and distance (miles)</th>
<th>Minimum altitude (feet)</th>
<th>Condition</th>
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<th>More than 2-engine, more than 65 knots</th>
<th>More than 2-engine, more than 65 knots</th>
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<td>60 miles</td>
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**FEDERAL REGISTER, VOL. 31, NO. 146—FRIDAY, JULY 29, 1966**

**William F. McGuire,**

*Administrator.*

**F.R. Doc. 66-7289; Filed, July 28, 1966; 8:45 a.m.**

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**F.R. Doc. 66-2893; Filed, July 23, 1966; 3:47 a.m.**
Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8647 o.]

PART 13—PROHIBITED TRADE PRACTICES

Clairol, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Price for services or facilities for processing or sale under 2(d): § 13.824 Advertising expenses; § 13.825 Allowances for services or facilities.

(Order requiring a New York City manufacturer of beauty preparations, to cease paying discriminatory promotional allowances to competing customers in two channels of trade, beauty salons and regular new-car dealer, to discontinue the sale of its hair-coloring products, in violation of section 2(d) of the Clayton Act.

It is ordered, That the initial decision, as modified and supplemented by the accompanying opinion of the Commission, be, and it hereby is, adopted as the decision of the Commission.

It is further ordered, That respondent, Clairol, Inc., its officers, agents, representatives and employees, directly or indirectly, through any corporate or other device, or in any manner suggesting a relationship with the Du Pont company other than that of seller and purchaser; or that the respondents are affiliated with any company or organization with which, in fact, they are not so affiliated; or that respondent was manufactured, developed, or tested by E. I. du Pont de Nemours & Co., Inc., either by that name or the abbreviated name of Du Pont; or that such products were ever manufactured by any company or organization which, in fact, has not developed or manufactured such products.

PART 13—PROHIBITED TRADE PRACTICES

Wilmington Chemical Corp. and Joseph S. Klehman


(Order requiring a Chicago, Ill., manufacturer of a water repellent product, to cease misrepresenting the origin and waterproofing qualities of its product and making deceptive claims about testing, profitability, discount of notes, and guarantee coverage.

The order to cease and desist is as follows:

It is ordered, That the respondent, Wilmington Chemical Corp., a corporation of the State of Illinois, its officers, and respondent Joseph S. Klehman, individually and as an officer of the corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of water repellent, paints, or any other products, in commerce, as “commerce” is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication, that:

1. Respondents are a subsidiary, exclusive licensee, or division of, or affiliated in any manner with, E. I. du Pont de Nemours & Co., Inc., either by that name or the abbreviated name of Du Pont; or in any other manner suggesting a relationship with the Du Pont company other than that of seller and purchaser; or that the respondents are affiliated with any company or organization with which, in fact, they are not so affiliated; or that respondent was manufactured, developed, or tested by E. I. du Pont de Nemours & Co., Inc., either by that name or the abbreviated name of Du Pont; or that such products were ever manufactured by any company or organization which, in fact, has not developed or manufactured such products.

2. Respondents' products are guaranteed, unless the nature, conditions, and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed.

3. Franchise dealers will earn, or are likely to earn, any specific amount in dollars, or will earn any amounts in excess of that usually earned by respondents' dealers in the normal course of business in a similar trade area.

4. The franchise dealer at any time, or that respondents will pick up any unsold quantities of respondents' products, transfer them to another dealer, or make refund to the dealers for unsold merchandise, or that the contract is other than an agreement between respondents' products to the dealer.

5. Respondents' product will be sold by the customer before payment therefor becomes due.

6. Respondents' products were tested by E. I. du Pont de Nemours & Co., Inc., either by that name or the abbreviated name of Du Pont, by the corporate respondent, or by an independent laboratory.

7. Respondents' products are waterproof or will cause any surface to which they are applied to become waterproof, or in any other way misrepresenting the uses or efficacy of any of their products.

8. Any trade acceptances or any other form of commercial paper or obligation given in payment for merchandise will be retained by the corporate respondent and not sold to, or discounted by, a third party.

B. Furnishing to, or otherwise placing in the hands of, others, including salesmen, retailers, or dealers, the means or instrumentalities by or through which
they may mislead or deceive the public in the manner or as to the things prohibited by this order.

It is further ordered, That the charges contained in paragraphs 6 (8) and (10) and 7 (8) and (10) of the complaint be, and they hereby are, dismissed.

By order of the Commission a report a in writing setting forth in detail the manner and form of their compliance with the order to cease and desist.

Issued: June 17, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, Secretary.

[F.R. Doc. 66-8279; Filed, July 28, 1966; 8:46 a.m.]

Part 13—Prohibited Trade Practices

Guild Mills Corp. and Lawrence W. Guild

Subpart—Importing, selling, or transporting flammable wear; § 13.1090 Importing, selling or transporting flammable wear.


(Commerce and desist order, Guild Mills Corp., et al., Lacomia, N.H., Docket C-1078. June 27, 1966.)

76, 501 p.m.

Part 122—Bank Holding Companies

Investment by Bank Holding Company Subsidiary

§ 222.121 Acquisition of Edge corporation affiliate by State member banks of registered bank holding company.

(a) The Board has been asked whether it is permissible for the commercial banking affiliates of a bank holding company registered under the Bank Holding Company Act of 1956, as amended, to acquire and hold the shares of the holding company's Edge corporation subsidiary organized under section 25(a) of the Federal Reserve Act.

(b) Section 9 of the Bank Holding Company Act amendments of 1966 (Public Law 90-485, approved July 1, 1966) repealed section 8 of the Bank Holding Company Act of 1956. That rendered obsolete the Board's interpretation of section 6 that was published in the March 1966 Federal Reserve Bulletin, page 330 (§ 222.120). Thus, so far as Federal banking law applicable to State member banks is concerned, the answer to the foregoing question depends on the specific terms of the holding company's Edge corporation subsidiary organized under section 25(a) of the Federal Reserve Act.

(c) Accordingly, the Board concludes that, except for such restrictions as may exist under applicable State law, it would be permissible by virtue of paragraph 20 of section 9 of the Federal Reserve Act for any or all of the State member banks that are affiliates of a registered bank holding company to acquire and hold shares of the Edge corporation subsidiary of the bank holding company within the amount limitation in the last sentence of paragraph 12 of section 25(a) of the Federal Reserve Act.

Issued: June 27, 1966.

By the Commission.

[SEAL] JOSEPH W. SHEA, Secretary.

[F.R. Doc. 66-8280; Filed, July 28, 1966; 8:46 a.m.]

Title 21—Food and Drugs

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

Subchapter B—Food and Food Products

Part 120—Tolerances and Exemptions from Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

2,6-Dichloro-4-Nitroaniline

A petition (FP 6PO490) was filed with the Food and Drug Administration by the Upjohn Co., Kalamazoo, Mich. 49001, proposing the establishment of a tolerance for residues of the fungicide 2,6-dichloro-4-nitroaniline in or on the raw agricultural commodity cottonseed at 0.05 part per million. The petitioner later increased the proposed tolerance to 0.1 part per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material, it is concluded that the tolerance established in this order will protect the public health. Therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 409(d) (2), 68 Stat. 512; 21 U.S.C. 348a(d) (2), and delegated to him by the Commissioner of Food and Drugs (21 CFR 2.120; 31 F.R. 3009), § 120.200 is amended by adding thereto a new tolerance as follows:

§ 120.200 2,6-Dichloro-4-nitroaniline; tolerances for residues.

* * * * *

0.1 part per million in or on cottonseed.

* * * * *

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 petition with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., 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 and the grounds for the objections. If a hearing is requested, the ob-
Subpart D—Food Additives Permitted in Food for Human Consumption

Polyoxyethylene (20) Sorbitan Tri—

The Commissioner of Food and Drugs, having evaluated the data in a petition (PAP 61893) filed by Germantown Manufacturing Co., 5100 Lancaster Avenue, Philadelphia, Pa. 19131, and other relevant data, has concluded that the food additive regulations should be amended to provide for the safe use of polyoxyethylene (20) sorbitan tri—

By adding to §121.1029(c)(1) a new subdivision (iii), as follows:

§121.1029 Sorbitan monostearate.

(iii) Polyoxyethylene (20) sorbitan tristearate,

whereby the maximum amount of the additive or additives used does not exceed 0.4 percent of the weight of the finished whipped vegetable oil topping.

3. By adding to §121.1030(c)(1) a new subdivision (ii), as follows:

§121.1030 Polysorbate 60 (polyoxy—

(ii) Polysorbate 60 (polyoxyethylene (20) sorbitan mono—

4. By adding to §121.1030(c)(1) a new subdivision (iii), as follows:

§121.1030 Polysorbate 80 (polyoxy—

(iii) Polysorbate 80.

5. By adding to §121.1047(c)(2) a new subdivision (iii), as follows:

§121.1047 Calcium stearyl-2-lactylate.

(iii) Whipped vegetable oil topping at a level not to exceed 0.3 percent of the weight of the finished whipped vegetable oil topping.

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 with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., 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 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.

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

§121.1008 Polyoxyethylene (20) sorbitan tri—

1. By adding to §121.1008(c)(3) a new subdivision (ii), as follows:

§121.1010 Polyoxyethylene (20) sorbitan—

(ii) Polysorbate 60 (polyoxyethylene (20) sorbitan mono—

PART 121—FOOD ADDITIVES

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

Sanitizing Solutions

The Commissioner of Food and Drugs, having evaluated the data in a petition (PAP 5H1665) filed by West Chemical Products, 42-16 West Street, Long Island City, N.Y. 11101, and other relevant material, has concluded that the food additive regulations should be amended for the safe use of an additional sanitizing solution on food-processing equipment and utensils. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c) (1), 72 Stat. 1786; 21 U.S.C. 348 (c) (1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.130; 31 F.R. 3008), §121.2547 is amended by adding a new paragraph (b) (5) and by revising paragraph (c) (2) and (4), as follows:

§121.2547 Sanitizing solutions.

(b) * * *

(5) An aqueous solution containing elemental iodine, hydriodic acid, isopro—

(3) Solutions identified in paragraph (b) (3) of this section will provide not more than 25 parts per million of titratable iodine. The solutions will contain the components potassium iodide, sodium p—toluenesulfonchloramide, and sodium lauryl sulfate at a level not in excess of the minimum required to produce their intended functional effect.

(4) Solutions identified in paragraph (b) (4) and (5) of this section will contain iodine to provide not more than 25 parts per million of titratable iodine. The adjuvants used with the iodine will not be in excess of the minimum amounts required to accomplish the intended technical effect.

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 with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., 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 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.

J. K. KINK, Acting Commissioner of Food and Drugs.
42.109 Assurance required.

42.107 Application

42.105 Subpart C-Nondiscrimination in Federally Assisted Programs—Implementation of Title VI of the Civil Rights Act of 1964

§ 42.101 Purpose.

The purpose of this subpart is to implement the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 253; Law Enforcement Assistance Act of 1965 (79 Stat. 260)).

§ 42.102 Definitions.

As used in this subpart—

(a) The term “Federal financial assistance” includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(b) The term “United States” includes the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and all other territories and possessions of the United States.

(c) The term “United States” includes the District of Columbia, which is reduced for the purpose of administration of such assistance to the District of Columbia.

(d) The term “recipient” means any newly authorized, or by an existing recipient, as a condition to eligibility for purposes of carrying out a program.

(e) The term “applicant” means one who submits an application, request, or plan to receive Federal financial assistance, and the term “application” means such an application, request, or plan.

(f) The term “disposition” means any treating, handling, decision, sentencing, confinement, or other prescription of conduct.

(g) The term “governmental organization” means the political subdivision for a prescribed geographical area.


§ 42.103 Application of this subpart.

This subpart applies to any program for which Federal financial assistance is authorized under a law administered by the Department.

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§ 42.104 Discrimination prohibited.

(a) General. No person in the United States shall, on the ground of race, color, or national origin, be denied the benefits of any program or activity conducted by any recipient of Federal financial assistance which program, function, or activity is directly or indirectly improved, enhanced, enlarged, or benefited by such Federal financial assistance or which makes use of any facility, equipment, or property provided with the aid of Federal financial assistance.

(b) Specific discriminatory actions prohibited. (1) A recipient under any program to which this subpart applies may not, directly or through contractual or other arrangements, exclude any person, or otherwise subject to discrimination under any program to which this subpart applies, any person because of his race, color, or national origin,

(i) Deny an individual any disposition, service, financial aid, or benefit provided under the program;

(ii) Provide any disposition, service, financial aid, or benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any disposition, service, financial aid, or benefit under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any disposition, service, financial aid, or benefit under the program;

(v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which individuals must meet in order to be provided any disposition, service, financial aid, function or benefit provided under the program; or

(vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program (including the opportunity to participate in the program as an employee but only to the extent set forth in paragraph (c) of this section).

(2) A recipient, in determining the type of disposition, services, financial aid, benefit, which will be provided under any such program to any class of individuals to whom, or the situations in which, such will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.

(3) For the purposes of this section the disposition, service, financial aid, or benefits provided under a program receiving Federal financial assistance shall be deemed to include any portion of any program or function or activity conducted by any recipient of Federal financial assistance which program, function, or activity is directly or indirectly improved, enhanced, enlarged, or benefited by such Federal financial assistance or which makes use of any facility, equipment, or property provided with the aid of Federal financial assistance.

(c) Employment practices. Whenever a primary objective of the Federal financial assistance to a program, to which this subpart applies, is to provide employment, the foregoing prohibitions may not (directly or through contractual or other arrangements) subject any individual to discrimination on the ground of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, employment, layoff, or termination, upgrading, demotion, or transfer, rates of pay or other forms of compensation, and use of facilities).

(d) PBS. (i) Deny an individual any disposition, service, financial aid, or benefit provided under the program;

(ii) Provide any disposition, service, financial aid, or benefit to an individual which is different, or is provided in a different manner, from that provided to others receiving any disposition, service, financial aid, or benefit provided under the program;

(iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any disposition, service, financial aid, or benefit provided under the program;

(iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any disposition, service, financial aid, or benefit provided under the program;

(v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which individuals must meet in order to be provided any disposition, service, financial aid, function or benefit provided under the program; or

(vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program (including the opportunity to participate in the program as an employee but only to the extent set forth in paragraph (c) of this section).

(e) Assurance from academic and other institutions. (1) In the case of any application for Federal financial assistance for any purpose to an academic institution the assurance required by this section shall extend to admission practices and to all other practices relating to the treatment of students.

(2) The assurances required with respect to an academic institution, detention or correctional facility, or any other institution or facility, insofar as the assurance relates to the institution's practices with respect to discrimination in such other treatment of individuals as students, patients, wards, inmates, persons subject to control, or clients of the institution or facility or to the opportunity to participate in the provision of services, disposition, treatment, or benefits to such individuals, shall be applicable to the entire institution or facility unless the applicant establishes, to the satisfaction of the responsible Department official, that the practices in designated parts or programs of the institution or facility will in no way affect its practices in the program or programs of the institution or correctional facility for which Federal financial assistance is sought, or the beneficiaries of or participants in such program.

(f) Assurance required. (a) General. Every application for Federal financial assistance to carry out educational programs, a recipient of such assistance, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirement or condition which the recipient must meet in order to be provided Federal financial assistance to carry out the program; or the assurance relates to the institution's or facility, insofar as the assurance relates to the institution's practices with respect to discrimination in such other treatment of individuals as students, patients, wards, inmates, persons subject to control, or clients of the institution or facility or to the opportunity to participate in the provision of services, disposition, treatment, or benefits to such individuals, shall be applicable to the entire institution or facility unless the applicant establishes, to the satisfaction of the responsible Department official, that the practices in designated parts or programs of the institution or facility will in no way affect its practices in the program or programs of the institution or correctional facility for which Federal financial assistance is sought, or the beneficiaries of or participants in such program.

(2) The assurance required with respect to the construction of a facility or part of such facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith.

§ 42.105 Assurance required.

(a) General. Every application for Federal financial assistance to carry out educational programs, a recipient of such assistance, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirement or condition which the recipient must meet in order to be provided Federal financial assistance to carry out the program; or the assurance relates to the institution's or facility, insofar as the assurance relates to the institution's practices with respect to discrimination in such other treatment of individuals as students, patients, wards, inmates, persons subject to control, or clients of the institution or facility or to the opportunity to participate in the provision of services, disposition, treatment, or benefits to such individuals, shall be applicable to the entire institution or facility unless the applicant establishes, to the satisfaction of the responsible Department official, that the practices in designated parts or programs of the institution or facility will in no way affect its practices in the program or programs of the institution or correctional facility for which Federal financial assistance is sought, or the beneficiaries of or participants in such program.

(b) Cooperation and assistance. Each responsible Department official shall, to the fullest extent practicable, seek the cooperation of recipients in obtaining compliance with this subpart and shall provide assistance, and guidance to recipients to help them comply voluntarily with this subpart.

(b) Compliance reports. Each recipient shall keep such records and submit to the responsible Department official or any representatives, to the fullest extent practicable, such reports as may be necessary to enable him to ascertain whether the recipient has complied or is complying with this subpart.

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In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient or subcontracts with any other person or group, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this subpart.

(c) Access to sources of information. Each recipient shall permit access by the responsible Department official or his designee during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities, as may be pertinent to ascertain compliance with this subpart. Whenever any information required of a recipient is in the exclusive possession of any other agency, institution, or person and that agency, institution, or person fails or refuses to furnish that information, the recipient shall so certify in its report and set forth the efforts which it has made to obtain the information.

(d) Information to beneficiaries and participants. Each recipient shall make available to participants, beneficiaries, and others such information regarding the provisions of this subpart and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the responsible Department official finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this subpart.

§ 42.107 Conduct of investigations.

(a) Periodic compliance reviews. The responsible Department official or his designee shall from time to time review the practices of recipients to determine whether they are complying with this subpart.

(b) Complaints. Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this subpart may by himself or by a representative file with the responsible Department official or his designee a written complaint. A complaint must be filed not later than 90 days from the date of the alleged discrimination, unless a tolled time for filing is extended by the responsible Department official or his designee.

(c) Investigations. The responsible Department official or his designee will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this subpart. The investigation will include, whenever appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this subpart occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this subpart.

(d) Resolution of matters. (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this subpart, the responsible Department official or his designee will notify the matter to such person as may be necessary to resolve the matter by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 42.108.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph, the responsible Department official or his designee will inform the recipient and the complainant, if any, in writing.

(e)IMITATORY or retaliatory acts are prohibited. No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this subpart, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subpart. The identity of complainants and witnesses shall be kept confidential except to the extent necessary to carry out the purposes of this subpart, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

§ 42.108 Procedure for effecting compliance.

(a) General. If there appears to be a failure or threatened failure to comply with this subpart and if the noncompliance or threatened noncompliance cannot be corrected by informal means, the responsible Department official or his designee may suspend or terminate, or refuse to grant or continue, Federal financial assistance, or use any other means authorized by law, to induce compliance with this subpart.

(b) Noncompliance with assurance requirement. If an applicant or recipient fails or refuses to furnish an assurance required under § 42.105, or fails or refuses to comply with the provisions of the assurance it has furnished, or otherwise fails or refuses to comply with any requirement imposed by or pursuant to Title VI or this subpart, Federal financial assistance may be suspended, terminated, or refused in accordance with the procedures of Title VI and this subpart.

(c) Termination of or refusal to grant or to continue Federal financial assistance. No order suspending, terminating, or refusing to grant or to continue Federal financial assistance shall become effective unless (1) the responsible Department official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be achieved by voluntary means, (2) there has been an express finding in the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this subpart, or that the action has been approved by the Attorney General pursuant to § 42.110, and (4) the expiration of 30 days after the Attorney General has found a failure to comply and of the action to be taken to effect compliance.

§ 42.109 Hearings.

(a) Opportunity for hearing. Whenever an opportunity for a hearing is required by § 42.108(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. That notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matter concerning which the action is asserted as the basis for that action.

§ 42.108 Notice of action.

(a) Notice of action. Whenever a notice is required by § 42.108(c), it shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. That notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matter concerning which the action is asserted as the basis for that action.

(b) Notice of action on applicant or recipient of the place and time of that hearing. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, shall be given reasonable notice of, and have the right to attend any hearing held pursuant to this section.
§ 42.110 Decisions and notices.

(a) Decisions by person other than the responsible Department official. If the hearing is held by a hearing examiner, such hearing examiner shall either make an initial decision, if so authorized, or certify the same record, including his recommended findings and proposed decision, to the responsible Department official for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Whenever the final decision is made by the hearing examiner, the applicant or recipient may, within 30 days of the mailing of such notice of final decision, file with the responsible Department official his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the responsible Department official may on his own motion, within 45 days after the initial decision, serve on the applicant or recipient a notice that he will review the decision. Upon filing of such exceptions, or of such review by the responsible Department official, the hearing examiner shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of exceptions, or of review by the responsible Department official, the final decision shall constitute the final decision of the responsible Department official.

(b) Decisions on the record or on review by the responsible Department official. Whenever a record is certified to the responsible Department official for decision or he reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or whenever the responsible Department official conducts the hearing, the applicant or recipient shall be given a reasonable opportunity to file with him briefs or other written statements of its contents, and a copy of the final decision of the responsible Department official shall be given in writing to the applicant or recipient and to the complainant, if any.

(c) Decisions on the record whenever a hearing is waived. Whenever a hearing is waived pursuant to § 42.109(a), a decision by the responsible Department official shall be made, if required, or certified to, or by the hearing examiner, on the record and a copy of such decision shall be given in writing to the applicant or recipient, and to the complainant, if any.

(d) Recordings and proceedings. Each decision of a hearing officer or responsible Department official shall set forth his ruling on each finding, conclusion, or exception. There shall be Certification of the hearing examiner, the applicant or recipient, or the complainant, if any.

(e) Approval by Attorney General. Any final decision of a responsible Department official (other than the Attorney General) which provides for the suspension or termination of, or refusal to grant, or to continue, Federal financial assistance in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with, and will effectively further, the purposes of the Act and this subpart, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this subpart, or to have otherwise failed to comply with this subpart, unless and until, it corrects its noncompliance and satisfies the responsible Department official that it will fully comply with this subpart.

§ 42.111 Judicial review. Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

§ 42.112 Effect on other regulations; forms and instructions.

(a) Effect on other regulations. Nothing in this subpart shall be deemed to supersede any provision of Subpart A or B of this part, or of any other regulation or instructions which prohibits discrimination on the ground of race, color, or national origin in any program or activity to which this subpart is applicable, or which prohibits discrimination on any other ground.

(b) Forms and instructions. Each responsible Department official, other than the Attorney General or Deputy Attorney General, shall issue and promptly make available to interested persons forms and detailed instructions and procedures for effectuating this subpart as applied to programs to which this subpart applies and for which he is responsible.

(c) Supervision and coordination. The Attorney General may from time to time assign to officials of the Department, or to officials of other departments or agencies of the Government, with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of Title VI of the Act and this subpart, (other than responsibility for final decision as provided in § 42.110(d), including the achievement of the effective coordination and maximum uniformity within the Department and within the Executive Branch of the Government in the application of Title VI of the Act and this subpart to similar programs and in similar situations.

This subpart shall become effective on the 30th day following the date of its publication in the Federal Register.

Dated: July 5, 1966.

NICHOLAS D. KATZENBACH,
Attorney General.
RULES AND REGULATIONS

Title 29—LABOR
Chapter XIV—Equal Employment Opportunity Commission
PART 1601—PROCEDURAL REGULATIONS

Miscellaneous Amendments

By virtue of the authority vested in it by section 713(a) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e–12(a), the Equal Employment Opportunity Commission hereby amends Part 1601 of its regulations as set forth below.

The purpose of this amendment is to describe more clearly the present Commission policy with respect to the filing and amendment of charges and to standardize the procedures for the investigation and disposition of charges and the reconsideration of Commission determinations with respect to charges.

Because the amendments herein adopted are procedural in nature the provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. 554, for public notice and delay in effective date are inapplicable, and these regulations shall become effective immediately.

1. The table of contents of Part 1601 is revised to read as follows:

Sec. 1601.1 Purpose.

Subpart A—Definitions

1601.3 Terms defined in Title VII of the Civil Rights Act of 1964.

1601.6 Charges by aggrieved persons.

1601.7 Where to file.

1601.8 Forms; Juris.

1601.9 Withdrawal of charge by an aggrieved person.

1601.10 Charges by members of the Commission.

1601.11 Contents; amendment.

1601.12 Referrals to State and local authorities.

1601.13 Service of charge.

Subpart B—Procedure for the Prevention of Unlawful Employment Practices

1601.15 Submission of information.

1601.16 Charges by aggrieved persons.

1601.17 Payment of witness fees and mileage.

1601.18 Right to inspect or copy data.

1601.19 Determination of reasonable cause.

1601.20 Confidentiality.

1601.21 Withdrawal.

1601.22 Conciliation; settlements.

Subpart C—Notice to Employees, Applicants for Employment and Union Members

1601.23 Notice to respondent and aggrieved persons.

Subpart D—Interpretations and Opinions by the Commission

1601.25 Notice to respondent and aggrieved person.

Subpart E—Construction of Rules

1601.31 Rules to be liberally construed.

Subpart F—Issuance, Amendment or Repeal of Rules

1601.32 Petitions.

1601.33 Action on Petition.

Authority: The provisions of this Part 1601 are issued under sec. 713(a) of the Civil Rights Act of 1964, 42 U.S.C. 2000e–12(a).

2. Section 1601.11 is revised to read as follows:

§ 1601.11 Contents; amendment.

(a) Each charge should contain the following:

1. The full name and address of the person making the charge.

2. The full name and address of the person against whom the charge is made (hereinafter referred to as the respondent).

3. A clear and concise statement of the facts, including pertinent dates, constituting the alleged unlawful employment practice.

4. If known, the approximate number of employees of the respondent employer or the approximate number of members of the affected labor organization, as the case may be.

5. A statement disclosing whether proceedings involving the alleged unlawful employment practices have been commenced or are then pending in any court or before any administrative body charged with the enforcement of fair employment practice laws, and, if so, the date of such commencement and the name of the authority.

(b) Notwithstanding the provisions of paragraph (a) of this section, a charge is deemed filed when the Commission receives from the person aggrieved a written statement precise to identify the parties and to describe generally the action or practices complained of. A charge may be amended to cure technical defects or omissions, including failure to swear to the charge, or to clarify and amplify allegations made therein, and such amendments relate back to the original filing date. However, no amendment alleging additional acts constituting unlawful employment practices not directly related to or growing out of the subject matter of the original charge will be permitted only where at the date of the amendment the allegations could have been timely filed as a separate charge.

3. Section 1601.13 is revised to read as follows:

§ 1601.13 Service of charge.

Upon the filing of a charge or the amendment of a charge, the Commission shall furnish the respondent with a copy thereof by certified mail or in person.

4. Section 1601.14 is revised to read as follows:

§ 1601.14 By whom made.

The investigation of a charge shall be made by the Commission. During the course of such investigation, the Commission may utilize the services of State and local agencies which are charged with the administration of fair employment practice laws or appropriate Federal agencies. As part of each investigation, the charging party and the respondent shall each be offered an opportunity to submit a statement of its position or evidence with respect to the matters at issue.

The statement and evidence of the respondent should be submitted within 10 days after receipt of the charge, but the Commission will endeavor to consider statements or evidence submitted thereafter by either party if received by the Commission prior to the determination pursuant to § 1601.19. The Commission encourages voluntary cooperation in its investigations, but will resort to the compulsory processes authorized by Title VII, when, in its judgment, such resort becomes necessary.

5. Section 1601.19 is revised to read as follows:

§ 1601.19 Determination of reasonable cause.

(a) Upon the completion of an investigation, the Commission shall determine whether there is reasonable cause to believe that the charge is valid. If the Commission determines that the charge is to be dismissed for failure to state a valid claim for relief under Title VII, or that there is not reasonable cause to believe that the charge is true, the Commission shall dismiss the charge. Where the Commission determines that there is reasonable cause to believe that an unlawful employment practice has occurred or is occurring, it shall endeavor to eliminate such practice by informal methods of conference, conciliation and persuasion.

(b) The Commission shall promptly notify the charging party, the respondent, and, in the case of a charge filed under § 1601.10, the person aggrieved, if known, of its determination under this section. Any party aggrieved by such determination may within 5 days of receipt of such notice request that the Commission reconsider its action. Such reconsideration will be granted only on the basis of additional material evidence not previously available to the party aggrieved or for other good cause shown. The Commission may at any time on its own motion reconsider a determination of reasonable cause, but a dismissal of a charge becomes final upon expiration of the time within which to seek reconsideration.
PART 824—AIR FORCE PARTICIPATION IN PUBLIC EVENTS

§ 824.1 Purpose.

§ 824.2 Policy.

§ 824.3 Definitions.

§ 824.4 General policy for participating in public events.

§ 824.5 Funding policy.

§ 824.6 Approval requirements.

§ 824.7 Use of aircraft.

§ 824.8 Use of personnel, bases and equipment.

§ 824.9 Loan of equipment and base facilities.

§ 824.10 Checklists.

§ 824.11 General Instructions.

Purpose: This part tells when Air Force participation may and may not be provided for public events and community relations programs.

AIR FORCE PARTICIPATION

The following terms are defined for this part:

(a) Air Force exhibits. Any display for public affairs purposes of Air Force materials or personnel.

(b) Air Force share of costs. Those continuing type costs which would exist if the Air Force did not participate in the event.

(c) Audiences. Any type of Air Force installation on active status, including Government-owned or leased facilities at a municipal or county airport.

(d) Classes of public events. Audience and or participation from the United States and at least one other nation.

(e) Community relations area. The geographical area wherein Air Force facilities and or personnel have a social or economic impact on the populace.

(f) Fraternal groups. Societies whose members are banded together for mutual benefit or for work towards a common goal. They include, but are not limited to, such organizations as the Fraternal Order of the Eagles, Benevolent and Protective Order of Elks, Loyal Order of the Moose, Free and Accepted Masons (Scottish Rite, York Rite, and Shriner), Knights of Columbus, Knights Templar, Independent Order of Odd Fellows, and Order of the Eastern Star. Service or maximum performance takeoffs and landings or similar flight operations.

(g) Parachute demonstrations. Include demonstrations by parachute teams and sports clubs.

(h) Air Force share of costs. Those continuing type costs which would exist if the Air Force did not participate in the event.

(i) Classes of public events. Audience and or participation from the United States and at least one other nation.

(j) Community relations area. The geographical area wherein Air Force facilities and or personnel have a social or economic impact on the populace.

(k) Fraternal groups. Societies whose members are banded together for mutual benefit or for work towards a common goal. They include, but are not limited to, such organizations as the Fraternal Order of the Eagles, Benevolent and Protective Order of Elks, Loyal Order of the Moose, Free and Accepted Masons (Scottish Rite, York Rite, and Shriner), Knights of Columbus, Knights Templar, Independent Order of Odd Fellows, and Order of the Eastern Star. Service or
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of Foreign Wars, Disabled American Veterans, American Veterans of World War II and Korea (AMVETS), Military Order of the World Wars, Italian-American Veterans, Catholic War Veterans, Jewish War Veterans, and auxiliaries and youth societies officially attached to the veterans' organizations.  

(2) Washington, D.C. area.  The District of Columbia; the city of Alexandria, Virginia; the counties of Arlington and Fairfax, Virginia; and the counties of Montgomery and Prince Georges in Maryland, together with incorporated municipalities lying within these borders.

§ 824.4 General policy for participating in public events.

(a) Participation is authorized, encouraged, and essential, within the limits defined in this part, to inform the public, demonstrate Air Force preparedness, promote national security, stimulate public understanding of the Air Force mission, and aid community relations. A positive approach to providing participation will be used.

(b) All participation will be subject to operational requirements for personnel, facilities, and material resources; the significance of the event in relation to other Air Force programs; and cost considerations.

(c) Nothing in this part authorizes the release, compromise or downgrading of classified equipment, performance data, or information.

(d) Participation must not directly or indirectly benefit or appear to benefit or favor any private individual, commercial venture, sect, or political or fraternal group.

(e) Participation cannot support commercial advertising, publicity, promotional activities, or events which benefit or favor any private individual, commercial venture, sect, or political or fraternal group.

(f) A general admission charge does not necessarily prohibit participation. However, no specific or additional charge can be made by sponsors to cover the cost of Air Force participants unless the exhibit, demonstration, parade, flyover, etc.

(g) Participation shall be incidental to the event except for patriotic programs, celebration of national holidays, or events which are open to the general public at no admission charge.

(h) Participation in support of nationally recognized veterans' organizations is authorized when the program or event is oriented exclusively to the veteran. Participation is not appropriate when it supports some other special objective of the organization such as sectarian or religious programs and ethnic or national origin purposes. Similarly, participation in support of nonpublic schools is authorized if it is clearly done in support of education or recruiting programs.

(i) Participation in any public event is authorized only if admission, seating, transportation, and all other accommodations and facilities connected with the event or activity are available to all without regard to race, creed, color or national origin. (See AFR 25-78 (Equal Opportunity and Treatment of Military Personnel) (Part 886 of this chapter).)

(j) Participation in support of fund-raising events is limited to: (1) Officially recognized Federal, joint, or other authorized campaigns, but not for a single cause, even though it is a member of an officially recognized campaign; and not for an event where the proceeds are to be donated only in part to one or several numbered or national veterans' organizations; (2) Fund appeals authorized by the President or the Chairman of the Civil Service Commission.

(j) Participation in support of fund-raising events is limited to: (1) Officially recognized Federal, joint, or other authorized campaigns, but not for a single cause, even though it is a member of an officially recognized campaign; and not for an event where the proceeds are to be donated only in part to one or several numbered or national veterans' organizations; (2) Fund appeals authorized by the President or the Chairman of the Civil Service Commission.

(k) Participation is not authorized in public events for which civilians should properly be employed or when the presence of Air Force participants deprives a civilian group from employment opportunities.

(3) Collections for the Air Force Aid Society and other authorized military aid societies.

(4) Public or sports events held for the sole purpose of raising funds for United States teams competing in the Pan American Games and Olympic Games.

Note: This does not prohibit Air Force personnel from participating as private citizens in voluntary agency fund-raising activities which are not recognized for on-the-job solicitation within the Federal Government. However, Air Force personnel may not participate in their official capacity either during duty or non-duty hours, nor may such participation be conducted as an official command-sponsored project.

§ 824.5 Funding policy.

The basic Air Force policy is to keep costs of Government participation to the minimum possible consistent with community relations objectives. This can best be done by arranging resources available in the local community relations area and not planning or encouraging types of participation requiring additional cost to the Government unless it is in the best interest of the Air Force. In determining payment for costs of participation, there are two categories of events—those of primary interest to DoD or the Air Force with all costs borne by the Air Force, and those of mutual interest to the Air Force and the sponsor with costs shared. The following guidelines apply:

(a) Events of primary interest when a unit commander is authorized to bear all costs are:

(1) DOD, HQ USAF, or civic sponsored public observances of United States national holidays.

(2) Official civic ceremonies and functions.

(b) Events of primary interest when a unit commander may bear all costs after obtaining approval as specified in § 824.6 are:

(1) Speaking engagements.

(2) Events of primary interest when a unit commander may bear all costs after obtaining approval as specified in § 824.6 are:

(b) Events of primary interest when a unit commander may bear all costs after obtaining approval as specified in § 824.6 are:
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§ 824.6 Approval requirements.

Exempt as noted in this section, major air commands and the National Guard Bureau are delegated authority to approve participation of resources under their control according to the policy provisions of this part. Major air commands and the National Guard Bureau may delegate approval authority as desired. Delegation to the commander having the resources to provide the participation requested is encouraged.

(a) Events or programs requiring approval of the Assistant Secretary of Defense (Public Affairs) through channels to Secretary of the Air Force (SAF-OIC) are:

(1) International and national events, or events considered to be in the national interest;

(2) Public events in the Washington, D.C., area;

(3) Aerial demonstrations held off military installations, except sports parachute participation as explained in § 824.7(d)(2).

(4) Participation in events of professional, technical, or scientific interest to the Air Force when such participation will result in additional cost to the Government; and

(5) Off-base static display requirements.

§ 824.7 Use of aircraft.

There are three categories of aircraft participation: paratrooper displays, flyovers, and aerial demonstrations. As practicable, flying time accrued will be used for flying proficiency or training purposes. The following supplementary guidelines and procedures apply:

(a) General. (1) Static displays, flyovers, and aerial demonstrations are authorized on military bases and installations and at events held by Reserve components, with no indemnity insurance required.

(2) Mass parachute jumps, equipment drops, assault aircraft demonstrations, or helicopter troop landings under simulated tactical conditions can be held only during an "open house" event.

(b) Off-base static display requirements.

(1) Sponsor costs will be determined by § 824.5.

(2) Off-base flyover requirements.

§ 824.8 Approval requirements. Includes flight demonstrations and parachute demonstrations as explained in § 824.3(b).

§ 824.9 Flight demonstration guidelines.

(1) Flight demonstration guidelines.

(2) Flight demonstrations may be held only at a public airport or over an open body of water.

(3) Sponsor is required to obtain a public liability insurance endorsement for demonstrations held in the 50 States of the United States to safeguard the Government from any claims which might arise. Sponsor must submit the policy direct to the Office of the Assistant Secretary of Defense (Public Affairs), Directorate for Community Relations, Pentagon, Washington, D.C. 20301, no later than 30 days before the date of the event. The certificate for aerial demonstrations includes the approved insurance policy endorsement which must be quoted verbatim in the sponsor approval policy.

(4) Flight demonstrations by the USAF Thunderbirds are limited to 2 days performance at events in the civilian domain and the team will not be scheduled with the United States Navy Blue Angels are performing at the same event.

(5) Parachute demonstration guidelines.

(1) Requests for off-base demonstrations at locations other than airports and military bases shall be submitted to the nearest office of the Assistant Secretary of Defense (Public Affairs), Directorate for Community Relations, Pentagon, Washington, D.C. 20301, not later than 30 days before the date of the event. The certificate for demonstration includes the approved insurance policy endorsement which must be quoted verbatim in the sponsor approval policy.
or similar large open areas are discouraged and normally will not be approved by DOD for reasons of safety to the public, military participants, and aircraft. Jumping into enclosed areas such as a stadium, ballpark, or other location bordered by permanent structures or obstacles, or requiring the aircraft to maneuver over densely populated areas such as a residential or downtown business area is similarly to be avoided.

(ii) Sponsoring required to obtain insurance policy and subparagraph (1) and (ii) of this paragraph applies except that no insurance is required for sports type participation in competitive parachute meets sanctioned by the Parachute club of America, provided such competitions are not in conjunction with a public event. Participation is authorized in competitions meeting these criteria for official parachute teams, parachute sports clubs, or qualified individuals at no additional cost to the Government.

(iii) Only one parachute team or club from each service may participate in a public event.

§ 824.8 Use of personnel, bases, and equipment.

(See § 824.3(m).)

(a) General: (1) Except for an exhibit, participation in fairs, expositions, festivals, and local celebrations will not exceed three days.

(2) Providing military entertainment is not authorized for luncheons, dinners, receptions, or dances in the civilian domain when primarily sponsored and attended by other than military personnel, on active duty. (See Part 820 of this subchapter.)

(3) Determine sponsor costs according to § 824.5.

(b) Participation is appropriate for:

(1) Official civil ceremonies when attended by senior officials of the Government in performing their official duties. Participation is not appropriate for social, cultural, or athletic events when privately funded or sponsored by trade or news media associations and social or other organizations, even though attended by Government officials, unless such participation is of mutual benefit to the public and conforms to policy provisions of this part.

(2) Support of recruiting in any public event at no additional cost to the Government and conform to policy provisions of this part.

(3) ROTC training programs, including military balls held on campus.

(4) Physical fitness programs.

(5) Free social and entertainment activities held on base if sponsored by a military unit for active duty personnel and their family, if held for the principal purpose of social life or esprit de corps.

Participation is appropriate for similar events held off-base only if there is no suitable on-base military facility available. A charge levied to defray expenses of food, beverage, and other incidental expenses is not a bar to participation.

(6) Athletic competition of a military team or teams in a scheduled, regular season game where it is in the primary interest of the Air Force.

(7) Nonprofessional sports events (except postseason college bowl games) only at no additional cost to the Government and participation can be justified in the best interest of the Air Force.

(8) Community sponsored civic parades includes such events as Christmas parades even though commercial firms are participating, if held on a Sunday, a holiday, or at times when shops are closed for business and if the overall emphasis of the parade is on civic rather than commercial aspects. Participation is authorized only at no additional cost to the Government when commercial firms are represented.

(c) Participation is not appropriate for:

(1) Off-base professional (commercial) sports events except for athletic teams as explained in subparagraph (3) of this paragraph and for a color guard as explained in paragraph (1) of this section.

(2) Commercial motion picture premieres, commercial parades, fashion shows, beauty pageants, and similar events.

(3) An Air Force athletic team in an off-base professional sporting event or in a postseason bowl game because of the commercial interests involved and probable ensuing requests for additional Air Force support to the event. DOD will seriously consider requests for approval (see § 824.6(a)(6)) only when the following conditions prevail:

(i) The participating Air Force team is organized for regular season play.

(ii) The Government or supporting nonappropriated fund will be reimbursed from game proceeds for travel and per diem costs.

(iii) Fifty percent of the proceeds, after game, travel, and per diem expenses have been paid is donated to the Air Force Aid Society or the unit welfare fund, and the remainder is donated to a charity of the service's choice.

(1) The permission can be expected to bring credit to the Air Force and assist in recruiting or related personnel procurement objectives.

(d) Use of personnel: Air Force personnel will not be used as ushers, guards, parking lot attendants, or communicators for public events off-base. Individuals may act as escort in beauty pageants or other local communitywide civic sponsored ceremonies if the following conditions prevail:

(1) The approving commander believes participation is appropriate and in good taste.

(2) The individuals volunteer for the assignment.

(3) There is no interference with military duties or operations.

(4) There is no additional cost to the Government.

(e) Use of exhibits: (1) Display of exhibits at fairs, expositions, carnivals, or other paid admission events will not be sponsored or carry flags of foreign nations, veterans' groups, or other non-military organizations.

(f) Display of public service exhibits at fairs, expositions, carnivals, or other paid admission events will be sponsored only when the following conditions are met:

(1) The public affairs program in coordination with the participating sponsors, individuals, or groups, will be clearly identified in advance.

(2) Equipment is locally available and its loan or use of the base is a prudent use of resources and does not interfere with the mission.

(3) The public affairs objective to be met transcends any direct or implied competition with commercial sources.

(4) There is no significant potential danger to private property or citizens that could result in a claim against the Government.

(5) If a public information program of a nongovernment organization will benefit, the following criteria also apply:

(a) The program must be sponsored by a responsible organization and participate on a cooperative basis.

(b) The individual organizations, individuals, or groups, will be clearly identified in advance. The public information program involved must be known to be politically nonpartisan and there should be a reasonable assumption of judgment by the unit commander that no aspect will be contrary to U.S. national policy.

(c) Nongovernment public information programs will not be sponsored or displayed in the best available sites, even those commercially owned, if it is in the best interest of the Air Force; the commander concerned approves; and there is no additional cost to the Government for rental or utility charges.

(g) Use of color guards: (1) Except as noted in paragraph (c) of this section, a color guard is the only participation authorized in professional (commercial) sports events and only on the opening day of a season, a playoff or an overall financial loss, World Series, or similar significant games or matches.

(h) Air Force personnel may carry flags of foreign nations in official civil ceremonies when an official of the nation concerned is present in his official capacity and is one for whom honors would normally be rendered. In all other public events, Air Force personnel are not authorized to carry flags of foreign nations, veterans' groups, or other non-military organizations.

(i) A joint Armed Forces color detail will be employed to the maximum extent possible for participation in national athletic events. It will be composed of Two Army bearers with National and Army colors; one each Marine Corps, Navy, Air Force, and Coast guard bearer with individual service colors; and one each Arm and Marine Corps rifleman as escorts.

(4) If a joint Armed Forces color detail is employed, the escort will be carried by the senior member of the senior military service present.

§ 824.9 Loan of equipment and base facilities.

(a) The loan of Air Force equipment and use of Air Force bases for civilian domain public affairs purposes is appropriate when the following criteria are met:

(1) The public affairs purpose involved is of direct interest and concern to the Air Force; is a program actively participated in by the unit; and, is wholly within the scope of its public affairs responsibilities.

(2) Equipment is locally available and its loan or use of the base is a prudent use of resources and does not interfere with the unit mission.

(3) The public affairs objective to be met transcends any direct or implied competition with commercial sources.

(4) There is no significant potential danger to private property or citizens that could result in a claim against the Government.

(b) If a public information program of a nongovernment organization will benefit, the following criteria also apply:

(i) The program must be sponsored by a responsible organization and participate on a cooperative basis.

(ii) The individual organizations, individuals, or groups, will be clearly identified in advance. The public information program involved must be known to be politically nonpartisan and there should be a reasonable assumption of judgment by the unit commander that no aspect will be contrary to U.S. national policy.

(iii) Nongovernment public information programs will not be sponsored or
co-sponsored by an Air Force command or unit.

§ 824.10 Checklists.

To aid civilian sponsors desiring military participation and to guide Air Force officials receiving such requests, checklists will be prepared and distributed separately. To expedite completed action, each checklist is designed to provide the approving authority with the information needed to determine the scope and type of Air Force participation authorized.

(a) Information officers will assist sponsors to complete the checklist and will forward it through channels if the requested participation is not locally available or if it is an event requiring approval of higher authority.

§ 824.11 General instructions.

(a) Air Force Academy student sports and athletic programs are exempt from this part and will be guided by policies established by the Superintendent of the Academy.

(b) A minimum of 60 days lead time at Hq USAF is desired for requests received from sponsors for participation in unscheduled events requiring Hq USAF or DOD approval. For major programmed and scheduled events, the maximum possible lead time is required and 18 to 24 months is desired.

(c) Requests are frequently received directly from civilian sponsors at Hq USAF. When this happens, the major air command with the base closest to the requesting community is assigned responsibility and asked to appoint a project officer from that base to coordinate all Air Force participation.

(d) Requests for exceptions to policies in this part will be considered only for highly unusual circumstances. Submit such requests through command channels to Secretary of the Air Force (SAF-OIC), Washington, D.C. 20330.

(e) The National Guard Bureau directives take precedence for Air National Guard units except that the policy in this part on use of aircraft will not be waived without authority of Hq USAF (AFXOP).

SUBCHAPTER I—MILITARY PERSONNEL

PART 886—EQUAL OPPORTUNITY AND TREATMENT OF MILITARY PERSONNEL

§ 886.11 [Deleted]

In Part 886, §§ 886.11, Reports of racial incidents, is deleted.

(See 8012, 70A. Stat. 488; 10 U.S.C. 8012) [AFR 55–76A, Apr 7, 1966]

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By order of the Secretary of the Air Force.

LUCIAN M. FERGUSON,

[F.R. Doc. 66–6297; Filed, July 26, 1966; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Ouray National Wildlife Refuge, Utah

The following special regulation is issued and is effective on date of publication in the Federal Register.

§ 32.32 Special regulations; big game; for individuals in refuge areas.

Title 95—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Safety and Service Board, held in Washington, D.C., on the 25th day of July A.D. 1966.

Upon further consideration of Service Order No. 966 (31 F.R. 8816) and good cause appearing therefor:

It is ordered:

Section 95.986 Service Order No. 966 (Distribution of Boxcars), be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) Expiration date. This order shall expire at 11:59 p.m., August 14, 1966, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 31, 1966.


It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order 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, Railroad Safety and Service Board.

[Seal] H. NEIL GARSON, Secretary.

[F.R. Doc. 66–6326; Filed, July 28, 1966; 8:46 a.m.]
Proposed Rule Making

DEPARTMENT OF AGRICULTURE
Consumer and Marketing Service
[ 7 CFR Part 919 ]

HANDLING OF PEACHES GROWN IN MESA COUNTY, COLO.

Notice of Proposed Rule Making With Respect to Expenses and Rate of Assessment for 1966–67 Fiscal Year

Consideration is being given to the following proposals submitted by the Administrative Committee, established under the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919), regulating the handling of peaches grown in Mesa County, Colo., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof; (1) To increase the expense that is reasonable and likely to be incurred by the Administrative Committee during the period from March 1, 1966, through February 28, 1967, will amount to $14,000 and (2) that there be fixed, at $0.0475 per bucket basket, or equivalent quantity of peaches in other containers or in bulk, the rate of assessment payable by each handler in accordance with § 919.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the Federal Register. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 26, 1966.

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

[F.R. Doc. 66–8327; Filed, July 28, 1966; 8:48 a.m.]

FEDERAL AVIATION AGENCY
[ 14 CFR Parts 21, 25, 37, 121 ]

[ Docket No. 7622; Notice No. 66–36 ]

CRASHWORTHINESS AND PASSENGER EVACUATION

Standards and Operating Rules

The Federal Aviation Agency is considering amending Parts 21, 25, 37, and 121 of the Federal Aviation Regulations, as hereinafter set forth, to improve the emergency evacuation equipment requirements and operating procedures for transport category airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20553. All communications received on or before September 30, 1966, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

On February 28, 1966, the Federal Aviation Agency announced a conference from April 25–29, 1966, to discuss regulatory standards involving crashworthiness and passenger evacuation of transport category airplanes and problems associated therewith. As indicated in that announcement, in January of this year, the FAA established an Agency Task Force to study factors affecting crashworthiness and evacuation that were brought to light by recent accident investigations, to review the adequacy of existing regulations, and to recommend regulatory changes as necessary. In addition, the Agency held a conference on April 25–29, 1966, to review all of the airworthiness standards for Transport Category Airplanes, Part 25 of the Federal Aviation Regulations.

Based on studies by the Agency’s Task Force and on discussions with the industry during the March and April conferences, the Agency believes that additional regulations are needed to improve the crashworthiness and emergency evacuation standards: of existing transport category airplanes, of transport category airplanes currently being type certificated, and of those to be type certificated in the future. Advances in the state of the art in the design and manufacture of evacuation equipment, such as slides, have made possible improvements that were not feasible at the time the Agency adopted its most recent extensive regulations in this area (Amendments 25–1 and 121–2, adopted Mar. 3, 1965, 30 F.R. 2300). All of the proposed items would apply to airplanes for which an application for a type certificate was made after the effective date of these proposed amendments. In addition, the Agency proposes to make the new requirements applicable to those air-planes for which type certificates are issued after the effective date of this amendment, irrespective of the date of application for that type certificate. This requirement would also apply to supplemental type certificates and amendments to type certificates involving an increase in passenger seating capacity. While some of the proposed items, as a practical matter, could not be incorporated in the existing aircraft fleet, other items do lend themselves to retrofitting. In this connection, for air carriers and commuter operators under Part 121, the Agency proposes to make the retrofitting requirements applicable after specified dates, that are designed to provide an adequate time for the necessary equipment purchases and installation.

The following discussion relates to the more significant proposals presented in this notice. For convenience, the various proposals are identified as to whether they apply to Part 25, Part 121 or both.

Door requirements (Parts 25 and 121).

Studies of actual emergency situations and of demonstrations conducted under FAR Part 121 show that, in the event of the inadequacy of the briefings of passengers or of the proximity of other emergency exits there is a natural tendency for a certain number of passengers to try to leave by the same route they entered the airplane. Therefore, the Agency proposes to require that each passenger door in the side of the fuselage, whether or not it is a required emergency exit, must meet all of the emergency exit requirements. The Agency proposes to make the Part 121 retrofitting requirements applicable June 30, 1966, and to provide for the approval of deviations if special circumstances exist that make compliance impractical and if the proposed deviation provides an equivalent level of safety. Since doors in the side of the fuselage will be required to meet all of the requirements for a required emergency exit, it is proposed to amend § 25.803(b) to limit its applicability to passenger ventral, passenger tail cone, crew access, and service doors so that these type doors may be considered emergency exits if they meet all of the applicable requirements.

Sideward facing seats (Parts 25 and 121). The Agency has found that the current requirements for protection of seat occupants (§ 25.785(c)) are not adequate for sideward facing seats. This results from the fact that a seat belt is inadequate protection against head and neck injury from inertia forces in a sideward direction under the emergency landing conditions of § 25.561. Therefore, the Agency proposes to amend § 25.785(c) to require that each occupant in a sideward facing seat must be protected from head injury by a safety belt and a cushioned rest that will support the arms, shoulders, head, and...
Emergency evacuation demonstrations (Parts 25 and 121). Amendment 121-2 required all air carriers and commercial operators under FAR Part 121 to demonstrate by October 6, 1968, that the emergency procedures for each type and model of airplane with a seating capacity of more than 44 passengers, used in operating under FAR Part 121, can be evacuated in 2 minutes or less, and through not more than 50 percent of its seating capacity exits.

The Agency proposes to make the demonstration requirements identical with those in Part 121. The Agency proposes to increase the demonstration interval, the Agency proposes to require demonstrations to be conducted in a manner that is similar to that of an actual emergency evacuation.

600. Participants in a demonstration would be required to participate in another demonstration for at least 6 months. In addition, the amount of briefings that may be given to participants would be clarified to make it clear that certification is required.

Emergency exits (Part 25). While the airworthiness requirements now prescribe the minimum number and types of exits on each side of the fuselage and the particular airplane, the Airworthiness Regulations do not provide for the addition of any new exits to existing airplanes. The Agency believes that the number of additional exits that may be approved for the addition of a ventral exit should be limited to 10. For the additional tail cone exits, the number of additional passengers that may be approved for the addition of the ventral exit should be limited to 15 or 20, depending upon the exit in question. The Agency believes that the required exits be uniformly distributed throughout the passenger compartment. Historically, the absence of such a requirement could be justified by the traditional airplane configurations that resulted in the larger floor level exits being located in the aft portion of the passenger compartments.

Size of Type I emergency exits (Part 25). Section 25.807 presently requires that Type I emergency exits must have a rectangular opening of not less than 48 inches wide and 60 inches high. As a practical matter, in modern transport category airplanes the doors in the side fuselage that qualify as Type I exits are, in virtually all cases, substantially larger. This is a result of the need to provide an emergency exit that can be used in an emergency situation. Therefore, the Agency proposes to require that Type I emergency exits be abreast of the knee. The Agency proposes to require that the required exits be uniformly distributed throughout the passenger compartment.

The Agency proposes to amend the emergency exit requirements of § 25.807 to require that each exit shall be a single exit per airplane rather than one floor level exit per side. This, plus their location makes them somewhat less effective than a pair of fuselage side doors. Therefore, the Agency believes that the number of additional passengers that may be approved for the addition of a ventral exit should be limited to 10. For the additional tail cone exits, the number of additional passengers that may be approved for the addition of the ventral exit should be limited to 15 or 20, depending upon the exit in question.

Emergency exits. No comparable requirement has been made applicable to the airplane manufacturers. Instead, traditionally, it has been considered sufficient to provide for the emergency evacuation system through the detailed quantitative requirements prescribed in the airworthiness rules.

However, experience has shown that compliance with these detailed requirements does not ensure that the airplane can be evacuated, during an emergency, within an acceptable time interval. Differences in the relationships between airplane type and operating characteristics introduce a considerable variation in the evacuation time, and this variation is expected to be even more marked on larger transport aircraft now under development. To make certain that airplanes undergoing type certification can be evacuated within an acceptable time interval, the Agency proposes to require manufacturers to demonstrate prior to type certification that each airplane with a seating capacity of more than 44 passengers can be evacuated under certain specified conditions within a reasonable period of time. In this connection, the Agency now proposes to require emergency evacuation demonstrations under both Parts 25 and 121 to be conducted within 30 seconds. The decrease of 30 seconds from the present requirement of § 121.291 is made possible by equipment advances (primarily the improved automatically deployed and inflated slides) that have made it feasible to conduct evacuation tests in which the evacuation procedure was adopted. The slides now available have in some cases decreased the time needed for evacuation by 30 seconds and more. Moreover, the Agency proposes to make these newly developed slides be installed after June 30, 1968, on all airplanes operated under Part 121. It will not be necessary to require demonstrations to comply with the 30-second requirement of aircraft that met the 2-minute requirement before installation of the fully automatic type slides.

Furthermore, once a manufacturer has successfully conducted a demonstration for a particular airplane type, it is not required to repeat a test for each variation in cabin configuration or increase of not more than 5 percent in passenger seating capacity, that the manufacturer can show that the evacuation time is acceptable.
table in § 25.007 would be amended to require additional exits in all configurations in excess of 110 passengers and to provide an exit on every level of the fuselage, except the lower level of the fuselage, on that hand, would not apply to passenger entrance or service doors.

In addition to the foregoing, the Agency proposes to require that each emergency exit in the passenger compartment in excess of the minimum number of required exits must meet the applicable requirements concerning emergency exit arrangement, marking, and lighting. It is also proposed to require that if extended flaps cannot be used as a slide or if the trailing edge of the lowered flaps is more than 6 feet from the ground means be provided to assist descent from the wings.

Emergency exit marking and interior lighting (Parts 25 and 121). The Agency considers that regulatory action must be taken to overcome the visibility problems associated with a smoke-filled cabin. Visibility is appreciably reduced when the cabin is filled with smoke, yet this is a life-saving condition for evacuation since no delay in locating emergency exits can be tolerated. To improve this situation, the Agency proposes to require the following:

1. (Part 25) Means, such as the use of distinctive material on seats adjacent to an exit, or a strobe light under seats at exits, would be required to assist occupants in locating exits in dense smoke.

2. (Part 25) Contrary to the present regulations, this proposal would require that certain exit marking signs be internally electrically illuminated with a brightness of at least 50-foot lamberts. On the other hand, exit marking signs on a bulkhead or divider that prevents fore and aft vision along the passenger cabin and exit marking sign may be either internally electrically illuminated or radioactively self-illuminated with an initial minimum brightness of at least 160 microlamberts.

3. (Part 25) the general cabin interior illumination existing at the time an airplane is type certificated will not exist after the airplane has been in service for 10 years, the airplane will not be required to meet the minimum level of safety for illumination. If the Agency perceives an average cabin interior illumination of 0.05-foot candles at armrest level, it would be the minimum level of illumination acceptable for safety. Therefore, to provide a reasonable useful life for the type certificated lighting, the Agency proposes to require that for evacuation emergency system external illumination must meet the 0.05-foot candle requirement at each armrest.

4. (Part 25) The floor illumination at floor level emergency exits would have to be at least 2-foot candles.

5. (Parts 25 and 121) Emergency lighting systems would have to be designed so that the lights are manually operable from both the flight crew seating area and a flight attendant location and once armed would have to continue to function whenever the main lighting systems failed. Experience on an inertia switch would not suffice. An amendment to the operating rule in Part 121 would require the emergency system to be turned on before each takeoff and that the lighting of the aircraft would be required to be designed so that in the event of cabin breakup the emergency lights, except those emergency lights damaged in the breakup, would continue to function.

Exterior marking (Parts 25 and 121). The present exterior marking requirements call for a reflectance ratio of 3:1 between the color of the band outlining the exit and its background color. This ratio has proved effective except where one of the colors has a very low reflectance value. Therefore, the Agency proposes to require that the reflectance of the lighter color must be at least 45 percent whenever the reflectance of the darker color is 15 percent or less and that at least a 50-percent difference in reflectance of the darker color is greater than 15 percent.

In connection with the foregoing, the Aerospace Industries Association Executive requested that the current regulations be amended to allow the use of a strobe light, operated by a crash inertia switch and mounted in the exit window so that it could be visible inside as well as outside the aircraft, in lieu of the required 2-inch colored band. Most of the argument offered in support of this request stressed the difficulties that have been encountered in locating wreckage. While the colored band and a crash locator serve different purposes, the Agency has no objection to the use of a strobe light in addition to the colored band. However, the Agency does not consider that a strobe light should be allowed in lieu of a color band since, in contrast to the color band, the effectiveness of the strobe light depends on the reliability of the mechanical functioning of the light, adequate battery power, and integrity of the circuit.

In addition to the foregoing, since passenger emergency exits other than those in the side of the fuselage of an airplane, such as ventral and tail cone exits, are relatively uncommon, the Agency proposes to require minimum illumination. Therefore, the Agency also proposes to amend § 121.310(g) to make it clear that the exterior marking requirements apply only to passenger emergency exits.

Exterior lighting (Parts 25 and 121). The current regulations do not include requirements for exterior illumination of an airplane. Thus, regardless of the efficiency of the interior illumination, exit markings, slides, or other evacuation means, the effectiveness of the evacuation could be substantially reduced by the inability of the passengers to find their way once they were outside the airplane. Therefore, it is proposed to require external illumination at overwing exits to light the area on which evacuees would be walking. The escape route should be covered with a white slip-resistant surface to guide evacuees to the places provided for descent from the wings. As proposed, the exterior illumination would also have to be illuminated. Part 121 operators would be required to meet these requirements by June 30, 1969.

Emergency exit access and effectiveness (Parts 25 and 121). The present regulations permit minor obstructions in the access from the aisle to each Type III or Type IV exit if there are compensatory factors to maintain the effectiveness of the exit. ANSI/AIHA Standard T12-1965 is intended to date these obstructions, but it has not been adopted. Therefore, the Agency proposes to prohibit access to exits over 6 feet from the ground within 6 feet of an obstruction. Specific standards for these slides are proposed including a requirement that they self-supporting on the ground within 10 seconds of actuation. The proposal would not apply to passenger entrance or service doors.
sidered possible, and practical to require that materials used in passenger and crew compartments meet a specified horizontal and vertical burn rate when tested in accordance with test procedures outlined in Federal Specification CC-T-19C. The proposal also provides the criteria by which an operator may obtain from the Administrator approval of a fewer number of flight attendants for a particular operation. The Agency proposes to amend this section to require one flight attendant for each increment of 50 passenger seats (or any part thereof) over 99. This proposal anticipates the much higher passenger seating capacity airplanes presently being planned. Also, approval of a lesser number would be limited to those situations where the certificate holder is able to show that he can meet the emergency evacuation demonstration requirements with the fewer number.

**Passenger briefing** (Part 121). The Agency has found that in most cases the present passenger briefing procedures do not provide the passenger with the level of knowledge that is necessary to prepare him for an emergency situation. Pending further recommendations from a study now being made to find better briefing methods, the Agency proposes as an interim step to require that each passenger over the age of 16 years be given a briefing card of the type now required by § 121.571 as he enters the airplane. Furthermore, the Agency proposes to limit the information that may be printed on the card to information relevant to the type and model airplane being used on that flight. Presently, some of these cards contain diagrams of more than one airplane configuration which only tends to confuse the passenger.

**Carry-on baggage.** Existing regulations contain detailed requirements for the storage of cargo in passenger cabins. However, those items traditionally classified as “carry-on baggage” have for the most part been handled in accordance with the policy of each operator with guidance from the FAA inspectors. Recent developments such as “shuttle flights” and “space available student fares” have increased the number of situations where passengers are boarding the airplane at the last minute carrying more baggage than probably would be the case if they had a confirmed reservation and checked in at the ticket counter prior to departure. The amount of carry-on baggage being stored on and around passenger seats has therefore increased to a point that it could cause a dangerous situation in an emergency. The Agency, therefore, proposes to limit those items that passengers be permitted to take to their seats to items that can be stored under a passenger seat in such a way that they would not slide forward in the event of a crash.

In consideration of the foregoing, it is proposed to amend Parts 21, 25, 37 and 121 of the Federal Aviation Regulations as follows:

1. By amending § 21.17(a) to read as follows:

**21.17 Designation of applicable regulations.**

(a) Except as provided in § 25.2 of this chapter, an applicant for a type certificate (other than for restricted category, import, or surplus military, aircraft) must show that the aircraft, aircraft engine, or propeller meets the applicable requirements of this subchapter that are effective on the date of application for that certificate, unless:

(1) Otherwise specified by the Administrator;
or

(2) Compliance with later effective amendments is elected or required under this section.

In By amending the introductory statement in § 21.101(a) to read as follows:

**21.101 Designation of applicable regulations.**

(a) Except as provided in § 25.2 of this chapter, an applicant for a change to a type certificate must comply with either:

* * * * *

2. By adding a new § 25.52 after § 25.1 to read as follows:

**25.52 Special retroactive requirements.**

Notwithstanding §§ 21.17 and 21.101 of this chapter, after the effective date of this amendment each applicant for a type certificate and each applicant for a supplemental type certificate or an amendment to a type certificate involving an increase in passenger seating capacity, must show that the airplane concerned meets the requirements of §§ 25.781(d), 25.783, 25.785(c), 25.803 (b), (c), and (d), 25.807(a) (1), (5), and (6) and (c) and (d), 25.809 (f) and (h), 25.811, 25.812, 25.813 (a), (b), and (c), 25.815, 25.817, 25.833(a), 25.835(a), 25.835(f), and 25.1550(e), effective on the effective date of this amendment).

3. By adding a new paragraph (d) to § 25.721 to read:

**25.721 General.**

* * * * *

(d) The main landing gear system must be designed so that if it fails due to overloads during takeoff and landing (assuming the overloads are symmetrical about the longitudinal axis of the airplane) the failure mode is not likely to puncture any part of the fuel system.

4. By amending § 25.783 to read as follows:

**25.783 Doors.**

(a) Each passenger door in the side of the fuselage must qualify as a Type I or a Type II passenger emergency exit and must meet the requirements of §§ 25.807 through 25.813 that apply to that type of passenger emergency exit. If an integral stair is installed at such a passenger door, the stair must be designed so that when subjected to the inertia forces specified in § 25.561, and following the collapse of one or more legs of the landing gear, it will not interfere...
with emergency egress through the passenger door.

(b) Each external door, except cargo and service doors not suitable for use as an emergency exit, must be located where persons using them will not be endangered by any inappropriate operating procedures are used.

(c) There must be a visual means to signal to appropriate crew members when external doors are closed and fully locked.

(d) Each external door whether or not used as an emergency exit must meet the requirement of § 25.809(d).

5. By amending § 25.785(c) to read as follows:

§ 25.785 Seats, berths, safety belts, and harnesses.

(c) Each occupant of a sideward facing seat must be protected from head injury by a safety belt plus a cushioned rest that will support the arms, shoulders, head, and spine. Each occupant of any other seat must be protected from head injury by—

(1) A safety belt and shoulder harness that will prevent the head from contacting any injurious object;

(2) A safety belt plus the elimination of any injurious object within striking radius of the head; or

(3) A safety belt plus a cushioned rest that will support the arms, shoulders, head, and spine.

6. By amending paragraph (b) of § 25.803 and by adding new paragraphs (c) and (d) to read:

§ 25.803 Emergency evacuation.

(b) Passenger ventral and tail cone, crew access, and service doors may be considered as emergency exits if they meet the applicable requirements of this section.

(c) Each door which the airplane is certificated to have or both, if it can be substantiated by analysis, taking due account of the differences, that all the passengers for which the airplane is certificated can evacuate within 90 seconds.

7. By amending § 25.807(a) by striking out the number “48” in subparagraph (I) and inserting the number “60” in place thereof and by adding new subparagraphs (5) and (6) to read as follows:

§ 25.807 Passenger emergency exits.

(a) * * *

(5) Ventral: This type is an exit from the passenger compartment through the pressure shell and the bottom fuselage skin. The dimensions and physical configuration of this type of exit must allow the same rate of egress as a Type I exit.

(6) Tail cone: This type is an aft exit from the passenger compartment through the pressure shell and through a detachable cone of the fuselage aft of the pressure shell. The means of detaching the tail cone must be simple and obvious, and must employ a single operation.

8. By amending § 25.807(c) to read as follows:

§ 25.807 Passenger emergency exits.

(c) Passenger emergency exits; side of fuselage. The prescribed exits need not be diametrically opposite each other nor identical in size and location on both sides. They must be distributed as uniformly as practicable taking into account passenger distribution and where more than one floor level exit per side is prescribed, at least one floor level exit per side must be located at each end of the cabin.

(1) Except as provided in subparagraphs (2) through (5) of this paragraph, the number and type of passenger emergency exits must be in accordance with the following table:

<table>
<thead>
<tr>
<th>Each side of the fuselage</th>
<th>Type I</th>
<th>Type II</th>
<th>Type III</th>
<th>Type IV</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 10 inclusive</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>11 to 25 inclusive</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>26 to 50 inclusive</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>51 to 100 inclusive</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>101 to 150 inclusive</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>151 to 179 inclusive</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>180 to 219 inclusive</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>220 to 259 inclusive</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>260 to 339 inclusive</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>340 to 379 inclusive</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>380 to 409 inclusive</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>410 to 439 inclusive</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>440 to 469 inclusive</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>470 to 509 inclusive</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>510 to 539 inclusive</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>540 to 569 inclusive</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>570 to 609 inclusive</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>610 to 639 inclusive</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>640 to 669 inclusive</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>670 to 699 inclusive</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>700 to 729 inclusive</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>730 to 759 inclusive</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>760 to 789 inclusive</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>790 to 819 inclusive</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>820 to 849 inclusive</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>850 to 879 inclusive</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>880 to 909 inclusive</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>910 to 939 inclusive</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>940 to 969 inclusive</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>970 to 1000 inclusive</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
</tbody>
</table>

1 These Type II exits must be floor level, over-the-wing, with a stepdown outside the airplane of not more than 17 inches.

(2) Increases in passenger capacity above 339 may be allowed for each additional pair of emergency exits in accordance with the following table:

<table>
<thead>
<tr>
<th>Additional emergency exits (each side)</th>
<th>Increase in passenger capacity allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type I</td>
<td>40</td>
</tr>
<tr>
<td>Type II</td>
<td>30</td>
</tr>
<tr>
<td>Type III</td>
<td>100</td>
</tr>
<tr>
<td>Type IV</td>
<td>200</td>
</tr>
</tbody>
</table>

| 1 These Type II exits must be floor level, over the wing, with a stepdown outside the airplane of not more than 17 inches.

(3) If a passenger ventral or tail cone exit is installed and can be shown to be usable following the collapse of one or more legs of the landing gear, an increase in passenger capacity beyond the limits specified in subparagraphs (1) and (2) of this paragraph may be allowed as follows:

(i) For a ventral exit, 10 additional passengers.

(ii) For a tail cone exit incorporating a floor level Type III exit and incorporating an approved assist means in accordance with § 25.809(g) (1), 20 additional passengers; or

(iii) For a tail cone exit incorporating an opening in the pressure shell which is at least equivalent to a Type III emergency exit with respect to dimensions, step-up distance, step-down distance, 15 additional passengers.

(4) Each emergency exit in the passenger compartment in excess of the minimum number of required emergency exits must meet the applicable requirement of §§ 25.809 through 25.812, and must be readily accessible.

(5) For airplanes on which the vertical location of the wing does not allow the installation of over-the-wing exits, an exit of at least the dimensions of a Type II must be installed at floor level.
instead of each Type III and each Type IV exit required by subparagraph (1) of this paragraph.

9. By amending §25.807(d) to read:

§25.807 Passenger emergency exits.

. . . . .

(d) Ditching emergency exits for passengers. If the emergency exits required by subparagraphs (e) (1) and (2) of this section do not meet the following conditions, exits must be added to meet them:

(1) There must be at least one emergency exit for each unit (or part of a unit) of 35 passengers, but no less than two such exits, both above the waterline with one on each side of the airplane, meeting the minimum dimensions of—

(i) A Type IV exit for airplanes with a passenger seating capacity of 10 or less; and

(ii) A Type III exit for airplanes with a passenger seating capacity of 11 or more.

(2) If side exits cannot be above the waterline, the side exits must be replaced by an equal number of overhead hatches of not less than the dimensions of a Type III exit except that, for airplanes with a passenger capacity of 35 or less, the two required Type III side exits need be replaced by only one overhead hatch.

10. By amending §25.809 by amending paragraph (b) and by adding a new paragraph (h).

§25.809 Emergency exit arrangement.

. . . . .

(b) Each landplane emergency exit (other than exits located over the wing) more than 6 feet from the ground with the airplane on the ground and the landing gear extended must have an approved means to assist the occupants in descending to the ground as follows:

(1) The assisting means for each passenger emergency exit must be a self-supporting slide or equivalent, designed to be installed at the midsection of the fuselage and designed so that when installed it is—

(i) Automatically deployed and inflated concurrent with the opening of the exit except that the device may be inflated in a different manner when installed at service doors that quality as emergency exits, and at passenger doors; and

(ii) Inflatable within 10 seconds and of such length that the lower end is self-supporting on the ground after collapse of any one or more landing gear feet.

(2) The assisting means for flight crew emergency exits may be a rope or any other means demonstrated to be suitable for the purpose. If the assisting means is a rope, or an approved device equivalent to a rope, it must be—

(i) Attached to the fuselage structure at or above the top of the emergency exit opening, or, for a device at a pilot's emergency exit window, at another approved location if the device, or its attachment, would reduce the pilot's view in flight;

(ii) Able (with its attachment) to withstand a 400-pound static load.

(h) If extended flaps are unsuitable as a slide, or if the trailing edge of flaps in the landing position is more than 6 feet from the ground with the airplane on the ground and the landing gear extended, means must be provided to assist evacuees, who have used the overwing exits, to reach the ground.

11. By amending §25.811 to read as follows:

§25.811 Emergency exit marking.

(a) Each passenger emergency exit, its means of access, and its means of opening must be conspicuously marked.

(b) The identity and location of each passenger emergency exit must be recognizable from a distance equal to the width of the cabin. Means must be provided to assist the occupants in locating the exits in conditions of dense smoke.

(c) The location of each passenger emergency exit must be indicated by a sign visible to occupants approaching the main passenger aisle. There must be a locating sign—

(1) Above the aisle near each over-wing passenger emergency exit, or at another ceiling location if it is more practical to locate it in the main passenger cabin; and

(2) Next to each floor level passenger emergency exit, except that one sign may serve two such exits if they both can be seen readily from the sign; and

(d) On each bulkhead or divider that prevents fore and aft vision along the passenger cabin, to indicate emergency exits beyond and obscured by it, except that if this is not possible the sign may be placed at another appropriate location.

(e) The location of the operating handle and instructions for opening must be shown—

(1) For each passenger emergency exit, by a marking on or near the exit that is readable from a distance of 30 inches;

(2) For each Type I or Type II passenger emergency exit with a locking mechanism released by rotary motion of the handle, by—

(i) A red arrow, with a shaft at least 3/4-inch wide and a head twice the width of the shaft, extending along at least 70 degrees of arc at a radius approximately equal to 3/4 of the handle length; and

(ii) The word "open" in red letters one inch high, placed horizontally near the head of the arrow.

(f) Each emergency exit that is required to be openable from the outside, and its means of opening, must be marked on the outside of the airplane.

(g) In the case of exits other than those in the side of the fuselage, such as vertical or tail cone exits, the external means of opening, including instructions if applicable, must be conspicuously marked on the fuselage, conspicuous marking to that extent must be provided on the other side.

(h) Emergency exits need only be marked with the word "Exit."

12. By adding new §25.812 to read as follows:

§25.812 Emergency lighting.

(a) An emergency lighting system, independent of the main lighting system, must be installed which will provide self-illuminated emergency exit markings and locating signs, sources of general cabin illumination, and additional light in the emergency exit areas, as well as exterior lighting.

(b) The exit locating signs required in §§25.811(c) (1) and (2) must have white letters at least 1 inch high on a red background at least 2 inches high, and must be internally electrically illuminated. The colors may be reversed if this will increase the illumination in the exit area. The unit must contain at least two lamps and utilize a diffusing cover. The brightness at any 1-inch diameter area on the cover, including those containing the legend, must be at least 50-foot lamberts.

(c) The exit locating signs required in §25.811(c) (3) must be either internally electrically illuminated or radioactively self-illuminated with an initial minimum brightness of at least 15 microlamberts. The sizes and colors must be as prescribed in paragraph (b) of this section. If the sign is internally electrically illuminated, the colors may be reversed if this will increase the emergency lighting illumination.

(d) An exit marking sign having white letters at least one inch high on a red background at least two inches high must be located over each passenger emergency exit. These marking signs may be either internally electrically illuminated, or radioactively self-illuminated with an initial minimum brightness of at least 100 microlamberts. The colors may be reversed in the case of internally electrically illuminated markers if this will increase the illumination at the exit.

(e) General illumination in the passenger cabin must be provided so that when measured along the centerline of the passenger cabin at a height of 110 centimeters, the illumination is not less than 0.05 foot-candles.
PROPOSED RULE MAKING

14. By amending § 25.815 to read as follows:

§ 25.815 Width of aisle.

The passenger aisle width at any point between seats must equal or exceed the values in the following table:

<table>
<thead>
<tr>
<th>Passenger seating capacity</th>
<th>Minimum passenger aisle width (inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>8 or less</td>
<td>12</td>
</tr>
<tr>
<td>9 to 19</td>
<td>14</td>
</tr>
<tr>
<td>20 or more</td>
<td>16</td>
</tr>
</tbody>
</table>

15. By adding a new § 25.817 to read as follows:

§ 25.817 Maximum number of seats abreast.

On airplanes having only one passenger aisle, the number of seats abreast must not be more than six.

16. By amending § 25.853 by deleting paragraph (b) and by amending paragraph (a) to read as follows:

§ 25.853 Compartment interiors.

For each compartment to be used by the crew or passengers:

(a) All materials, including the wall and ceiling linings, safety belts, upholstery, furnishings (including blankets, pillows, and seat covers), and the covering of upholstery, furnishings, and floors must meet the following test criteria:

(1) When tested in accordance with the applicable portions of Test Procedure 5006 outlined in Federal Specification CC-T-191b, or an equivalent method, the material must not continue to flame and must not burn for a total length in excess of 1.5 inches, with the material in the horizontal position and with the ignition source applied at least 12 seconds. In addition, portions or residues which break or drip from the test specimens, must not continue to flame after falling.

(2) When tested in accordance with the applicable portions of Test Procedure 5003 outlined in Federal Specification CC-T-191b, or an equivalent method, the material must not continue to flame for more than two seconds after activation of the inflation means.

17. By amending paragraph (a) of § 25.855 by striking the words "are at least flame resistant" and inserting in place thereof the words "must meet the test criteria set forth in § 25.855(a)."

18. By adding a new paragraph (f) to § 25.893 to read:

§ 25.893 Fuel system lines and fittings.

(f) Each fuel line within the fuselage must be designed and installed to allow a reasonable degree of deformation and stretching without failure, and must be enclosed in a shroud which is ventilated and drained.

19. By adding a new paragraph (c) to § 25.1339 to read:

§ 25.1339 Electrical system fire and smoke protection.

(c) Electrical cables must be isolated from flammable fluid lines and must be shrouded in insulated, flexible conduit to allow a reasonable degree of deformation and stretching without failure.

20. By amending § 37.132, Safety Belts, TSO-C22e, § 37.136, Aircraft Seating Berths, TSO-C39, and § 37.178, Individual Flotation Devices, TSO-C72, to require that new models of such equipment must meet the test criteria set forth in proposed § 25.853.

21. By amending § 37.157, Emergency Evacuation Slides, TSO-C69, to require that new models of such equipment must be designed so that as used in an aircraft they may be fully inflated in not more than 10 seconds after activation of the inflation means.

22. By amending § 121.291(a) to read as follows:

§ 121.291 Demonstration of emergency evacuation procedures.

(a) Each certificate holder shall show by actual demonstration that the emergency evacuation procedures for each type and model of airplane with a seating capacity of more than 44 passengers, used in its passenger-carrying operations, allow the evacuation of its full seating capacity in less than 90 seconds or less, through not more than 50 percent of its emergency exits. The demonstrations must be conducted according to the criteria provided in paragraphs (a)(1) through (a)(3), (b) Aborted takeoff demonstration, and (b) Gear-up crash landing demonstration, of Appendix D of this Part —

(1) Upon the initial introduction of a type and model of airplane into passenger-carrying operations;

(2) Upon a 5 percent or greater increase in passenger seating capacity over that previously approved; or

(3) Upon a major change in the passenger cabin interior configuration that will affect the emergency evacuation of passengers.

23. By amending § 121.310(a) to require after June 30, 1968, on all passenger-carrying landplanes, at each floor level exit, a self-supporting inflatable slide, or an equivalent device, that during flight time meets the requirements of subdivisions (a) and (b) of § 25.809(f)(1). (See item No. 10 above.)

24. By amending § 121.310(f)(3) to read as follows:

§ 121.310 Additional emergency equipment.

(3) Each evacuation slide must be designed and installed to allow a reasonable degree of deformation and stretching without failure, and must be enclosed in a shroud which is ventilated and drained.
§ 121.310 Additional emergency equipment.

(g) * * *

(3) In the case of exits other than those in the side of the fuselage, such as ventral or tail cone exits, the external means of opening, including instruction. A new subparagraph (3) to read as follows:

§ 121.312 Sideward facing seats.

After June 30, 1968, each sideward facing seat must meet the requirements of § 25.785 (c).

31. By amending § 121.571 by adding a new paragraph (k) to read as follows:

§ 121.571 Briefing passengers before takeoff.

(k) * * *

32. By adding a new § 121.589 to read as follows:

§ 121.589 Carry-on baggage.

No certificate holder may permit a passenger to carry any baggage, luggage, or other item of comparable size aboard an airplane unless that item can be stored in a suitable baggage or cargo compartment or unless the item is of a size that can be stored under a passenger seat in such a way that it would not slide forward in the event of a crash.

These amendments are proposed under the authority of sections 313(a), 601, 603, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1423, 1424).

Issued in Washington, D.C., on July 26, 1966.

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

[FR Doc. 66-8995 Filed, July 28, 1966; 8:27 a.m.]
new application would be introduced. Fourth, it is proposed to eliminate the practice of policing an applicant's relationship with other persons by deleting the requirement that the personal sales vendor consent to an assignment of the vendor's interest, and that a person who signs for a corporation submit proof of his authority to sign for the corporation.

Separating registration and recording. As now written, Part 47, "Aircraft Registration," and Part 49, "Recording Aircraft Titles and Security Documents," are closely interrelated. Under Part 47, an applicant for a Certificate of Aircraft Registration must submit an Application for Aircraft Registration, specific evidence (recordable under Part 9) of the fact that he owns the aircraft to be registered, and the required fee (§47.31(a)). The required evidence of ownership must either begin or continue an unbroken "chain of title" (§47.35, 47.37). Under Part 49, a person who submits a document for recording must close any gaps that may exist in the "chain of title" (§49.36). Before a chattel mortgage can be recorded under Part 49, the chattel mortgagee must apply for registration of the aircraft under Part 47, if the aircraft is not already registered in its name (§49.17(c)(2)). The FAA would amend subsections of both Parts 47 and 49 to eliminate the "closed chain of title" requirement, to eliminate the requirement that chattel mortgagees register the aircraft in their name before the mortgage is recorded, and to minimize the interrelationship of Parts 47 and 49.

It is proposed to split present §47.31 into two sections by redesignating §47.31(b) as now §47.32 without substantive change. All Applications for Aircraft Registration would be made under proposed §47.31, rather than under §47.33, §47.35, §47.36, or §47.37 as aircraft required. Under proposed §47.31(a), an applicant would certify three facts: (1) That he is a U.S. citizen; (2) that he owns the aircraft; and (3) that the aircraft is not registered in a foreign country. Proposed §47.31(b) would require the applicant to submit the supporting evidence required by proposed §47.33, §47.35, or §47.37. In issuing the Certificate of Aircraft Registration, the FAA would rely on the applicant's certification under §47.31(a), and upon the supporting evidence required by §47.31(b) or already recorded at the FAA Aircraft Registry. Although an applicant would not be required to submit documents that close any gaps in the "chain of title," proposed §47.31(c) would require an applicant to record any supporting evidence he submits under §47.31(b) with Part 47, and to pay the recording fee required by §49.15. A parallel amendment deleting §49.15(b) is proposed so that a charge would be made for each document recorded under Part 49. An applicant who submits knowingly any document that contains an error may not obtain a certificate unless it would continue to be subject to prosecution under section 1001 of Title 18 of the United States Code.

Supporting evidence. Proposed §§47.33, 47.35, 47.37, and 47.38 are revised to reflect the fact that all applications would be made under proposed §47.31. Section 47.33 would continue the present requirement that an applicant for registering an aircraft not previously registered anywhere must submit supporting evidence of ownership. Section 47.37 would continue the present requirement that an applicant for registering an aircraft last previously registered in the United States must submit supporting evidence establishing his title in the United States, and that foreign registration has ended or is invalid. Present §47.35(a) requires an applicant for registering an aircraft last previously registered in the United States to submit supporting evidence of ownership that "posses any gap in the chain of title." Proposed §47.35 would delete this requirement. Under proposed §47.35(a), the applicant would surrender the last-issued registration certificate and with it his certificate of registration if his aircraft has already been surrendered. Under proposed §47.35(b), an applicant would have to submit supporting evidence that establishes his title under proposed §47.41. The application to request registration of a certificate of registration that has already been surrendered. Since the majority of Applications for Aircraft Registration involve aircraft that last previously registered in the United States, proposed §47.35 would both simplify and speed the issue of Certificates of Aircraft Registration. Proposed §47.41 would clarify the requirement that, before using a Dealer's Aircraft Registration Certificate, the holder (other than a manufacturer) must submit the same evidence of ownership that is required of an applicant under §47.31.

Ending registration and returning certificates. As stated above, the last-issued certificate of registration would become invalid on the last occurrence of any of the events listed in paragraph (a) of §47.41, and §47.49 to reflect this fact. Proposed §47.41 provides that registration ends and the certificate becomes invalid upon the happening of one of the events. As proposed, §47.41(a) would apply to any outstanding registration, and to certificates issued by the United States under either section 501 of the Federal Aviation Act of 1958 or section 501 of the Civil Aeronautics Act of 1938. Unless transfer of ownership is to a person not a U.S. citizen, registration would no longer terminate upon transfer of ownership, under proposed §47.41(a)(1). However, if the holder of a certificate wishes to cancel the registration upon transfer of ownership to another U.S. citizen, he may request cancellation under §47.41(a)(4). Proposed §47.41(b) would require the holder of any invalid certificate to return it to the FAA within 30 days after notice. Due to the practical problems involved when the holder of a certificate dies, his representative or heir will still be allowed 60 days to surrender the certificate under §47.41(c). A new sentence would be added to §47.45 requiring the holder of a certificate to return it to the FAA Aircraft Registry within 30 days after he receives a revised certificate showing his new address. Proposed §47.67 would clarify the requirement that the holder of a certificate to return any certificate to the FAA Aircraft Registry of the Loss, theft, destruction, or mutilation of his certificate within 30 days after it happens, and if not recovered, to file a Notice of Loss, destruction, or mutilation of Title 18 of the United States Code.

Proposed amendments to Parts 47 and 49 are designed to clarify and simplify existing procedures. It is proposed to amend §§47.1 and 47.5(b) to clearly state that registration conclusively establishes an aircraft as one of U.S. nationality, and to restate that registration is not evidence of ownership. Proposed §4.1 also proposed to clarify §47.61(b) by stating that a Dealer's Aircraft Registration Certificate is a Certificate of Aircraft Registration, not an "alternative for" it. Section 49.1 would be amended to permit the recording of any conveyance that affects title to, or an interest in, the aircraft listed in subparagraphs (a) (1) through (4) of that section.

Section 47.11(a) would be amended to delete the references to §§49.13 and
49.17, and to make the documents listed in paragraphs (a) through (h) required alternative to a Bill of Sale. A legal amendment is also proposed to § 49.17 (b). Section 47.13(d) would be amended to delete the requirement that an authorization to sign be submitted with the application for registration, if it is already on file. If this proposal is adopted, an authorized person would sign and show his title on the application. Section 47.15(c) (2) would be clarified to require the signature of the person or partnership’s application be signed by a general partner. Present §§ 47.11(a), 47.47(a), and 49.17(d) (3) require the consent of the conditional sales vendor to an assignment of the vendee’s interest. Since this is primarily a matter of contract between the parties and results in rejections of otherwise recordable assignments that are submitted to the FAA Aircraft Registry, it is proposed to delete these requirements. Section 49.35 would be deleted, thus eliminating the requirement that documents recording an interest in aircraft be recordable under Part 49. Since § 49.17(c) provides that recording is not a decision of the FAA that a document does affect title to, or an interest in, aircraft, this proposal is consistent with the FAA’s position, and is parallel with proposed § 47.35. Present paragraphs (d) and (e) of § 49.17 contain several special requirements for recording conditional sales contracts, chattel mortgages, and related documents. In large part, these requirements are based on the “closed chain of title” theory of present § 49.35. In line with the deletion of § 49.35, and other proposals discussed above, it is proposed to delete several of these requirements and to adopt a new § 49.17(d) containing all the remaining special requirements for these conveyances. The remaining requirements in § 49.17(d) are believed to be necessary for a workable recording system.

Finally, it is proposed to add a new § 47.47(b) that expressly reflects the existing law that when cancellation of registration is for the purpose of export to a country that has ratified or adheres to the Hague International Recognition of Rights in Aircraft, the cancellation is subject to the Convention. Basically, the purpose of the amendments proposed above is to simplify the regulations involved, and to provide better, more efficient service to the public at a lower cost. It is believed that these proposals will not affect the security of those persons whose rights in aircraft are recorded at the FAA Aircraft Registry, since registration is not evidence of ownership (under section 501(f) of the Act). In the event of a bankruptcy, a liquidation, or a realization of a trust in connection with an aircraft, recording is solely to give public notice thereof—not to determine its legal effect (under section 503 (c) and (d) of the Act).

In consideration of the foregoing; it is proposed to amend Parts 47, 49, and 91 as hereinafter set forth.

This proposal is made under the authority of paragraph 1 of Executive Order 11023, 501, 503, 508, and 1102 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1401, 1403, 1405, and 1502), and the Convention on the International Recognition of Rights in Aircraft (4 U.S.T. 1830).

Issued in Washington, D.C., on July 26, 1966.

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

A. Part 47 is amended as follows:

1. By striking out the first sentence of § 47.1 and inserting the following in place thereof:

§ 47.1 Applicability.

This part prescribes the requirements for registering an aircraft as an aircraft of U.S. nationality, under section 501 of the Federal Aviation Act of 1958 (49 U.S.C. 1401). Subpart A applies to each applicant for registration under this part.

2. By amending subparagraph (b) of § 47.3(b) to read as follows:

§ 47.3 Registration required.

(b) * * * * *

(1) Carrying aboard a registration certificate issued to its owner;

(2) Carrying aboard the temporary authority to operate required by § 47.32;

or * * * * *

3. By amending § 47.5(b) to read as follows:

§ 47.5 Applicants.

(b) An aircraft may be registered only by, and in the legal name of, its owner. The FAA issues a Certificate of Aircraft Registration to the person who appears to own the aircraft on the basis of the Application for Aircraft Registration and supporting evidence submitted with the application, or recorded at the FAA Aircraft Registry. The Certificate of Aircraft Registration conclusively establishes that the aircraft is an aircraft of U.S. nationality for international purposes. However, the certificate is not a certificate of ownership, and the FAA does not endorse any information with respect to ownership on the certificate. Under section 501(f) of the Federal Aviation Act of 1958 (49 U.S.C. 1401), registration is not evidence of ownership in any proceeding in which ownership by a particular person is in issue.

4. By amending the section heading, introductory paragraph, and paragraph (a) of § 47.11 to read as follows:

§ 47.11 Supporting evidence.

If an applicant for registration (other than a governmental unit as described in § 47.3(c)) cannot submit an Aircraft Bill of Sale (FAA Form 8050–2), or its equivalent, signed by the seller, as the supporting evidence required under Subpart B or C of this Part, the applicant must submit one of the following as supporting evidence:

(a) The buyer in possession, the bailee, or the lessee of an aircraft under a contract of conditional sale must submit the contract. The assignee under a contract of conditional sale must submit the contract (unless it is already recorded at the FAA Aircraft Registry), and his assignment from the original buyer, bailee, or lessee, or last assignee.

5. By amending paragraphs (a) and (b), and (e) (3) of § 47.15 to read as follows:

§ 47.15 Signatures and instruments made by representatives.

(a) Each signature on an Application for Aircraft Registration, on a request for cancellation of a Certificate of Aircraft Registration, or on a document submitted as supporting evidence under this Part, must be in ink.

(3) A general partner sign the application or request, and show the title of the signers office on the application or request.

6. By amending § 47.31 to read as follows:

§ 47.31 Application.

Each applicant for a Certificate of Aircraft Registration must comply with the applicable requirements of paragraphs (a), (b), and (c) of this section:

(a) The applicant must complete, sign, and submit to the FAA Aircraft Registry the original (white) and one copy (green) of an Application for Aircraft Registration, FAA Form 8050–1, containing his certification that—

1. He is a citizen of the United States;

2. He is the owner of the aircraft; and

3. The aircraft is not registered under the laws of a foreign country;

(b) Unless it is already recorded at the FAA Aircraft Registry, the applicant other than a governmental unit as described in § 47.3(b) must submit to the FAA Aircraft Registry with his application the supporting evidence required by § 47.33, § 47.35, or § 47.37, as applicable, and the fee required by § 47.17 (a) (1).

(c) The applicant must record the evidence required by paragraph (b) of this section, comply with the applicable requirements of Part 49 of this chapter, and pay the recording fee required by § 49.15 of this chapter.

7. By adding the following new section after § 47.31:

§ 47.32 Temporary operating authority.

(a) After he complies with § 47.31, the applicant shall carry the second duplicate copy (pink) of the Application for Aircraft Registration, FAA Form 8050–1, and the aircraft as temporary authority to operate without registration. This temporary authority is valid until the date the applicant receives the Certificate of
§ 47.33 Aircraft not previously registered anywhere.

An applicant for a Certificate of Aircraft Registration under § 47.31 for an aircraft that has not been previously registered under the laws of the United States or any country must satisfy the following conditions:

(a) If the aircraft is amateur built, the applicant must submit a statement that he owns, and that he built, and whether assembled from parts by himself or another person. Also, he must describe the aircraft by class, (airplane, rotorcraft, glider, or balloon), U.S. identification number, serial number, number of seats, type of engine installed (reciprocating, turbo-propeller, turbojet, or other), number of engines installed, the make, model, and serial number of each engine installed, and whether built for land or water operation. If the aircraft was assembled from a kit, the applicant must submit a bill of sale from the manufacturer of the kit.

(b) If the aircraft was assembled from parts by another person other than the holder of the type certificate to conform to an approved type design, the applicant must submit an Aircraft Bill of Sale (FAA Form 8050–2), or its equivalent, signed by the seller, or a statement required by § 47.11. In addition, the applicant must submit satisfactory evidence of the holder's right to a certificate, such as a bill of sale for each major component of the aircraft. Also, he must describe the aircraft as required by paragraph (a) of this section.

(c) If the aircraft is not amateur built, or assembled from parts by a person other than the holder of the type certificate to conform to an approved type design, the applicant must submit an Aircraft Bill of Sale (FAA Form 8050–2), or its equivalent, signed by the seller, or a document required by § 47.11.

(d) If an applicant cannot comply with the applicable requirements of paragraphs (a), (b), or (c) of this section, he must submit a statement of the reasons he cannot comply, and any available evidence of his right to a certificate. The Administrator shall return the old certificate, and return it to the FAA Aircraft Registry.

§ 47.35 Aircraft last previously registered in the United States.

An applicant for a Certificate of Aircraft Registration under § 47.31 for an aircraft that was last previously registered under the laws of the United States must comply with paragraph (a) or (b) of this section, whichever applies:

(a) If the holder of the last-issued registration certificate has not surrendered it to the FAA Aircraft Registry under § 47.41, the applicant must submit that certificate signed by the holder thereof.

(b) If an applicant cannot comply with paragraph (a) of this section and the last-issued registration certificate has been surrendered under § 47.41, he must submit the supporting evidence satisfactory to the Administrator required by § 47.33.

§ 47.37 Aircraft last previously registered in a foreign country.

(a) An applicant for a Certificate of Aircraft Registration under § 47.31 for an aircraft that was last previously registered in a foreign country must submit satisfactory evidence of the holder of the certificate and that the registration has ended or is invalid, and that each holder of a recorded right has been satisfied, or has consented to the transfer, or that ownership in the foreign country has been ended by a sale in execution under the terms of the Convention.

(b) If the aircraft was last previously registered in a foreign country that does not ratify or adhere to the Convention on the International Recognition of Rights in Aircraft (4 U.S.T. 1380), the applicant must submit evidence satisfactory to the Administrator that the registration has ended or is invalid, and either that each holder of a recorded right has been satisfied or has consented to the transfer, or that ownership in the foreign country has been ended by a sale in execution under the terms of the Convention.

(c) An applicant for a Certificate of Aircraft Registration under § 47.31 for an aircraft that was last previously registered in a foreign country must submit satisfactory evidence of the holder of the certificate and that the registration has ended or is invalid, on the earliest of the following:

(1) The date ownership of the aircraft is transferred to a person who is not a citizen of the United States.

(2) The date the aircraft is registered under the laws of a foreign country.

(3) The date the aircraft is canceled at the written request of the holder of the certificate.

(4) The date the aircraft is destroyed or scrapped.

(5) The date the holder of the certificate loses his U.S. citizenship.

(6) The date that is 30 days after the death of the holder of the certificate.

§ 47.41 Termination of registration; return of certificate.

(a) Subject to the Convention on the International Recognition of Rights in Aircraft (if applicable), the registration of an aircraft as a aircraft of U.S. nationality ends, and the Certificate of Aircraft Registration, or other certificate registration issued by the United States under section 501 of the Civil Aeronautics Act of 1938 or section 501 of the Federal Aviation Act of 1958, is invalid, on the earliest of the following dates:

(1) The date ownership of the aircraft is transferred to a person who is not a citizen of the United States.

(2) The date the aircraft is registered under the laws of a foreign country.

(3) The date the aircraft is canceled at the written request of the holder of the certificate.

(4) The date the aircraft is destroyed or scrapped.

(5) The date the holder of the certificate loses his U.S. citizenship.

(6) The date that is 30 days after the death of the holder of the certificate.

§ 47.45 Change of address.

§ 47.47 Cancellation of certificate for export purpose.

(a) If the holder of a certificate wishes to cancel the registration and certificate for the purpose of export, he must submit a written request for cancellation to the FAA Aircraft Registry identifying the aircraft by make, model, serial number, and U.S. identification number, and naming the country to which the aircraft will be exported.

(b) If the aircraft is to be exported to a foreign country that has ratified or adheres to the Convention on the International Recognition of Rights in Aircraft, the holder must also submit evidence satisfactory to the Administrator that the holder of the certificate shall return the old certificate to the FAA Aircraft Registry.

§ 47.47 Cancellation of certificate for export purpose.

(a) If the holder of a certificate wishes to cancel the registration and certificate for the purpose of export, he must submit a written request for cancellation to the FAA Aircraft Registry identifying the aircraft by make, model, serial number, and U.S. identification number, and naming the country to which the aircraft will be exported.

(b) If the aircraft is to be exported to a foreign country that has ratified or adheres to the Convention on the International Recognition of Rights in Aircraft, the holder must also submit evidence satisfactory to the Administrator that each holder of a recorded right has been satisfied, or has consented to the transfer.

(c) The FAA notifies the country to which the aircraft is to be exported of the cancellation by ordinary mail, or by
PROPOSED RULE MAKING

airmail at the owner’s request. The owner must arrange and pay for the transmission of this notice by means other than ordinary mail or airmail.

15. By amending §47.49 to read as follows:

§47.49 Lost certificates; replacement certificates.
(a) Within 30 days after a certificate is lost, stolen, destroyed, or mutilated, the holder shall notify the FAA Aircraft Registry in writing of that fact and describe the circumstances. A mutilated certificate must be returned with the notice.

(b) If the holder of the certificate wants a Replacement Certificate of Aircraft Registration, he must complete and sign an Application for Aircraft Registration, FAA Form 8050-1, and submit it to the FAA Aircraft Registry, with the notice required by paragraph (a) of this section and the fee required by §47.17(a)(6).

(c) If the holder of the certificate has complied with paragraphs (a) and (b) of this section and needs to operate his aircraft before he receives the Replacement Certificate, he may request the FAA Aircraft Registry to issue a Temporary Certificate of Aircraft Registration by collecting telegram. The Temporary Certificate is valid until the date the holder receives the Replacement Certificate, but in no case for more than 30 days after it is issued.

(d) If the holder of a lost or stolen certificate recovers it after receiving a Replacement Certificate under this section, he shall return the original certificate to the FAA Aircraft Registry within 30 days after the date of recovery.

16. By amending the first sentence of §47.61(b) to read as follows:

§47.61 Dealers’ Aircraft Registration Certificates.
(a) * * * *

(b) A Dealer’s Aircraft Registration Certificate is a Certificate of Aircraft Registration that conclusively establishes the U.S. nationality of an aircraft for international purposes while it is owned by a manufacturer or dealer. * * *

17. By amending §47.67 to read as follows:

§47.67 Evidence of ownership.

Before using his Dealer’s Aircraft Registration Certificate, the holder of the certificate (other than a manufacturer) must submit to the FAA Aircraft Registry evidence of ownership required by §47.33, §47.35, or §47.37, as applicable. There is no fee for recording evidence of ownership submitted under this section.

B. Part 49 is amended as follows:

1. By striking out the words “certain conveyances affecting” in the introductory paragraph of §49.1(a), and inserting the words “named in” in place thereof.

2. By amending §49.15 as follows:

§49.15 Fees for recording.

(a) * * * *

(b) [Reserved.] * * *

3. By amending §49.17 as follows:

(a) By striking out the words “used as evidence of ownership under” in paragraph (b) and inserting the words “named in” in place thereof.

(b) By amending paragraph (d) to read as follows:

§49.17 Conveyances recorded.

(d) A party to a contract of conditional sale (as defined in section 101(13) of the Federal Aviation Act of 1958 (49 U.S.C. 1301) or to a chattel mortgage may record it with the FAA Aircraft Registry. Each amendment, assignment, supplement, satisfaction, or full or partial release of a contract of conditional sale or chattel mortgage must describe the original conveyance by its date and the names of the parties, and if it is recorded at the FAA Aircraft Registry, by the date of FAA recording and FAA document number.

(c) By deleting paragraph (e).

4. By deleting §49.35.

C. By amending §91.27(a)(2) of Part 91 to read as follows:

§91.27 Civil aircraft certificates required.

(a) * * *

(2) A registration certificate issued to its owner, or a temporary authority to operate required by §47.32.

* * *

[F.R. Doc. 66-6234; Filed, July 28, 1966; 8:47 a.m.]
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
CALIFORNIA

Notice of Termination of Proposed Withdrawal and Reservation of Lands

JULY 22, 1966.

Notice of a Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service application, Los Angeles 0158298, for withdrawal and reservation of lands for enlargement of the Lassen, Tehama Counties, Calif. National Wildlife Refuge, was published as F.R. Doc. No. 59-11325, on pages 10967-10968 of the issue for December 30, 1959, as corrected by notice published as F.R. Doc. No. 59-2526, on pages 519-520 of the issue for January 21, 1960. The applicant agency has canceled its application insofar as it affects the following described lands:

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 10 N., R. 24 E., Sec. 5, 6, 7, 8, NW<sub>1/4</sub>SW<sub>1/4</sub>, SW<sub>1/4</sub>SW<sub>1/4</sub>, SW<sub>1/4</sub>SW<sub>1/4</sub>;

Sec. 8, all that part of the NW<sub>1/4</sub>SW<sub>1/4</sub> lying north of the Atchison, Topeka, and Santa Fe Railroad right-of-way; that part of the N<sub>1/4</sub>NW<sub>1/4</sub> lying north of the Atchison, Topeka, and Santa Fe Railroad right-of-way.

Therefore, pursuant to the regulations contained in 43 CFR, Part 2311, such lands, at 10 a.m. on August 29, 1966, will be relieved of the segregative effect of the above-mentioned application.

HALL H. McCLAIN, Manager,

[F.R. Doc. 66-8226; Filed, July 28, 1966; 8:46 a.m.]

National Park Service
LASSEN VOLCANIC NATIONAL PARK, CALIFORNIA

Proposed Wilderness Establishment

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 9 a.m. on September 27, 1966, in the Lincoln Street School, 1151 Lincoln Street, Red Bluff, Calif. 96080, for the purpose of receiving comments and suggestions as to the appropriateness of a proposal for the establishment of wilderness areas comprising about 49,800 acres within the Lassen Volcanic National Park. Portions of these proposed wilderness areas are located in Lassen, Plumas, Shasta, and Tehama Counties, Calif.

A packet containing a map depicting the preliminary boundaries of these proposed wilderness areas and providing additional information about the proposal may be obtained from the Superintendent, Lassen Volcanic National Park, Mineral, Calif. 96063, or the Regional Director, National Park Service, 450 Golden Gate Avenue, Post Office Box 38063, San Francisco, Calif. 94102.

In accordance with the provisions of the Act, a packet containing a map of the area proposed for establishment as wilderness will be available after presentation of oral statements, at which time the public will be given an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the hearing officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

1. Governor of the State or his representative.
2. Members of Congress.
3. Members of the State Legislature.
4. Official representatives of the counties in which the proposed wilderness area is located.
5. Officials of other Federal agencies or public bodies.
6. Organizations in alphabetical order.
7. Individuals in alphabetical order.
8. Others not giving advance notice, to the extent there is remaining time.

GEORGE E. HARTZOG, JR.,
Director, National Park Service.
JULY 22, 1966.

[F.R. Doc. 66-8244; Filed, July 29, 1966; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Food and Drug Administration

HOFFMANN-LA ROCHE INC.

Notice of Filing of Petition Regarding Color Additive Canthaxanthin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 709(d), 74 Stat. 403; 21 U.S.C. 376(d)), notice is given that a petition (CAP 47) has been filed by Hoffmann-La Roche Inc., Nutley, N.J. 07110, proposing the issuance of a regulation to provide for the safe use and exemption from certification of canthaxanthin (4,4'-diketose-5-carotene) as a color for foods and drugs generally.

Dated: July 22, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-8299; Filed, July 23, 1966; 8:47 a.m.]

HAZLETON LABORATORIES, INC.

Notice of Filing of Petition for Food Additive Aluminum Phosphide

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 (FAP 622026) has been filed by Hazleton Laboratories, Inc., Post Office Box 30, Falls Church, Va. 22046, on behalf of Hollywood Termite Control Co., Inc., Alhambra, Calif. 91801, proposing amendments to § 121.281 and § 121.1178 of the food additive regulations to provide for the safe use of aluminum phosphide to generate phosphine in the fumigation of animal feeds and processed foods with residues of phosphine In or on the fumigated commodities not in excess of 0.1 part per million.

Dated: July 22, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-8300; Filed, July 23, 1966; 8:47 a.m.]
DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANEALLY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in List of Establishments

Pursuant to section 4 of the Act of August 27, 1968 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the list (31 P.R. 9595-9561) of the establishments which are operated under Federal Inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock is hereby amended as follows:

The reference to calves with respect to Utica Veal Co., Inc., establishment 88, is deleted. The reference to sheep with respect to Haas-Davis Packing Co., Inc., establishment 862, is deleted. The reference to A. Darlington Strode, establishment 718, and the reference to swine with respect to such establishment are deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

<table>
<thead>
<tr>
<th>Name of establishment</th>
<th>Establishment No.</th>
<th>Cattle Calves Sheep Goats Swine Horses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gordon Packing Co.</td>
<td>355</td>
<td>( ) ( ) ( ) ( ) ( )</td>
</tr>
<tr>
<td>Darby Meat Co.</td>
<td>366</td>
<td>( ) ( ) ( ) ( ) ( )</td>
</tr>
<tr>
<td>Silver Falls Packing Co.</td>
<td>367</td>
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<td>Animal Husbandry Department, Texas A&amp;M University</td>
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<td>Landa Meat Packers, Inc.</td>
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<td>Davis Cheese Co.</td>
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<td>Oakley Cheese Co.</td>
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<td>Darlington Strode, Inc.</td>
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Species added: 18.

Done at Washington, D.C., this 25th day of July 1966.

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

[FR Doc. 66-3288; Filed, July 28, 1966; 8:45 a.m.]

Forest Service

HIGH UINTAS WILDERNESS

Proposal and Hearing Announcement

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577; 78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 9 a.m. on October 12, 1966, in Room B-20, Federal Building, Ogden, Utah, on a proposal for recommendation to be made to the President of the United States by the Secretary of Agriculture, that a recommendation be submitted to Congress for the establishment of the High Uintas Wilderness, comprised of approximately 322,996 acres within and contiguous to the High Uintas Primitive Area. Approximately 218,206 acres are located within the Ashley National Forest, Duchesne County, State of Utah, and approximately 107,782 acres are within the Wasatch National Forest in Duchesne and Summit Counties, State of Utah.

A brochure containing a map and information about the proposed Wilderness may be obtained from the Forest Supervisor, Ashley National Forest, Forest Service Building, Vernal, Utah 84078, or Forest Supervisor, Wasatch National Forest, Federal Building, Salt Lake City, Utah 84110, or Federal Building, Ogden, Utah 84401.

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1904), the list of the above-mentioned counties in the States of Florida, North Carolina, and Texas has been determined to have been received emergency loans and special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 26th day of July 1966.

Orville L. Freeman, Secretary.

[FR Doc. 66-3288; Filed, July 28, 1966; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 66-CX-3]

MINNESOTA-IOWA TELEVISION CO.

Notice of Hearing

Notice is hereby given pursuant to the provisions of Part 77 of the Federal Aviation Regulations that the above entitled proceeding, now noticed to be convened on September 19, 1966, will commence on that date at 9 a.m., in the auditorium room of the Freeborn County Courthouse, Albert Lea, Minn.


George R. Borsari,
Presiding Officer.

[FR Doc. 66-3288; Filed, July 28, 1966; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16737, 16738; FCC 66M-1016]

ADIRONDACK TELEVISION CORP. AND NORTHEAST TV CABLEVISION CORP.

Order Re Procedural Dates


As a result of agreements reached on the record of a prehearing conference held this date in the above-entitled matter, it is ordered, this 22d day of July 1966, that:...
It is ordered, This 26th day of July 1966, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is scheduled to commence at 10 a.m. on October 3, 1966, in Asheboro, N.C.: And, it is further ordered, That a prehearing conference in the matter of applications of Harriscope, Inc., licensee of KTW0, Casper, Wyo., for construction permits for standard broadcast stations in the classes I-B and II-A, as shown on a map relinquishing the rights to Class I-B station on KOB, 1030 kc, since March of 1941, but has been formally licensed on 1030 ke since December 26, 1965, the frequency on which it is earmarked it for Class II-A facility on 1030 kc; (b) Opposition to Petition To Deny, filed by Hubbard Broadcasting Co., licensee of KOB, Albuquerque, N.Mex., on September 8, 1965; (c) Opposition to Petition To Deny, filed by Harriscope, Inc., licensee of KTW0, Casper, Wyo., filed September 8, 1965, for a construction permit for a new Class II-A facility on 1030 kc; (d) application of Family Broadcasting Co., for construction permit for a new standard broadcast station in La Grange, Wyo., filed on October 29, 1965; (e) Petition To Deny, filed by KOB on January 4, 1966, against the Family application; (f) Opposition to Petition To Deny, filed by Family Broadcasting Co., Inc., on January 17, 1966; (g) Joint Petition To Remove Applications from Commission's Filing File and To Designate for Comparative Hearing, filed by Harriscope and Family on June 3, 1966; and (h) Statement of Hubbard Broadcasting, Inc., filed on June 13, 1966.

The KOB has been formally licensed on 1030 kc since March of 1941, but has actually been broadcasting under program test authority (and earlier, under special service authorization) on 770 kc since October of 1941, pending action on its application for license to cover operation on 770 kc. Disagreement between WABC, New York, flagship station of the American Broadcasting Co. radio network, licensed on 770 kc, and KOB concerning the continued operation of KOB on 770 kc, has led to numerous Commission proceedings and to litigation in the United States Court of Appeals for the District of Columbia. On February 21, 1966, the Supreme Court denied the Commission's request for a writ of certiorari following the most recent decision of the court of appeals, American Broadcasting-Paramount Theatres, Inc. v. Federal Communications Commission, 120 U.S. App. D.C. 284, 354 F.2d 954 (1965). The Commission is currently in the process of formulating its response to the court's decision.

3. This latest opinion, and the uncertainties generated by it are fully discussed in the memorandum opinion and order of July 14, 1965 (FCC 65-624). Until the questions created by the decision are resolved by further administrative or judicial proceedings, the status of all clear channel authorizations must remain unsettled. Such uncertainty obtains in the case of KOB and has been alluded to by us in a memorandum opinion and order. In re John M. Kline, adopted September 29, 1965 (FCC 65-869), 1 FCC 2d 869.

In an earlier decision, American Broadcasting-Paramount Theatres, Inc. v. Federal Communications Commission, 109 U.S. App. D.C. 48, 280 F.2d 621 (1960), the court of appeals affirmed a Commission determination that operation of KOB on 770 kc, rather than 1030 kc, would best implement the mandate of section 307(b) of the Communications Act of 1934, as amended. In the report and order in the clear channel proceeding (Docket No. 6741, 31 FCC 658), the Commission reaffirmed a previous decision to remove KOB from 1030 kc and to give it the status of a Class I-B station on 770 kc. The same proceeding led to a reclassification of 1030 kc from a Class I-B to a Class I-A channel, and earmarked it for Class II-A duplication in Wyoming. In none of the proceedings held between October 1941 and the present has it been determined that 1030 kc would be the frequency of choice for KOB. On the contrary, numerous factual determinations have been made against the desirability of reassigning KOB to 1030 kc. Nevertheless, in view of the present posture of this case, no final decision will be made until the status of KOB with respect to 1030 kc is finally determined.

5. The above referenced applications have been held in abeyance pending a final decision in the KOB matter. The petitions filed by KOB regarding that the Harriscope and Family applications be denied or designated for hearing with Hubbard as a party, alleging that a grant of either application would modify the KOB license by creating extensive nighttime skywave interference to KOB on 1030 kc, the frequency on which it is formally licensed.

6. As the KOB license to operate on 1030 kc has been renewed since the clear channel report and order, it...
and any supplementary proceedings relevant thereto. Accordingly, the joint petition of Family and Harriscopc will be denied. However, to the extent it requests a consolidated hearing at this time, will be denied. We will, however, make Harriscopc a party to the proceeding ordered below.

9. Family Broadcasting, Inc., is a non-profit, no stock corporation planning to conduct a non-commercial educational operation on channel 1-A. The application indicates that $186,000 will be needed to construct and operate the proposed station for 1 year without revenues. The applicant intends to raise $184,524 through loans from two of its members, Harold Camping ($50,000), and Scott L. Smith ($114,524). Their respective balance sheets, however, do not show sufficient liquid or quick assets to meet their loan commitments. In addition, the applicant relies on a $71,250 credit from an equipment manufacturer. However, the letter of credit does not constitute a guaranteed commitment. Therefore, an appropriate financial issue will be included.

10. In opposing KOB's petition to deny, the Commission expresses concern as to its ability to give a granting an application contingent upon continued use by KOB of some frequency other than 1030 kc. Such a grant would create a possible interference for KTWO in view of the conclusions reached above, and would be inconsistent with settled Commission practice.

11. It has not been determined that the proposed antenna system of Family Broadcasting, Inc., would not constitute a menace to air navigation. Accordingly, an appropriate issue will be specified.

12. Family Broadcasting, Inc., proposes to operate with 50 kilowatts of power utilizing a directional antenna system (DA-1) to suppress the radiation to a reasonable distance from the proposed station. The primary service area of the dominant co-channel station (WBZ, Boston, Mass.) is only 42 mv/m and the MEOV is 42 mv/m. It is not expected that the proposed operation would provide coverage to the proposed site of a primary service area of 5.5 mv/m and the MEOV is 42 mv/m. It is apparent, therefore, that a substantial question remains as to whether the proposed operation, or any part thereof, would constitute a menace to air navigation. Therefore, the proposal must be decided in accordance with this Commission's Rules.

13. The transmitter site proposed by Family Broadcasting, Inc., is located approximately 0.5 miles west of La Grange, a secondary service area of the dominant co-channel station (WBZ, Boston, Mass.). The degree of suppression proposed is a free field at the proposed site of 29 microwatts per meter. This suppression, therefore, is only 42 mv/m, and would raise a substantial question as to whether the proposed array can be adjusted and maintained in proportion to the proposed MEOV. The applicant's own engineering studies show that the proposed 0.25 percent contour would be separated by 2.5 percent of the secondary service area of WBZ by only some 35 miles. In view of the foregoing, the Commission is of the view that an issue should be included as to whether the array can be adjusted and maintained as proposed and whether adequate protection will be afforded the dominant station (WBZ).

14. Exempt as indicated by the issues specified below, the applicants are qualified for the license sought. Since the applications are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues forthwith. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from Family Broadcasting, Inc., and the availability of other primary service to such areas and populations.

2. To determine, with respect to the application of Family Broadcasting, Inc., whether a firm commitment of a $71,250 credit is available to the applicant from its designated equipment manufacturer.

(b) Whether a firm commitment of a $71,250 credit is available to the applicant from its designated equipment manufacturer.

(c) Whether, in the light of evidence adduced pursuant to (a) and (b), above, the applicant has sufficient funds available to construct and operate the proposed station for 1 year without revenues and thus demonstrate its financial qualification.

4. To determine, in view of paragraph 14 above, whether Family Broadcasting, Inc., will be able to adjust and maintain the proposed array as proposed in the instant application.

5. To determine, in the light of the evidence adduced pursuant to Issue 4, above, whether Family Broadcasting, Inc., will be able to afford adequate protection to WBZ, Boston, Massachusetts.

6. To determine, in view of paragraph 15 above, whether the proposed 25 mv/m, 5 mv/m, and nighttime limitation contours would provide service to La Grange in accordance with § 73.188 of the rules.

7. To determine whether there is a reasonable possibility that the tower height and location proposed by Family Broadcasting, Inc., would constitute a menace to air navigation.

8. To determine, in the light of section 309(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

9. To determine the summary of land use, mineral, and other public needs affecting the proposed site, and the public need for the site, the use, and facilities of the station as specified.

10. To determine the public need for the proposed site for operation by the applicant, in the light of the proposed site, the use, and facilities of the station as specified.

11. To determine the public need for the proposed site for operation by the applicant, in the light of the proposed site, the use, and facilities of the station as specified.

12. To determine the public need for the proposed site for operation by the applicant, in the light of the proposed site, the use, and facilities of the station as specified.

13. To determine the public need for the proposed site for operation by the applicant, in the light of the proposed site, the use, and facilities of the station as specified.

14. To determine the public need for the proposed site for operation by the applicant, in the light of the proposed site, the use, and facilities of the station as specified.
NOTICES

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IT IS FURTHER ORDERED, That the Federal Aviation Agency, Westinghouse Broadcasting Co., Inc., licensee of standard broadcast station WBBZ, WZAZ, and Hubbard Broadcasting Co., are made parties to the proceeding.

IT IS FURTHER ORDERED, That neither applicant in this proceeding will be granted a construction permit prior to the ultimate resolution of the matters raised and Hubbard Broadcasting Co. are made parties to the proceeding.

The Commission of the publication of the matters raised and Hubbard Broadcasting Co. are made parties to the proceeding.

Aviation Agency, Westinghouse Broadcasting, Inc., is granted to the extent indicated above and are denied in all other respects, and the Hubbard Broadcasting Co. Statement, insofar as it requests a consolidated hearing on the applications for 770 kc, is denied.

It is further ordered, That, the Joint Petition of Harriscorpe, Inc., and Family Broadcasting, Inc., is granted to the extent indicated above.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the applicants herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.584 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission in triplicate, a written appearance stating as required by § 1.584(g) of the rules.

Adopted: July 20, 1966.

Released: July 26, 1966.

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

[F.R. Doc. 66-8304; Filed, July 26, 1966; 8:48 a.m.]

[DOCKET NO. 16785; FCC 66-667]

RICE CAPITAL BROADCASTING CO.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In re application of Barton W. Freeland, Sr., L. O. Freemaa, and Edmond M. Keim, doing business as Rice Capital Broadcasting Co., Crowley, La., Docket No. 1710;

That, the application or, in the alternative, designation, including a program schedule which lists programs only by general classification, as amended; (b) the "Petition to Deny or Designate for Hearing" filed on December 10, 1982, by KSIG Broadcasting Co., Inc., licensee of Station KSIG, Crowley, La.; (c) the "Opposition to Petition to Deny or Designate for Hearing" filed on January 7, 1983, by the applicant; (d) the "Reply to Opposition to Petition to Deny or Designate for Hearing," filed on January 25, 1983, by KSIG; (e) the "Supplement to Petition to Deny or Designate for Hearing" filed on September 28, 1983, by KSIG; (f) the "Amendment to Petition for Hearing in Response to Commission Inquiry," filed on October 9, 1984, by KSIG; (g) the "Reply to Amendment to Petition to Deny," filed on October 27, 1984, by the applicant; (h) the "Response to Rice Capital's Reply," filed on November 6, 1984, by KSIG; (i) and other related pleadings.

The petitioner (KSIG) alleges standing as a "party in interest" in this proceeding on the grounds that the applicant has not demonstrated that he has ascended the particular programming needs and interests of the community and area served, and the manner in which the applicant proposes to meet such needs and interest (Suburban Issue); to determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

The petitioner requests the specification of a Suburban issue on the grounds that the applicant has not demonstrated that he has ascended the particular programming needs and interests of the community and area served, and the manner in which the applicant proposes to meet such needs and interest (Suburban Issue); to determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

In its opposition pleading, the respondent alleges that two of the three partners in the applicant have been life-long residents of Crowley and that they have been engaged in civic and fraternal activities in the community. The petitioner, in its opposition pleading, alleges that the third partner (Edmond M. Keim) who will manage and operate the proposed station, has had over seven years of broadcasting experience in Crowley as a former member of the Station KSIG staff.

The petitioner further contends that the application includes a program schedule which lists programs only by general classification, without any titles or descriptions. In addition, the applicant submitted the names of the community leaders and residents contacted to discern the programming needs and desires of Crowley. On the basis of these showings, the Commission finds that the applicant is sufficiently familiar with the programming needs and interests of the community so as to make the specification of the requested Suburban issue unnecessary. Accordingly, the request for its specification as an issue will be denied.
NOTICES

The petitioner requests that the Commission specify an issue to determine whether the applicant, in view of its proposals as to staff, is qualified or capable of operating its station in a manner to effectuate its proposed programing. The petitioner asserts that the applicant's staff of seven full-time and two part-time employees is inadequate to effectuate its proposed programing, especially in light of the fact that 14 hours out of the 84 broadcast hours proposed per week would be devoted to live programing. On April 1, 1963, the applicant submitted an amendment in which it reduced the amount of programing proposed to be devoted to live programing from approximately 14 hours per week to approximately 9 hours per week. The petition and depen- dencies submitted by the applicant in connection with its proposed programing schedule, the Commission is of the view that the 9 hours per week is a proper classification of the applicant's live programing. The applicant has provided adequate information as to the number of personnel involved and the allocation of funds that the applicant proposes to devote to advertising centers which appear to be somewhat ASec.

This burden of proof is heavy, it is not required to prove its case prior to hearing. The Commission has considered the nature of the proposed programing and the manner in which the applicant proposes to present them, and is of the opinion that the applicant's staff of seven full-time and two part-time employees is heavy, it is not required to prove its case prior to hearing. The Commission has considered the nature of the proposed programing and the manner in which the applicant proposes to present them, and is of the opinion that the applicant's staff of seven full-time and two part-time employees is inadequate to effectuate its proposed programing. The facts relied on by the petitioner do not establish a sufficient basis for questioning these proposals. Accordingly, the requested issue will not be specified.

The petitioner also requests the specification of an issue to determine whether there is any need in Crowley for the proposed broadcast station. The petitioner contends that the applicant should be required to show a need for the proposed station, citing Mountain Empire Broadcasting Co. v. R.R. 690 (1961). However, this cited case is distinguishable from the present situation in that it involved a proposed station which would have imposed substantial adjacent channel interference upon two existing stations. The burden was placed upon the applicant to show that the need for the new station outweighed the service which would be lost to the two existing stations. In the present case no such interference considerations are involved. The applicant's opposition to establish a second local standard broadcast station in a community which presently has only a single licensed broadcast facility. Since there are no 307(b)'s or technical programing (e.g. retransmit) by the applicant to show a need for the proposed programing. In this case, the applicant is not required to show a need for the proposed programing.

The petitioner also requests the specification of an issue to determine whether the applicant, in view of its proposals as to staff, is qualified or capable of operating its station in a manner to effectuate its proposed programing. The petitioner asserts that the applicant's staff of seven full-time and two part-time employees is inadequate to effectuate its proposed programing, especially in light of the fact that 14 hours out of the 84 broadcast hours proposed per week would be devoted to live programing. On April 1, 1963, the applicant submitted an amendment in which it reduced the amount of programing proposed to be devoted to live programing from approximately 14 hours per week to approximately 9 hours per week. The petition and dependencies submitted by the applicant in connection with its proposed programing schedule, the Commission is of the view that the 9 hours per week is a proper classification of the applicant's live programing. The applicant has provided adequate information as to the number of personnel involved and the allocation of funds that the applicant proposes to devote to advertising centers which appear to be somewhat ASec.

This burden of proof is heavy, it is not required to prove its case prior to hearing. The Commission has considered the nature of the proposed programing and the manner in which the applicant proposes to present them, and is of the opinion that the applicant's staff of seven full-time and two part-time employees is inadequate to effectuate its proposed programing. The facts relied on by the petitioner do not establish a sufficient basis for questioning these proposals. Accordingly, the requested issue will not be specified.

The petitioner also requests the specification of an issue to determine whether there is any need in Crowley for the proposed broadcast station. The petitioner contends that the applicant should be required to show a need for the proposed station, citing Mountain Empire Broadcasting Co. v. R.R. 690 (1961). However, this cited case is distinguishable from the present situation in that it involved a proposed station which would have imposed substantial adjacent channel interference upon two existing stations. The burden was placed upon the applicant to show that the need for the new station outweighed the service which would be lost to the two existing stations. In the present case no such interference considerations are involved. The applicant's opposition to establish a second local standard broadcast station in a community which presently has only a single licensed broadcast facility. Since there are no 307(b)'s or technical programing (e.g. retransmit) by the applicant to show a need for the proposed programing. In this case, the applicant is not required to show a need for the proposed programing.
12. Except as indicated by the issues specified below, the applicant is legally, technically, and financially qualified to construct and operate as proposed. However, the Commission is unable to make the statutory finding that a grant of the application is in the public interest, convenience and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below.

It is ordered that, pursuant to section 309(c) of the Communications Act of 1934, as amended, the subject application is designated for hearing, at a time and place to be specified in a subsequent order following the proceeding on the issues set forth below:

1. To determine whether there are adequate revenues to support more than one standard broadcast station in the area proposed to be served by the applicant's proposal without net loss or degradation of standard broadcast service to such area.

2. To determine the basis of the applicant's (a) estimated construction costs, and (b) estimated operating expenses for the first year of operation.

3. To determine the basis for the applicant's estimated revenues for the first year of operation.

4. To determine, in the light of the evidence adduced pursuant to the two foregoing issues, whether the applicant is financially qualified.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience and necessity.

It is further ordered, That the Petition to Deny or Designate for Hearing, filed by KSIG Broadcasting Co., Inc., licensee of Station KSIG, Crowley, La., is granted to the extent indicated above and denied in all other respects.

It is further ordered, That KSIG Broadcasting Co., Inc., licensee of Station KSIG, Crowley, La., is made a party to the proceeding.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof with respect to Issues Nos. 1 and 2 are hereby placed on the applicant.

It is further ordered, That in the event of a grant of the application, the construction permit shall contain the following condition:

"Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.85 of the Commission rules are not extended to this authorization, and such operation is precluded."

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.221(e) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance and notice of intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 20, 1966.


FEDERAL COMMUNICATIONS COMMISSION;

[SEAL] Ben F. Waple,
Secretary.

[F.R. Doc. 66-6305; Filed, July 28, 1966; 8:45 a.m.]

[Docket No. 16613; FCC 66M-1023]

STAR STATIONS OF INDIANA, INC.

Order Continuing Hearing

In re application of Star Stations of Indiana, Inc., Docket No. 16612, File No. BR-1144, BRH-1276; for renewal of licenses of stations WIFE AM-FM, Indianapolis, Ind.

That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 311(a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: July 20, 1966.


FEDERAL COMMUNICATIONS COMMISSION;

[SEAL] Ben F. Waple,
Secretary.

[F.R. Doc. 66-6306; Filed, July 28, 1966; 8:45 a.m.]

[Docket No. 16612; FCC 66M-1023]

WTCN TELEVISION INC. (WTNC-TV), ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of WTCN Television Inc. (WTNC-TV), Minneapolis, Minn., Docket No. 15841, File No. BCPT-2850; Midwest Radio-Television, Inc. (WCCO-TV), Minneapolis, Minn., Docket No. 15842, File No. BCPT-2850; United Television, Inc. (KMSP-TV), Minneapolis, Minn., Docket No. 15843, File No. BCPT-3293; Twin City Area Educational Television Corp. (KTCI-TV), St. Paul, Minn., Docket No. 16782, File No. BPET-249; Twin City Area Educational Television Corp. (KTCI-TV), St. Paul, Minn., Docket No. 16783, File No. BPET-350; for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 30th day of July, 1966:

1. The Commission has before it for consideration the above-captioned applications of Twin City Area Educational Television Corp., licensee of Television Broadcasting Station KTCA-TV, Channel *2, St. Paul, Minn., and Television Broadcast Station KTCI-TV, Channel *17, St. Paul, Minn., each requesting a construction permit to make changes in the facilities of the station. Station KTCA-TV is authorized to operate with effective radiated visual power of 100 kw and antenna height above average terrain of 650 feet from a site in Falcon Heights, Minn., 5 miles north of Minneapolis. Station KTCI-TV proposes to increase antenna height above average terrain to 1,010 feet at a site near Shoreview, Minn. (250 West County Road F). No change in power is proposed. Station KTCl-TV is authorized to operate with effective radiated visual power of 47.9 kw and antenna height above average terrain of 490 feet from the Falcon Heights site. Station KTCA-TV proposes to reduce effective radiated visual power to 29.9 kw, increase antenna height above average terrain to 625 feet, and change transmitter site to the same site proposed by Station KTCA-TV.

2. The site proposed for the two stations is the same as that proposed by Television Broadcast Stations WTCN-TV, Channel 11, Minneapolis; WCCO-TV, Channel 4, Minneapolis, and KMSP-TV, Channel 5, Minneapolis. Stations WTCN-TV and KMSP-TV propose to collocate their antennas on a common structure and Station WTCN-TV proposes a separate structure at the same site. These proposals were designated by the Commission for hearing in a consolidated proceeding (FCC 65-105, released Feb. 15, 1965, Docket Nos. 15841-15843) because, inter alia, the tower heights and locations proposed were deemed by the Federal Aviation Agency to constitute a menace to air navigation. The applicant herein proposes to locate its antennas on the same structure as Station WTCN-TV and its proposal is a similar one, therefore, been approved by the FAA.

3. The applicant, on February 18, 1966, filed a "Petition to Consolidate," requesting that its applications be consolidated into the hearing confusion. In Docket No. 15841-15843. The petition recites that the applicant was permitted to intervene in the proceeding as a party (memorandum opinion and order, FCC 65M-785, released June 16, 1966) and has participated. As an applicant, it now believes that because its applications propose the same site as the commercial applicants and tower heights have already been approved by the FAA, its applications should be consolidated into the proceeding so that the question of whether the tower heights and location proposed would constitute a menace to air navigation may be resolved with respect to all of the stations. This petition is unopposed.

4. We believe that it would conduce to the orderly and expeditious dispatch of the Commission's business to consider these applications and the question raised with respect thereto in a single proceed-
FEDERAL MARITIME COMMISSION

[No. 66-32]

APPROVAL OF AGREEMENT OF INVESTIGATION AND NOTICE OF HEARING

By order of May 13, 1966, the Commission approved Agreement 5700-8, a purported revision of the basic agreement of the New York Freight Bureau (Hong Kong) in part and set the remaining provisions for hearing. On June 13, 1966, States Marine Lines, Inc., petitioned for reconsideration of the order on the ground, among others, that Agreement 5700-8 was signed by James Dennean as "attorney in fact of Freight Bureau" and under a subscription clause stating that the signature was "by and on behalf of the following parties:" including States Marine. The record of States Marine shows that it did not authorize the signature of States Marine, and consequently did not authorize the submission of Agreement 5700-8. Thus, in States Marine's view the agreement as filed is invalid for two reasons: (1) It is not a "true copy" of the agreement executed by States Marine as required by section 15 of the Shipping Act, 1916, and (2) It lacks the unanimity required by Article 10(a) of Agreement 5700-4 (which is apparently the last approved agreement as to which there was and is now actual agreement among all parties signatory).

Before taking up the Bureau's reply it is necessary to detail certain of the events leading up to the filing and partial approval of Agreement 5700-8. Agreement 5700-8 was preceded by the submission of two other agreements, 5700-6 and 5700-7. These agreements were never approved because after analysis of them the staff suggested by order of May 13, 1966, is hereby broadened to include the following issues:

1. Whether Agreement 5700-8 was properly before the Commission for its approval under section 15?
2. If Agreement No. 5700-8 was properly before the Commission for approval, should the approval thereof be continued?
3. If Agreement 5700-8 was not properly before the Commission for approval and the approval thereof was without force and effect, were Agreement No. 5700-6 and 5700-7 properly withdrawn, and if not what is their present status as representing the true and complete agreement of the parties?
4. Whether there is in existence a presently approved agreement to which all parties signatory thereto now agree, and should approval thereof be continued or should the agreement be modified, disapproved or canceled?

It is further ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, this investigation, instituted by order of May 13, 1966, is hereby amendment to include the foregoing issues; and
NOTICES

It is further ordered, That notice of this order be published in the Federal Register and that copies thereof be served on all parties to this proceeding.

By the Commission.

[SEAL]  THOMAS LISI,  Secretary.

[F.R. Doc. 66-9272; Filed, July 26, 1966; 8:45 a.m.]

[DOCKET No. 66-43]

GULF PUERTO RICO LINES, INC., AND SEA-LAND SERVICE, INC.

Investigation of Increased Minimum Charges and Terminal Delivery Services

It appearing, there have been filed with the Federal Maritime Commission by Sea-Land Service, Inc., and Gulf Puerto Rico Lines, Inc., tariff schedules setting forth new rates and charges, and/or new rules, regulations and practices affecting such rates and charges, to become effective July 15 and 18, 1966, designated as follows:

SEA-LAND SERVICE, INC.

TARIFF FMC-F NO. 10

3d Revised Page 31 (Item No. 470),
1st Revised Page 55 (Item No. 1350),
4th Revised Page 78 (Item No. 1360),
GULF PUERTO RICO LINES, INC.
U.S. ATLANTIC & GULF PUERTO RICO TARIFF FMC-F NO. 3

2d Revised Page 16 (Rule No. 38),
6th Revised Page 28 (Rule No. 60),
1st Revised Page 30 (Rule 65).

And it further appearing, That upon consideration of the said schedules there is reason to believe that the above designated items and rules, except as to those concerns increased pickup and delivery minimum charges, should be made the subject of a public investigation and hearing to determine whether they would be unjust, unreasonable or otherwise unlawful under sections 16 and 18 of the Shipping Act, 1916 and good cause appearing therefore;

It is ordered, That pursuant to the authority of section 22, Shipping Act, 1916, and sections 3 and 4 of the Interstate Commerce Act, 1935, an investigation is hereby instituted into the lawfulness of the rates, charges, and regulations contained in the aforementioned items and rules with a view to making such findings and orders in the premises as facts and circumstances warrant. In the event the matter hereby placed under investigation is changed or amended before this investigation has been concluded, such change or amended matter will be included in this investigation.

It is further ordered, That the Gulf Puerto Rico Lines, Inc., and Sea-Land Service, Inc., be named as respondents in this proceeding;

Notices and Exchange Commission

[F.R. Doc. 66-9272; Filed, July 28, 1966; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

Notice of Proposed Intrasystem Sale of Gas Pipe Line Assets to Affiliated Gas Utility Company and Related Transactions

JULY 25, 1966.

In the matter of the East Ohio Gas Co., Lake Shore Pipe Line Co., 1717 East Ninth Street, Cleveland, Ohio 44114; Consolidated Natural Gas Co., 30 Rockefeller Plaza, New York 20, N.Y.; File No. 70-4400.

Notice is hereby given that Consolidated Natural Gas Co. ("Consolidated Natural"), a registrant of this company, and its wholly owned subsidiary companies, the East Ohio Gas Co. ("East Ohio") and Lake Shore Pipe Line Co. ("Lake Shore"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a), 10, and 12(1) of the Act and Rule 43 thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, which is summarized below, for a statement of the transactions therein proposed.

Lake Shore proposes to sell, and East Ohio proposes to acquire from cash, approximately 31.81 miles of Lake Shore's gas transmission pipe line and related properties in the State of Ohio, and certain related materials and supplies. The sales price is to be equal to the net of the original cost of the pipe line and properties, after deduction of related depreciation, as stated on Lake Shore's books on the date of the sale, and after certain adjustments. As of December 31, 1965, such net original cost amounted to $1,054,688.31, and the materials and supplies were valued at $27,849.07. Lake shore will use substantially the proceeds from the proposed sale, estimated at approximately $1 million to prepay a part of its long-term notes owned by Consolidated Natural at the principal amount thereof plus accrued interest to the date of payment.

The aggregate fees and expenses to be incurred in connection with the proposed transactions are estimated at $5,000 including counsel fees of $1,500, and service company charges of $3,500.

The filing states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed sale and acquisition. It is also stated that the Public Power Commission has jurisdiction over the abandonment of the pipe line facilities proposed to be sold by Lake Shore to East Ohio.

Notice is further given that any interested person may, not later than August 12, 1966, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served at least ten days prior to the date of the hearing by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 43 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL]  ORVAL L. DU BOIS,  Secretary.

[F.R. Doc. 66-9291; Filed, July 28, 1966; 8:47 a.m.]

10295
FEDERAL POWER COMMISSION

NOTICES

[Docket Nos. G-6325, etc.]

CONTINENTAL OIL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates 1

JULY 21, 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 heretofore authorized as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before August 12, 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 § 2.56, Part 3, Statement of General Policy and Proclama-

### Table: Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates 1

<table>
<thead>
<tr>
<th>Docket No. and date filed</th>
<th>Applicant</th>
<th>Purchaser, field, and location</th>
<th>Price per MMBtu</th>
<th>Pressure ( \times 10^4 ) psi</th>
</tr>
</thead>
<tbody>
<tr>
<td>G-2052</td>
<td>George A. Brown, of J. L. Blanchfield, 122 San Jacinto Bldg., Houston, Tex. 77002</td>
<td>United Gas Pipe Line Co., Cabana Creek Area, Glasell County, Tex.</td>
<td>14.02</td>
<td>14.05</td>
</tr>
</tbody>
</table>
| G-2063                   | I. E. 6-57-66 |敷

For the convenience of the user, a footnote at the end of the table provides additional information.

1 This notice does not provide for consolidation for hearing of the several matters covered herein, nor should it be so construed.
<table>
<thead>
<tr>
<th>Docket No. and date filed</th>
<th>Applicant</th>
<th>Purchaser, field, and location</th>
<th>Price per Mf</th>
<th>Pressure base</th>
</tr>
</thead>
<tbody>
<tr>
<td>C106-1046</td>
<td>Mary Lee Massey and Mary Lee Messer, retn Messer, atty, etc.</td>
<td>Southern Natural Gas Co., Plum Point Field, Jefferson and La Fourier Parishes, La.</td>
<td>10.0</td>
<td>10.25</td>
</tr>
<tr>
<td>C107-48</td>
<td>United Pipeline Co., successor to Mississippi River Corp., successor to Humble Oil &amp; Refining Co., etc.</td>
<td>Mississippi River Corp., successor to Humble Oil &amp; Refining Co., etc.</td>
<td>20.0</td>
<td>10.05</td>
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<tr>
<td>C107-49</td>
<td>United Pipeline Co., successor to Mississippi River Corp., successor to Humble Oil &amp; Refining Co., etc.</td>
<td>Mississippi River Corp., successor to Humble Oil &amp; Refining Co., etc.</td>
<td>20.0</td>
<td>10.05</td>
</tr>
<tr>
<td>C107-50</td>
<td>United Pipeline Co., successor to Mississippi River Corp., successor to Humble Oil &amp; Refining Co., etc.</td>
<td>Mississippi River Corp., successor to Humble Oil &amp; Refining Co., etc.</td>
<td>20.0</td>
<td>10.05</td>
</tr>
<tr>
<td>C107-51</td>
<td>United Pipeline Co., successor to Mississippi River Corp., successor to Humble Oil &amp; Refining Co., etc.</td>
<td>Mississippi River Corp., successor to Humble Oil &amp; Refining Co., etc.</td>
<td>20.0</td>
<td>10.05</td>
</tr>
<tr>
<td>C107-52</td>
<td>United Pipeline Co., successor to Mississippi River Corp., successor to Humble Oil &amp; Refining Co., etc.</td>
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<td>20.0</td>
<td>10.05</td>
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<tr>
<td>C107-53</td>
<td>United Pipeline Co., successor to Mississippi River Corp., successor to Humble Oil &amp; Refining Co., etc.</td>
<td>Mississippi River Corp., successor to Humble Oil &amp; Refining Co., etc.</td>
<td>20.0</td>
<td>10.05</td>
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<tr>
<td>C107-54</td>
<td>United Pipeline Co., successor to Mississippi River Corp., successor to Humble Oil &amp; Refining Co., etc.</td>
<td>Mississippi River Corp., successor to Humble Oil &amp; Refining Co., etc.</td>
<td>20.0</td>
<td>10.05</td>
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</tbody>
</table>

See footnotes at end of table.


NOTICES

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<tr>
<th>Docket No.</th>
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<th>Purchase, field, and location</th>
<th>Price per Mf</th>
<th>Pressure basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>C57-64</td>
<td>Sourcy DX Oil Co., P.O. Box 225, Tulsa, Okla. 74102.</td>
<td>Northern Natural Gas Co., 805 Broadway, New York, N.Y. 10292.</td>
<td>17.0</td>
<td>14.65</td>
</tr>
</tbody>
</table>

1 Includes 0.002 cent per Mcf tax reimbursement.
2 Dealer applicant's interest in section 28, Block 1, Gd M.R.R. Survey, from subject contract.
3 Includes 1.5 cents per Mcf tax reimbursement.
4 Formerly Socio Mobil Oil Co., Inc.
5 Debit expired leases.
6 Formerly The Atlantic Refining Co.
7 Subject to upward and downward D.B.M. adjustment.
8 Includes estimated B.t.u. adjustment.
9 Formerly The Atlantic Refining Co.
10 Well has ceased to produce.

Order Conditionally Accepting Filing and Providing for Hearing on and Suspension of Proposed Change in Rate


On June 17, 1966, Sun Oil Co. (Sun) tended for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated June 14, 1966.


Rate schedule designation: Supplement No. 3 to Sun's FPC Gas Rate Schedule No. 175.

Effective date: August 1, 1963.

Amount of annual Increase: $81.

Effective rate: 16.2160 cents per Mcf at 14.65 p.s.i.g.

Proposed rate: 16.3160 cents per Mcf at 14.65 p.s.i.g.

Sun, a producer-respondent in the Permian Basin Opinion No. 468, proposes a periodic and partial tax reimbursement increase as set forth above. On application, Sun has filed, in compliance with Opinion No. 468, a rate schedule quality statement for the subject sale which shows that the gas does not meet the quality standards prescribed in the opinion. The quality statement indicates treating costs of 0.11 cent per Mcf for removal of sulphur, 1.04 cents per Mcf for compression of low pressure gas (230 p.s.i.g.) and upward B.t.u. adjustment of 0.31 cent per Mcf for 1,070 B.t.u. gas.

The quality statement was accepted by order dated June 13, 1966, with respect to the above adjustments, but was rejected.

Address is 1608 Walnut Street, Philadelphia, Pa. 19103. Attention: Mr. G. E. Webber.


The proposed effective date is the contemporaneously provided effective date.
Take notice that on July 15, 1966, the United Gas Pipe Line Co. (Applicant), 71102, filed in Docket No. CP67-9 an application pursuant to section 7(e) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the sale of natural gas and the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to sell to Southern Natural Gas Co. (Southern) at Ferrysville, La., additional gas in a maximum amount of 50,000 Mcf per day and authorization to construct, in two phases, and to operate additional facilities as hereinafter described.

Applicant proposes to deliver the additional gas needed for the proposed sale, estimated to be 13,140,000 Mcf annually, out of its South Louisiana reserves. Applicant states that as of January 1, 1966, its South Louisiana reserves were in excess of 14,084 million Mcf. Applicant further states that it will be necessary to utilize its South-North Louisiana 30-inch pipeline, including a gas or additional compression as planned in Phase II of its proposal.

A description of the proposed facilities as divided into Phase I and Phase II is as follows:

**Phase I—1967 Construction.**
1. Construct approximately 5.29 miles of 30-inch pipeline loop on Applicant's existing Sterlington to Ferrysville 16-inch pipeline, beginning at an orifice meter station located on Applicant's Sterlingston Compressor Station yard in section 32, and extending in a northerly direction paralleling Applicant's existing pipeline to a tie-in point at Applicant's existing sales meter station in sec. 53. All in T. 20 N., R. 4 E., Ouachita Parish, La.;
2. Add and rearrange metering and regulating facilities located on Applicant's existing sales meter station near Ferrysville, La., located in sec. 53, T. 20 N., R. 4 E., Ouachita Parish, La.;
3. Add and rearrange metering and regulating facilities located on Applicant's existing sales meter station near Ferrysville, La., located in sec. 53, T. 20 N., R. 4 E., Ouachita Parish, La.

**Phase II—1969 Construction.**
Add one 6,700-horsepower natural gas turbine driven centrifugal compressor, with appurtenant facilities, at Applicant's existing Olla Compressor Station.

The total estimated cost of Applicant's proposed construction of both Phase I and Phase II facilities is $1,555,182, and will be financed out of its current working funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 19, 1966.

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

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

**Joseph H. Gutride, Secretary.**

[F.R. Doc. 66-8276; Filed, July 28, 1966; 6:45 a.m.]

**INTERSTATE COMMERCE COMMISSION**

**[Notice 1391]**

**MOTOR CARRIER TRANSFER PROCEEDINGS**

**July 26, 1966.**

Synopsises of orders entered pursuant to section 312(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below.

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(3) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding to a date 20 days after the date of disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-B-86813. By order of July 25, 1966, the Transfer Board approved the transfer to Burns Trucking, Inc., South Sioux City, Neb., of the Permits in No. MC-116949 and MC-116949 (Sub-No. 1), issued February 24, 1963, and January 28, 1964, respectively, to Avery J. Burns, Dakota City, Neb., authorizing the transportation of: New trailers, other than those designed to be drawn by passenger automobiles, in initial, truckaway service, and parts, from Sioux City, Iowa, to points in 47 States and the District of Columbia; used trailers, in secondhand condition, that, pursuant to the order in that proceeding to a date 20 days after the date of disposition. The matters relied upon by petitioners must be specified in their petitions with particularity. No.
City, Iowa; and wrecked truck tractors, in truck-away service, from points in the United States, except those in Alaska and Hawaii, to Omaha, Nebr. Paul W. Deck, 222 Davidson Building, Sioux City, Iowa 51101, attorney for applicants.

No. MC-FC-68916. By order of July 22, 1966, the Transfer Board approved the transfer to John Leon Worth, doing business as Haynes Transfer, Mount Airy, N.C., of certificate No. MC-159924 issued September 8, 1957, to L. Y. Haynes, doing business as Haynes Transfer, Mount Airy, N.C., authorizing the transportation of: Household goods, between Mount Airy, N.C., and points within 10 miles thereof, on the one hand, and, on the other, points in Virginia and South Carolina. Fred Folger, Jr., 115 Moore Street, Mount Airy, N.C. 27030, attorney for applicants.

No. MC-FC-68916. By order of July 22, 1966, the Transfer Board approved the transfer to E. J. Peter Trucking, Inc., Athens, Wis., of the certificated rights in certificate No. MC-119924 and MC-119924 (Sub-No. 1), issued February 21, 1961, and January 22, 1962, respectively, to Ermy Rahm, Colby, Wis., authorizing transportation over irregular routes, transporting: Fiber glass and/or iron ore concentrate, from Minneapolis, St. Paul, and South St. Paul to specified points in Taylor and Clark Counties, Wis.; and mill feeds, oil meal, and bran from St. Paul, Minneapolis, Hastings, and Red Wing, Minn., to points in Clark, Taylor, and Wood Counties, Wis. Frank L. Nikolay, Colby, Wis. 54421, attorney for applicants.


No. MC-FC-68930. By order of July 20, 1966, the Transfer Board approved the transfer to George B. Grant, Jr., doing business as Grant Trucking & Moving, Manchester, N.H., of the operating rights in certificate No. MC-52801 (Sub-No. 1) issued February 17, 1950, to Daniel J. McCabe and Bernard J. McCabe, doing business as McCabe Bros., Manchester, N.H., authorizing the transportation of: Household goods, as defined by the Commission, between specified points in New Hampshire, on the one hand, and, on the other, points in Massachusetts, Rhode Island, and Connecticut.

NOTICES

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

July 26, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for in the new rules in Ex Parte No. MC 67 (49 CFR Part 240), published in the Federal Register, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.


No. MC 107483 (Sub-No. 889 TA), filed July 21, 1966. Applicant: MATLACK INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: C. W. Zook (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Grand iron ore concentrate, in bulk, in tank vehicles, from Eston, Pa., to Montrose, N.Y., for 180 days. Supporting shipper: United States Steel Corp., 1501 Penn Place, Pittsburgh, Pa. 15230. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Com-
NOTICES

FEDERAL REGISTER, VOL. 31, NO. 146—FRIDAY, JULY 29, 1966

pilance, 900 U.S. Customhouse, Phi-
adelphia, Pa. 19105.

No. MC 110191 (Sub-No. 16 TA) (Amendment), filed July 20, 1966, published Federal Register in notice No. 220 and republished as amended this issue. Applicant: TURNER'S EXPRESS, INCORPORATED, 1500 Shelton Avenue, Norfolk, Va. Applicant's representative: W. P. Davis (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: Sodium chlorate, in bulk, in special equipment, from Cudor d'Alene, Idaho, to Waldhöfer Paper Co. plant located approximately 15 miles west of Missoula, Mont., over U.S. Highway 10, for 150 days. Applicant in- tends to tack the authority herein applied for to its authority in MC 110191 restricted to traffic moving from Balti-
ix, Ariz. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumbar, from points in Washington, Oregon, and California, to points in Arizona, for 180 days. Supporting shippers: Arizona Box Co., Post Office Box 11127, Phoenix, Ariz., O'Malley Building Materials, Post Office Box 14200, Phoenix, Ariz. 85013. Applicant: HARRY RAMSEY, East Main Street, New Orleans, La. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Root beer, in half gallon bottles, from Fonchataoula, La., to points in Ten-

No. MC 1117304 (Sub-No. 11 TA), filed July 21, 1966. Applicant: PAFFILE TRUCK LINES, doing business as DON PAFFILE, 2096 26th Street North, Lewis-
town, Idaho 83501. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: Wood chip, in bulk, in special equipment, from Cudor d'Alene, Idaho, to Wal- dhöfer Paper Co. plant located approximately 15 miles west of Missoula, Mont., over U.S. Highway 10, for 150 days. Applicant intends to tack the authority herein applied for to its authority in MC 1117304.

No. MC 1129255 (Sub-No. 1 TA), filed July 21, 1966. Applicant: RAY E. CAGLE AND FORREST L. CAGLE, a partnership, doing business as CAGLE TRANSPORTATION SERVICE, 1011 Federal Office Building, Washington, D.C. 20446. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: Bathroom and washroom fixtures, sinks and accessories and attach-
tments thereof, for accounts of Universal-Rundle Corp., New Castle, Pa., from plant sites of Universal-Rundle Corp. at Camden, N.J., and New Castle, Pa. (in split pickups only) to Lawrence-

No. MC 114897 (Sub-No. 71 TA), filed July 22, 1966. Applicant: WHYTEFIELD TANK LINES, INC., Post Office Box Drawer 9897, 300-316 North Clark Road, El Paso, Tex. 79989. Applicant's representative: J. F. Rose (same address as above). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Liquid sodium chloride, in bulk, in tank vehicles, from Henderson, Nev., to Idaho. Authority extended to operate for 180 days. Send protests to: Jerry R. Murphy, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 199 U.S. Court-
house Building, Albuquerque, N. Mex. 87101.

By the Commission.

(Seal) H. Neil Garson, Secretary.

[F.R. Doc. 66-8210; Filed, July 28, 1966; 8:49 a.m.]

[S.O. 981; 3d Rev. Pfahler’s Car Distribution Direction 3, Amdt. 1]

ERIE-LACKAWANNA RAILROAD CO. AND CHICAGO & EASTERN ILLINOIS RAILROAD CO.

Boxcar Distribution

Upon further consideration of Second Revised Pfahler’s Car Distribution Direction No. 3 (Erie-Lackawanna Railroad Co.—Chicago & Eastern Illinois Railroad Co.) and good cause appearing therefor:

It is ordered, That: Second Revised Pfahler’s Car Distribution Direction No. 3 be, and is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date. This order shall expire at 11:59 p.m., September 30, 1966, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 31, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division; as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of Federal Register.


[Seal] H. R. Longhurst, Agent.

[F.R. Doc. 66-8312; Filed, July 28, 1966; 8:49 a.m.]

ASSOCIATION OF AMERICAN RAILROADS

Rerouting and Diversion of Traffic
To All Railroads

Upon further consideration of Pfahler’s ICC Order No. 207 and good cause appearing therefor:

It is ordered, That: Pfahler’s ICC Order No. 207 be, and is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date. This order shall expire at 11:59 p.m., September 30, 1966, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 31, 1966, and that this order shall be served upon the Association of American Railroads, Car Service Division; as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Office of the Federal Register.


[Seal] H. R. Longhurst, Agent.

[F.R. Doc. 66-8312; Filed, July 28, 1966; 8:49 a.m.]
CUMULATIVE LIST OF PARTS AFFECTED—JULY

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 July.

### 3 CFR

**EXECUTIVE ORDERS:**
- July 7, 1910 (revoked in part by PLO 4037) .................................................. 10032
- June 28, 1914 (revoked in part by PLO 4048) .................................................. 9001
- July 10, 1919 (revoked in part by PLO 4048) .................................................. 9001
- April 17, 1928 (revoked in part by PLO 4048) .................................................. 9001
- 2216 (revoked in part by PLO 4042) ................................................................. 9108
- 3155 (revoked in part by PLO 4069) ................................................................. 10194
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