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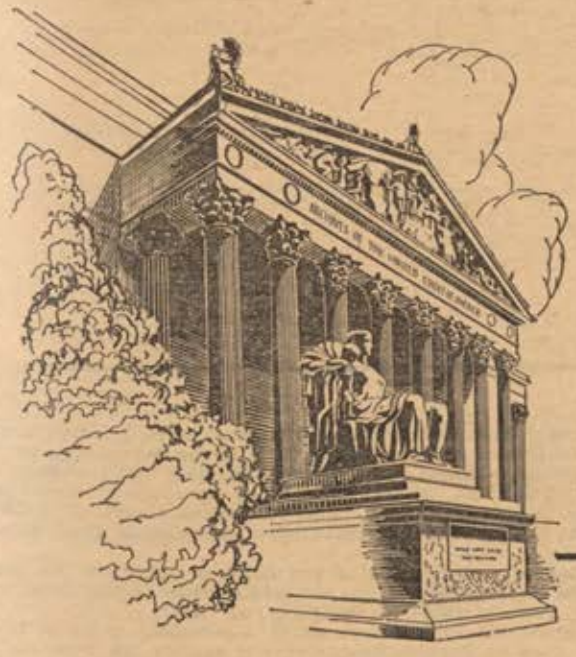

Announcing a New Information Service

Beginning August 2, 1965, the General Services Administration inaugurated a new information service, the "Weekly Compilation of Presidential Documents." The service makes available transcripts of the President's news conferences, messages to Congress, public speeches and statements, and other Presidential materials released by the White House up to 5 p.m. of each Friday.

The *Weekly Compilation* was developed in response to many requests received by the White House and the Bureau of the Budget for a better means of distributing Presidential materials. Studies revealed that the existing method of circularization by means of mimeographed releases was failing to give timely notice to those Government officials who needed them most.

The General Services Administration believes that a systematic, centralized publication of Presidential items on a weekly basis will provide users with up-to-date information on Presidential policies and pronouncements. The service is being carried out by the Office of the Federal Register, which now publishes similar material in annual volumes entitled "Public Papers of the Presidents."

The *Weekly Compilation* carries a Monday dateline. It includes an Index of Contents on the first page and a Cumulative Index at the end. Other finding aids include lists of laws approved by the President and of nominations submitted to the Senate, and a checklist of White House releases.

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1965, and specifies how they are affected.

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Presidential Documents

Title 3—THE PRESIDENT

Proclamation 3690

CRUSADE FOR SAFETY DAY

By the President of the United States of America

A Proclamation

WHEREAS traffic accidents constitute one of the Nation's most urgent domestic problems, involving a continuous toll of death, injury, and financial loss; and

WHEREAS the benefits of our vastly improved highways can be fully realized only if we are able to travel them without excessive risk of accidents; and

WHEREAS public officials concerned with traffic safety cannot win the fight against traffic accidents without the active cooperation of private citizens; and

WHEREAS the Congress, by House Concurrent Resolution 448, agreed to October 22, 1965, has requested the President to issue a proclamation designating November 26, 1965, as Crusade for Safety Day:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim November 26, 1965, as Crusade for Safety Day. I urge that private citizens throughout the country join public officials in their efforts to improve highway safety through the application of measures designed to prevent traffic accidents.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 16th day of November in the year of our Lord nineteen hundred and sixty-five, and of [SEAL] the Independence of the United States of America the one hundred and ninetieth.

LYNDON B. JOHNSON

By the President:

GEORGE W. BALL,
Acting Secretary of State.

[F.R. Doc. 65-12529; Filed, Nov. 18, 1965; 10:31 a.m.]

Executive Order 11258

PREVENTION, CONTROL, AND ABATEMENT OF WATER POLLUTION BY FEDERAL ACTIVITIES

By virtue of the authority vested in me as President of the United States and in furtherance of the purpose and policy of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466), it is ordered as follows:

SECTION 1. *Policy.* The heads of the departments, agencies, and establishments of the Executive Branch of the Government shall provide leadership in the nationwide effort to improve water quality through prevention, control, and abatement of water pollution from Federal Government activities in the United States. In order to achieve these objectives—

(1) Pollution from all existing Federal facilities and buildings shall be controlled in accordance with plans to be submitted to the Director of the Bureau of the Budget pursuant to Section 3 of this Order;

(2) New Federal facilities and buildings shall be constructed so as to meet the pollution control standards prescribed by Section 4 of this Order;

(3) Pollution caused by all other operations of the Federal Government, such as water resources projects and operations under Federal loans, grants, or contracts, shall be reduced to the lowest level practicable;

(4) Review and surveillance of all such activities shall be maintained to assure that pollution control standards are met on a continuing basis;

(5) The Secretary of Health, Education, and Welfare shall, in administering the Federal Water Pollution Control Act, as amended, provide technical advice and assistance to the heads of other departments, agencies, and establishments in connection with their duties and responsibilities under this Order;

(6) The head of each department, agency, and establishment shall ensure compliance with Section 11 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466h), which declares it to be the intent of Congress that Federal departments and agencies shall, insofar as practicable and consistent with the interests of the United States and within available appropriations, cooperate with the Secretary of Health, Education, and Welfare and with State and interstate agencies and municipalities, in preventing or controlling water pollution; and

(7) Water pollution control needs shall be considered in the initial stages of planning for each new installation or project, and the head of each department, agency, and establishment shall establish appropriate procedures for securing advice and for consulting with the Secretary of Health, Education, and Welfare at the earliest feasible stage.

SEC. 2. *Procedures for new Federal facilities and buildings.* (a) A request for funds to defray the cost of designing and constructing new facilities and buildings in the United States shall be included in the annual budget estimates of a department, agency, or establishment only if such request includes funds to defray the costs of such measures as may be necessary to assure that the new facility or building will meet the general standards prescribed by Section 4 of this Order.

(b) Prior to any solicitation of bids for construction of any such new facility or building a description of the essential features of the water pollution control and treatment measures proposed for the

project shall be submitted to the Secretary of Health, Education, and Welfare for prompt review and advice as to the adequacy and effectiveness of the measures proposed and for advice as to any related operating procedures and continuing laboratory examinations deemed necessary to ensure effective plant operation.

SEC. 3. *Procedures for existing Federal facilities and buildings.* (a) In order to facilitate budgeting for corrective and preventive measures, the head of each department, agency, and establishment shall provide for an examination of all existing facilities and buildings under his jurisdiction in the United States and shall develop and present to the Director of the Bureau of the Budget, by July 1, 1966, a phased and orderly plan for installing such improvements as may be needed to prevent water pollution, or abate such water pollution as may exist, with respect to such buildings and facilities. Subsequent revisions needed to keep any such plan up-to-date shall be promptly submitted to the Director of the Bureau of the Budget. Future construction work at each such facility and the expected future use of the facility shall be considered in developing such a plan. Each such plan, and any revisions therein, shall be developed in consultation with the Secretary of Health, Education, and Welfare in order to ensure that adoption of the measures proposed thereby will result in the prevention or abatement of water pollution in conformity with the general standards prescribed by Section 4 of this Order.

(b) The head of each department, agency, and establishment shall present to the Director of the Bureau of the Budget, by July 1, 1967, and by the first of each fiscal year thereafter, an annual report describing progress of his department, agency, or establishment in accomplishing the objectives of its pollution abatement plan.

SEC. 4. *General standards.* (a) Federal installations shall provide secondary treatment, or its equivalent, for all wastes except cooling water and fish hatchery effluents. Discharge of wastes into municipal sewerage systems maintaining adequate treatment is hereby declared to be the preferred method of disposal. However, whenever connection to such a system is not feasible, the department, agency, or establishment concerned shall be responsible for installing its own waste treatment system. Upon an application of the head of a department, agency, or establishment, a degree of treatment less than secondary may be approved with respect to an agency-installed system in an exceptional case if the Secretary of Health, Education, and Welfare finds that a lesser degree of treatment is adequate to protect the quality of the receiving waters.

(b) If discharge of cooling water is expected to create problems by significantly increasing the temperature of the receiving waters, facilities shall be installed, or operating procedures shall be established, to maintain water temperatures within acceptable limits.

(c) Storage facilities for materials which are hazardous to health and welfare, and for oils, gases, fuels or other materials capable of causing water pollution, if accidentally discharged, shall be located so as to minimize or prevent any spillage which might result in water pollution. Engineering measures to entrap spillage, such as catchment areas, relief vessels, or entrapment-dikes, shall be installed so as to prevent accidental pollution of water.

(d) No waste shall be discharged into waters if it contains any substances in concentrations which are hazardous to health.

(e) No waste shall be discharged into waters if it contains any substances in concentrations which will result in substantial harm to domestic animals, fish, shellfish, or wildlife, if methods of treatment or disposal are available that will remove or render harmless such pollutants. If such methods are not available, but can reasonably

be developed, they will be developed and used at the earliest possible date. A determination that such methods are not available or cannot reasonably be developed will not be made without the concurrence of the Secretary of Health, Education, and Welfare.

(f) The head of each department, agency, and establishment shall, with respect to each installation in the United States under his jurisdiction, make, or cause to be made, such surveys as may be necessary to ensure that discharges of waste effluents from activities concerned with radioactivity are in accord with the applicable rules, regulations, or requirements of the Atomic Energy Commission (10 CFR, Part 20) and the policies and guidance of the Federal Radiation Council as published in the FEDERAL REGISTER.

(g) Construction and operating plans for waste treatment facilities shall include space for the conduct of necessary laboratory analyses and for the maintenance of records of results thereof whenever the size and complexity of the system makes this necessary.

(h) Construction and operating plans for waste treatment facilities shall take into account water quality standards promulgated pursuant to the provisions of the Water Quality Act of 1965 (79 Stat. 903).

(i) Any waste treatment facilities installed by any department, agency, or establishment shall as far as practicable be constructed so as to conform with any areawide program, meeting criteria established by the Housing and Home Finance Administrator for a unified or officially coordinated areawide sewer facilities system as part of a comprehensively planned development of an area pursuant to Section 702(c) of the Housing and Urban Development Act of 1965, that may have been adopted with respect to the areas concerned.

SEC. 5. *Modification of standards.* The standards prescribed by paragraphs (a) through (e) and (g) through (i) of Section 4 of this Order may be supplemented or modified by the Secretary of Health, Education, and Welfare, after consultation with the Director of the Bureau of the Budget. All such changes shall be published in the FEDERAL REGISTER.

SEC. 6. *Procedures for Federal water resources projects.* (a) The Secretaries of Agriculture, the Army, and the Interior, the Tennessee Valley Authority, and the United States Section of the International Boundary and Water Commission shall present for the consideration of the Secretary of Health, Education, and Welfare any plans that they propose to recommend with respect to the authorization or construction of any Federal water resource development project in the United States. Such plans must be consistent with the general standards prescribed by Section 4 of this Order to the fullest extent practicable. The Secretary of Health, Education, and Welfare shall review such plans and supporting data relating to water quality, and shall prepare a report to the head of the responsible department, agency, or establishment describing the potential impact of the project on water quality, including recommendations concerning any changes or other measures with respect thereto which he considers to be necessary with respect to the design, construction, and operation of the project.

(b) The report of the Secretary of Health, Education, and Welfare shall accompany any report proposing authorization or construction of such a water resource development project. In any case in which the Secretary of Health, Education, and Welfare fails to submit a report within 90 days after receipt of project plans, the head of the department, agency, or establishment concerned may propose authorization or construction of the project without such an accompanying report. In any such case, the head of the department, agency, or establishment concerned shall explicitly state in his report

concerning the project that the Secretary of Health, Education, and Welfare has not reported on the potential impact of the project on water quality.

SEC. 7. *Review of facilities or operations supported by Federal loans, grants, or contracts.* (a) The head of each department, agency, and establishment shall conduct a review of the loan, grant, and contract practices of his organization to determine the extent to which water pollution control standards similar to those set forth in this Order for direct Federal operations should be adhered to by borrowers, grantees, or contractors with respect to their operations in the United States. The head of each department, agency, and establishment shall review all such activities for which there is a significant potential for reduction of water pollution and develop appropriate recommendations for accomplishing such reduction. In conducting this review, necessary technical assistance should be sought from the Secretary of Health, Education, and Welfare and the heads of other appropriate Federal agencies. A report on the results of this review shall be submitted to the Director of the Bureau of the Budget by July 1, 1966.

(b) The heads of departments, agencies, and establishments are encouraged to prescribe regulations covering loan, grant, or contract practices designed to reduce water pollution.

SEC. 8. *Study of water pollution from vessel operations.* The Secretary of Health, Education, and Welfare shall make a comprehensive study of the problem of water pollution within the United States caused by the operation of vessels, and shall develop such recommendations for corrective or preventive action as may be appropriate, including recommendations with respect to vessels operated by any department, agency, or establishment of the Federal Government. The results of the study and recommendations shall be transmitted to the President by January 1, 1967. The study and report thereon shall be prepared in consultation with, and with the advice and assistance of, the Secretary of Defense, the Secretary of the Treasury, and the Secretary of Commerce.

SEC. 9. *Prior Executive Order superseded.* Executive Order No. 10014 of November 5, 1948, is hereby superseded.

LYNDON B. JOHNSON

THE WHITE HOUSE,
November 17, 1965.

[F.R. Doc. 65-12521; Filed, Nov. 17, 1965; 4:58 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show the exception under Schedule C of the position of one Deputy Administrator, Economic Development Administration. Effective on publication in the FEDERAL REGISTER, subparagraph (5) is added to paragraph (q) of § 213.3314 as set out below.

§ 213.3314 **Department of Commerce.**

* * * * *

(q) *Office of the Assistant Secretary for Economic Development.* * * *

(5) One Deputy Administrator, Economic Development Administration.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 65-12418; Filed, Nov. 18, 1965; 8:45 a.m.]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show the exception under Schedule C of the following positions under the Assistant Secretary of Commerce for Economic Development: The Deputy Assistant Secretary for Economic Development (Liaison) and the Deputy Assistant Secretary for Economic Development (Operations), two Special Assistants to the Assistant Secretary for Economic Development, two Private Secretaries to the Assistant Secretary for Economic Development, and one Private Secretary each to the Deputy Assistant Secretaries for Economic Development; the Director and Deputy Director of the Office of Regional Economic Development and their Private Secretaries, and the Special Assistant to the Director, Office of Regional Economic Development. Effective upon publication in the FEDERAL REGISTER, subparagraphs (6) through (14) of paragraph (q) of § 213.3314 are added as set out below.

§ 213.3314 **Department of Commerce.**

* * * * *

(q) *Office of the Assistant Secretary for Economic Development.* * * *

(6) One Deputy Assistant Secretary for Economic Development (Liaison).

(7) One Deputy Assistant Secretary for Economic Development (Operations).

(8) Two Special Assistants to the Assistant Secretary for Economic Development.

(9) Two Private Secretaries to the Assistant Secretary for Economic Development.

(10) One Private Secretary to each of the two Deputy Assistant Secretaries for Economic Development.

(11) The Director, Office of Regional Economic Development.

(12) The Deputy Director, Office of Regional Economic Development.

(13) One Special Assistant to the Director, Office of Regional Economic Development.

(14) One Private Secretary each to the Director and Deputy Director, Office of Regional Economic Development.

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

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 65-12419; Filed, Nov. 18, 1965; 8:45 a.m.]

PART 530—PAY RATES AND SYSTEMS (GENERAL)

Effect of Statutory Pay Increase

Section 530.307(b) is amended by eliminating subparagraph (2) which was intended for application only to the July 1964 pay increase. Section 530.307(b) is amended as set out below.

§ 530.307 **Effect of statutory pay increase.**

* * * * *

(b) When an employee was receiving a special rate immediately before the effective date of a statutory pay increase, he shall receive on that effective date the rate of basic compensation for:

(1) The numerical rank in the new special rate range for his grade or level that corresponds with the numerical rank of the special rate he was receiving immediately before that effective date; or

(2) If there is no new special rate range, the numerical rank in the new statutory pay schedule for his grade or level that corresponds with the numerical rank of the special rate he was receiving immediately before that effective date.

(Sec. 504, 76 Stat. 842; 5 U.S.C. 1173; E.O. 11073, 28 F.R. 203, 3 CFR, 1963 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] DAVID F. WILLIAMS,
Director,
Bureau of Management Services.

[F.R. Doc. 65-12453; Filed, Nov. 18, 1965; 8:49 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM ACREAGE ALLOTMENTS AND MARKETING QUOTAS

[Amdt. 1b]

PART 724—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

Subpart—Determination and Announcement of Community Average Yields for Flue-Cured Tobacco Determined Under Section 317 of the Agricultural Adjustment Act of 1938, as Amended

COMMUNITY AVERAGE YIELD FOR FLUE-CURED TOBACCO FOR COMMUNITY IN STATE OF GEORGIA

Basis and purpose. The amendment herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended, particularly by Public Law 89-12 (79 Stat. 66), approved April 16, 1965 (7 U.S.C. 1281 et seq.) to amend the community average yield for flue-cured tobacco for the community of Odum, Wayne County, Ga.

After the community average yield for flue-cured tobacco for the community of Odum, Wayne County, Ga., was published (30 F.R. 6207), it was found that the published community average yield was not correct as the figure published was based on a calculation which included in the community of Odum a farm located in the community of Screven, Wayne County, Ga., and failed to include a farm located in the community of Odum. The community average yield for the community of Screven was not affected.

Since the error in the community average yield published for the community of Odum was discovered before the published figure was used and flue-cured tobacco marketing quotas established for 1965 were based on the correct figure of 1,870 pounds, it is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest.

Section 724.34u is amended to correct the community average yield listed for the community of Odum in Wayne County in the State of Georgia, to read as follows:

Community	Average Yield
Odum	1,870

(Secs. 317, 375, 79 Stat. 66, 52 Stat. 66, as amended; 7 U.S.C. 1314c, 1375, Public Law 89-12, approved April 16, 1965).

Effective date: Date of filing this document with the Director, Office of the Federal Register

Signed at Washington, D.C., on: November 16, 1965.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 65-12454; Filed, Nov. 18, 1965; 8:49 a.m.]

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

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Certification of Certain Shipments

Notice is hereby given of the approval of an amendment, as hereinafter set forth, of the rules and regulations (7 CFR Part 905.120 et seq.; Subpart—Rules and Regulations) currently in effect pursuant to the amended marketing agreement and Order No. 905, as amended (7 CFR Part 905; 30 F.R. 13933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

It is hereby found and determined that the said amendment of the rules and regulations, which was submitted for approval by the Growers Administrative Committee, established pursuant to the amended marketing agreement and order as the agency to administer the provisions thereof, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended, and said rules and regulations are hereby amended as follows:

A new § 905.145 *Certification of certain shipments* is added as follows:

§ 905.145 Certification of certain shipments.

Whenever a regulation pursuant to § 905.52 restricts the shipment of a portion of a specified grade or size of a variety, each handler shipping such variety during the regulation period shall, with respect to each such shipment, certify to the U.S. Department of Agriculture and the Growers Administrative Committee the quantity of the partially restricted grade or size, or both, contained in such shipment. Such certification shall accompany the manifest of such shipment which the handler furnishes to the Federal-State Inspection Service.

It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) a further amendment of the said marketing agreement and order, effective November 4, 1965, changed the provisions relating to grade and size regulations; (2) the amendment of the rules and regulations is necessary to enable the committee to check compliance with currently effective regulations under the revised provisions of the said amended marketing agreement and order; and (3) the changes effectuated by such amendment of the rules and regulations will not require any special preparation which cannot be completed prior to the effective time hereof.

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

Dated November 16, 1965, to become effective upon publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-12455; Filed, Nov. 18, 1965; 8:49 a.m.]

PART 912—GRAPEFRUIT GROWN IN INDIAN RIVER DISTRICT IN FLORIDA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

On October 30, 1965, notice of rule making was published in the FEDERAL REGISTER (30 F.R. 13833) regarding proposed expenses and the related rate of assessment for the period beginning August 1, 1965, and ending July 31, 1966, and carryover of unexpended funds pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Fla. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Indian River Grapefruit Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 912.205 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Indian River Grapefruit Committee during the period August 1, 1965, through July 31, 1966, will amount to $25,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 912.41 is fixed at $0.005 per standard packed box of grapefruit.

(c) *Operating reserve.* Unexpended assessment funds, in the amount of $11,171.21, shall be carried over as a reserve in accordance with the applicable provisions of § 912.42.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable grapefruit handled during the aforesaid period, and (2) such period began on August 1, 1965, and said rate of assessment will automatically apply to all such grapefruit beginning with such date.

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

Dated: November 16, 1965.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 65-12456; Filed, Nov. 18, 1965; 8:49 a.m.]

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIF., AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 114, as amended, and Order No. 947, as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and all Counties in Oregon except Malheur County, was published in the October 22, 1965, FEDERAL REGISTER (30 F.R. 13455). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters, including the proposals set forth in the aforesaid notice which were recommended by the Oregon-California Potato

Committee, established pursuant to the said marketing agreement and order, it is hereby found and determined that:

§ 947.218 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1965, and ending June 30, 1966, by the Oregon-California Potato Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to $22,340.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be three-tenths of one cent ($0.003) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that: (1) The relevant provisions of said marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all assessable potatoes from the beginning of such period, and (2) the current fiscal period began July 1, 1965, and the rate of assessment herein fixed will automatically apply to all assessable potatoes beginning with such date.

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

Dated: November 15, 1965.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 65-12430; Filed, Nov. 18, 1965; 8:46 a.m.]

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Expenses and Rate of Assessment

Notice of rule making regarding proposed expenses and rate of assessment, to be effective under Marketing Agreement No. 130 and Order No. 958 (7 CFR Part 958) regulating the handling of onions grown in designated counties in Idaho and Malheur County, Oreg., was published in the FEDERAL REGISTER October 27, 1965 (30 F.R. 13650). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to submit data, views, or arguments pertaining thereto not later than 15 days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Idaho-Eastern Oregon Onion Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 958.209 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1965, and ending June 30, 1966, by the Idaho-Eastern Oregon Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $7,400.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be three-tenths of one cent ($0.003) per hundredweight of onions handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section have the same meaning as when used in the said marketing agreement and this part.

It is hereby found that good cause exists for not postponing the effective time of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003) in that (1) the relevant provisions of said marketing agreement and this part require that rates of assessment fixed for a particular fiscal period shall be applicable to all accessable onions from the beginning of such period, and (2) the current fiscal period began on July 1, 1965, and the rate of assessment herein fixed will automatically apply to all assessable onions beginning with such date.

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

Dated: November 15, 1965.

FLOYD F. HEDLUND,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 65-12431; Filed, Nov. 18, 1965; 8:46 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Termination of Pueblo, Colo., Designation as Reserve City

1. Part 204 is amended by adding thereto the following new section:

§ 204.57 Termination of Pueblo, Colo., designation as reserve city.

In accordance with paragraph (e) of § 204.51, a member bank in Pueblo, Colo., has submitted a written request for termination of the designation of such city as a reserve city, and, acting pursuant to such paragraph (e) of § 204.51, the Board of Governors has granted such request. Accordingly, the designation of Pueblo, Colo., as a reserve city is hereby terminated effective November 25, 1965.

2. There was no notice and public participation with respect to this amendment as such procedure and delay would be contrary to the public interest and serve no useful purpose. (See § 262.1(e) of the Board's rules of procedure (12 CFR 262.1(e)).)

Dated at Washington, D.C., this 15th day of November 1965.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 65-12422; Filed, Nov. 18, 1965; 8:45 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 65-CE-113]

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

Designation of Control Zone and Transition Area

On September 10, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 11644) stating that the Federal Aviation Agency proposed to designate controlled airspace in the vicinity of Kalispell, Mont.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received was favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 3, 1966, as hereinafter set forth.

(1) In § 71.171 (29 F.R. 17581) the following control zone is added:

KALISPELL, MONT.

Within a 5-mile radius of Flathead County Airport, Kalispell, Mont. (latitude 48°18' 49'' N., longitude 114°15'16'' W.).

(2) In § 71.181 (29 F.R. 17643) the following transition area is added:

KALISPELL, MONT.

That airspace extending upward from 700 feet above the surface within 2 miles each side of the Kalispell VOR 332° radial, extending from the arc of a 5-mile radius circle centered on Flathead County Airport (latitude 48°18'49'' N., longitude 114°15'16'' W.) to the VOR; and that airspace extending upward from 1200 feet above the surface within 5 miles E and 8 miles W of the Kalispell VOR 166° and 346° radials extending from 14 miles S to 7 miles N of the VOR.

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

Issued in Kansas City, Mo., on November 10, 1965.

EDWARD C. MARSH,
Director, Central Region.

[F.R. Doc. 65-12420; Filed, Nov. 18, 1965; 8:45 a.m.]

[Airspace Docket No. 65-SO-61]

PART 73—SPECIAL USE AIRSPACE

Continuation of Restricted Areas

On September 11, 1965, a notice of proposed rule making was published in the FEDERAL REGISTER (30 F.R. 11695) stating that the Federal Aviation Agency is considering an amendment to Part 73 of the Federal Aviation Regulations that would extend the times of designation for Restricted Areas R-2903D and R-2903E at Jacksonville West, Fla., and Jacksonville North, Fla., respectively. These Restricted Areas will be revoked concurrent with the establishment of a Jacksonville Terminal Radar Service Area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., January 1, 1966, as hereinafter set forth.

In § 73.29 (29 F.R. 17037, 29 F.R. 17739) the times of designation of Restricted Areas R-2903D and R-2903E are changed to read "Continuous."

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

Issued in Washington, D.C., on November 12, 1965.

ARCHIE W. LEAGUE,
Director, Air Traffic Service.

[F.R. Doc. 65-12421; Filed, Nov. 18, 1965; 8:45 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[10th Gen. Rev. of Export Regs., Amdt. 8]

PART 384—GENERAL ORDERS

Extension of Copper Export Controls

Part 384, General Orders, is amended by adding a new § 384.7 to read as follows:

§ 384.7 Extension of copper export controls.

(a) Effective immediately all exports of copper including copper scrap from the United States to any destination will require issuance of a validated license by the Office of Export Control of the Department of Commerce. The export licensing does not apply to copper which is now on board vessels or now in ports and scheduled for loading.

(b) The requirement of a specific application and validated license applies to all forms of copper set forth in the Department's Commodity Control List of the Comprehensive Export Schedule currently issued by the Department. This includes unrefined, as well as refined, copper.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487; E.O. 11038, 27 F.R. 7003)

Issued: November 18, 1965.

RAUER H. MEYER,
Director, Office of Export Control.

[F.R. Doc. 65-12545; Filed, Nov. 18, 1965; 11:00 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Three-Party Promotional Assistance Plans

The Federal Trade Commission issued the following regarding three-party promotional assistance plans.

§ 15.3 Three-party promotional assistance plans.

(a) Since June 1962, when its Advisory Opinion procedure was established, the Commission has received many requests for opinions regarding promotional assistance plans which have been within the purview of section 2 (d) and (e) of the Robinson-Patman amendment to the Clayton Act and section 5 of the Federal Trade Commission Act. In this context, promotional assistance is defined as the payment of money or the furnishing of services or facilities by a supplier to a customer for the purpose of promoting the customer's resale of the supplier's products. Payments for or the furnishing of advertising, demonstrators, displays, special packaging, prizes for contests, special handling of the supplier's products are typical examples.

(b) In brief, the laws administered by the Commission provide that a supplier in commerce furnishing promotional assistance must offer it to each of his competing customers so that it is realistically available to them on proportionally equal terms. The basic test for a customer's eligibility under the law is whether, in reselling the supplier's product, he competes against any of those customers to whom the assistance is offered. If he does compete in its resale, the supplier's offer must be made to him, whether he operates a grocery, drug, variety or other type of store. In addition, a reasonable alternative means of participation must be included in such plans for eligible customers who are unable to use the basic plan.

(c) From the standpoint of a supplier's customer, if he accepts such assistance with knowledge, actual or reasonably imputable, that his competitors selling the supplier's products have not been offered proportionally equal assistance by the supplier, he may be engaging in an unfair trade practice violative of section 5 of the Federal Trade Commission Act. In this connection, the Commission's Guides for Advertising Allowances set forth information in greater detail as to the legal responsibilities of suppliers and their customers with regard to their joint promotional activities.

(d) A number of the plans submitted for an Advisory Opinion, however, have been devised by a requesting party who is neither a supplier nor a customer but a hopeful intermediary who had approached both suppliers and customers to interest them in his plan. Examples of some of the plans submitted include furnishing in-store music with commercials, in-store projection or display of advertising messages, outdoor advertising, in-store display and distribution of recipe cards and the like.

(e) In the Advisory Opinions rendered in response to such requests the Commission has pointed out that the fact that an intermediary is positioned between the supplier and the supplier's customers—the retailers—does not affect applicability of the law to the promoter's plan. Even though an intermediary is employed, it remains the supplier's responsibility to make certain that each of the supplier's customers who compete with one another in reselling his products is offered either an opportunity to participate in the promotional assistance plan on proportionally equal terms or a suitable alternative if the customer is unable as a practical matter to participate in the plan; if not, the supplier, the retailer and the promoter participating in the plan may be acting in violation of section 2 (d) or (e) of the amended Clayton Act and/or section 5 of the Federal Trade Commission Act.

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

These general guidelines are offered to suppliers, their customers for resale and promoters of promotional assistance plans for consideration in devising such plans so as to avoid possible violation of laws administered by the Federal Trade Commission. For Commission comment regarding a proposed, specific promotional assistance plan or for copies of the Commission's Advertising Guides, requests should be sent to the Secretary, Federal Trade Commission, Washington, D.C., 20580.

Dated: November 15, 1965.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 65-12428; Filed, Nov. 18, 1965; 8:46 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Publication of Product Standards by Trade Association as an Industry Goal

§ 15.4 Publication of product standards by a trade association as an industry goal.

(a) The Federal Trade Commission rendered an advisory opinion informing

a trade association that no objection will be raised to its distribution of product standards as an industry goal.

(b) The association had requested advice on whether it may legally distribute a booklet giving standards which represent the ideal of a top quality industry product. The booklet was prepared about 2 years ago but it was subsequently determined that the standards were so high as to make them impracticable as commodity standards for the whole industry.

(c) The association is now interested in distributing the booklet merely as an ideal and as a goal for which the industry should be striving, and questioned whether or not this might be considered as acting in restraint of trade.

(d) The Commission's advice was that there could be no objection to the distribution of this booklet under the circumstances and for the purpose stated in the letter from the association, provided it removes any procedure, practice or requirement that seals of approval be given to industry members who meet the standards.

(38 Stat. 717, as amended; 15 U.S.C. 41–58)

Dated: November 15, 1965.

By direction of the Commission.

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

[F.R. Doc. 65-12429; Filed, Nov. 18, 1965; 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 27—CANNED FRUITS AND FRUIT JUICES

Orange Juice Products; Order Amending Standards of Identity

In the matter of amending the standards of identity for orange juice products:

Two notices of proposed rulemaking in the above-identified matter were published in the FEDERAL REGISTER of February 6, 1965 (30 F.R. 1296), setting forth proposals by:

A. The National Orange Juice Association, Exchange National Bank Building, Tampa, Fla., 33601, to amend the identity standards for pasteurized orange juice (21 CFR 27.107), canned orange juice (21 CFR 27.108), and reconstituted orange juice (21 CFR 27.111).

B. The National Association of Frozen Food Packers, 919 18th Street NW., Washington, D.C., 20006, et al., to amend the identity standards for frozen concentrated orange juice (21 CFR 27.109) and canned concentrated orange juice (21 CFR 27.110).

On the basis of relevant information available and giving consideration to the comments filed, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt amendments to the standards for orange juice products as hereinafter set forth. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.90): *It is ordered*, That the definitions and standards of identity for orange juice products be amended in the following respects:

1. Section 27.107 is amended by changing the section heading and paragraphs (a), (d), and (e)(2) to read as follows:

§ 27.107 Pasteurized orange juice; identity; label statement of optional ingredients.

(a) Pasteurized orange juice is the food prepared from unfermented juice obtained from mature oranges as specified in § 27.105, to which may be added not more than 10 percent by volume of the unfermented juice obtained from mature oranges of the species *Citrus reticulata* or hybrids thereof. Seeds (except embryonic seeds and small fragments of seeds that cannot be separated by good manufacturing practice) are removed, and pulp and orange oil may be adjusted in accordance with good manufacturing practice. If the adjustment involves the addition of pulp, then such pulp shall not be of the washed or spent type. The solids may be adjusted by the addition of one or more of the optional concentrated orange juice ingredients specified in paragraph (b) of this section. One or more of the optional sweetening ingredients listed in paragraph (c) of this section may be added in a quantity reasonably necessary to raise the Brix or the Brix-acid ratio to any point within the normal range usually found in unfermented juice obtained from mature oranges as specified in § 27.105. The orange juice is so treated by heat as to reduce substantially the enzymatic activity and the number of viable microorganisms. Either before or after such heat treatment, all or a part of the product may be frozen. The finished pasteurized orange juice contains not less than 10.5 percent by weight of orange juice soluble solids, exclusive of the solids of any added optional sweetening ingredients, and the ratio of the Brix hydrometer reading to the grams of anhydrous citric acid per 100 milliliters of juice is not less than 10 to 1.

* * * * *

(d)(1) The name of the food is "pasteurized orange juice." If the food is filled into containers and preserved by freezing, the label shall bear the name "frozen pasteurized orange juice." The words "pasteurized" or "frozen pasteurized" shall be shown on labels in letters not less than one-half the height of the letters in the words "orange juice."

(2) If the pasteurized orange juice is filled into containers and refrigerated, the label shall bear the name of the food, "chilled pasteurized orange juice." If it does not purport to be either canned orange juice or frozen pasteurized orange juice, the word "chilled" may be omitted from the name. The words "pasteurized" or "chilled pasteurized" shall be shown in letters not less than one-half the height of the letters in the words "orange juice."

(e)(1) If a concentrated orange juice ingredient specified in paragraph (b) of this section is used in adjusting the orange juice solids of the pasteurized orange juice, the label shall bear the statement "prepared in part from concentrated orange juice" or "with added concentrated orange juice" or "concentrated orange juice added."

(2) If one or more of the sweetening ingredients specified in paragraph (c) of this section are added to the pasteurized orange juice, the label shall bear the statement "____ added," the blank being filled in with the name or an appropriate combination of the names of the sweetening ingredients used. However, for the purpose of this section, the name "sweetener" may be used in lieu of the specific name or names of the sweetening ingredients.

* * * * *

2. In § 27.108, paragraphs (a), (c), and (d) are amended to read as follows:

§ 27.108 Canned orange juice; identity; label statement of optional ingredients.

(a) Canned orange juice is the food prepared from orange juice as specified in § 27.105 or frozen orange juice as specified in § 27.106, or a combination of both, to which may be added not more than 10 percent by volume of the unfermented juice obtained from mature oranges of the species *Citrus reticulata* or hybrids thereof. Seeds (except embryonic seeds and small fragments of seeds that cannot be separated by good manufacturing practice) are removed. Orange oil and pulp may be adjusted in accordance with good manufacturing practice. The adjustment of pulp referred to in this paragraph does not permit the addition of washed or spent pulp. Liquid condensate recovered from the deoiling operation may be added back. One or more of the optional sweetening ingredients named in paragraph (b) of this section may be added, in a quantity reasonably necessary to raise the Brix or the Brix-acid ratio to any point within the normal range usually found in unfermented juice obtained from mature oranges as specified in § 27.105. The food is sealed in containers and so processed by heat, either before or after sealing, as to prevent spoilage. The finished canned orange juice tests not less than 10° Brix, and the ratio of the Brix hydrometer reading to the grams of anhydrous citric acid per 100 milliliters of juice is not less than 9 to 1.

* * * * *

(c) The name of the food is "canned orange juice." All the words in the name shall appear in the same size, color, and style of type and on the same color-contrasting background. If the food is not sold under refrigeration and if it does not purport to be chilled pasteur-

ized orange juice or frozen pasteurized orange juice, the word "canned" may be omitted from the name.

(d) If one or more of the sweetening ingredients specified in paragraph (b) of this section are added to the canned orange juice, the label shall bear the statement "_____ added," the blank being filled in with the name or an appropriate combination of the names of the sweetening ingredients used. However, for the purpose of this section, the name "sweetener" may be used in lieu of the specific name or names of the sweetening ingredients.

* * * * *

3. In § 27.109, paragraphs (a), (c), and (d) are amended to read as follows:

§ 27.109 Frozen concentrated orange juice, frozen orange juice concentrate; identity; label statement of optional ingredients.

(a) Frozen concentrated orange juice is the food prepared by removing water from the juice of mature oranges as provided in § 27.105, to which juice may be added unfermented juice obtained from mature oranges of the species *Citrus reticulata*, or hybrids thereof, or of *Citrus aurantium*, or both. However, in the unconcentrated blend the volume of juice from *Citrus reticulata* shall not exceed 10 percent and from *Citrus aurantium* shall not exceed 5 percent. The concentrate so obtained is frozen. In its preparation, seeds (except embryonic seeds and small fragments of seeds that cannot be separated by good manufacturing practice) and excess pulp are removed, and a properly prepared water extract of the excess pulp so removed may be added. Orange oil, orange pulp, orange essence (obtained from orange juice), orange juice and other orange juice concentrate as provided in this section or concentrated orange juice for manufacturing provided in § 27.114 (when made from mature oranges), water, and one or more of the optional sweetening ingredients specified in paragraph (b) of this section may be added to adjust the final composition. The juice of *Citrus reticulata* and *Citrus aurantium*, as permitted by this paragraph, may be added in single strength or concentrated form prior to concentration of the *Citrus sinensis* juice, or in concentrated form during adjustment of the composition of the finished food. The addition of concentrated juice from *Citrus reticulata* or *Citrus aurantium*, or both, shall not exceed, on a single-strength basis, the 10 percent maximum for *Citrus reticulata* and the 5 percent maximum for *Citrus aurantium* prescribed by this paragraph. Any of the ingredients of the finished concentrate may have been so treated by heat as to reduce substantially the enzymatic activity and the number of viable microorganisms. The finished food is of such concentration that when diluted according to label directions the diluted article will contain not less than 11.8 percent by weight of orange juice soluble solids, exclusive of the solids of any added optional sweetening ingredients. The dilution ratio shall be not less than 3 plus 1. For the purposes of this section and § 27.110, the term "dilution ratio" means the whole number of volumes of water per volume of frozen concentrate required to produce orange juice from concentrate having orange juice soluble solids of not less than 11.8 percent by weight exclusive of the solids of any added optional sweetening ingredients.

* * * * *

(c) If one or more of the sweetening ingredients specified in paragraph (b) of this section are added to the frozen concentrated orange juice, the label shall bear the statement "_____ added," the blank being filled in with the name or an appropriate combination of names of the sweetening ingredients used. However, for the purpose of this section, the name "sweetener" may be used in lieu of the specific name or names of the sweetening ingredients.

(d) The name of the food concentrated to a dilution ratio of 3 plus 1 is "frozen concentrated orange juice" or "frozen orange juice concentrate." The name of the food concentrated to a dilution ratio greater than 3 plus 1 is "frozen concentrated orange juice, _____ plus 1" or "frozen orange juice concentrate, _____ plus 1," the blank being filled in with the whole number showing the dilution ratio; for example, "frozen orange juice concentrate, 4 plus 1." However, where the label bears directions for making 1 quart of orange juice from concentrate (or multiples of a quart), the blank in the name may be filled in with a mixed number; for example, "frozen orange juice concentrate, 4⅓ plus 1." For containers larger than 1 pint, the dilution ratio in the name may be replaced by the concentration of orange juice soluble solids in degrees Brix; for example, a 62° Brix concentrate in 3½-gallon cans may be named on the label "frozen concentrated orange juice, 62° Brix."

* * * * *

4. Section 27.110(b) is amended to read as follows:

§ 27.110 Canned concentrated orange juice, canned orange juice concentrate; identity; label statement of optional ingredients.

* * * * *

(b) The name of the food when concentrated to a dilution ratio of 3 plus 1 is "canned concentrated orange juice" or "canned orange juice concentrate." The name of the food when concentrated to a dilution ratio greater than 3 plus 1 is "canned concentrated orange juice, _____ plus 1" or "canned orange juice concentrate, _____ plus 1," the blank being filled in with the whole number showing the dilution ratio; for example, "canned orange juice concentrate, 4 plus 1." However, where the label bears directions for making 1 quart of single-strength diluted product (or multiples of a quart) the blank in the name may be filled in with a mixed number; for example, "canned orange juice concentrate, 4⅓ plus 1." For containers larger than 1 pint, the dilution ratio in the name may be replaced by the concentration of orange juice soluble solids in degrees Brix; for example, a 62° Brix concentrate in 1-gallon cans may be named on the label "canned concentrated orange juice, 62° Brix." If the food does not purport to be frozen concentrated orange juice, the word "canned" may be omitted from the name.

5. Section 27.111 is amended by changing the section heading and paragraphs (a), (c), and (d) to read as follows:

§ 27.111 Orange juice from concentrate; identity; label statement of optional ingredients.

(a) Orange juice from concentrate is the food prepared by mixing water with frozen concentrated orange juice as defined in § 27.109 or with concentrated orange juice for manufacturing as defined in § 27.114 (when made from mature oranges), or both. To such mixture may be added orange juice as defined in § 27.105, frozen orange juice as defined in § 27.106, pasteurized orange juice as defined in § 27.107, orange oil, orange pulp, and one or more of the sweetening ingredients listed in paragraph (b) of this section. The finished orange juice from concentrate contains not less than 11.8 percent orange juice soluble solids, exclusive of the solids of any added optional sweetening ingredients. It may be so treated by heat as to reduce substantially the enzymatic activity and the number of viable micro-organisms.

* * * * *

(c) The name of the food is "orange juice from concentrate." The words "from concentrate" shall be shown in letters not less than one-half the height of the letters in the words "orange juice."

(d) When orange juice from concentrate contains any optional sweetening ingredient as listed in paragraph (b) of this section, whether added directly as such or indirectly as an added ingredient of any orange juice product used, the label shall bear the statement "_____ added," the blank being filled in with the name or an appropriate combination of the names of the sweetening ingredients added. However, for the purposes of this section the name "sweetener" may be used in lieu of the specific name or names of the sweetening ingredients.

* * * * *

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, and such objections must be

supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective 40 days from the date of its publication in the FEDERAL REGISTER, and simultaneously therewith the stay of the effective date announced in the FEDERAL REGISTER order of March 25, 1964 (29 F.R. 3701), shall end: *Provided, however,* That if objections are filed to the amendments hereby ordered then the stay of the effective date shall remain in effect. Notice of the filing of objections or lack thereof will be announced by publication in the FEDERAL REGISTER.

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

Dated: November 15, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-12438; Filed, Nov. 18, 1965; 8:47 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter III—Public Housing Administration, Housing and Home Finance Agency

PART 1500—GENERAL PROCEDURAL PROVISIONS

Seal

Chapter III, Public Housing Administration, is amended by deleting § 1500.8 *Seal* (30 F.R. 14012, November 5, 1965).

Approved: November 12, 1965.

[SEAL] MARIE C. MCGUIRE,
Commissioner.

[F.R. Doc. 65-12424; Filed, Nov. 18, 1965; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 27—OFFICIAL MAIL

Executive and Judicial Officers

By Executive Memorandum of June 18, 1965, the President directed all Federal Executive Departments and Agencies to take the lead in ZIP Coding mail and instructed the Postmaster General to issue regulations governing the use of the ZIP Code by such agencies.

Pursuant to this directive a new paragraph (f) is added to § 27.2 of Title 39, Code of Federal Regulations. The provisions thereof are effective in two phases to permit time for converting to the ZIP Coding system. The first phase will become effective on January 1, 1966, and will require that typed or handwritten addresses on official mailings by Federal Executive Departments and Agencies must include the ZIP Code. The second phase will become effective on January 1, 1967, and will require that all Federal Executive Department and Agencies must use the ZIP Code in the addresses on all official mail and that they must presort quantity mailings of identical pieces by ZIP Codes when reimbursement for postage is made to the Post Office Department at bulk third-class rates.

On January 1, 1966, new paragraph (f) to § 27.2 will become effective which reads as follows:

§ 27.2 Executive and judicial officers.

* * * * *

(f) *ZIP Coding of Mail.* Addresses prepared in typewriting or handwriting on official mailings of Federal Executive Departments and Agencies under this section must include the ZIP Code number.

NOTE: Effective January 1, 1967, this paragraph will read as follows:

(f) *ZIP Coding of Mail.* (1) *Addressing.* The address on all official mailings of Federal Executive Departments and Agencies under this section must include the ZIP Code number.

(2) *Presorting and postage charges.* When identical pieces of individually addressed matter are included in a single mailing, and the reimbursement to the Post Office Department required by paragraph (a) of this section is made at the bulk third-class postage rates prescribed by § 24.1(b) of this chapter, they must be prepared in packages and sacks as prescribed by § 24.4(c) of this chapter.

NOTE: The corresponding Postal Manual section is 137.26.

(R.S. 161, as amended; 5 U.S.C. 22, 39 U.S.C. 501)

HARVEY H. HANNAH,
Acting General Counsel.

[F.R. Doc. 65-12493; Filed, Nov. 18, 1965; 8:49 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC-37 (Sub-No. 9)]

PART 170—COMMERCIAL ZONES

Commercial Zones and Terminal Areas; Baltimore

NOVEMBER 15, 1965.

Order of September 29, 1965:

The outstanding order (30 F.R. 13263) in the above-captioned proceeding not yet having become effective, and an appropriate petition for reconsideration and other relief, having been filed by Interstate Common Carrier Council of Maryland, Inc., and certain of its member carriers, protestants, on November 12, 1965, such order pursuant to section 17(8) of the Interstate Commerce Act, is stayed pending disposition of the matter.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 65-12435; Filed, Nov. 18, 1965; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

PART 32—HUNTING

Santee National Wildlife Refuge, S.C.

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

SOUTH CAROLINA

SANTEE NATIONAL WILDLIFE REFUGE

Public hunting of geese, ducks and coots on the Santee National Wildlife Refuge, Pinopolis Unit, S.C., is permitted only on the area designated by signs as open to hunting. This open area, comprising approximately 29,500 acres, is delineated on a map available at the refuge headquarters, Summerton, S.C., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Ga., 30323. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese, ducks and coots subject to the following special conditions:

(1) Hunting will be permitted only on Tuesdays, Thursdays, and Saturdays during the period from November 20, 1965, through January 15, 1966.

(2) Shooting hours are from sunrise to 12 o'clock noon. Hunters may not enter the refuge hunting area prior to 1 hour before sunrise and must be out of the Pinopolis Pool area by 1 p.m.

(3) Only temporary blinds constructed of native vegetation are permitted. Any blind constructed by a hunter on the hunting area, once vacated, may be occupied by any other hunter on a first-come, first-served basis.

(4) Boats are not to be left in Pinopolis Pool overnight.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 15, 1966.

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

[F.R. Doc. 65-12425; Filed, Nov. 18, 1965; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 60]

IMMIGRATION

Availability of and Adverse Effect on American Workers

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given of the proposed issuance of the following rules implementing the Act of October 3, 1965 (79 Stat. 911). In accordance with subsection (b) of said section 4, interested persons may submit to the Secretary of Labor, Room 3136, 14th and Constitution Avenue NW., Washington, D.C., 20210, written data, views, or arguments relative to these proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 10 days following the date of publication of this notice will be considered.

The proposed rules, to appear in a new Part 60 of Title 29 of the Code of Federal Regulations, would read as follows:

IMMIGRATION; AVAILABILITY OF AND ADVERSE EFFECT UPON AMERICAN WORKERS

Sec.

AUTHORITY: The provisions of this Part 60 issued under sec. 212(a)(14) of the Immigration and Nationality Act of 1952, as amended by Public Law 89-236 (79 Stat. 911).

§ 60.1 Purpose and scope.

Sections 101(a)(27)(A) and 203 of the Immigration and Nationality Act were amended on October 3, 1965, to require as a condition to the admission of any "special immigrant", any nonpreference immigrant under paragraph 203(a)(8), and any preference immigrants under paragraphs 203(a)(3) or 203(a)(6) that the Consular Officer be in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(14) of the Act. Accordingly, the immigrants for whom the 212(a)(14) certification is made a condition precedent to admission to the United States are as follows:

(a) Third preference immigrants who are described as "qualified immigrants who are members of the professions, or who because of their exceptional ability in the science or in the arts, will substantially benefit prospectively the national economy, cultural interest, or welfare of the United States." (Section 203(a)(3).)

(b) Sixth preference immigrants who are described as "qualified immigrants who are capable of performing specified skilled or unskilled labor, not of a temporary or seasonal nature, for which a shortage of employable and willing persons exists in the United States." (Section 203(a)(6).)

(c) Nonpreference immigrants who are described as "other qualified immigrants strictly in the chronological order in which they qualify." (Section 203(a)(8).

(d) Special immigrants who are described as "an immigrant[s] who was born in any independent foreign country in the Western Hemisphere or in the Canal Zone and the spouse and children of any such immigrant, if accompanying or following to join him." (Section 101(a)(27)(A).)

The determination and certification required to be made by the Secretary of Labor is described in section 212(a)(14) of the Act as follows:

> Except as otherwise provided in this Act, the following classes of aliens shall be ineligible to receive visas and shall be excluded from admission into the United States:
>
> (14) Aliens seeking to enter the United States, for the purpose of performing skilled or unskilled labor, unless the Secretary of Labor has determined and certified to the Secretary of State and to the Attorney General that (A) there are not sufficient workers in the United States who are able, willing, qualified, and available at the time of application for a visa and admission to the United States and at the place to which the alien is destined to perform such skilled or unskilled labor, and (B) the employment of such aliens will not adversely affect the wages and working conditions of the workers in the United States similarly employed. The exclusion of aliens under this paragraph shall apply to special immigrants defined in section 101(a)(27)(A) (other than the parents, spouses, or children of United States citizens or of aliens lawfully admitted to the United States for permanent residence), to preference immigrant aliens described in section 203(a)(3) and (6), and to nonpreference immigrant aliens described in section 203(a)(8);

§ 60.2 Certification and noncertification schedules.

(a) *Determination.* To reduce the delay in processing an alien's request for visa, the determination has been made by the Secretary of Labor pursuant to section 212(a)(14) that:

(1) For the categories of employment described in Schedule A and in the geographic areas therein set forth, there are not sufficient workers who are able, willing, qualified, and available for employment in such categories, and the employment of aliens in such categories and in such areas will not adversely affect the wages and working conditions of workers in the United States similarly employed.

(2) For the categories of employment described in Schedule B, the determination and certification required by section 212(a)(14) cannot now be made.

(b) *Applicability.* The determinations set forth in paragraph (a) of this section above shall apply to all visa petitions made or pending after November 30, 1965, and shall remain in effect until the Schedules are amended. Unless otherwise indicated in the Schedules, their geographic applicability is the United States, which means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands.

(c) *Modification.* The Secretary may amend the Schedules described in paragraph (a) of this section, at any time upon his own initiative or upon written petition of any person requesting the inclusion or omission of any occupation or the modification of the application of the Schedules to any geographical area and setting forth reasonable grounds therefor. Such petition should be filed by mail with the Secretary of Labor, U.S. Department of Labor, Washington, D.C., 20210.

§ 60.3 Request for certification not covered by schedules.

Any alien, or person in his behalf, seeking admission to the United States under sections 101(a)(27)(A) (other than the parents, spouses, or children of United States citizens or aliens lawfully admitted to the United States for permanent residence), 203(a)(3), 203(a)(6), or 203(a)(8) whose employment is not included in the certification or noncertification schedules described in § 60.2 may request a 212(a)(14) certification by filing a Form ES-575 describing the alien's qualifications and prospective employment in the United States. The Form ES-575 may be obtained from any consular office, and instructions concerning its use, completion and transmission may be obtained from any office of the Immigration and Naturalization Service, any consular office or any local office of the State Employment Service.

§ 60.4 Reconsideration or review by the Secretary of Labor.

Any alien denied a certification pursuant to § 60.3 may request reconsideration or review by the Secretary of Labor. Requests for reconsideration or review should be made in writing to the Secretary of Labor, U.S. Department of Labor, Washington, D.C., 20210, and should set forth reasonable grounds therefor.

Signed at Washington, D.C., this 16th day of November 1965.

W. WILLARD WIRTZ,
Secretary of Labor.

SCHEDULE A

Group I: Persons upon whom an advanced degree has been conferred at least equivalent to the Master's degree conferred by accredited U.S. colleges and universities and who have

been gainfully employed for at least two years in an occupation related to and dependent upon their area of academic specialization. Among physicians and surgeons, certification by the Educational Council for Foreign Medical Graduates may be substituted for two years of gainful employment.

Group II: Persons whose education or experience is equivalent to the baccalaureate degree conferred by accredited U.S. colleges and universities in the following specialties:

Aeronautical Engineering.
Chemical Engineering.
Electrical Engineering.
Electronic Engineering.
Library Science.
Mathematics.
Mechanical Engineering.
Metallurgical Engineering.
Metallurgy.
Nuclear Engineering.
Organic Chemistry.
Pharmacology.
Physical Chemistry.
Physics.

Group III: Professional Nurses presenting the education or experience required for licensure in the State or territory of intended residence. Evidence that the qualifications necessary for licensure have been met must include a Letter of Evaluation from the Board of Nursing in the State of intended residence certifying that the Professional Nurse has met the minimum requirements of education, training, and experience for licensure in the State.

SCHEDULE B

OCCUPATIONAL TITLES

Attendants, Parking Lot.
Attendants (Service Workers such as Personal Service Attendants, Amusement and Recreation Service Attendants).
Automobile Service Station Attendants.
Bakers' Helpers.
Bartenders.
Bookkeepers II.
Bus Boys.
Carpenters' Helpers.
Cashiers II.
Chauffeurs and Taxicab Drivers.
Charwomen and Cleaners.
Clerks (general office).
Clerks, Hotel.
Clerks and Checkers, Grocery Store.
Cook's Helpers.
Counter and Fountain Workers.
Domestic Day Workers.
Electric Truck Operators.
Elevator Operators.
Fishermen and Oystermen.
Floor Man, Floor Boy and Floor Girl.
Groundskeepers.
Guards and Watchmen.
Housekeepers.
Housemen and Yardmen.
Janitors.
Kitchen Workers and Helpers.
Laborers, Farm.
Laborers, Mine.
Laborers, Common.
Launderers, Cleaners, Dyers and Pressers.
Library Assistants.
Loopers and Toppers, Textile.
Maids, Hotel.
Material Handlers.
Packers, Markers, Bottlers, and related.
Painters' Helpers.
Porters.
Routeman Helpers.
Sailors and Deck Hands.
Sales Clerk, General.
Sewing Machine Operators and Hand-Stitchers.
Street Railway and Bus Conductors.
Telephone Operators.
Truck Drivers and Tractor Drivers.
Truck Driver's Helpers.
Typists, lesser skilled.
Ushers, Recreation and Amusement.
Waiters and Waitresses.
Warehousemen.
Welder's Helpers.

OCCUPATIONAL DEFINITIONS

Attendants, Parking Lot

Park Automobiles for customers in parking lots or garages and collect fees based on time span of parking.

Attendants (Service Workers such as Personal Service Attendants, Amusement and Recreation Service Attendants).

Perform a variety of routine tasks attending to the personal needs of customers at such places as amusement parks, bath houses, clothing checkrooms, and dressing rooms. Includes such tasks as taking and issuing tickets, checking and issuing clothing and supplies, cleaning premises and equipment, answering inquiries, checking lists, and maintaining simple records.

Automobile Service Station Attendants

Service automotive vehicles with fuel, lubricants, and automotive accessories at drive-in service facilities. Also compute charges and collect fees from customers.

Bakers' Helpers

Perform routine tasks to assist bakers in the production of baked goods. Involves such activities as greasing pans, moving and distributing ingredients and supplies, and weighing and measuring ingredients according to instructions.

Bartenders

Prepare, mix, and dispense alcoholic beverages for consumption by bar customers. Also compute and collect charges for drinks.

Bookkeepers II

Keep records of one facet of an establishment's financial transactions. Responsible for maintaining one set of books, and specialize in such areas as accounts-payable, accounts-receivable, or interest-accrued.

Busboys

Facilitate food service in an eating place by performing such tasks as removing dirty dishes, replenishing linen and silver supplies, serving water and butter to patrons, and cleaning and polishing equipment.

Carpenters' Helpers

Perform routine tasks to assist carpenters in building wooden structures. Involves such activities as conveying tools and materials about work site, sawing lumber to specified size, holding lumber for nailing, and oiling and cleaning tools and equipment.

Cashiers II

Receive cash in payment for goods or services rendered, compute and make change, and record amount received. Usually employed in retail trade environment, such as stores or restaurants.

Chauffeurs and Taxicab Drivers

Drive automobiles to convey passengers according to their instructions.

Charwomen and Cleaners

Keep premises of commercial establishments, office buildings, or apartment houses in clean and orderly condition by performing such tasks as mopping and sweeping floors, dusting and polishing furniture and fixtures, and vacuuming rugs. Work according to set routines.

Clerks (General Office)

Perform a variety of routine clerical tasks in an office to relieve others of detail work. Involves such activities as copying and posting data, recording orders, routing correspondence, and taking stock inventory.

Clerks, Hotel

Perform a variety of routine tasks to accommodate hotel guests. Involves such activities as registering guests, dispensing keys, distributing mail, collecting payments, and adjusting complaints.

Clerks and Checkers, Grocery Stores

Itemize, total, and receive payment for purchases in grocery stores, usually using cash register. Often assist customer in locating items, stock shelves, and keep stock-control and sales-transaction records.

Cooks' Helpers

Perform a variety of routine tasks to assist workers engaged in preparing food. Involves such activities as cleaning and cutting food, weighing and measuring ingredients, carrying and distributing equipment about work area, and cleaning equipment.

Counter and Fountain Workers

Serve food to patrons at lunchroom counters, cafeterias, soda fountains, or similar public eating places. Take orders from customers and frequently prepare simple items, such as dessert dishes; itemize and total checks; receive payment and make change; and clean work area and equipment.

Domestic Day Workers

Perform a variety of routine domestic duties in a household according to employer's instructions. Involves such activities as cleaning and dusting, making beds, and washing and ironing clothing. Usually work on a day-to-day contract basis.

Electric Truck Operators

Drive gasoline or electric-powered industrial trucks or tractors equipped with forklift, elevating platform, or trailer hitch to move and stack equipment and materials in a warehouse, storage yard, or factory.

Elevator Operators

Operate elevators to transport passengers and freight between building floors.

Fishermen and Oystermen

Hunt, catch, and/or trap fish, using such equipment as lines, nets, and pots; work shellfish beds and harvest shellfish.

Floor Men, Floor Boy and Floor Girl

Perform a variety of routine tasks in support of other workers in and around such work sites as factory floors and service areas, frequently at the beck and call of others. Involves such tasks as cleaning floors, materials, and equipment; distributing materials and tools to workers; running errands; delivering messages; emptying containers; and removing materials from work area to storage or shipping areas.

Groundskeepers

Maintain grounds of industrial, commercial, or public property in good condition. Involves such tasks as cutting lawns, trimming hedges, pruning trees, repairing fences, planting flowers, and shoveling snow.

Guards and Watchmen

Guard and patrol premises of industrial or business establishments or similar types of property to prevent theft and other crimes and prevent possible injury to others.

Housekeepers

Supervise workers engaged in maintaining interiors of residential buildings in a clean and orderly fashion. They assign duties to maids, charwomen, and housemen; inspect finished work, and maintain supply of equipment and materials.

Housemen and Yardmen

1. Perform routine tasks to keep hotel premises neat and clean. Involves such tasks as cleaning rugs; washing walls, ceilings, and windows, moving furniture, mopping and waxing floors, and polishing metalwork.

2. Maintain the grounds of private residences in good order. Typical tasks are mowing and watering lawns, planting flowers and shrubs, and repairing and painting fences. Work on instructions of private employer.

Janitors

Keep hotel, office building, apartment house, or similar building in clean and orderly condition, and tend furnaces and boilers to provide heat and hot water. Typical tasks are sweeping and mopping floors, emptying trash containers, and doing minor painting and plumbing repairs. Often maintain residence at place of work.

Kitchen Workers and Helpers

Perform routine tasks in kitchen of restaurant. Primary responsibility is to maintain work areas and equipment in a clean and orderly fashion. Involves such tasks as mopping floors, removing trash, washing pots and pans, transferring supplies and equipment, and washing and peeling vegetables.

Laborers, Farm

Plant, cultivate, and harvest farm products, following instructions of supervisors, often working as members of a team. Typical tasks are watering and feeding livestock, picking fruit and vegetables, and cleaning storage areas and equipment.

Laborers, Mine

Perform routine tasks in underground or surface mine, pit, or quarry, or at tipple, mill or preparation plant. Involves such tasks as cleaning work areas, shoveling coal onto conveyors, pushing mine cars from working face to haulage road, and loading or sorting material onto wheelbarrow.

Laborers, Common

Perform routine tasks in an industrial construction or manufacturing environment. Typical tasks are loading and moving equipment and supplies, cleaning work areas, and distributing tools. Work upon instructions, according to set routine.

Launderers, Cleaners, Dyers, and Pressers

Wash, clean, dye, and press soiled and wrinkled garments, usually in a commercial or industrial laundry. Occasionally work in a private household.

Library Assistants

Keep library records; sort and shelve books; issue and receive such library materials as books, films, and phonograph records; and perform a variety of routine clerical tasks to relieve librarians of detail work. Answer routine inquiries and refer matters requiring professional assistance to librarians.

Loopers and Toppers, Textile

1. Tend machines that shear nap, loose threads, and knots from cloth surfaces to give uniform finish and texture.

2. Operate looping machines to close openings in toe of seamless hoses or join knitted garment parts.

3. Loop stitches of ribbed garment [parts on points of transfer bar to facilitate transfer of garment] parts to needles of knitting machine.

Maids, Hotel

Clean hotel rooms and halls; sweep and mop floors, dust furniture, empty wastebaskets, make beds.

Material Handlers

Load, unload, and convey materials within or near plant, yard, or worksite, under specific instructions.

Packers, Markers, Bottlers, and Related

Pack products into containers, such as cartons or crates; mark identifying information on articles; insure filled bottles are properly sealed and marked; often working with team on or at end of assembly line.

Painters' Helpers

Assist painters in preparing and applying protective and decorative coats of paint to surfaces. Typical tasks are arranging and assembling scaffolding, preparing surfaces for painting, and cleaning equipment and work areas.

Porters

1. Carry baggage for passengers of airline, railroad, or motor-bus by hand or handtruck. Perform related personal services in and around public transportation environment.

2. Keep building premises, working areas in production departments of industrial organizations, or similar sites in clean and orderly condition.

Routemen Helpers

Aid routemen in providing sales, services, or deliveries of goods to customers over an established route. Involves such tasks as loading and unloading trucks, carrying merchandise to and from trucks, and collecting payments.

Sailors and Deck Hands

Stand deck watches and perform a variety of tasks to preserve painted surfaces of ship, and maintain lines, running gear, and cargo handling gear in safe operating condition. Involves such tasks as mopping decks, chipping rust, painting chipped areas, and splicing rope.

Sales Clerks, General

Receive payment for merchandise in a retail establishment, wrap or bag merchandise, and keep shelves stocked.

Sewing-Machine Operators and Hand-Stitchers

1. Operate single- or multiple-needle sewing machines to join parts in the manufacture of such products as awnings, carpets, and gloves. Specialize in one type of sewing machine limited to joining operations.

2. Join and reenforce parts of such articles as garments, and curtains, sew buttonholes and attach fasteners to articles, or sew decorative trimmings to articles, using needle and thread.

Street Railway and Bus Conductors

Collect fares or tickets from passengers, issue transfers, open and close doors, announce stops, answer questions, and signal operator to start or stop.

Telephone Operators

Operate telephone switchboards to relay incoming and internal calls to phones in an establishment, and make connections with external lines for outgoing calls. Taking messages, supplying information, and keeping records of calls and charges is often involved. Some situations primarily involve establishing or aiding telephone users in establishing local or long distance telephone connections.

Truck Drivers and Tractor Drivers

1. Drive trucks to transport materials, merchandise, equipment, or people to and from specified destinations, such as plants, railroad stations, and offices.

2. Drive tractors to move materials, draw implements, pull out objects imbedded in ground, or pull cable of winch to raise, lower, or load heavy materials or equipment.

Truck Drivers' Helpers

Assist truck drivers by loading and unloading vehicles, securing items in position on truck to prevent damage, delivering and stacking merchandise on customers premises and collecting payment or obtaining receipt.

Typists, lesser skilled

Type straight-copy material, such as letters, reports, stencils, and addresses, from draft or corrected copy. Not required to prepare materials involving the understanding of complicated technical terminology, the arrangement and setting of complex tabular detail, or similar problems. Typing speed in English does not exceed 52 words per minute on a manual typewriter and/or 60 words per minute on an electric typewriter and the error rate reaches 12 or more for a five minute typing period on representative business correspondence.

Ushers (Recreation and Amusement)

Assists patrons at entertainment events in finding seats, searching for lost articles, and locating facilities.

Waiters and Waitresses

Serve food to patrons of eating establishments. Present menus, take orders, relay orders to kitchen, and prepare and present bills.

Warehousemen

Receive, store, ship, and distribute materials, tools, equipment, and products within establishments as directed by others.

Welders' Helpers

Assist workers in welding, brazing, and flame and arc cutting activities by performing such routine tasks as moving equipment and supplies; cleaning work area, equipment, and materials; connecting hoses; starting engines; and setting workpiece in place.

[F.R. Doc. 65-12460; Filed, Nov. 18, 1965; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 71-90]

[No. 3666; Ex Parte No. MC-13]

EXPLOSIVES AND OTHER DANGEROUS COMMODITIES

Transportation of Nitromethane

NOVEMBER 9, 1965.

Hearing in the above-entitled proceeding now assigned November 29, 1965 (30 F.R. 13967), at Washington, D.C., before Examiners Henry J. Vinskey and Albert E. Luttrell is cancelled and this proceeding is reassigned for hearing on December 20, 1965, at 9:30 o'clock a.m., U.S. Standard Time at the Office of the Interstate Commerce Commission in Washington, D.C., before Examiner Albert E. Luttrell.

By the Commission.

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

[F.R. Doc. 65-12434; Filed, Nov. 18, 1965; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 235, 241]

[Docket No. 16545]

REINVESTMENT OF GAINS DERIVED FROM THE SALE OR OTHER DISPOSITION OF FLIGHT EQUIPMENT AND UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Supplemental Notice of Proposed Rule Making

NOVEMBER 16, 1965.

By notice of proposed rule making, EDR-94, dated October 5, 1965, and published in 30 F.R. 12889, the Civil Aeronautics Board proposed to amend Part 235 of the Economic Regulations (14 CFR Part 235) to redefine "gain" to exclude transactions involving (1) sale of flight equipment to one person and purchase of like equipment from another person, (2) investment of insurance proceeds in like flight equipment, and (3) exchange of like flight equipment where cash or other consideration is received. This proposal was accompanied by a proposal to amend Part 241 of the Economic Regulations (14 CFR Part 241) to make the accounting regulations conform to the proposed treatment of "gain" in Part 235. Interested persons were invited to file comments on the foregoing amendments to be received on or before November 19, 1965.

Allegheny Airlines has requested that the time for submitting comments be extended for a period of 21 days to allow the carrier to complete the factual and legal research necessary to prepare comments useful to the Board. Two other carriers have made a similar request.

The undersigned finds that good cause has been shown for a 14-day extension of time. Accordingly, pursuant to the authority delegated under sections 7.3C, 7.4, and 7.6 of Public Notice PN-15 dated July 3, 1961, the undersigned hereby extends the date for filing comments on the above-mentioned amendments to December 3, 1965. All relevant matter received on or before that date will be considered by the Board before taking action on the proposed amendments. Copies of such communications will be available upon receipt thereof for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

(Secs. 204, 406, and 407 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 763, 766, as amended; 49 U.S.C. 1324, 1376, 1377)

By the Civil Aeronautics Board.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel,
Rules and Rates Division.

[F.R. Doc. 65-12442; Filed, Nov. 18, 1965; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16212]

TABLE OF ASSIGNMENTS, FM BROADCAST STATIONS

Order Extending Time To File Comments and Reply Comments; San Clemente and Lancaster, Calif.

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Carrollton, Ky., Columbia, Tenn., San Clemente and Lancaster, Calif., Providence, R.I., Salt Lake City and Toole, Utah, Carroll, Cherokee, and Algona, Iowa, Nacogdoches and Lufkin, Tex., Charlerol and Uniontown, Pa., Clarksburg, Fairmont, Morgantown, and New Martinsville, W. Va., Denison, Iowa, Immokalee, Fla., New London, Neenah-Menasha, and Green Bay, Wis.), Docket No. 16212, RM-818, RM-819, RM-816, RM-830, RM-822, RM-808, RM-817, RM-837, RM-825, RM-838, RM-841, RM-844.

1. On October 1, 1965, the Commission issued a notice of rule making (FCC 65-831) in Docket No. 16212, proposing changes in the FM Table of Assignments contained in § 73.202 of the Commission's rules, pertaining to the communities referred to in the caption. Comments in this proceeding were due on or before October 29, 1965, and reply comments on or before November 8, 1965. These dates were extended to November 15, 1965, for filing comments and to November 26, 1965, for reply comments at the request of El Camino Broadcasting Co.

2. On November 12, 1965, Kirk Munroe, trading as El Camino Broadcasting Co., petitioned for a further extension of time to November 24, 1965, to file comments and to December 8, 1965, for reply comments directed toward alternative proposals to assign either Channel 300 (RM-822) or Channel 285A (RM-837) to San Clemente, Calif. Petitioner states he needs a further extension of time in view of the broadened scope of the engineering data now being undertaken and the time factor involved in getting such information from California to Washington.

3. The Commission is of the view that good cause has been shown for granting the requested extensions and that the additional time will not unduly delay these proceedings. *Accordingly, it is ordered,* This 15th day of November 1965, that, insofar as RM-822 and RM-837 are concerned, the time for filing comments is extended from November 15 to November 24, 1965, and the time for filing reply comments is extended from November 26 to December 8, 1965.

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

Released: November 16, 1965.

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

[F.R. Doc. 65-12445; Filed, Nov. 18, 1965; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Antidumping—AA 643.3-r]

OFFICE MACHINE SPOOLS FROM WEST GERMANY

Determination of Sales at Not Less Than Fair Value

NOVEMBER 12, 1965.

On October 1, 1965, there was published in the FEDERAL REGISTER a Notice of Tentative Determination that office machine spools imported from West Germany, manufactured by Regentrop & Bernard, Wuppertal, Germany, are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

The statement of reasons for the tentative determination was published in the above-mentioned notice, and interested parties were afforded until October 31, 1965, to make written submissions or to request in writing an opportunity to present views in connection with the tentative determination.

No written submissions or requests having been received, I hereby determine that for the reasons stated in the tentative determination, office machine spools imported from West Germany, manufactured by Regentrop & Bernard, Wuppertal, Germany, are not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 65-12433; Filed, Nov. 18, 1965; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GEIGY INDUSTRIAL CHEMICALS

Notice of Withdrawal of Petition for Food Additive Disodium Ethylenediaminetetraacetate

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

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Geigy Industrial Chemicals, Division of Geigy Chemical Corp., Post Office Box 430, Yonkers, N.Y., 10702, has withdrawn its petition (FAP 6A1822), published in the FEDERAL REGISTER of August 17, 1965, proposing an amendment to § 121.1056 *Disodium EDTA* to provide for the safe use of 65 parts per million of disodium ethylenediaminetetraacetate in canned mashed bananas as a color stabilizer.

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

Dated: November 10, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-12441; Filed, Nov. 18, 1965; 8:47 a.m.]

ATLAS CHEMICAL INDUSTRIES, INC.

Notice of Filing of Petition for Food Additive Polysorbate 80

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 5H1743) has been filed by Atlas Chemical Industries, Inc., Wilmington, Del., 19899, proposing an amendment to § 121.1009 of the food additive regulations to provide for the safe use of polysorbate 80 as an adjuvant for herbicide and plant regulator use dilutions by a grower or applicator prior to application to the raw agricultural commodity.

Dated: November 10, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-12440; Filed, Nov. 18, 1965; 8:47 a.m.]

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additives Rubber Articles Intended for Repeated Use

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 4B1193) has been filed by American Cyanamid Co., Berdan Avenue, Wayne, N.J., 07470, proposing that § 121.2562 *Rubber articles intended for repeated use* be amended as follows:

1. By adding triallyl cyanurate to the list of accelerators in paragraph (c)(4)(ii)(b).

2. By adding the following two items to the list of antioxidants and antiozonants in paragraph (c)(4)(iii):

2,2'-Methylenebis(4-methyl-6-*tert*-octylphenol).

Styrenated cresols produced when 2 moles of styrene are made to react with 1 mole of a mixture of phenol and *o*-, *m*-, and *p*-cresols so that the final product has a Brookfield viscosity at 25° C. of 1400 to 1700 centipoises.

3. By adding the following two items to the list of plasticizers in paragraph (c)(4)(iv):

2,2'-Dibenzamidodiphenyl disulfide.
Zinc 2-benzamidothiophenate.

Dated: November 15, 1965.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 65-12439; Filed, Nov. 18, 1965; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 27-35]

LONG ISLAND NUCLEAR SERVICE CORP.

Notice of Amendment of Byproduct, Source and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 4 to License No. 31-8630-1 held by Long Island Nuclear Service Corp., Bellport, N.Y., which provides for renewal of the license for a period of two (2) years.

The license provides for the receipt and transportation of packages containing waste byproduct, source, and special nuclear material in any State of the United States except in "Agreement States" as defined in § 150.3(b), 10 CFR Part 150.

The license amendment provides only for the continuation of activities previously authorized. The Commission has determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

The text of this amendment is attached to this notice.

Dated at Bethesda, Md., November 12, 1965.

For the Atomic Energy Commission.

J. A. McBride,
Director,
Division of Materials Licensing.

[License No. 31-8630-1; Amdt. 4]

The Atomic Energy Commission having found that:

A. The licensee's equipment and procedures are adequate to protect health and minimize danger to life or property.

B. The licensee is qualified by training and experience to use the material for the purpose requested in accordance with the regulations in Title 10, Code of Federal Regulations, and in such manner as to protect health and minimize danger to life or property.

C. The application dated September 28, 1965, complies with the requirements of the Atomic Energy Act of 1954, as amended, and is for a purpose authorized by that act.

D. Issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Byproduct, Source, and Special Nuclear Material License No. 31-8630-1 is amended in its entirety to read as follows:

Pursuant to the Atomic Energy Act of 1954, as amended, 10 CFR 30, "Rules of General Applicability to Licensing of Byproduct Material," 10 CFR 40, "Licensing of Source Material," 10 CFR 70, "Special Nuclear Material," and in reliance upon the statements and representations contained in the application dated September 28, 1965, a license is hereby issued to Long Island Nuclear Service Corp., Station Road, Bellport, N.Y., to receive and possess packages containing waste byproduct, source, and special nuclear material at customers' facilities in any State of the United States except in "Agreement States" as defined in Section 150.3(b), 10 CFR 150 and to transport the packages in any State of the United States except in "Agreement States."

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR 20, "Standards for Protection Against Radiation," all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess at any one time more than:

A. 1,000 curies of Hydrogen 3.

B. 1,000 curies of other byproduct material.

C. 15,000 pounds of source material.

D. 350 grams of Uranium 235 or 200 grams of Uranium 233 or 200 grams of Plutonium provided that the sum of the ratios of the quantity of each special nuclear material to the quantities specified above does not exceed unity. Unity shall be determined by the following formula:

$$\frac{\text{grams contained U235}}{350}+\frac{\text{grams contained U233}}{200}+\frac{\text{grams contained Pu}}{200}\leq 1$$

2. Byproduct, source, and special nuclear material shall be received and transported by, or in the physical presence of, John D. LaGrua, Jr.

3. The licensee shall receive byproduct, source, and special nuclear material in containers which meet the requirements for transportation as specified in Condition 4 of this license. The containers shall not be opened by the licensee.

4. The transportation of AEC-licensed material shall be subject to the applicable regulations of the Interstate Commerce Commission, U.S. Coast Guard and other agencies of the United States having appropriate jurisdiction, and where such regulations are not applicable shall be in accordance with the following requirements except as specifically provided by the Atomic Energy Commission:

A. *Outside Shipping Containers*

(1) The containers shall meet any one of the following specifications described in the standard license form to be Appendix A attached hereto:

a. 15A, 15B, 12B, 6A, 6B, 6C, 17C, 17H, 19A, or 19B for the containment of radioactivity in amounts not in excess of 2.7 curies; or

b. Specification 55 for containment of solid cobalt 60, cesium 137, iridium 192 or gold 198 in amounts not in excess of 300 curies.

(2) There shall be no removable radioactive contamination on any exterior surface of the container in excess of 500 d/m/100 sq. cm. alpha and 0.1 mrep/hr beta-gamma radiation.

(3) The smallest dimension of the container shall not be less than 4 inches.

(4) The radiation level at any accessible surface of the container shall not exceed 200 mrem/hr.

(5) At one meter from any point on the radioactive source the radiation level shall not exceed 10 mrem/hr.

(6) Containers which contain radioactive material emitting only alpha and/or beta radiation shall contain sufficient shielding to prevent the escape of primary corpuscular radiation to the exterior surface so that it does not exceed 10 mrem/24 hours at any time during transportation.

B. *Inside Containers*

(1) Solid and gaseous radioactive materials shall be packed in suitable inside containers designed to prevent rupture and leakage under conditions incident to transportation.

(2) Liquid radioactive materials must be packed in sealed glass, earthenware, or other suitable containers. The container must be surrounded on all sides by an absorbent material sufficient to absorb the entire liquid contents and be of such nature that its efficiency will not be impaired by chemical reactions with the contents. Where shielding is required the absorbent material must be placed within the shield. If the inside container meets the Specification 2R in Appendix A the absorbent material is not required.

(3) Materials containing radioisotopes of plutonium, americium, polonium, or curium, or the isotope strontium 90, in quantities in excess of 100 microcuries, must be packed in containers which meet Specification 2R in Appendix A.

C. *Shielding*

Inside containers must be completely surrounded with sufficient shielding to meet the requirements of subparagraphs A(4), A(5), and A(6) of this condition. The shield must be so designed that it will not open or break under normal conditions incident to transportation.

D. *Labeling*

Each outside container label required under Section 20.203(f) of 10 CFR 20 shall bear the following information:

(1) Total activity in millicuries, or in the case of source material, the total weight;

(2) principal radioisotope;

(3) radiation level at the surface of the container and at one meter from the source; and

(4) the name and address of the licensee.

E. Each vehicle in which licensed material is transported shall be marked or placarded on each side and the rear with lettering at least 3 inches high as follows: "DANGEROUS—RADIOACTIVE MATERIAL."

F. *Accidents*

In the event of an accident involving any vehicle transporting licensed material, immediate steps shall be taken to prevent radiation exposure of persons and to control contamination.

G. *Exemptions*

Specific approval must be obtained from the Atomic Energy Commission for modification of, or exemption from, the requirements of this license condition. Requests for such approval should be directed to the Chief, Isotopes Branch, Division of Materials Licensing, Atomic Energy Commission and should contain sufficient information to support such a request.

5. The licensee shall not store byproduct, source, and special nuclear material in any of the States in which the licensee is authorized to receive, possess, and transport such materials under the terms of this license.

6. Except as specifically provided otherwise by this license, the licensee shall receive, possess, and transport byproduct, source and special nuclear material in accordance with the procedures and limitations contained in the application dated August 21, 1961, and amendment thereto dated October 4, 1961; the application dated May 31, 1963, and amendment thereto dated July 29, 1963; the application dated July 21, 1965; and the application dated September 28, 1965.

This license shall be effective on the date issued and shall expire two (2) years from the last day of the month in which this license is issued.

Date of issuance: November 12, 1965.

For the Atomic Energy Commission.

J. A. McBride,
Director,
Division of Materials Licensing.

[F.R. Doc. 65-12458; Filed, Nov. 18, 1965; 8:49 a.m.]

[Docket No. 27-10]

NUCLEAR ENGINEERING CO., INC.

Notice of Amendment of Byproduct, Source and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 23 to License No. 4-3766-1 which amends the license to provide for the following:

1. Receipt at General Electric Co., Vallecitos, Calif., and transportation in the licensee's vehicle to the licensee's facility near Beatty, Nev., of not more than 750 grams of special nuclear material and 1,600 curies of byproduct material contained in GE-VAL cask No. 601.

2. Removal of the inner container which holds the special nuclear and/or byproduct material from GE-VAL cask No. 601 and burial in the soil of the inner container with the waste material at the licensee's facility near Beatty, Nev.

The Commission has determined that prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this issuance see: (1) The application and amendments thereto and (2) the related memorandum prepared by the Division of Materials Licensing, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of Item 2 above may be obtained at the Commission's Public Document Room, or upon request to the Atomic Energy Commission, Washington, D.C., 20545, attention: Director, Division of Materials Licensing.

The text of this amendment is attached to this notice.

Dated at Bethesda, Md., November 12, 1965.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[License No. 4-3766-1; Amdt. 23]

The Atomic Energy Commission having found that:

A. The licensee's equipment, facilities, and procedures are adequate to protect health and minimize danger to life or property;

B. The licensee is qualified by training and experience to use the material for the purpose requested in accordance with the regulations in Title 10, Code of Federal Regulations, and in such manner as to protect health and minimize danger to life or property;

C. The application dated July 16, 1965, and amendments thereto dated August 20, 1965; September 15, 1965; and October 18, 1965, comply with the requirements of the Atomic Energy Act of 1954, as amended, and Title 10, Code of Federal Regulations, Chapter 1, and is for a purpose authorized by that act; and

D. The issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

License No. 4-3766-1 is amended to add the following condition:

18. A. Notwithstanding Condition 1.C. of this license, the licensee may receive at the General Electric Co., Vallecitos, Calif., General Electric Co. GE-VAL cask No. 601 containing not more than 750 grams of special nuclear material of which not more than 40 grams shall be Uranium 233 or Plutonium. No single waste liner within the cask shall contain more than 350 grams of special nuclear material of which not more than 40 grams shall be Uranium 233 or Plutonium.

B. Transportation of the General Electric Co. GE-VAL cask No. 601 containing the waste material from General Electric Co., Vallecitos, Calif., to the licensee's facility shall be in a vehicle owned by the licensee.

C. Notwithstanding Condition 10.A. of this license, the licensee may remove the inner container from General Electric Co. GE-VAL cask No. 601 provided the inner container does not contain more than 1,600 curies of byproduct material and the quantity of special nuclear material specified in Section A. of this condition and bury the inner container without intermediate storage.

D. Removal of the inner container from General Electric Co. GE-VAL cask No. 601 and burial in the soil of the inner container shall be carried out under the supervision and in the physical presence of James L. Harvey.

E. No inner container removed from General Electric Co. GE-VAL cask No. 601 shall be buried in the soil within 12 feet of any other container or package which contains special nuclear material.

G. The licensee shall perform operations authorized in this condition in accordance with the conditions, limitations, and procedures contained in the application dated July 16, 1965, and amendments thereto dated August 20, 1965; September 15, 1965; and October 18, 1965.

Date of issuance: November 12, 1965.

For the Atomic Energy Commission.

J. A. MCBRIDE,
Director,
Division of Materials Licensing.

[F.R. Doc. 65-12459; Filed, Nov. 18, 1965; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 16670; Order No. E-22886]

AMERICAN AIRLINES, INC., ET AL.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of November 1965; joint jet fares proposed by American Airlines, Inc., Braniff Airways, Inc., Northwest Airlines, Inc., Southern Airways, Inc., United Air Lines, Inc., and West Coast Airlines, Inc.

By tariff revisions[1] filed October 18, 1965, and marked to become effective November 17, 1965, various air carriers propose to increase joint jet fares in certain markets.[2] The proposals reflect increases over either an existing joint fare or an existing fare that would apply for the routing involved.

In support of the filing, it is stated that, through error in the selection of segment fares, new joint fares for the Dallas-Huntsville market had been published recently at a level lower than that intended. The carriers now propose to correct this situation by increasing the fares to the intended level, that is, equal to the combination of existing local fares over Memphis. In addition, the proponents claim that the Detroit-Miami jet first-class fare via the routing UA Atlanta NW of $94.65 was reduced in error to $85.90, effective September 15, 1965. This $85.90 fare is less than the local fare of $92.50 published by Eastern Air Lines, Inc., between the same points. The participating carriers now propose to increase the joint fare from $85.90 to the level of Eastern's local fare.[3] No justification was furnished specifically for the Detroit-Port Angeles proposal. No complaints have been filed against the proposals for the markets involved.

We note that the joint fares recently published for the Dallas-Huntsville market are not unreasonably low and are at levels comparable to those in effect for markets of similar distances. Furthermore, the Board does not look with favor on joint fare proposals that are set at a level equal to the sum of existing local fares for the segments involved. Rather, we would expect the carriers to make an appropriate adjustment to eliminate the dual effect of three separate $1.00 fare increases per ticket embodied in the current fare structure. In addition, the existing joint fare in the Detroit-Miami market is equal to the local fare currently published by United for this market, and the proposed joint fare in the Detroit-Port Angeles market is greater than the combination fare currently available for the routing involved. In the absence of adequate economic justification, and in view of the industry's present earning trend, there appears to be no basis for the increased fares embodied in the fare proposals for these markets. The Board finds that these proposed joint jet fare increases may be unjust and unreasonable, appear unwarranted, and should be suspended and investigated. This finding is consistent with the Board's recent actions regarding other tariff filings proposing fare increases.[4]

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions on 1st Revised Page 322-I between Dallas and Huntsville; on 50th and 51st Revised Pages 324 between Detroit and Miami via the routing "UA ATL NW" and between Detroit and Port Angeles via the routing "NW SEA WC"; and on 84th Revised Page 437 between Dallas/Ft. Worth and Huntsville; of Airline Tariff Publishers, Inc., agent, CAB No. 44, and rules, regulations, or practices affecting such fares and provisions, are or will be, unjust or unreasonable, unjustly discriminatory,

[1] Airline Tariff Publishers, Inc., agent, CAB No. 44.

[2] The markets, routings, and proposed fares involved are:

Market	Routing	Proposed joint fare	
		First class	Coach
Dallas-Huntsville.	AA/BN Memphis Nashville SO	$52.15	$45.70
Detroit-Miami.	UA Atlanta NW	92.50	.....
Detroit-Port Angeles.	NW Seattle WC	143.20	.....

[3] The participating carriers neglect to point out that the existing joint fare of $85.90 is equal to United's local fare between the same points.

[4] Orders E-22483, E-22587, E-22773, E-22783, E-22816, E-22819, and E-22844.

unduly preferential, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions on 1st Revised Page 322–I between Dallas and Huntsville; on 50th and 51st Revised Pages 324 between Detroit and Miami via the routing "UA ATL NW" and between Detroit and Port Angeles via the routing "NW SEA WC"; and on 84th Revised Page 437 between Dallas/Ft. Worth and Huntsville; of Airline Tariff Publishers, Inc., agent, CAB No. 44, are suspended and their use deferred to and including February 14, 1966, unless otherwise ordered by the Board and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This investigation be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order be filed with the aforesaid tariff and be served on American Airlines, Inc., Braniff Airways, Inc., Northwest Airlines, Inc., Southern Airways, Inc., United Air Lines, Inc., and West Coast Airlines, Inc., parties to the investigation.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-12443; Filed, Nov. 18, 1965; 8:48 a.m.]

[Docket No. 16401; Order No. E-22890]

NORTHEAST AIRLINES, INC., ET AL.

Order Tentatively Approving Control and Interlocking Relationships and Tentatively Granting Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 16th day of November, 1965; application of Northeast Airlines, Inc., Storer Broadcasting Co., George B. Storer, George B. Storer, Jr., Bill Michaels, Francis W. Sullivan, Stuart W. Patton, and Arno W. Mueller, for approval of control and/or interlocking relationships pursuant to sections 408 and 409 of the Federal Aviation Act of 1958, as amended.

By joint application filed August 12, 1965, as subsequently amended, Storer Broadcasting Co. (Storer), which recently acquired control of Northeast Airlines, Inc. (Northeast), requests approval pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act) of its activation of a subsidiary company known as Storer Leasing Corp. (Leasing). An exemption is also requested pursuant to section 416(b) from the provisions of section 408 to the extent necessary to permit Northeast to lease certain aircraft from Leasing. In addition, the joint applicants request approval pursuant to section 409 of the Act of the following interlocking relationships:

Individual	Company and position	
	Northeast	Storer
George B. Storer	Director	Chairman of Board, Director.
George B. Storer, Jr.	Chairman of Board,[1] Director.	Vice Chairman of Board, Director.
Bill Michaels	Director	Director, Vice President.
Francis W. Sullivan.	Director	Director.
Stuart W. Patton.	Director, Vice President.	Special Counsel.
Arno W. Mueller	Vice President	Vice President.

[1] Chief Executive officer, pursuant to Northeast's bylaws.

The joint applicants also request that the above individuals be authorized to hold generally directorships or offices within the same system of affiliated and subsidiary companies.

Storer is engaged primarily in commercial radio and television broadcasting, and the individual applicants are, at present, officers and/or directors of Storer. To support the above requests, the joint applicants state that on July 30, 1965, Storer acquired more than 87 percent of Northeast's only class of issued and outstanding stock; that Storer intends to assist Northeast in planning and promptly effectuating a jet aircraft re-equipment and expansion program and to elect as officers and/or directors of Northeast at meetings of Northeast's stockholders and directors (held on August 27, 1965), the individual applicants herein who will serve as representatives of Storer on said board and/or in said offices; and that Storer has determined that the jet re-equipment program could be achieved by Northeast at the lowest cost to it if Storer, acting through a wholly owned subsidiary company, to be formed by Storer, were to purchase the aircraft which Northeast deems appropriate for its operation and to lease such aircraft to Northeast. To effectuate Northeast's re-equipment and expansion program Storer intends to form leasing, whose business purposes will include the ownership of aircraft and the leasing of the same to Northeast.[1]

Under the contemplated lease agreement, Northeast will obtain 12 Boeing 727 and 10 Douglas DC–9 aircraft, including spare parts, valued in excess of $100 million, for a term of 13 years from the date of delivery of each at a quarterly rental of 2.29 percent of the lessor's cost or at an aggregate of 119.08 percent of the lessor's cost over the term of the lease. Except for the cost to the lessee, the applicants state that the lease agreement will be substantially identical to a recent lease agreement between United Air Lines, Inc. (United), and various banking institutions involving certain Boeing 727–22 aircraft[2] which was recently approved by the Board.[3] Under the terms of the proposed lease agreement there will be no supplemental rental charges, spare parts will be leased under identical arrangements as the aircraft, and Northeast may, subject to certain conditions, voluntarily terminate the lease should the aircraft become obsolete or surplus to its needs. Under the leasing arrangement, the applicants state that the benefits of investment tax credit will flow through to the lessee, and in substance the proposed lease agreement will parallel others wherein there is no lessor-lessee affiliation.[4] It is further alleged that the outright purchase or leasing from an unaffiliated source was carefully studied and that, in the light of Northeast's recent operating history and the uncertainty of its route authority, such undertakings would present monumental difficulties and that if funds were available, the cost would be such as to drain from Northeast any possibility of being able to operate the aircraft competitively. Therefore, according to applicants, the proposed transaction would afford Northeast an opportunity to obtain use of the aircraft at a substantially more favorable cost than would be the case if it were itself to finance the purchase of the aircraft or obtain them by lease from another source.

The application states that the establishment of Leasing does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not and will not result in creating a monopoly and does not and will not tend to restrain competition; that there are no persons other than the applicants herein who have an interest in the transactions; and that because of the imminence of initial aircraft deliveries[5] under the arrangement an exemption from section 408 insofar as it would

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[1] The applicants anticipate that Leasing will engage only in this activity. If there is any change or expansion of these activities, they state that the Board will be advised thereof and any necessary approval will be requested.

[2] In this instance United's quarterly rental is 2.23 percent of the lessor's cost. The 0.06 percent differential in the case of Northeast is due to the cost of money available to the lessor and certain standby costs.

[3] Order E–22442, dated July 15, 1965, Docket 16243.

[4] Although we have not received copies of the proposed lease, it appears from the amended application that the terms of the Douglas aircraft lease will be identical to those of the Boeing lease in all significant respects; e.g., term, proration of cost, and termination provisions. In any event, we expect the parties to file 3 copies of the lease agreement within 10 days after service of this order; and our final action will take into account the provisions of such agreement.

[5] It appears from the filing that leasing may already have been organized and has taken possession of one Boeing 727 aircraft for the purpose of training Northeast pilots. This raises a question of possible violation of section 408 as interpreted in *Sherman Control and Interlocking Relationship*, 15 CAB 876 (1952). However, because of the exigency of Northeast's need for new equipment in order to provide improved service to the public, we will waive the Sherman Doctrine to the extent that it would otherwise preclude establishment of Leasing prior to Board approval of the transaction.

otherwise prevent the transaction between Leasing and Northeast is warranted.

On October 5, 1965, National Airlines, Inc. (National), filed a memorandum stating that it has a substantial interest in the transactions and requesting, pursuant to the third proviso of section 408(b), that a hearing be held. Essentially National's allegation of "substantial interest" is based on the contention that the acquisition of such a large amount of jet equipment by a carrier which is apparently in poor financial condition could prejudice the Board's decision in the Reopened New York-Florida Renewal Case, Docket 12285. National states, however, that it is willing to waive its right to a hearing if any order of approval issued by the Board in this proceeding requires "(1) either that leases shall be terminable by Northeast without penalty on 6 months' notice, or that no lease shall be entered into of more than 1 year's duration; (2) that Northeast shall receive no greater subsidy than at present by reason of the operation of pure jet equipment (except after hearing); and (3) that Storer be advised that, like its predecessor, Hughes Tool Co., it must take its chances on the outcome of the Reopened New York-Florida Renewal Case, Docket 12285."

Concurrently with the filing of the above memorandum, National filed a petition for leave to intervene in the instant proceeding in the event the foregoing conditions are not imposed by the Board in any order of approval. In the event such conditions are imposed, National states, the matter would be of a "non-hearing" nature, and the petition therefore may be dismissed.

On October 11, 1965, Northeast replied to National's Memorandum and Petition, submitting that National's interest in the proceeding, as disclosed by its own document, is wholly insubstantial and that the Board should deny its requests.

Subsequently, on October 18, 1965, National filed a motion for leave to file a reply, and a reply to Northeast's reply, and thereafter Northeast filed a motion for leave to file an answer to National's motion requesting that it be denied essentially on procedural grounds.[6]

In summary, Storer, the company controlling Northeast, seeks to set up a wholly owned subsidiary whose basic purpose would be to lease jet aircraft having a value in excess of $100,000,000 to Northeast. In view of Northeast's present financial condition, its inability to raise sufficient cash to permit it to purchase the equipment it needs by conventional financing, and its apparent inability to make leasing arrangements as favorable as those involved in the instant transactions with other nonaffiliated companies, we are disposed to grant Northeast and Storer the relief they request. This involves: (1) Approval under the third proviso of section 408(b) of control of Leasing by Storer; (2) grant of an exemption from the provisions of section 408 insofar as those provisions would otherwise prevent Northeast, an air carrier, from acquiring a substantial part of the assets of Leasing, a person engaged in a phase of aeronautics; and (3) approval of the interlocking relationships between Northeast and Storer.

There is no doubt that the establishment of Leasing by Storer is subject to Board approval under section 408 of the Act. Storer is a person controlling an air carrier—Northeast—and Leasing will be engaged in a phase of aeronautics—aircraft leasing. The mere establishment of Leasing would not affect the control of Northeast within the meaning of the third proviso of section 408(b), or result in creating a monopoly or restrain competition, nor would it be inconsistent with the public interest. Hence, the Storer/Leasing transaction can be approved without a hearing under the third proviso of section 408(b), absent a request for a hearing by a person disclosing a "substantial interest."

There is a question as to whether National has exhibited a substantial interest which would allow it to request a hearing. We think that National has not. The acquisition of Leasing by Storer has meaning for National only when it is considered in conjunction with the proposed lease agreements between Leasing and Northeast. Aside from the equipment lease proposal National cannot and should not get involved in the management decisions of Storer to establish a subsidiary corporation. Therefore, we tentatively find that National has not disclosed a "substantial interest" within the meaning of section 408(b) which would entitle it to request a hearing in the matter of Storer's acquisition of Leasing, and we will approve that acquisition of Leasing by Storer without a hearing.

The main focus of National's objections is on the lease arrangement between Leasing and Northeast. National apparently contends that the financial burden on Northeast resulting from the leasing of such a substantial amount of jet equipment may become an important factor in swaying the Board's judgment in favor of renewal of Northeast's routes south of New York in the Reopened New York-Florida Renewal Case. Moreover, National alleges that Northeast will use its lease obligations as a basis for seeking additional subsidy regardless of the outcome of the Renewal Case. Therefore, National proposes that the conditions quoted above be imposed on any approval of the transactions and states that it will drop its opposition if the conditions are included.

In our opinion, National's apprehensions are not well founded and there is no need for conditioning approval of the transaction as proposed. Certainly, the Board need not be advised that it has the obligation to decide the Renewal Case in a manner which is consistent with the public interest. By the same token it should be clear to Northeast, without our saying so, that the carrier in entering the lease is taking a chance that its Florida routes will not be renewed. In addition, to include a condition which would permit Northeast arbitrarily to cancel the lease upon 6 months' notice to Leasing or limiting approval to a 1-year period would be unduly burdensome on the lessor. Any prudent lessor would require more protection than this where an investment of such magnitude is involved. In any event, we are advised by the parties that Northeast may cancel the lease on 60 days' notice if the aircraft become obsolete or surplus to Northeast's requirements. If such cancellation shall occur Northeast will be liable only for the excess, if any, of the termination value established by the agreement over the sale price of the equipment. Finally, the effect on subsidy of the new aircraft is a question which is more appropriately left for decision in a proceeding under section 406 of the Act. In this regard our final action herein would include, as is our usual practice, a provision that approval of the transactions shall not be deemed a determination for rate-making purposes of the reasonableness of the transactions.

Having disposed of National's objections,[7] we turn to consideration of the lease transactions, which follow generally the leases involved in United Air Lines' re-equipment program. This program was before the Board in Dockets 15912 and 15936. Therein United sought a disclaimer of jurisdiction or approval under section 408 of a Participation, Trust, and Lease Agreement between it and certain banks, pursuant to which the participating banks would acquire jet aircraft and lease them to United. We have of course taken into account that an arrangement between Storer and Northeast is not an arm's-length transaction and should be scrutinized with greater care. We are satisfied that the arrangement follows the pattern of bank financing and it appears that the lease transaction is fair in this light. In United's case, as here, the carrier requested expeditious treatment and an exemption from section 408(b), urging that it was in imminent need of the aircraft; and that, were there delay consequent upon the holding of a hearing, the carrier would be required to seek to acquire the aircraft upon less favorable terms than those available to it under the Participation, Trust and Lease Agreement. We granted such exemption.[8] The reasons for avoiding delay are equally compelling in this case. If anything, Northeast's situation would appear to be more critical than was that of United in Dockets 15912 and 15936. It would be unduly burdensome, under these circumstances, to subject Northeast to the procedures involved in a formal proceeding under section 408. Accordingly, we tentatively find that the enforcement of section 408(b) of the Act to the extent that it would preclude

[6] Rule 6 of the Board's Rules of Practice in Economic Proceedings provides that "* * * no reply to an answer, reply to a reply, or any further responsive document shall be filed." While we would ordinarily dismiss the unauthorized pleadings we will in this instance accept them since these documents considered with the others filed by the parties give us a full picture of the transaction.

[7] National was the only objector to the proposed agreement.

[8] Order E-21927, Mar. 19, 1965.

the instant transaction would be an undue burden upon Northeast by reason of unusual circumstances affecting its operations, and would not be in the public interest.

We will also tentatively approve the interlocking relationships between Northeast and Storer. A due showing has been made in the form and manner prescribed in Part 251 of the Board's Economic Regulations that such interlocking relationships and any future interlocking relationships involving the same individuals and companies as described herein will not adversely affect the public interest.

Storer has assured the Board that similar transactions, as a practical matter, will not be undertaken in the future. Insofar as other types of arrangements are concerned, we would propose to include, as a condition to approval, that there be no transactions between Storer and Northeast or between Leasing and Northeast, which in either instance aggregate more than $100,000 in any calendar year, unless prior approval is obtained from the Board.

Accordingly, it is ordered,

1. That interested parties are hereby afforded a period of fifteen (15) days from the date of service of this order within which to file comments[*] or to request a hearing with respect to the matters treated herein;

2. That since comments may be filed, the Board will accept no petition for reconsideration of this order;

3. That, within a period of ten (10) days from the date of service of this order, Northeast Airlines, Inc., shall file three copies of the Lease Agreement with Storer Leasing Corp. with the Board and provide one copy of such agreement to National Airlines; and

4. That the Attorney General be furnished a copy of this order within one day of the date of its service.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 65-12444; Filed, Nov. 18, 1965; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 16223-16229; FCC 65M-1499]

TRI-STATE TELEVISION TRANSLATORS, INC.

Order Continuing Hearing

In re applications of Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16223, File No. BPTTV-2354; Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16224, File No. BPTTV-2355; Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16225, File No. BPTTV-2356; Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16226, File No. BPTTV-2357; Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16227, File No. BPTTV-2358; Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16228, File No. BPTTV-2359; Tri-State Television Translators, Inc., Cumberland, Md., Docket No. 16229, File No. BPTTV-2360; for construction permits for new VHF Television Broadcast Translator Stations.

Pursuant to agreements reached at the prehearing conferences on October 28 and November 10, 1965, the evidentiary hearing in the above-entitled proceeding now scheduled for Monday, November 15, 1965, is continued to Monday, December 13, 1965, in Cumberland, Md.

It is so ordered, This the 10th day of November 1965.

Released: November 15, 1965.

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

[F.R. Doc. 65-12450; Filed, Nov. 18, 1965; 8:49 a.m.]

[Docket No. 15250; FCC 65M-1502]

SUPERIOR BROADCASTING CORP.

Order Continuing Hearing

In re application of the Superior Broadcasting Corp., Cleveland, Ohio, Docket No. 15250, File No. BPCT-3243, for construction permit for new television broadcast station.

The Hearing Examiner having under consideration a joint petition for continuance filed by counsel for the applicant and counsel for the Broadcast Bureau on November 10, 1965, requesting that the hearing in this proceeding presently scheduled for November 17, 1965, be continued until November 23, 1965; and

It appearing, that an emergency has arisen requiring counsel for the Broadcast Bureau to be absent from Washington, D.C., on official business during the period November 12-November 22, 1965;

It is therefore ordered, This 12th day of November 1965, that the petition be and the same is hereby granted, and the hearing in this proceeding is continued to November 23, 1965, at 10 a.m., in the offices of the Commission in Washington, D.C.

Released: November 15, 1965.

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

[F.R. Doc. 65-12451; Filed, Nov. 18, 1965; 8:49 a.m.]

[Docket Nos. 16290, 16291; FCC 65-1008]

WMGS, INC. (WMGS) AND OHIO RADIO, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of WMGS, Inc. (WMGS), Bowling Green, Ohio, Docket No. 16290, File No. BR-3097, has 730kc, 1kw, DA-D, Class II, for renewal of license; Ohio Radio, Inc., Bowling Green, Ohio, Docket No. 16291, File No. BP-16,423, requests 730kc, 1kw, DA-D, Class II, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 10th day of November 1965;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, the applicants are legally, technically, financially, and otherwise qualified to construct and/or operate as proposed; and

It further appearing, that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The applications are mutually exclusive in that they propose cochannel operation in the same city.

2. No computations regarding the proposed directional antenna system of Ohio Radio, Inc. have been submitted to permit a determination as to whether the proposal would comply with the minimum efficiency requirements of § 73.189 of the Commission's rules.

3. The proposed antenna towers of Ohio Radio, Inc. have yet to receive clearance from the Federal Aviation Agency. Accordingly, an issue with respect thereto will be included and that agency named as a party.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the 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 whether the antenna tower construction proposed by Ohio Radio, Inc., would create a hazard to air navigation.

2. To determine whether the antenna system proposed by Ohio Radio, Inc. can be expected to achieve minimum radiation efficiency for this class of station as required by § 73.189 of the Commission's rules.

[*] Comments shall conform to the Board's Rules of Practice for the filing of comments.

3. To determine which of the proposals would better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That, the Federal Aviation Agency is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party 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 § 1.594 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 of the publication of such notice as required by § 1.594(g) of the rules.

Released: November 16, 1965.

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

[F.R. Doc. 65-12452; Filed, Nov. 18, 1965; 8:49 a.m.]

[Docket No. 15769 etc.; FCC 65M-1504]

BROWN RADIO & TELEVISION CO. (WBVL) ET AL.

Order Continuing Hearing

In re applications of Dwight L. Brown trading as Brown Radio & Television Co. (WBVL), Barbourville, Ky., Docket No. 15769, File No. BR-3228; for renewal of license; Barbourville-Community Broadcasting Co., Barbourville, Ky., Docket No. 15770, File No. BP-16297; for construction permit; Golden East Broadcasting Co., Inc., Barbourville, Ky., Docket No. 16105, File No. BP-15827; for construction permit.

The Hearing Examiner having under consideration further proceedings in the above-styled case;

It appearing, that counsel for Golden East Broadcasting Co. made an oral "Motion to Dismiss" its above-captioned application on the record at a prehearing conference held November 10, 1965, in this matter; and

It further appearing, that for reasons stated on the record at said prehearing conference, the transcript of which is hereby incorporated by reference with the same force and effect as though set forth verbatim herein, the presently scheduled hearing date of November 16, 1965, at Barbourville, Ky., must be continued;

It is ordered, This 15th day of November 1965, that the hearing date of November 16, 1965, in the above-entitled case be, and the same is, hereby continued to January 25, 1966, at Barbourville, Ky.

Released: November 15, 1965.

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

[F.R. Doc. 65-12446; Filed, Nov. 18, 1965; 8:48 a.m.]

[Docket No. 15450; FCC 65M-1501]

MIDWEST TELEVISION, INC.

Memorandum of Ruling

In re application of Midwest Television, Inc., Springfield, Ill., Docket No. 15450, File No. BPCT-2846; for construction permit for new television broadcast station.

This will formalize a ruling made by the Hearing Examiner during the hearing session held on November 3, 1965, construing Revised Issue 2 [1] to encompass the question of whether a grant of the Midwest proposal would result in "a concentration of control of the media of mass communication" contrary to the public interest.[2] The Examiner's reasons for this ruling are ascertainable from the discussion appearing at pp. 269-287 of the transcript.

In accordance with the transcript ruling (Tr. 284-287): *It is ordered*, This 12th day of November 1965, that Revised Issue 2 is construed as comprehending the question of whether a grant of the Midwest proposal would result in a concentration of control of the media of mass communication contrary to the public interest.[3]

Released: November 15, 1965.

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

[F.R. Doc. 65-12447; Filed, Nov. 18, 1965; 8:48 a.m.]

[1] See, Memorandum Opinion and Order of the Review Board in Midwest Television, Inc. (FCC 65R-370, released Oct. 8, 1965), which revised Issue 2.

[2] Stated otherwise, the effect of the Examiner's interpretative ruling is to carry forward the "concentration of control" aspect of original Issue 2 specified in the Commission's Memorandum Opinion and Order in Springfield Telecasting Co., et al. (FCC 64-387, released May 4, 1964), which designated Midwest's application for hearing. That is to say, the determination pursuant to Revised Issue 2 of whether a satellite form of operation "would be in the public interest" requires consideration of the consequences of such form of operation from the standpoint of concentration of control of the mass media as well as the standpoint of duopoly (control of overlapping television services). As the Examiner further views Revised Issue 2, any determination on the concentration problem will have no ultimate dispositive effect if the threshold question of whether Midwest's proposal is "primarily a satellite operation" should be resolved contrary to applicant's contention in this regard.

[3] The time for filing an interlocutory appeal from the instant ruling will run from the date of release of this Memorandum of Ruling.

[Docket Nos. 16288, 16289; FCC 65-1007]

ROWLAND BROADCASTING CO., INC. (WQIK) AND WILLIAMSBURG COUNTY BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Rowland Broadcasting Co., Inc. (WQIK), Jacksonville, Fla., Docket No. 16288, File No. BP-16644; has: 1280 kc, 5 kw, Day, requests: 1090 kc, 50 kw (10 kw CH), DA-2, Day; M. H. Jacobs, H. Y. Hodges, and Dale W. Gallimore doing business as Williamsburg County Broadcasting Co., Kingstree, S.C., Docket No. 16289, File No. BP-16580; requests: 1090 kc, 1 kw, Day; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 10th day of November 1965;

The Commission having under consideration the above-captioned and described applications;

It appearing, That each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate as proposed but that the applications are mutually exclusive;

It further appearing, That, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications just be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the 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 the proposed operation of the Williamsburg County Broadcasting Co. and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WQIK and the availability of other primary service to such areas and populations.

3. To determine, in the light of section 307(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.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That, in the event of a grant of either application, the construction permit shall contain the following condition:

1. Pending a final decision in Docket No. 14419 with respect to pre-sunrise operation with daytime facilities, the present provisions of § 73.87 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 applicants 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 § 1.594 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.

Released: November 16, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12448; Filed, Nov. 18, 1965; 8:48 a.m.]

[Docket Nos. 16292, 16293; FCC 65-1010]

TRI-CITY BROADCASTING CO. AND HENRYETTA RADIO CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Harmon Davis trading as Tri-City Broadcasting Co., Eufaula, Okla., Docket No. 16292, File No. BPH-4482; requests: 102.3mc, No. 272; 3kw; 187 ft.; Henryetta Radio Co., Henryetta, Okla., Docket No. 16293, File No. BPH-4593; requests: 102.3mc, No. 272; 3kw; 158 ft.; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 10th day of November 1965;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that the above-captioned applications are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference; and

It further appearing, that since the Henryetta Radio Co. proposal specifies Henryetta, Okla., and the Tri-City Broadcasting Co. proposal specifies Eufaula, Okla. (as permitted by the "25-mile" rule), it is necessary to determine pursuant to section 307(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; and

It further appearing, that the proposals will be considered under the comparative issue if section 307(b) considerations are not found to be determinative; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below:

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the 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, in the light of section 307(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.

2. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to section 307(b), which of the proposals would better serve the public interest.

3. To determine in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants 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 § 1.594 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 of the publication of such notice as required by § 1.594(g) of the rules.

Released: November 16, 1965.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-12449; Filed, Nov. 18, 1965; 8:48 a.m.]

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[1] Commissioners Hyde and Lee absent.

[1] Commissioners Hyde and Lee absent.

DEPARTMENT OF COMMERCE

Bureau of the Census

DETERMINATION OF THE DIRECTOR PURSUANT TO SECTION 4(b)(2) OF THE VOTING RIGHTS ACT OF 1965 (PUBLIC LAW 89-110)

In accordance with section 4(b)(2) of the Voting Rights Act of 1965 (Public Law 89-110) and the determination of the Attorney General made pursuant to section 4(b)(1) of that Act, published in the August 7, 1965, issue of the FEDERAL REGISTER (30 F.R. 9897), I have determined that in each of the following political subdivisions considered as a separate unit less than 50 per centum of the persons of voting age residing therein voted in the presidential election of November 1964:

Coconino County, Ariz.
Navajo County, Ariz.
Elmore County, Idaho.
Honolulu County, Hawaii.

This determination supplements my determination published in the FEDERAL REGISTER of August 7, 1965 (30 F.R. 9897).

Current studies of other political subdivisions will be completed as soon as the relevant data are obtained and in accordance with the Voting Rights Act of 1965, I will make additional determinations for such political subdivisions in which less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1964, or in which less than 50 per centum of such persons voted in the presidential election of November 1964.

A. ROSS ECKLER,
Director, Bureau of the Census.

[F.R. Doc. 65-12522; Filed, Nov. 18, 1965; 10:08 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-17106, etc.]

ALLEGHENY LAND AND MINERAL CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

NOVEMBER 9, 1965.

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.

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

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 December 3, 1965.

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 2, Statement of General Policy and Interpretations, Chapter I of Title 18 of the Code of Federal Regulations, as amended, all permanent certificates of public convenience and necessity granting applications, filed after April 15, 1965, without further notice, will contain a condition precluding any filing of an increased rate at a price in excess of that designated for the particular area of production for the period prescribed therein unless at the time of filing such certificate application, or within the time fixed herein for the filing of protests or petitions to intervene the Applicant indicates in writing that it is unwilling to accept such a condition. In the event Applicant is unwilling to accept such condition the application will be set for formal hearing.

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

JOSEPH H. GUTRIDE,
Secretary.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
G-17106..... C 11-3-65 D 11-3-65 [1]	Allegheny Land and Mineral Co., Professional Bldg., Clarksburg, W. Va.	Consolidated Gas Supply Corp., Various districts, Various counties, W. Va.	28.0	15.325
G-28070..... C 11-3-65	The Atlantic Refining Co., Post Office Box 2819, Dallas, Tex., 75221.	Transcontinental Gas Pipe Line Corp., Live Oak Field, Vermilion Parish, La.	17.5	15.025
CI60-429..... E 10-27-65	Burnett Corp. (Successor to H. N. Burnett), c/o Jerry F. Lyons, attorney, Post Office Box 556, Amarillo, Tex.	Cities Service Gas Co., West Panhandle Field, Carson County, Tex.	11.0	14.65
CI61-727..... C 11-3-65 [2]	Shell Oil Co., 50 West 50th St., New York, N.Y., 10020.	Transwestern Pipeline Co., Catesby Field, Ellis County, Okla.	17.0	14.65
CI61-1640..... C 11-1-65	Socony Mobil Oil Co., Inc., Post Office Box 2444, Houston, Tex., 77001.	Transcontinental Gas Pipe Line Corp., South Marsh Island Block 48 Field, Offshore, La.	19.0	15.025
CI62-368..... C 11-1-65	Continental Oil Co., Post Office Box 2197, Houston, Tex., 77001.	El Paso Natural Gas Co., Lindrith Area, Rio Arriba County, N. Mex.	12.2295	15.025
CI62-607 [3]..... D 2-15-65 D 9-23-65	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla., 74102.	Natural Gas Pipeline Co. of America, Escobas and Martinez Fields, Zapata and Jim Hogg Counties, Tex.	(4)	
CI63-608..... C 10-28-65	Oklahoma Natural Gas Co., Post Office Box 871, Tulsa, Okla., 74102.	Michigan Wisconsin Pipe Line Co., Southeast Pringey Field, Woodward County, Okla.	[5] 17.0	14.65
CI64-69..... C 11-3-65 [6]	Shell Oil Co. (Operator), et al., 50 West 50th St., New York, N.Y., 10020.	Panhandle Eastern Pipe Line Co., Avard Area, Woods County, Okla.	[5] 17.0	14.65
CI64-746..... E 11-1-65	Oil Industries Associates (Operator), et al. (successor to D. E. Brown, et al.), 9307 Mercer Dr., Dallas, Tex., 75228.	Consolidated Gas Supply Corp., Beech Grove Field, Clay District, W. Va.	25.0	15.325
CI64-1238..... C 10-28-65	R. J. Braden, et al. d.b.a. Elder Gas Co., 413 Peoples Bank Bldg., Marietta, Ohio, 45750.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	25.0	15.325
CI65-688..... C 10-28-65	F. M. Chisler and Harry C. Boggs, c/o F. M. Chisler, Partner, Route No. 2, Box 94, Fairview, W. Va.	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.	25.0	15.325
CI66-347..... B 10-25-65	E. Max Beren, et al., Post Office Box 3105, Washington St. Station, Wichita, Kans.	Cities Service Gas Co., Whelan Field, Barber County, Kans.	Depleted	.....
CI66-348..... A 10-28-65	Socony Mobil Oil Co., Inc., Post Office Box 2444, Houston, Tex., 77001.	Trunkline Gas Co., Kelsey Field, Brooks County, Tex.	[7] 16.0	14.65
CI66-349..... A 10-22-65	Dunn-Mar Oil and Gas Co., 27 South College St., Washington, Pa., 15301.	Pennzoil Co., Mannington District, Marion County, W. Va.	12.0	15.325
CI66-350..... A 10-28-65	Cities Service Oil Co., Cities Service Bldg., Bartlesville, Okla., 74004.	Gas Gathering Corp., Bayou Henry Field Area, Iberville Parish, La.	17.0	15.025
CI66-351..... A 10-28-65	Columbian Fuel Corp., 401 Dewey Ave., Bartlesville, Okla., 74004.	United Fuel Gas Co., acreage in Pike County, Ky.	[8] 27.5	15.325
CI66-352..... A 10-29-65	Hunt Oil Co., 1401 Elm St., Dallas, Tex., 75202.	American Louisiana Pipe Line Co., Grand Isle, Blocks 24 and 25, Offshore La.	[8] 21.25	15.025
CI66-353..... A 10-29-65	Edwin G. Bradley, et al., 826 Union Center Bldg., Wichita, Kans.	Panhandle Eastern Pipe Line Co., acreage in Meade County, Kans.	16.0	14.65
CI66-354..... A 10-29-65	Peabody Coal Co., 301 North Memorial Dr., St. Louis, Mo., 63102.	Texas Gas Transmission Corp., Midland Field, Muhlenberg County, Ky.	17.0	15.025
CI66-355..... A 10-29-65	Hunt Industries, 1401 Elm St., Dallas, Tex., 75202.	American Louisiana Pipe Line Co., Grand Isle, Blocks 24 and 25, Offshore La.	[8] 21.25	15.025
CI66-356..... B 10-29-65	Sunray DX Oil Co., Post Office Box 2039, Tulsa, Okla., 74102.	Jernigan & Morgan Transmission Co., E. Victor Field, Lincoln County, Okla.	(9)	.....
CI66-357..... A 11-1-65	American Petrofina Co. of Texas, Post Office Box 2159, Dallas 21, Tex.	El Paso Natural Gas Co., Pan American-Ullibarl Gas Unit No. 3, San Juan County, N. Mex.	13.0	15.025
CI66-358..... A 11-1-65	Earlsboro Oil and Gas Co., Inc. (Operator), et al., 2802 First National Bldg., Oklahoma City, Okla.	Panhandle Eastern Pipe Line Co., North Greensburg Field, Woods County, Okla.	[8] 17.0	14.65
CI66-359..... A 11-1-65	Woods Petroleum Corp., 4900 North Santa Fe, Oklahoma City, Okla., 73118.	Panhandle Eastern Pipe Line Co., Southwest Como Field, Beaver County, Okla.	16.5	14.65
CI66-360..... 10-29-65 [10]	Ashland Oil & Refining Co., Post Office Box 1503, Houston, Tex., 77001.	Texas Gas Transmission Corp., Midland Field, Muhlenberg County, Ky.	15.0	15.025
CI66-361..... A 11-1-65	George Moses, Post Office Box 309, Clarksburg, W. Va.	Consolidated Gas Supply Corp., Washington District, Calhoun County, W. Va.	25.0	15.325
CI66-362..... A 11-1-65	W & J Oil & Gas Producers, et al., 530 Rockwood Ave., Chesapeake, Ohio.	Consolidated Gas Supply Corp., Troy District, Gilmer County, W. Va.	25.0	15.325
CI66-363..... A 11-1-65	Central Gas Co., Box 1223, Charleston, W. Va.	do	25.0	15.325
CI66-364..... A 11-1-65	Wood Oil Co., 800 Midstates Bldg., Tulsa, Okla., 74103.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	17.0	14.65
CI66-365..... A 11-1-65	Howard W. Sharpley, et al., Room No 7, State Bank Bldg., Hillsdale, Mich.	Consolidated Gas Supply Corp., Glenville District, Gilmer County, W. Va.	25.0	15.325
CI66-367..... A 10-28-65	Jenkins and Archer, c/o Margaret J. Wells, agent, Box 869, Paintsville, Ky., 41240.	Kentucky West Virginia Gas Co., Joe's Creek, Pike County, Ky.	15.0	14.6
CI66-368..... A 10-28-65	Jenkins and Archer	Kentucky West Virginia Gas Co., Johns Creek, Pike County, Ky.	15.0	14.6
CI66-369..... A 10-28-65	do	Kentucky West Virginia Gas Co., Shelby Creek and Burk Branch, Pike County, Ky.	15.0	14.6
CI66-370..... A 11-1-65	Wood Oil Co., 800 Midstates Bldg., Tulsa, Okla., 74103.	El Paso Natural Gas Co., West Kutz Field, Gallegos Canyon Unit Area, San Juan County, N. Mex.	10.0	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field and location	Price per Mcf	Pressure base
CI66-371..... A 11-3-65	Quaker State Oil Refining Corp., Box 337, Bradford, Pa.	United Fuel Gas Co., Harts Creek District, Lincoln County, W. Va.	23.0	15.325
CI66-372..... B 11-3-65	Midwest Oil Corp., 1030 Bank of Southwest Bldg., Houston, Tex., 77002.	Trunkline Gas Co., East Bearhead Creek Field, Beauregard Parish, La.	(12)	.....
CI66-373..... A 11-1-65	Phillips Petroleum Co., Bartlesville, Okla., 74004.	American Louisiana Pipe Line Co., Boston Bayou Field, Vermilion Parish, La.	21.25	15.025
CI66-374..... A 11-1-65	S. F. Bradley, Box 143, Prestonsburg, Ky.	United Fuel Gas Co., Rockhouse Fork of Rockcastle Creek, Martin County, Ky.	23.0	15.325
CI66-375..... A 11-1-65	Phillips Petroleum Co., Bartlesville, Okla., 74004.	Panhandle Eastern Pipe Line Co., Selling Field, Woods County, Okla.	17.0	14.65

[1] Deletes nonproductive acreage.
[2] Adds interest of Sun Oil Co.
[3] Consolidated with Docket Nos. CI62-1544, et al.
[4] Plus upward B.t.u. adjustment.
[5] Adds interest of Joel S. Price.
[6] Subject to upward and downward B.t.u. adjustment.
[7] Subject to reduction of 1.0 cent per Mcf per stage if Buyer elects to compress gas.
[8] Includes 1.5 cents gathering charge.
[9] Subject to deduction for compression if Buyer compresses gas.
[10] Gas is no longer being sold in interstate commerce.
[11] Filing made under section 154.91(b) of the rules and regulations for certificate by a signatory co-owner which, at present, is an et al. party under Operator's FPC Certificate and Gas Rate Schedule (Milton S. Yunker (Operator), et al., Docket No. CI64-234).
[12] Properties ceased to produce gas in commercial quantities.

[F.R. Doc. 65-12277; Filed, Nov. 18; 1965; 8:45 a.m.]

[Docket No. CI65-513, etc.]

ATLANTIC REFINING CO. ET AL.

Findings and Order

NOVEMBER 3, 1965.

The Atlantic Refining Co., et al., and other applicants herein, Docket Nos. CI65-513, et al.[1]; findings and order after statutory hearing issuing certificates of public convenience and necessity, severing dockets, accepting offers of settlement, and accepting FPC gas rate schedules for filing.

Applicants herein have filed applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of New Mexico to Natural Gas Pipeline Co. of America (Natural), all as more fully set forth in the Appendix hereto and in the respective applications.

Each Applicant originally proposed to sell natural gas at an initial rate of 16.608 cents per Mcf at 14.65 p.s.i.a., including upward B.t.u. adjustment from a base of 1000 B.t.u.'s per cubic foot for 1038 B.t.u. gas.[2] By order issued August 5, 1965, in Docket No. AR61-1, et al., Applicants were ordered to show cause why they should not receive permanent certificate authorization at the rates prescribed by Opinion No. 468, 34 FPC ____. Said opinion prescribes an initial rate for gas sold in the New Mexico portion of the Permian Basin of 15.5 cents per Mcf plus applicable state and local production taxes in effect September 1, 1965. The opinion also provides for upward B.t.u. adjustment from a maximum standard of 1050 B.t.u.'s per cubic foot and downward B.t.u. adjustment from a minimum standard of 1000 B.t.u.'s per cubic foot.

Each Applicant has amended its contract with Natural by restating the price provisions of said contracts to provide a fixed price for gas having a heating value of 1038 B.t.u.'s per cubic foot and to eliminate any upward price adjustment for increases in heating value in excess of 1038 B.t.u.'s per cubic foot. The amendments also provide for a downward adjustment in price for decreases in heating value below 1038 B.t.u.'s per cubic foot. Each contract now provides for an initial rate of 16.608 cents per Mcf for 1038 B.t.u. gas.

Applicants have submitted offers of settlement and have agreed to accept permanent certificates conditioned as follows:

(a) The initial rate shall be the applicable area rate prescribed in Opinion No. 468 (subject to adjustment, prospectively, to conform to any revisions thereof on rehearing[3]) or the applicable contract price, whichever is lower, and

(b) No increase in rate in excess of that provided in (a) above shall be filed before January 1, 1968.

The offers state that the "applicable area rate" as that term is used in (a) above shall mean the rate determined after all adjustments because of deviations from the pipeline quality standards prescribed in the opinion. This is the method of rate determination prescribed by Opinion No. 468 as clarified by Opinion No. 468-A.

Marathon Oil Co., operator of the processing plant which Applicants propose to construct, has filed a quality statement which shows that the quality of the gas, based upon plant design specifications, is within the quality standards prescribed in Opinion No. 468 as modified by Opinion No. 468-A. This quality statement has not been signed by Natural because the actual quality of the residue gas which would be delivered to Natural will not be known until the producers have constructed the plant and have placed it in operation.[4] The contracts for the unprocessed gas meet the quality standards prescribed by Opinion No. 468 as modified by Opinion No. 468-A.

In general, Applicants propose to sell gas under the conditions prescribed by Opinion Nos. 468 and 468-A. Elimination of the upward B.t.u. price adjustment above 1038 B.t.u.'s per cubic foot is not here significant because most of the gas will be processed by the producers, and the remaining gas probably will not exceed 1035 B.t.u.'s per cubic foot. In one respect the conditions of sale proposed by Applicants are more stringent than those prescribed in the opinion: The contracts, as amended, provide for downward B.t.u. price adjustment below 1038 B.t.u.'s per cubic foot whereas the opinion prescribes downward B.t.u. price adjustments below 1000 B.t.u.'s per cubic foot.

Applicants proposals have been filed within the spirit of the Commission's opinion determining just and reasonable rates for producers in the Permian Basin on an area basis and afford an appropriate opportunity for the issuance of certificates under conditions which will provide a complete and effective plan of regulation. The rates to which Applicants have agreed and the moratorium by which they have agreed to abide correlate to those required by Opinion Nos. 468 and 468-A. Accordingly, the applications herein will be severed from the proceeding on the Order to Show Cause in Docket No. AR61-1, et al., and certificates of public convenience and necessity will be issued under the conditions prescribed in the area rate opinion.

Natural has filed motions in support of the offers of settlement. No protests to the granting of the applications have been received.

At a hearing held on October 28, 1965, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption subject to the jurisdiction of the Commission and will, therefore, be a "natural gas company" within the meaning of said Act upon commencement of service under the respective authorizations hereinafter granted.

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[1] Additional dockets are listed in the Appendix.

[2] Each contract also provided for a downward B.t.u. adjustment from a base of 1000 B.t.u.'s per cubic foot.

[3] On Oct. 4, 1965, subsequent to the dates of filing of the offers of settlement herein, the Commission issued Opinion No. 468-A in which rehearing was denied.

[4] Applicants have agreed to file revised quality statements 90 days after deliveries commence, if necessary.

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

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

(4) It is necessary and appropriate in carrying out the provisions under the Natural Gas Act that the offers of settlement submitted by Applicants should be accepted and that the applications herein should be severed from the proceeding on the Order to Show Cause issued August 5, 1965, in Docket No. AR61–1, et al.

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

(6) It is necessary and appropriate in carrying out the provisions under the Natural Gas Act that the related rate schedules should be accepted for filing to be effective and designated as hereinafter ordered except that Applicant in Docket No. CI65–564 should be required to submit its gas sales contract as an FPC gas rate schedule.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sales of natural gas by Applicants in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the Appendix below and in the respective applications and offers of settlement in this proceeding.

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

(C) The grant of the certificates issued by paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customer involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by Section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The offers of settlement submitted by Applicants are accepted and the applications herein are severed from the proceeding on the Order to Show Cause issued August 5, 1965, in Docket No. AR61–1, et al.

(E) Applicants shall comply with the requirements of Opinion Nos. 468 and 468–A, and particularly

(a) The initial rate shall be the applicable area rate prescribed in Opinion No. 468, as modified by Opinion No. 468–A, or the applicable contract price, whichever is lower, and

(b) No increase in rate in excess of that provided in (a) above shall be filed before January 1, 1968.

(F) The related rate schedules are accepted for filing to be effective on the date of initial delivery and are designated as shown in the Appendix hereto, except that Applicant in Docket No. CI65–564 shall file three copies of its gas sales contract as its FPC gas rate schedule.

(G) Each Applicant shall file as a supplement to its FPC gas rate schedule three copies of the amendatory agreement submitted as an exhibit to its offer of settlement and three copies of a revised billing statement which reflects the price at which the gas will be sold.

(H) Within 90 days of the date of initial delivery each Applicant shall file three copies of a rate schedule quality statement in the form provided by Opinion No. 468–A.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No., and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
CI65–513 A 11–27–64	The Atlantic Refining Co., et al.	Natural Gas Pipeline Co. of America, Indian Basin Area, Eddy County, N. Mex.	Contract 9–10–64	296	
			Letter 10–13–64	296	1
CI65–525 A 12–3–64	Monsanto Company	do	Contract 9–10–64	82	
			Letter agreement 9–10–64.	82	1
			Letter agreement 10–28–64.	82	2
CI65–531 A 12–4–64	do	Natural Gas Pipeline Co. of America, Dagger Draw Area, Eddy County, N. Mex.	Contract 10–26–64	81	
CI65–558 A 12–14–64	Joseph E. Seagram & Sons, Inc., d.b.a. Texas Pacific Oil Co.	Natural Gas Pipeline Co. of America, Indian Basin Area, Eddy County, N. Mex.	Contract 9–10–64	84	
CI65–561 A 12–14–64	Capitan Petroleums, Inc.	Natural Gas Pipeline Co. of America, Bluitt Area, Roosevelt County, N. Mex.	Contract 10–1–64	1	
CI65–564 A 12–16–64	Standard Oil Co. of Texas, a division of Chevron Oil Co., et al.[1]	Natural Gas Pipeline Co. of America, Indian Basin Area, Eddy County, N. Mex.	Contract 9–10–64 [2]	(?)	
			Letter agreement 9–10–64.		
			Letter agreement 9–21–64.		
			Letter 10–2–64		
CI65–577 A 12–18–64	Robert N. Enfield, et al.	do	Contract 9–10–64	3	
CI65–586 A 12–22–64	Hanagan Petroleum Corp., et al.	do	Contract 9–10–64	1	
CI65–589 A 12–23–64	Texaco Inc.	do	Contract 9–10–64	354	
CI65–595 A 12–23–64	Penroc Oil Corp.	do	Contract 9–10–64	1	
CI65–603 A 12–24–64	Marathon Oil Co. (Operator), et al.	do	Contract 9–10–64	95	
			Letter of agreement. 9–8–64 [3]	95	1
			Ratified 10–14–64.[4]	95	2
			Letter of agreement. 11–24–64.[5]	95	3
CI65–625 A 12–31–64	John H. Trigg d.b.a. John H. Trigg Co.	do	Contract 9–10–64	4	
CI65–628 A 1–4–65	Potash Co. of America, et al.	do	Contract 9–10–64	1	
CI65–649 A 1–7–65	Ralph Lowe, et al.	do	Contract 9–10–64	5	
CI65–658 A 1–8–65	Curtis R. Inman, et al.	do	Contract 9–10–64	2	
CI65–678 A 1–11–65	Marion E. Spitler	do	Contract 9–10–64	1	
CI65–679 A 1–11–65	International Oil & Gas Corp.	do	Contract 9–10–64	11	

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted: Description and date of document	No.	Supp.
CI65-1018 A 4-14-65	Standard Oil Co. of Texas, a Division of Chevron Oil Co.[1]	Natural Gas Pipeline Co. of America, Dagger Draw Area, Eddy County, N. Mex.	Contract 1-15-65	57	
CI65-1164 A 5-4-65	Shell Oil Co.	Natural Gas Pipeline Co. of America, Indian Basin Area, Eddy County, N. Mex.	Contract 2-25-65	318	

[1] Formerly Standard Oil Co. of Texas, a Division of California Oil Co.
[2] Filed as an exhibit to the certificate application.
[3] Revises takes during initial period.
[4] Phillips Petroleum Co.
[5] Corrects exhibit to contract which reflects the dedicated acreage.

[F.R. Doc. 65-12288; Filed, Nov. 18, 1965; 8:45 a.m.]

[Docket No. G-3840 etc.]

UNION OIL CO. OF CALIFORNIA

Notice of Petition To Amend

NOVEMBER 8, 1965.

Union Oil Co. of California (successor to the Pure Oil Co.), Docket No. G-3840, et al.[1]

Take notice that on August 6, 1965, Union Oil Co. of California (Petitioner), Union Oil Center, Los Angeles, Calif., 90017, filed a petition to amend the orders issuing certificates of public convenience and necessity to the Pure Oil Co. (Pure) by substituting Petitioner as certificate holder to reflect a merger of Pure by Petitioner, effective July 16, 1965, all as more fully set forth in the Appendix below and in the petition which is on file with the Commission and open to public inspection.

Concurrently with the petition to amend Petitioner submitted a certificate of adoption of Pure's FPC gas rate schedules and a motion to be substituted in lieu of Pure as respondent in Pure's rate proceedings.

Protests, petitions to intervene or notices of intervention 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 December 6, 1965.

JOSEPH H. GUTRIDE,
Secretary.

APPENDIX

Docket No.	The Pure Oil Co. FPC gas rate Schedule No.	Purchaser	Location	Price (¢/Mcf) and pressure base (psia)
G-7192	1	El Paso Natural Gas Co.	Jack Herbert Field, Upton County, Tex.	16.72275 cents.[1 2] 14.65 psia.
G-7193	2	Texas Gas Transmission Co.	Carthage Field, Panola County, Tex.	11.6288 cents. 14.65 psia.
G-7193	3	El Paso Natural Gas Co.	Clara Couch Field, Crocket County, Tex.	16.72275 cents.[1] 14.65 psia.
G-7193	5	United Gas Pipe Line Co.	Blanconia Field, Bee County, Tex.	14.6 cents.[3] 14.65 psia.
G-7193	7	Consolidated Gas Supply Corp.	Cabin Creek, Boone and Kanawha Counties, W. Va.	26.88 cents.[3] 15.025 psia.
G-7193	10	United Gas Pipe Line Co.	Eugene Island Area, St. Mary Parish, offshore La.	12.502859 cents.[3 6] 16.7 psia.
G-7193	11	Socony Mobil Oil Co., Inc.	West Gueydan Field, Vermilion Parish, La.	15.75 cents.[3 3 5] 15.025 psia.
G-7193	13	Humble Gas Transmission Co.	Carthage Point Field, Adams County, Miss.	10.0 cents.[3] 15.225 psia.
G-7193	14	Montana Dakota Utilities Co.	Worland Field, Big Horn and Washake Counties, Wyo.	13.0 cents. 15.025 psia.

See footnotes at end of table.

[1] Additional dockets are listed in the Appendix hereto.

APPENDIX

Docket No.	The Pure Oil Co. FPC gas rate Schedule No.	Purchaser	Location	Price (¢/Mcf) and pressure base (psia)
G-7195	25	El Paso Natural Gas Co.	Cooper-Jal Field, Lea County, N. Mex.	9.0 cents. 14.65 psia.
G-7196	26	do	Dollarhide Field, Andrews County, Tex.	18.1213 cents.[1] 14.65 psia.
G-7199	28	do	Cooper-Jal Field, Lea County, N. Mex.	16.87929 cents.[1 7 8] 14.65 psia.
G-10272	30	Colorado Interstate Gas Co.	Moeane Field, Beaver County, Okla.	15.0 cents.[3 9] 14.65 psia.
G-10662	31	El Paso Natural Gas Co.	Amacker-Tippett Field, Upton County, Tex.	15.2025 cents.[3] 14.65 psia.
G-10688	32	West Lake Natural Gasoline Co.	Vena Madre Field, Nolan County, Tex.	9.0 cents.[10] 14.65 psia.
G-11139	33	Transcontinental Gas Pipe Line Corp.	Gueydan Field, Vermilion Parish, La.	17.75 cents.[3] 15.025 psia.
G-12012	34	Northern Natural Gas Co.	Harper Ranch Field, Clark and Comanche Counties, Kans.	15.0 cents.[3] 14.65 psia.
G-12012	35	do	Harper Ranch Field, Clark and Comanche Counties, Kans.	14.6 cents.[3] 14.65 psia.
G-12061	36	Colorado Interstate Gas Co.	Keys Field, Cimarron County, Okla.	15.0 cents.[3 9 11] 16.0 cents.[3 12] 14.65 psia.
G-14156	37	El Paso Natural Gas Co.	Aneth Field, San Juan County, Utah.	17.7 cents.[3] 15.025 psia.
G-14236	38	West Texas Gathering Co.	Emperor and Kermit Fields, Winkler County, Tex.	17.0 cents.[13] 14.65 psia.
G-14351	39	Transcontinental Gas Pipe Line Corp.	Block 76, Vermilion Parish, offshore La.	19.0 cents.[3] 15.025 psia.
G-12583	40	Tennessee Gas Transmission Co.	Rollover Block 39, Vermilion Parish, offshore La.	16.75 cents.[3 14] 15.025 psia.
G-15433	[4] 41	West Lake Natural Gasoline Co.	Nena Lucia Field, Nolan County, Tex.	9.0 cents.[10] 14.65 psia.
G-17493	46	Natural Gas Pipeline Co. of America.	West Cement Field, Caddo County, Okla.	15.0 cents.[3 9] 14.65 psia.
G-18881	[5] 48	Michigan Wisconsin Pipe Line Co.	Laverne Field, Harper County, Okla.	17.0 cents. 14.65 psia.
G-15040	52	Transwestern Pipeline Co.	Worsham Field, Reeves County, Tex.	17.0 cents.[10] 14.65 psia.
CI60-717	53	Wunderlich Development Co.	Ponca City Field, Kay County, Okla.	6.2 cents.[3 9] 14.65 psia.
G-3840	56	United Gas Pipe Line Co.	Cotton Valley, Webster Parish, La.	13.00076 cents.[3 15] 15.025 psia.
G-3841	58	United Gas Pipe Line Co.	Sligo Field, Bossier Parish, La.	11.7752 cents.[3 16] 15.025 psia.
G-9987	59	El Paso Natural Gas Co.	Crossy-Devonian, Lea County, N. Mex.	16.87929 cents.[11 12] 14.65 psia.
G-12320	60	do	South Andrews Field, Andrews County, Tex.	15.20250 cents.[7] 14.65 psia.
G-14675	61	do	Levelland Field, Cochran County, Tex.	16.72275 cents.[1] 14.65 psia.
G-15469	[5] 62	do	Andrews Field, Andrews County, Tex.	15.2025 cents.[12 24] 14.65 psia.
CI60-809	63	Panhandle Eastern Pipeline	Will Field, Edwards County, Kans.	15.0 cents.[3] 14.65 psia.
CI61-245	64	Texas Gas Transmission Corp.	Hico-Knowles Field, Lincoln Parish, La.	15.25 cents.[3 4] 15.025 psia.
CI61-265	[5] 65	do	Terryville-Euston Field, Lincoln Parish, La.	18.75 cents.[3 4] 15.025 psia.
CI61-704	66	Lone Star Gas Co.	Caddo Dome Field, Carter County, Okla.	14.25 cents.[3 20] 14.65 psia.
CI61-1071	67	Arkansas Louisiana Gas Co.	Calhoun Field, Ouachita Parish, La.	18.75 cents.[3 4] 15.025 psia.
CI61-1282	[5] 68	Michigan Wisconsin Pipe Line Co.	S. E. Lovedale and Dotter Fields, Harper County, Okla.	17.0 cents. 14.65 psia.
CI61-1291	69	Phillips Petroleum Co.	Arnies Field, Midland County, Tex.	13.5 cents.[21 27] 14.65 psia.
CI61-1791	70	Texas Eastern Transmission Corp.	Vienna Field, Lavaca County, Tex.	14.6 cents.[3] 14.65 psia.
CI62-232	71	Lone Star Gas Co.	Big Mineral Creek, Grayson County, Tex.	14.0 cents.[3] 14.65 psia.
CI62-282	[5] 72	do	Doyle Field, Stephens County, Tex.	10.0 cents. 14.65 psia.

APPENDIX

Docket No.	The Pure Oil Co. FPC gas rate Schedule No.	Purchaser	Location	Price (¢/Mcf) and pressure base (psia)
CI62-634	73	Natural Gas Pipeline Co. of America.	Bryans' Mill Field, Cass County, Tex.	15.0 cents.[3] 14.65 psia.
CI62-736	74	Cities Service Gas Co.	South Sterling Field, Comanche County, Okla.	15.0 cents.[3] 14.65 psia.
CI62-1224	75	Tennessee Gas Transmission Co.	Lake Pelting Field, Terrebonne Parish, La.	20.625 cents.[3 28] 15.025 psia.
CI63-148	76	Michigan Wisconsin Pipe Line Co.	Woodward Area, Woods, Alcalea and Major Counties, Okla.	15.0 cents.[28] 14.65 psia.
CI63-1270	77	Cities Service Gas Co.	Sterling Area, Comanche County, Okla.	15.0 cents. 14.65 psia.
CI63-215	78	Arkansas Louisiana Gas Co.	Arkoma Area, Latimer, Le Flore and Pittsburg Counties, Okla.	15.0 cents. 14.65 psia.
CI64-55	79	Arkansas Louisiana Gas Co.	Waukomis Area, Garfield County, Okla.	15.0 cents.[28] 14.65 psia.
CI64-284	80	Arkansas Louisiana Gas Co.	Canute Area, Washita County, Okla.	15.0 cents. 14.65 psia.
CI64-1137	81	Colorado Interstate Gas Co.	Patrick Draw Area Field, Sweetwater County, Wyo.	14.5 cents. 14.65 psia.
CI64-1558	82	Panhandle Eastern Pipe Line Co.	Acreage, Clark County, Kans.	15.0 cents. 14.65 psia.
CI65-338	[17] 84	Kansas Nebraska Natural Gas Co.	Badwater Area, Fremont and Natrona Counties, Wyo.	15.0 cents. 14.65 psia.
CI65-365	85	Kansas-Nebraska Natural Gas Co., Inc.	Waltman Area, Natrona County, Wyo.	15.0 cents. 14.65 psia.
CI65-485	86	El Paso Natural Gas Co.	Red Hills Field, Lea County, N. Mex.	16.0 cents. [21] 14.65 psia.
CI65-1264	87	Arkansas Louisiana Gas Co.	Acreage, Major County, Okla.	15.0 cents. 14.65 psia.
CI66-29	[17] 88	Michigan Wisconsin Pipe Line Co.	Laverne Field, Harper County, Okla.	17.0 cents. 14.65 psia.

[1] Rate in effect subject to refund in Docket No. RI65-17.
[2] Inclusive of 0.22275 cent per Mcf tax reimbursement.
[3] Settlement rate approved Nov. 27, 1962, in Docket No. G-16790, et al.
[4] Inclusive of 0.0028593 cent per Mcf tax reimbursement.
[5] Inclusive of 1.75 cents per Mcf tax reimbursement.
[6] Subject to 0.402 cent per Mcf and 0.9424 cent per Mcf charges for gathering from primary and secondary delivery points, respectively; and subject to 3.245 cents per Mcf compression charge for low pressure gas.
[7] Inclusive of 0.3792929 cent per Mcf tax reimbursement.
[8] Subject to 0.4467 cent per Mcf deduction for delivery pressure under 600 psig.
[9] Subject to Btu adjustment.
[10] Rate in effect subject to refund in Docket No. RI65-119.
[11] Sales from Francis Unit.
[12] Sales from Neff Unit.
[13] Rate in effect subject to refund in Docket No. RI63-263.
[14] Settlement rate subject to a gathering and transportation charge under separate agreement with Jupiter Oil Corp.: 4.0 cents per Mcf at 16.7 psia for first 62.5 MMcf per day and 3.0 cents per Mcf at 16.7 psia for remainder.
[15] "et al."
[16] Rate in effect subject to refund in Docket No. RI65-120.
[17] "(Operator), et al."
[18] Rate in effect subject to refund in Docket No. RI64-193.
[19] Inclusive of 1.0 cent per Mcf tax reimbursement.
[20] Inclusive of 1.5 cents per Mcf tax reimbursement and less compression charge of 0.75 cent per Mcf.
[21] Rate in effect subject to refund in Docket No. RI64-28.
[22] Inclusive of 0.35631 cent per Mcf tax reimbursement and subject to 0.4467 cent per Mcf deduction for delivery pressure under 600 psig.
[23] Rau in eff subject to refund in Docket No. RI65-18.
[24] inclusive of 0.26250 cent per Mcf tax reimbursement.
[25] Inclusive of 0.25 cent per Mcf reimbursement for dehydration.
[26] Eclusive of tax reimbursement which varies since it is based on all leases' participation in the residue delivery rom Spraberry Plant.
[27] Rate in effect subject to refund in Docket No. RI63-258.
[28] Inclusive of 1.5 cents per Mcf tax reimbursement.
[29] Conditioned rate including tax reimbursement and subject to Btu adjustment.
[30] Conditioned rate subject to transportation charge of 2.1 cents per Mcf.
[31] Proposed increased rate of 16.5 cents per Mcf suspended in Docket No. RI66-16 until Jan. 1, 1966.

[F.R. Doc. 65-12290; Filed, Nov. 18, 1965; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST MONTANA BANK CORP.

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that the Board of Governors of the Federal Reserve System has received an application by First Montana Bank Corp., Great Falls, Mont., pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), for the Board's prior approval of action to become a bank holding company through acquisition by First Montana Bank Corp. of 84.7 percent of the voting shares of Ravalli County Bank, Hamilton, Mont., and 82 percent of the voting shares of First State Bank of Stevensville, Montana, Stevensville, Mont.

In determining whether to approve this application, the Board is required by said Act to take into consideration the following factors: (1) The financial history and condition of the company and the bank concerned; (2) their prospects; (3) the character of their management; (4) the convenience, needs, and welfare of the communities and the area concerned; and (5) whether or not the effect of such acquisition would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., 20551.

Dated at Washington, D.C., this 12th day of November 1965.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 65-12423; Filed, Nov. 18, 1965; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-1840]

FLORIDA BANCGROWTH, INC., ET AL.

Notice of Filing of Application for Exemption

NOVEMBER 15, 1965.

In the matter of Florida Bancgrowth, Inc., 3356 Atlantic Boulevard, Pompano Beach, Fla.; M. N. Weir & Sons, Inc., Weir Mortgage Co., 855 South Federal Highway, Boca Raton, Fla.; and Camino Gardens, Inc., 401 West Camino Gardens Boulevard, Boca Raton, Fla.; and Boca Raton National Bank, 77 East Camino Real, Boca Raton, Fla.

Notice is hereby given that Florida Bancgrowth, Inc. ("Bancgrowth"), a Florida corporation registered under the Investment Company Act of 1940 ("Act") as a closed-end, nondiversified management investment company; M. N. Weir & Sons, Inc. ("Weir"), an affiliate of affiliated persons of Bancgrowth; Camino Gardens, Inc. ("Camino"), a corporation controlled by Bancgrowth; Weir Mortgage Co. ("Weir Mortgage"), also a corporation controlled by Bancgrowth; and Boca Raton National Bank ("Bank"), a corporation affiliated with Bancgrowth, have filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting from the provisions of section 17(e)(1) of the Act the proposed transactions described hereinbelow. All interested persons are referred to the application on file with the Commission for a statement of the applicants' representations, which are summarized below.

Camino is engaged in selling and constructing single and multiple family residences and commercial enterprises in Camino Gardens Subdivision, Boca Raton, Fla. Camino intends to invite all qualified registered real estate brokers in the Boca Raton-Pompano Beach area, of which Weir is one, to act as agents for Camino in selling property to the general public; any such agent who causes the sale of properties for Camino shall be entitled to a commission of 5 percent of the purchase price; this is the commission for developments of a similar type established by the Boca Raton Board of Realtors and the Pompano Beach Board of Realtors.

Weir Mortgage is engaged in the business of procuring mortgages on behalf of others from banks and other financial institutions and, in this connection, it is proposed that from time to time Weir Mortgage may offer to the Bank the opportunity to place mortgages; it is expected that the Bank would pay Weir Mortgage a fee not to exceed 1 percent of the principal amount of any mortgage accepted by the Bank; the application states that the compensation to be received by Weir Mortgage is not in excess of that allowed to competing mortgage brokers in similar transactions.

Unless exempted from the provisions of section 17(e)(1) of the Act by an order of the Commission pursuant to section 6(c) the proposed transactions between Weir and Camino would be unlawful under section 17(e)(1) as a receipt by an affiliated person of an affiliated person of a registered investment company, acting as agent, of compensation for the sale of property for a controlled company of the registered investment company other than in the course of such person's business as a securities underwriter or broker; similarly, Bank may be deemed to be controlled by Bancgrowth, which owns 24½ percent of the stock of Bank and is its largest stockholder, and the proposed transactions between Weir Mortgage and Bank may be unlawful under section 17(e)(1). Section 6(c) of the Act empowers the Commission to exempt conditionally or unconditionally any person, security or transaction from any provision or provisions of the Act or from any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the Act.

Notice is further given that any interested person may, not later than December 1, 1965, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 65-12426; Filed, Nov. 18, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Sec. 5a Application 3; Amdt. 4]

EASTERN RAILROADS

Application To Amend Agreement

NOVEMBER 16, 1965.

The Commission is in receipt of an application in the above-entitled and numbered proceeding for approval of amendments to the agreement therein approved under the provisions of section 5a of the Interstate Commerce Act.

Filed November 8, 1965, by:

Andrew C. Armstrong, General Attorney, The Baltimore & Ohio Railroad Co., Law Department, Baltimore, Md., 21201.

Amendments involved: Change the agreement by adding specific procedures governing the filing, handling, and disposition of proposals for quotations under section 22 of the Interstate Commerce Act.

The application may be inspected at the Office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

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

[F.R. Doc. 65-12436; Filed, Nov. 18, 1965; 8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 16, 1965.

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

LONG-AND-SHORT HAUL

FSA No. 40122—*Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 382), for interested carriers. Rates on commodities moving on class rates over joint routes of applicant rail and motor carriers, between points in Central States territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Original page 55 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA No. 40123—*Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 383), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Original page 55 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA No. 40124—*Joint motor-rail rates—Eastern Central.* Filed by The Eastern Central Motor Carriers Association, Inc., agent (No. 384), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Middle Atlantic and New England territories, on the one hand, and points in Central States and middle west territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Original page 55 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA No. 40125—*Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 385), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in middle Atlantic and New England territories, on the one hand, and points in Central States, middle west and Southwestern territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Original page 54 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

FSA No. 40126—*Joint motor-rail rates—Eastern Central.* Filed by the Eastern Central Motor Carriers Association, Inc., agent (No. 386), for interested carriers. Rates on commodities moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in Central States territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief—Motortruck competition.

Tariff—Original page 54 to Eastern Central Motor Carriers Association, Inc., agent, tariff MF-ICC A-268.

By the Commission.

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

[F.R. Doc. 65-12437; Filed, Nov. 18, 1965; 8:47 a.m.]

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