FEDERAL REGISTER

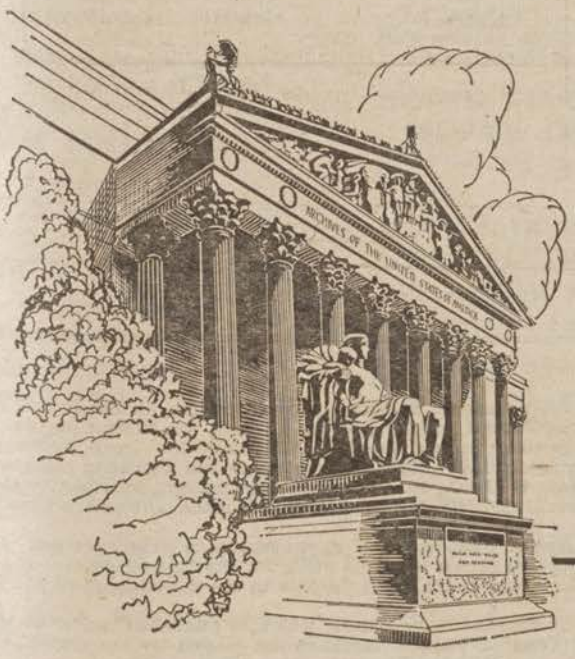
VOLUME 31 • NUMBER 32

Wednesday, February 16, 1966 • Washington, D.C.

Pages 2767–2805

Agencies in this issue—

Detailed list of Contents appears inside.



THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
1934

FEDERAL REGISTER

Area Code 202 Phone 963-3261

Published daily, Tuesday through Saturday (no publication on Sundays, Mondays, or on the day after an official Federal holiday), by the Office of the Federal Register, National Archives and Records Service, General Services Administration (mail address National Archives Building, Washington, D.C. 20408), pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies varies in proportion to the size of the issue (15 cents for the first 80 pages and 5 cents for each additional group of 40 pages, as actually bound). Remit check or money order, made payable to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements are listed in the first FEDERAL REGISTER issue of each month.

Contents

List of CFR Parts Affected

(Codification Guide)

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

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

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 54—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

PART 55—GRADING AND INSPECTION OF EGG PRODUCTS

PART 56—GRADING OF SHELL EGGS AND UNITED STATES STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

Miscellaneous Amendments

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627), the United States Department of Agriculture hereby amends the Regulations Governing the Grading and Inspection of Domestic Rabbits and Edible Products Thereof (7 CFR, Part 54); the Regulations Governing the Grading and Inspection of Egg Products (7 CFR, Part 55); the Regulations Governing the Grading of Shell Eggs and United States Standards, Grades, and Weight Classes for Shell Eggs (7 CFR, Part 56); and the Regulations Governing the Grading and Inspection of Poultry and Edible Products Thereof (7 CFR, Part 70), as provided below.

Statement of Considerations. The amendments delete the sections containing the forms for application for grading or inspection service so that the regulations will not have to be amended each time the application forms are changed. Pertinent information in the forms has been incorporated in the section describing how application shall be made. References to limited licenses have been deleted since, in situations in which limited licenses formerly were issued to qualified persons to perform limited grading or inspection services, authorizations now are issued by the inspector-in-charge or grader-in-charge and are kept on file in official plants. The term "Inspection" has been deleted from the title of the shell egg regulations since the regulations pertain only to grading activities. In addition, several other changes of an administrative nature are made and some minor changes are made for the sake of clarity.

The amendments are as follows:

A. As to part 54:

1. Section 54.1 is hereby amended by changing the definition of "circuit supervisor" to read:

§ 54.1 Definitions.

* * * * *

"Circuit supervisor" or "technical supervisor" means the officer-in-charge of the domestic rabbit inspection service or the domestic rabbit grading service in a circuit consisting of a group of stations within an area.

* * * * *

2. The heading for § 54.20 and paragraphs (b) and (d) of § 54.20 are hereby amended to read, respectively:

§ 54.20 Licensed or authorized graders and inspectors.

* * * * *

(b) Any person who is a Federal or State employee possessing proper qualifications as determined by an examination for competency, and who is to perform inspection service under this part, may be licensed or otherwise authorized by the Secretary as an inspector.

* * * * *

(d) Any person who is employed by any official plant and possesses proper qualifications as determined by the Administrator may be authorized to grade domestic rabbits on the basis of the United States classes, standards, and grades under the supervision of a grader. No person to whom such authorization is granted shall have authority to issue any grading certificates, grading memoranda, or other official documents; and all product graded by any such person shall thereafter be check graded by a grader. Each authorization shall be signed by the grader who determined the qualifications of the person authorized to perform such limited grading services. When the employee of an official plant ceases to perform such limited grading services at the plant, his authorization shall be automatically cancelled.

3. The last sentence of § 54.21 is hereby amended to read:

§ 54.21 Suspension of license or authority; revocation.

* * * When no appeal is filed within the prescribed 7 days, the license or authority is revoked.

4. The heading for § 54.31 and § 54.31 are hereby amended to read, respectively:

§ 54.31 How application for service may be made; conditions of resident service.

(a) *On a fee basis.* An application for any grading or inspection service on a fee basis may be made in any office of grading or inspection or with any grader or inspector at or nearest the place where the service is desired. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If the application for grading or inspection service is made orally, the office of grading or inspection or the grader or inspector with whom the application is made, or the Administrator, may require that the application be confirmed in writing.

(b) *On a resident grading or inspection basis.* An application for resident grading or inspection service must be made in writing on forms approved by the Administrator and filed with the Administrator. Such forms may be obtained at the national, area, or state grading or inspection office. In making application, the applicant agrees to comply with the terms and conditions of the regulations (including, but not being limited to, such instructions governing grading and inspection of products as may be issued from time to time by the Administrator). No member of or Delegate to Congress or Resident Commissioner, shall be admitted to any benefit that may arise from such service unless derived through service rendered a corporation for its general benefit.

5. Section 54.49 is hereby amended to read:

§ 54.49 Interfering with a grader, inspector, or employee of Service.

Any interference with or obstruction or any attempted interference or obstruction of or assault upon any grader, licensee, inspector or employee of the Service in the performance of his duties. The giving or offering directly or indirectly of any money, loan, gift, or anything of value to an employee of the Service or the making or offering of any contribution to or in any way supplementing the salary, compensation or expenses of an employee of the Service or the offering or entering into a private contract or agreement with an employee of the Service for any services to be rendered while employed by the Service.

6. Section 54.107(a)(10) is hereby deleted.

7. Section 54.107(a)(13) is hereby amended to read:

§ 54.107 Inspection on a resident inspection basis.

(a) *Charges* * * *

(13) A charge equal to the actual amounts reimbursed to other divisions

of C&MS and other Federal agencies plus 25 percent of such amounts to cover administrative overhead, when inspectors of such divisions or agencies are assigned to the designated plant for inspection of canning or processing of domestic rabbit food products. The charges provided for in this subparagraph are in lieu of the charges specified in subparagraphs (3) through (9) and (11) of this paragraph.

* * * * *

8. The heading for § 54.108 and paragraphs (a)(3) and (b)(4) of § 54.108 are hereby amended to read, respectively:

§ 54.108 Grading performed on a resident basis.

(a) *Charges.* * * *

(3) A charge equal to the cost of salary paid to each grader assigned to the applicant's plant by C & MS: *Provided,* That no charge will be made for salary of any grader ordinarily assigned to the applicant's plant while temporarily reassigned by C & MS to perform grading service for other than the applicant.

* * * * *

(b) *Other provisions.* * * *

(4) Graders will be required to confine their activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by C & MS: *Provided,* That in no instance may graders assume the duties of management.

9. Section 54.111(b) is hereby amended to read:

§ 54.111 Charges and other provisions where application is in effect during season of no operation.

* * * * *

(b) *Other provisions.* In making a request, the applicant shall agree not to process or label any product until a grader is reassigned and not to use or ship any packaging or labeling material bearing the official mark without prior approval of a Federal-State supervisor. Reassignment of graders will be subject to the availability of qualified graders and applicants shall request reassignment of a grader 45 days prior to date that operations will be resumed.

10. The last sentence of § 54.130(f) is hereby deleted.

§ 54.131 [Amended]

11. Section 54.131(b) is hereby deleted.

12. Section 54.152(a)(2) is hereby amended to read:

§ 54.152 Ready-to-cook domestic rabbits.

(a) *In an official plant.* * * *

(2) Only such ready-to-cook domestic rabbits which are of A quality or B quality and which were graded on an individual carcass basis by a grader or by a person authorized to perform limited grading services, pursuant to § 54.20(d) and thereafter check graded by a grader may be individually identified with the appropriate grade mark, and any container of such ready-to-cook domestic rabbits may also be so identified. The grading of ready-to-cook domestic rabbits shall be performed prior to the disjointing or cutting up of the carcass.

* * * * *

§§ 54.290, 54.291, 54.292 [Amended]

13. Sections 54.290, 54.291, and 54.292 and the headings preceding §§ 54.290 and 54.291 are hereby deleted.

B. As to part 55:

1. Section 55.11 is hereby amended to read:

§ 55.11 Authorization to perform limited grading or inspection services.

Any person who is employed by any official plant and possesses proper qualifications, as determined by the Administrator, may be authorized to inspect liquid and frozen eggs that are produced under the supervision of an inspector. No person to whom such authorization is granted shall have authority to issue any grading certificates, grading memoranda, or other official documents; and all eggs (whether shell, liquid, or frozen) which are graded or inspected by any such person shall thereafter be check graded or check inspected by a grader or inspector. Each authorization shall be signed by the grader or inspector who determined the qualifications of the person authorized to perform such limited grading or inspection services. When the employee of an official plant ceases to perform such limited grading or inspection services at the plant, his authorization shall be automatically canceled.

2. The heading for § 55.12 and § 55.12 are hereby amended to read, respectively:

§ 55.12 Suspension of license or authority; revocation.

Pending final action by the Secretary, the person who countersigns the license or signs the authorization to perform limited grading or inspection services may, whenever he deems such action necessary, suspend any license or authority to perform limited grading or inspection services issued pursuant to this part, by giving notice of such suspension to the respective licensee or person authorized to perform limited grading or inspection services, accompanied by a statement of the reasons thereof. Within 7 days after the receipt of the aforesaid notice and statement of reasons by the licensee or person authorized to perform limited grading or inspection service, he may file an appeal in writing, with the Secretary, supported by any argument or evidence that he may wish to offer as to why his license or authorization should not be suspended or revoked. After the expiration of the aforesaid 7-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed 7 days, the license or authority to perform limited grading or inspection services is revoked.

3. Section 55.13 is hereby amended to read:

§ 55.13 Cancellation of license.

Upon termination of his services as a grader, inspector, or sampler, each licensee shall surrender his license immediately for cancellation.

4. Section 55.14 is hereby amended to read:

§ 55.14 Surrender of license.

Each license which is canceled, suspended, or has expired shall immediately be surrendered by the licensee to the office of grading serving the area in which he is located.

5. Section 55.15 is hereby amended to read:

§ 55.15 Identification.

All graders, inspectors, samplers and supervisors of packaging shall each have in possession at all times, and present upon request, while on duty, the means of identification furnished by the Department by such person.

6. The heading for § 55.22 and paragraph (b) of § 55.22 are hereby amended to read, respectively:

§ 55.22 How application for service may be made; conditions of resident service.

* * * * *

(b) *On a resident inspection basis.* An application for continuos inspection on a resident inspection basis to be rendered in an official plant must be made in writing on forms approved by the Administrator and filed with the Administrator. Such forms may be obtained at the national, area, or State grading office. In making application, the applicant agrees to comply with the terms and conditions of the regulations (including, but not being limited to, such instructions governing grading and inspection of egg products as may be issued from time to time by the Administrator). No member of or delegate to Congress or Resident Commissioner, shall be admitted to any benefit that may arise from such service unless derived through service rendered a corporation for its general benefit.

§ 55.41 [Amended]

7. The last sentence of § 55.41(b) is hereby amended by changing "Association of Official Agricultural Chemists" to "Association of Official Analytical Chemists."

8. Paragraphs (a)(3) and (b)(4) of § 55.68 are hereby amended to read, respectively:

§ 55.68 On a resident inspection basis.

(a) *Charges.* * * *

(3) A charge equal to the cost of salary paid to each grader or inspector assigned to the applicant's plant by C & MS: *Provided,* That no charge will be made for salary of any grader or inspector ordinarily assigned to the applicant's plant while temporarily reassigned by C & MS to perform grading service for other than the applicant.

* * * * *

(b) *Other provisions.* * * *

(4) Graders or inspectors will be required to confine their activities to those duties necessary in the rendering of grading and inspection services and such closely related activities as may be approved by C & MS: *Provided,* That in no instance may the graders or inspectors assume the duties of management.

9. Section 55.83(h) is hereby amended to read:

§ 55.83 Breaking room operations.

* * * * *

(h) Each shell egg must be broken in a satisfactory and sanitary manner and inspected for wholesomeness by smelling the shell or the egg meat and by visual examination at the time of breaking. All egg meat shall be reexamined by a person authorized to perform limited grading or inspection services before being emptied into the tank or churn, except as otherwise approved by the national supervisor.

* * * * *

§ 55.122 [Deleted]

10. Section 55.122 and the heading "Application for Grading Service" preceding § 55.122 are hereby deleted.

C. As to part 56:

1. The part heading is hereby changed to read as set forth above.

2. Section 56.11 is hereby amended to read:

§ 56.11 Authorization to perform limited grading services.

Any person who is employed by any official plant and possesses proper qualifications, as determined by the Administrator, may be authorized to candle and grade eggs on the basis of the "United States Standards for Quality of Individual Shell Eggs," with respect to eggs purchased from producers or eggs to be packaged with official identification. In addition, such authorization may be granted to any qualified person to act as a "supervisor of packing" in the packaging and grade labeling of products. No person to whom such authorization is granted shall have authority to issue any grading certificates, grading memoranda, or other official documents; and all eggs which are graded by any such person shall thereafter be check graded by a grader. Each authorization shall be signed by the grader who determined the qualifications of the person authorized to perform such limited grading services. When the employee of an official plant ceases to perform such limited grading services at the plant, his authorization shall be automatically canceled.

3. The heading for § 56.12 and § 56.12 are hereby amended to read respectively:

§ 56.12 Suspension of license or authority; revocation.

Pending final action by the Secretary, the person who countersigns the license or signs the authorization to perform limited grading services may, whenever he deems such action necessary, suspend any license or authority to perform limited grading services issued pursuant to this part, by giving notice of such suspension to the respective licensee or person authorized to perform limited grading services, accompanied by a statement of the reasons thereof. Within 7 days after the receipt of the aforesaid notice and statement of reasons by the licensee or person authorized to perform limited grading services, he may file an appeal in writing, with the Secretary, supported by any argument or evidence that he may wish to offer as to why his license or authorization should not be suspended or revoked. After the expiration of the aforesaid 7-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed 7 days, the license or authority to perform limited grading services is revoked.

4. Section 56.13 is hereby amended to read:

§ 56.13 Cancellation of license.

Upon termination of his services as a grader, sampler, or supervisor of packaging, each licensee shall surrender his license immediately for cancellation.

5. Section 56.14 is hereby amended to read:

§ 56.14 Surrender of license.

Each license which is canceled, suspended, or has expired shall immediately be surrendered by the licensee to the office of grading serving the area in which he is located.

6. Section 56.16 is hereby amended to read:

§ 56.16 Identification.

All graders, samplers, and supervisors of packaging shall each have in possession at all times, and present upon request, while on duty, the means of identification furnished by the Department to such person.

7. The heading for § 56.21 and § 56.21 are hereby amended to read, respectively:

§ 56.21 How application for service may be made; conditions of continuous service.

(a) *Noncontinuous grading service on a fee basis.* An application for any noncontinuous grading service on a fee basis may be made in any office of grading, or with any grader or sampler at or nearest the place where the service is desired. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If the application for grading service is made orally, the office of grading or the grader or sampler with whom such application is made, or the Administrator, may require that the application be confirmed in writing.

(b) *Continuous grading service on a resident basis or continuous grading service on a nonresident basis.* An application for continuous grading service on a resident basis or for continuous grading service on a nonresident basis must be made in writing on forms approved by the Administrator and filed with the Administrator. Such forms may be obtained at the national, area or state grading office. In making application, the applicant agrees to comply with the terms and conditions of the regulations (including, but not being limited to, such instructions governing grading of products as may be issued from time to time by the Administrator). No member of or Delegate to Congress or Resident Commissioner shall be admitted to any benefit that may arise from such service unless derived through service rendered a corporation for its general benefit.

8. Paragraph (b)(2) of § 56.36 is hereby amended to read:

§ 56.36 Information required on, and form of grade mark.

* * * * *

(b) *Form of official identification symbol and grade mark.* * * *

(2) Except as otherwise authorized, the grade mark permitted to be used to officially identify cartons of shell eggs which are graded pursuant to the regulations in this part shall be contained in a shield and in the form and design indicated in Figures 2, 3, and 6 of this section. The shield shall be of sufficient size so that the print and other information contained therein is distinctly legible and in approximately the same proportion and size as shown in Figures 2 and 3. When the size or weight class is included as a part of the grade mark, the form of such mark shall be as indicated in Figure 2 and when the size or weight class is not included in the grade mark, the form of such mark shall be as indicated in Figure 3. The grade mark shall be printed on the carton or on a tape used to seal the carton.

* * * * *

9. Section 56.40 is hereby amended to read:

§ 56.40 Grading requirements of shell eggs for packaging with grade identification labels.

Shell eggs shall not be packaged with any grade identification label unless such eggs are first individually graded (a) by a grader, or (b) by a person authorized to perform limited grading services pursuant to § 56.11 and thereafter check graded by a grader.

10. The heading for § 56.52 and paragraphs (a)(3), (b)(3), and (b)(5) of § 56.52 are hereby amended to read, respectively:

§ 56.52 Continuous grading performed on a resident basis.

(a) *Charges.* * * *

(3) A charge equal to the cost of salary paid to each grader assigned to the applicant's plant by C&MS: *Provided,* That no charge will be made for salary of any grader ordinarily assigned to the applicant's plant while temporarily reassigned by C&MS to perform grading service for other than the applicant.

* * * * *

(b) *Other provisions.* * * *

(3) At the sole discretion of C&MS, graders may be either Federal or State employees.

* * * * *

(5) Graders will be required to confine their activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by C&MS: *Provided,* That in no instance may the graders assume the duties of management.

11. The heading for § 56.54 and § 56.54 are hereby amended to read, respectively:

§ 56.54 Charges for continuous grading performed on a nonresident basis.

When grading service is furnished on a continuous nonresident basis, the charges and other provisions contained in § 56.52 are applicable with the exception of those in § 56.52(a) (1), (8) (i), (ii), and (9). An administrative charge shall also be made by adding 20 percent to each of the charges specified in § 56.52 (a) (3) and (7).

§ 56.100 [Deleted]

12. Section 56.100 and the heading "Application for Grading Service" preceding § 56.100 are hereby deleted.

§ 56.203 [Amended]

13. The last sentence of § 56.203 is hereby amended by changing "or" to "and."

§ 56.204 [Amended]

14. The fifth sentence of § 56.204 is hereby amended by changing "or" to "and."

15. Paragraphs (c), (d), and (e) of § 56.208 are hereby amended to read, respectively:

§ 56.208 Terms descriptive of shell.

* * * * *

(c) *Practically normal (AA or A quality).* A shell that approximates the usual shape and that is of good even texture and strength and is free from rough areas or thin spots. Slight ridges and rough areas that do not materially affect the shape, texture, and strength of the shell are permitted.

(d) *Slightly abnormal (B quality).* A shell that may be somewhat unusual in shape or that may be slightly faulty in texture or strength. It may show definite ridges but no pronounced thin spots or rough areas.

(e) *Abnormal (C quality).* A shell that may be decidedly misshapen or faulty in texture or strength or that may show pronounced ridges, thin spots, or rough areas.

16. Paragraphs (b), (c), and (d) of § 56.209 are hereby amended to read, respectively:

§ 56.209 Terms descriptive of the air cell.

* * * * *

(b) *Practically regular (AA or A quality).* An air cell that maintains a practically fixed position in the egg and shows a fairly even outline with not more than ⅜-inch movement in any direction as the egg is rotated.

(c) *Free air cell (B or C quality).* An air cell that moves freely toward the uppermost point in the egg as the egg is rotated slowly.

(d) *Bubbly air cell (B or C quality).* A ruptured air cell resulting in one or more small separate air bubbles usually floating beneath the main air cell.

17. Paragraphs (b), (c), (d), and (e) of § 56.210 are hereby amended to read, respectively:

§ 56.210 Terms descriptive of the white.

* * * * *

(b) *Firm (AA quality).* A white that is sufficiently thick or viscous to prevent the yolk outline from being more than slightly defined or indistinctly indicated when the egg is twirled. With respect to a broken-out egg, a firm white has a Haugh unit value of 72 or higher when measured at a temperature between 45° and 60° F.

(c) *Reasonably firm (A quality).* A white that is somewhat less thick or viscous than a firm white. A reasonably firm white permits the yolk to approach the shell more closely which results in a fairly well defined yolk outline when the egg is twirled. With respect to a broken-out egg, a reasonably firm white has a Haugh unit value of 60 to 72 when measured at a temperature between 45° and 60° F.

(d) *Slightly weak (B quality).* A white that is lacking in thickness or viscosity to an extent that causes the yolk outline to appear well defined when the egg is twirled. With respect to a broken-out egg, a slightly weak white has a Haugh unit value of 31 to 60 when measured at a temperature between 45° and 60° F.

(e) *Weak and watery (C quality).* A white that is thin and generally lacking in viscosity. A weak and watery white permits the yolk to approach the shell closely, thus causing the yolk outline to appear plainly visible and dark when the egg is twirled. With respect to a broken-out egg, a weak and watery white has a Haugh unit value lower than 31 when measured at a temperature between 45° and 60° F.

* * * * *

18. Section 56.211 is hereby amended to read:

§ 56.211 Terms descriptive of the yolk.

(a) *Outline slightly defined (AA quality).* A yolk outline that is indistinctly indicated and appears to blend into the surrounding white as the egg is twirled.

(b) *Outline fairly well defined (A quality).* A yolk outline that is discernible but not clearly outlined as the egg is twirled.

(c) *Outline well defined (B quality).* A yolk outline that is quite definite and distinct as the egg is twirled.

(d) *Outline plainly visible (C quality).* A yolk outline that is clearly visible as a dark shadow when the egg is twirled.

(e) *Slightly enlarged and slightly flattened (B quality).* A yolk in which the yolk membranes and tissues have weakened somewhat causing it to appear slightly enlarged and slightly flattened.

(f) *Enlarged and flattened (C quality).* A yolk in which the yolk membranes and tissues have weakened and moisture has been absorbed from the white to such an extent that it appears definitely enlarged and flat.

(g) *Practically free from defects (AA or A quality).* A yolk that shows no germ development but may show other very slight defects on its surface.

(h) *Definite but not serious defects (B quality).* A yolk that may show definite spots or areas on its surface but with only slight indication of germ development or other pronounced or serious defects.

(i) *Other serious defects (C quality).* A yolk that shows well developed spots or areas and other serious defects, such as olive yolks, which do not render the egg inedible.

(j) *Clearly visible germ development (C quality).* A development of the germ spot on the yolk of a fertile egg that has progressed to a point where it is plainly visible as a definite circular area or spot with no blood in evidence.

(k) *Blood due to germ development.* Blood caused by development of the germ in a fertile egg to the point where it is visible as definite lines or as a blood ring. Such an egg is classified as inedible.

19. Section 56.212(b) is hereby amended to read:

§ 56.212 General terms.

* * * * *

(b) *Inedible eggs.* Eggs of the following descriptions are classed as inedible: black rots, yellow rots, white rots, mixed rots (addled eggs), sour eggs, eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood rings, eggs containing embryo chicks (at or beyond the blood ring stage), and any eggs that are adulterated as such term is defined pursuant to the Federal Food, Drug, and Cosmetic Act.

20. Section 56.217 is hereby amended by changing footnote 2 in Table I to read:

§ 56.217 Summary of grades.

* * * * *

[2] Within tolerance permitted, an allowance will be made at receiving points or shipping destination for ½ percent leakers in Grade AA or Fresh Fancy Quality, A and B.

* * * * *

21. Section 56.222 is hereby amended by adding the following sentence to footnote 2 of Table I.

§ 56.222 Summary of grades.

* * * * *

[2] * * * Substitution of higher qualities for lower qualities specified is permitted.

22. Section 56.232 is hereby amended by adding the following sentence to footnote 2 of Table I.

§ 56.232 Summary of grades.

* * * * *

[2] Substitution of higher qualities for lower qualities specified is permitted.

D. As to Part 70:

1. The heading for § 70.30 and paragraph (d) of § 70.30 are hereby amended to read, respectively:

§ 70.30 Licensed or authorized graders and inspectors.

* * * * *

(d) Any person who is employed by any official plant and possesses proper qualifications as determined by the Administrator may be authorized to grade poultry on the basis of the U.S. classes, standards, and grades under the supervision of a grader. No person to whom such authorization is granted shall have authority to issue any grading certificates, grading memoranda, or other official documents; and all products graded by any such person shall thereafter be check graded by a grader. Each authorization shall be signed by the grader who determined the qualifications of the person authorized to perform such limited grading services. When the employee of an official plant ceases to perform such limited grading services at the plant, his authorization shall be automatically canceled.

2. The last sentence of § 70.31 is hereby amended to read:

§ 70.31 Suspension of license or authority; revocation.

* * * When no appeal is filed within the prescribed 7 days, the license or authority is revoked.

3. The heading for § 70.41 and § 70.41 are hereby amended to read, respectively:

§ 70.41 How application for service may be made; conditions of continuous service.

(a) *Noncontinuous inspection or grading service on a fee basis.* An application for any noncontinuous grading or inspection service on a fee basis may be made in any office of grading or inspection or with any grader or inspector at or nearest the place where the service is desired. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If the application for grading or inspection service is made orally, the office of grading or inspection or the grader or inspector with whom such application is made, or the Administrator, may require that the application be confirmed in writing.

(b) *Continuous grading or inspection service on a resident basis or continuous grading service on a nonresident basis.* An application for continuous grading or inspection service on a resident basis or for continuous grading service on a nonresident basis must be made in writing on forms approved by the Administrator and filed with the Administrator. Such forms may be obtained at the national, area or State grading or inspection office. In making application, the applicant agrees to comply with the terms and conditions of the regulations (including, but not being limited to, such instructions governing grading and inspection of products as may be issued from time to time by the Administrator). No member of or Delegate to Congress or Resident Commissioner shall be admitted to any benefit that may arise from such service unless derived through service rendered a corporation for its general benefit.

4. The heading for §§ 70.137 and 70.138 are hereby amended to read, respectively:

§ 70.137 Charges for continuous grading performed on a nonresident basis.

When grading service is furnished on a continuous nonresident basis, the charges and other provisions contained in § 70.138 are applicable with the exception of those in §§ 70.138(a) (1), (8) (i), (ii), and (9). An administrative charge shall also be made by adding 20 percent to each of the charges specified in §§ 70.138(a) (3) and (7).

5. The heading for § 70.138 and subparagraphs (a) (3) and (b) (4) of § 70.138 are hereby amended to read, respectively:

§ 70.138 Continuous grading performed on a resident basis.

* * * * *

(a) *Charges.* * * *

(3) A charge equal to the cost of salary paid to each grader assigned to the applicant's plant by C&MS: *Provided,* That no charge will be made for salary of any grader ordinarily assigned to the applicant's plant while temporarily reassigned by C&MS to perform grading service for other than the applicant.

* * * * *

(b) *Other provisions.* * * *

(4) Graders will be required to confine their activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by C&MS: *Provided,* That in no instance may the graders assume the duties of management.

§ 70.141 [Amended]

6. Section 70.141(a) (12) is hereby deleted.

7. Section 70.182 is hereby amended to read:

§ 70.182 Dressed poultry.

No official grade mark shall appear on the shipping containers or on the individual birds packed therein with respect to dressed poultry for use in domestic channels. The shipping containers of such dressed poultry may be identified with an acceptance mark when conformity with contract specifications is determined as provided in § 70.11, or by other means approved by the Administrator. The appropriate official grade mark may be applied to shipping containers and/or individual birds packed therein with respect to dressed poultry for export prepared in accordance with the requirements of the foreign country involved and Part 81 of this chapter.

8. Section 70.183(b) is hereby amended to read:

§ 70.183 Ready-to-cook poultry and specified poultry food products.

* * * * *

(b) Only when ready-to-cook poultry carcasses or parts, including those used in the fabrication of poultry food products, have been graded on an individual basis by a grader, or by a person authorized to perform limited grading services pursuant to § 70.30(d) and thereafter check graded by a grader, and when fabrication of the poultry food products has been done under the supervision of a grader, may the container or the individual carcass or part or poultry food product be identified with the appropriate official letter grade mark. Except when otherwise permitted by the Administrator, the grading of ready-to-cook poultry with respect to the factors of fleshing and fat covering and the determination of the class of the poultry shall be performed prior to the disjointing or cutting up of the carcass. Grading with respect to the other factors of quality may be performed after the carcass has been disjointed or cut up. Grading with respect to factors such as freezing defects and appearance of finished products may be done on a sample basis.

9. Section 70.254(b) is hereby amended to read:

§ 70.254 Employment and licensing of state inspectors.

* * * * *

(b) Each State inspector at the time he begins service as an inspector shall complete a period of training under the immediate supervision of a Federally employed training supervisor. A license authorizing the State inspector to serve as inspector-in-charge of a station may be issued when it has been determined by the officer-in-charge of the poultry inspection service of C&MS that the inspector is qualified for such position.

§§ 70.260, 70.265, 70.266 [Deleted]

10. Sections 70.260, 70.265, and 70.266 and the headings preceding §§ 70.260 and 70.265 are hereby deleted.

(Secs. 203 and 205, 60 Stat. 1087, 1090, as amended, 7 U.S.C. 1622, 1624, 29 F.R. 16210, as amended, 30 F.R. 1260, as amended)

The amendments are primarily of an administrative or housekeeping nature and will not require any changes in the operations of the affected industry. The facts upon which the amendments are based are not available to the industry, but are peculiarly within the knowledge of the Department. Therefore, public rule making would not result in the Department receiving additional data and facts on these matters. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice of rule making and other public procedure on the amendments are impracticable and unnecessary and good cause is found for making said amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of February 1966 to become effective upon publication in the FEDERAL REGISTER.

ROY W. LENNARTSON,
Associate Administrator.

[F.R. Doc. 66-1659; Filed, Feb. 15, 1966; 8:49 a.m.]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1966 Crop of Upland Cotton; Acreage Allotments and Marketing Quotas

REFERENDA RESULTS CORRECTION; SALE OR LEASE TRANSFERS

(a) This amendment to § 722.277 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.) to correct the result announced for Angelina County, Tex., in the referendum regarding sale or lease transfers held on November 23, 1965.

(b) Since the only purpose of this amendment to § 722.277 is to correct the referendum result published in the FEDERAL REGISTER on December 18, 1965 (30 F.R. 15647), it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is unnecessary. Accordingly, this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

Section 722.277(b) is amended by deleting Angelina County from the list of counties in Texas.

(Sec. 344a, 79 Stat. 1197; 7 U.S.C. 1344b)

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

Signed at Washington, D.C., on February 11, 1966.

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

[F.R. Doc. 66-1657; Filed, Feb. 15, 1966; 8:49 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 1]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements and Quotas for 1966

Basis and purpose and statement of bases and consideration. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended and as further amended by Public Law 89-331 approved November 8, 1965) hereinafter referred to as the "Act". The purpose of this amendment is to permit an additional 50,000 short tons, raw value, of sugar from foreign countries to enter during the first quarter of 1966, specifically for receipt at North Hatteras ports. This action is necessary because a considerable quantity of Puerto Rican raw sugar that normally would be shipped to North Hatteras ports is being shipped to New Orleans and has resulted in a tight supply situation for North Hatteras refiners. American ships in the Puerto Rican sugar trade are granting favorable freight concessions on sugar shipments to New Orleans where they are able to charter other cargoes for export. In view of the short time available for scheduling shipments for arrival during the first quarter, authorization will be on the basis of eligibility of applications for "Sugar Quota Clearance" on Form SU-3. Such authorization can be issued no more than 5 days prior to the stated date of departure of the vessel designated on the Form SU-3. The stated date of arrival must be on or before March 31, 1965, and must reflect a customary shipping time.

Effective date. In order to promote orderly marketing, it is essential that all persons selling and purchasing sugar for receipt at North Hatteras ports be able as soon as possible to make plans based on these changes in marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when published in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended as follows:

Paragraph (d) of § 811.43 is amended by amending subparagraph (1) and adding a new subparagraph (6) to read as follows:

§ 811.43 Quotas for foreign countries.

* * * * *

(d) (1) Of the total quotas and prorations for foreign countries established in paragraphs (b) and (c) of this section, 1,750,000 short tons, raw value, of raw sugar may be authorized for importation from all foreign countries in accordance with Part 817 of this chapter during the first 6 months of 1966, and of such 1,750,000 short tons, raw value, 750,000 short tons, raw value, may be authorized for importation during the first quarter of the year.

* * * * *

(6) (i) Notwithstanding subparagraph (2) of this paragraph (d) the importation of 50,000 short tons, raw value of sugar on or before March 31, representing an addition to the 700,000 short tons, raw value, initial limitation, will be authorized only for importation at North Hatteras ports on the basis of applications for "Sugar Quota Clearance" on Form SU-3 in accordance with the provisions of Part 817 of this chapter except as modified by (ii) and (iii) and (iv) of this subparagraph.

(ii) Notwithstanding the priorities provided in subparagraph (3) of this paragraph, if two or more applications covering sugar from different countries become eligible for approval at the same time, priority will be given to the application for importation from the country with the smallest percentage of its first quarter importations set forth in subparagraph (5) of this paragraph (d) already approved for importation during the first quarter of 1966. All applications received on or before the effective date of this amendment adding subparagraph 6 shall become eligible for approval as of the effective date of this amendment.

(iii) Each applicant must certify on the application that the sugar covered represents sugar not previously authorized for entry and will not affect fulfillment of set-aside agreements for the first half of 1966.

(iv) Any application submitted and approved pursuant to this subparagraph (d) (6) becomes null and void if the sugar does not depart from the port identified in the application within 3 days of the date of departure stated in the application, and each authorization to a Collector of Customs for release of sugar covered by each such application shall be valid for the period stated thereon if the carrier departed on or before the date specified in the authorization, which date shall be 3 days following the date of departure stated in the application.

(Sec. 403, 61 Stat. 932, 7 U.S.C. 1153, as amended, and as further amended by Public Law 89-331 approved November 8, 1965)

Issued at Washington, D.C., this 10th day of February 1966.

JOHN A. SCHNITTKER,
Acting Secretary.

[F.R. Doc. 66-1658; Filed, Feb. 15, 1966; 8:49 a.m.]

[Navel Orange Regulation 99, Amdt. 1]

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

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

Order, as amended. The provisions in paragraph (b)(1) (i) and (ii) of § 907.399 (Navel Orange Regulation 99, 31 F.R. 2420) are hereby amended to read as follows:

(i) District 1: 1,100,000 cartons;

(ii) District 2: Unlimited movement.

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

Dated: February 11, 1966.

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

[F.R. Doc. 66–1660; Filed, Feb. 15, 1966; 8:49 a.m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Subpart—Administrative Rules and Regulations

MISCELLANEOUS AMENDMENTS

Pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993; 30 F.R. 9797), hereinafter referred to collectively as the "order," regulating the handling of dried prunes produced in California, effective under Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), § 993.128 (a) and (b)(1) of the Subpart—Administrative Rules and Regulations (7 CFR Part 993; 30 F.R. 13310; 31 F.R. 80) will be amended. The subpart is operative pursuant to the order.

Section 993.128 will be amended by revising the description of the boundaries of the seven independent producer election districts set forth in paragraph (a) of that section. The boundaries of these districts are being changed so that the districts will have, insofar as practicable, equal representation by numbers of independent producers and production of dried prunes by such producers, as required by § 993.28.

Section 993.128(b)(1) will be amended to require the Committee to cause a meeting to be held in each of the aforesaid election districts prior to March 8 for the purpose of obtaining names of proposed candidates for nomination to the Secretary for selection as independent producer members and alternates for the respective districts. Section 993.128 (b)(1) now requires such meetings to be held prior to March 1. In view of the changes which are being made now in the boundaries of the election districts, independent producers will need additional time to prepare for and hold their forthcoming nomination meetings.

Both changes were unanimously recommended by a subcommittee of the Prune Administrative Committee. The Committee unanimously delegated the subcommittee the responsibility to act on these matters and submit its recommendations to the Secretary.

After consideration of all relevant information, including the subcommittee's recommendations, it is found that the amendment of the Subpart—Administrative Rules and Regulations, as hereinafter set forth, is in accordance with this part, will tend to effectuate the declared policy of the act, and for the reasons hereinafter set forth, should become effective at the time provided herein.

Therefore, it is hereby ordered, That the Subpart—Administrative Rules and Regulations be amended as follows:

1. Paragraph (a) of § 993.128 is revised to read:

§ 993.128 Nominations for membership.

(a) *Districts.* In accordance with the provisions of § 993.28, the districts referred to therein are described as follows:

District No. 1. The counties of Modoc, Lassen, Plumas, Sierra, Nevada, Yuba, Sutter, Placer, Eldorado, Amador, Alpine, and Calaveras.

District No. 2. The counties of Napa, Solano, Marin, and that portion of Sonoma County south and east of a line described as follows: Beginning at the intersection of Bay Highway and Bodega Bay in Bodega Bay; thence easterly on Bay Highway to its junction with Bodega Highway in Bodega; thence easterly on Bodega Highway to its junction with Burbank Memorial Highway in Sebastopol; thence easterly on Burbank Memorial Highway to its junction with Sebastopol Avenue at Occidental Road; then east on Sebastopol Avenue to U.S. Highway 101 Freeway in Santa Rosa; thence north on U.S. Highway 101 Freeway to its junction with Redwood Highway North (U.S. Highway 101) at Mendocino Avenue; thence northwest on Redwood Highway North (U.S. Highway 101) to Pleasant Road near East Windsor; thence east on Pleasant Road to Chalk Hill Road; thence northerly on Chalk Hill Road to its junction with State Highway 128; thence easterly on State Highway 128 to the Napa County Line.

District No. 3. The counties of Del Norte, Siskiyou, Humboldt, Trinity, Mendocino, Lake, and all that portion of Sonoma County not included in District No. 2.

District No. 4. The counties of Contra Costa, San Joaquin, Alameda, San Francisco, San Mateo, Santa Cruz, Stanislaus, Merced, and all that portion of Santa Clara County north and west of a line described as follows: Beginning at the point where the eastern Santa Clara County line and the southern boundary of San Jose Township of said county meet; thence west on said township boundary to San Felipe Road No. 2; thence southerly on San Felipe Road No. 2 to San Felipe Road; thence westerly and northwesterly on San Felipe Road to White Road in Evergreen; thence northwest on White Road to Santa Clara Street in San Jose; thence west on Santa Clara Street to First Street in San Jose; thence south on First Street to San Carlos Street in San Jose; thence west on San Carlos Street to Meridian Road in San Jose; thence south on Meridian Road to Dry Creek Road; thence westerly on Dry Creek Road to the San Jose-Los Gatos Road; thence southwesterly on the San Jose-Los Gatos Road to Union Avenue; thence south on Union Avenue along a straight line continuing to the Santa Cruz County Line.

District No. 5. That portion of Santa Clara County south of the portion of Santa Clara County in District No. 4, extending in a southerly direction to a straight line extending from along the main portion of the Cochran Road, northeasterly to the Stanislaus County line and southwesterly to the Santa Cruz County line, and all of the counties in the State of California not included in Districts No. 1 to No. 4, inclusive, and Districts No. 6 and No. 7.

District No. 6. The counties of San Benito, Monterey, and San Luis Obispo, and all of that portion of Santa Clara County not included in Districts No. 4 and No. 5.

District No. 7. The counties of Shasta, Tehama, Glenn, Butte, Colusa, Yolo, and Sacramento.

2. The date appearing in the first sentence of § 993.128(b)(1) is changed from March 1 to March 8.

It is hereby further found that it is impracticable, unnecessary, or contrary to the public interest to give preliminary notice and engage in public rule making procedure, and that good cause exists for making the provisions hereof effective upon publication in the FEDERAL REGISTER and not postponing the effective time until 30 days after such publication (5 U.S.C. 1003 (a) and (c)) in that: (1) The districts must be established promptly in order that independent producers will know in which districts their orchards are located and which nomination meetings to attend to nominate their candidates for representation on the Prune Administrative Committee; (2) the districts must be established promptly so that the Committee management can schedule nomination meetings and notify independent producers of the time and place of such meetings; and (3) this regulation places no restrictions on handlers.

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

Dated February 10, 1966, to become effective upon publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division.

[F.R. Doc. 66–1644; Filed, Feb. 15, 1966; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 65–SO–45]

PART 75—ESTABLISHMENT OF JET ROUTES

Realignment of Jet Route

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to realign Jet Route No. 4, in part, from Jackson, Miss., to Montgomery, Ala.

This action will add the Meridian VORTAC and an intersection overheading Selma, Ala., in the description of Jet Route No. 4, thereby providing more precise navigational guidance in avoiding intensive high altitude jet activity in this area.

Since this amendment imposes no additional burden on any person, does not include designation or revocation of controlled airspace and is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 28, 1966, as hereinafter set forth.

In § 75.100 (31 F.R. 2346) J–4 is amended by deleting "Jackson, Miss.; Montgomery, Ala.;" and substituting "Jackson, Miss.; Meridian, Miss.; INT of the Meridian 089° and the Montgomery, Ala., 282° radials; Montgomery;" therefor.

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

Issued in Washington, D.C., on February 9, 1966.

JAMES L. LAMPL,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 66–1615; Filed, Feb. 15, 1966; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R–294; Order No. 313]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Recreational Development at Licensed Projects; Correction

FEBRUARY 3, 1966.

Please correct line 8 of ordering paragraph (C) to read as follows: "recreational value. Pending a determination by the Commission that such lands are not needed for public recreational purposes, all * * *"

As so corrected paragraph (C) reads:

(C) The Commission will not grant any authorization for a licensee to dispose of any interest in project lands, unless a showing is made that such disposal is not inconsistent with any approved recreational plan or in the absence of such a plan, that the lands do not have recreational value. Pending a determination by the Commission that such lands are not needed for public recreational purposes, all project lands, buildings, or other property will be considered to be required to achieve the purposes of the license within the meaning of any article in the license relating to the leasing of such lands, buildings, or other property. The licensee in the * * *.

Order 313, Docket No. R–294 was issued December 27, 1965, and published in the FEDERAL REGISTER, December 29, 1965 (F.R. Doc. 65–13870, 30 F.R. 16197).

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66–1616; Filed, Feb. 15, 1966; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 66–36]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Certain Customs Fees Increased

FEBRUARY 10, 1966.

A review has recently been made of the fees prescribed in the Customs Regulations for copying documents by mechanical methods. As a result, it has been determined that certain of those fees, including the minimum total charge for each order, are no longer adequate to recover the costs of the services provided. The services are of the type described in section 501 of the Act of August 31, 1951 (5 U.S.C. 140), as intended to be self-sustaining to the full extent possible.

Accordingly, section 24.12(b)(2) of the Customs Regulations is amended to read as follows:

§ 24.12 Customs fees; charges for storage.

* * * * *

(b) * * *

(2) If any copy of a customs record is made by a customs employee for a party in interest, such party shall reimburse the Government for the actual cost of material, labor, including that used in searching for the record, and any required postage. The charge for labor shall be computed as prescribed in subpaargraph (1), above, but a minimum total charge of $2 shall be imposed for each order. For copying by mechanical methods the charge shall be based on the prevailing rates established by private concerns in the locality, provided that such charge shall not be less than an amount computed according to the following minimum scale of charges with a minimum total charge of $2 for each order:

Methods and sizes	First copy of each page (one side)	Additional copies of the same page
Photocopy negatives and prints (including photostat prints), and copies made by any other mechanical method of reproduction, except when photographic film is used:	*Each*	*Each*
Up to 9 x 12	$0.50	$0.40
12 x 18 (two 9 x 12 units)	.75	.65
18 x 24 (four 9 x 12 units)	1.25	1.15
Photographic film negatives and prints (single weight paper):		
Approximately 8 x 10½	[1] 4.00	1.00

[1] Including negative.

* * * * *

(R.S. 161, as amended, 251, sec. 501, 65 Stat. 290, sec. 624, 46 Stat. 759; 5 U.S.C. 22, 140, 19 U.S.C. 66, 1624)

Notice of the proposed issuance of this amendment pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is deemed to be unnecessary since the amendment is one which revises a minor, uniform charge for a routine service which is available to all members of the public regardless of their private interests and which is based exclusively on the cost accounting practices of this agency.

The above amendment shall become effective 30 days from the date of publication in the FEDERAL REGISTER.

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

Approved: February 8, 1966.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 66–1614; Filed, Feb. 15, 1966; 8:47 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter IV—Saint Lawrence Seaway Development Corporation

PART 400—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Pursuant to Executive Order No. 11222 of May 8, 1965, "Prescribing Standards of Ethical Conduct for Government Officers and Employees" (30 F.R. 6469) and Title 5, Chapter I, Part 735, of the Code of Federal Regulations (30 F.R. 12529–12534) and by virtue of the authority vested in me by sections 2 and 4 of Public Law 358, 83d Congress, of May 13, 1954 (33 U.S.C. 982, 984), regulations prescribing standards of conduct for officers and employees of the Saint Lawrence Seaway Development Corporation are hereby issued as follows:

Sec.
400.735–1 Purpose.
400.735–2 Definitions.
400.735–3 Disciplinary or remedial action.
400.735–4 Receipt of gifts, entertainment, and favors by employees.
400.735–5 Outside activities of employees.
400.735–6 Financial interests of employees.
400.735–7 Use of Government property.
400.735–8 Misuse of information by employees.
400.735–9 Employee indebtedness.
400.735–10 Gambling, betting, and lotteries.
400.735–11 Coercion.
400.735–12 Conduct prejudicial to the Government.
400.735–13 Miscellaneous statutory provisions.
400.735–14 Use of Corporation affiliation by special Government employees.
400.735–15 Use of inside information by special Government employees.
400.735–16 Receipt of gifts, entertainment and favors by special Government employees.
400.735–17 Applicability of other provisions to special Government employees.
400.735–18 Employees required to submit statements.
400.735–19 Supplementary statements.
400.735–20 Interests of employees' relatives.
400.735–21 Information not known by employee.

Sec.

AUTHORITY: The provisions of this Part 400 issued under E.O. 11222 of May 8, 1965, 30 F.R. 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104.

§ 400.735–1 Purpose.

The maintenance of unusually high standards of honesty, integrity, impartiality and conduct by its employees and special Government employees is essential to assure the proper performance of the Corporation's business and the maintenance of confidence by citizens in their Government. The avoidance of misconduct and conflicts of interest on the part of employees and special Government employees of the Corporation through informed judgment is indispensable to the maintenance of these standards. To accord with these concepts, this part sets forth the Corporation's regulations prescribing the standards of conduct and responsibilities and governing statements of employment and financial interests for its employees and special Government employees.

§ 400.735–2 Definitions.

In the regulations in this part:

(a) "Employee" means every officer or employee of the Saint Lawrence Seaway Development Corporation, but does not include a special Government employee.

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

(c) "Special Government employee" means an employee of the Saint Lawrence Seaway Development Corporation who is retained, designated, appointed, or employed to perform temporary duties, with or without compensation, for a period not to exceed 130 days during any period of 365 consecutive days, on either a full-time or intermittent basis.

§ 400.735–3 Disciplinary or remedial action.

(a) A violation of the regulations in this part by an employee or special Government employee may be cause for disciplinary action in addition to any penalty prescribed by Federal statute or regulation. Disciplinary action may take the form of a warning, suspension or removal, depending upon the gravity of the offense, as the Administrator of the Corporation may decide.

(b) Any employee or special Government employee of the Corporation who is charged with a violation of the regulations in this part shall be provided an opportunity to explain the violation or appearance of violation to the charging authority. The charging authority shall be the Administrator; or may be the Assistant Administrator or the Administrative Officer of the Corporation acting upon specific delegation from the Administrator.

(c) When after consideration of the explanation, the charging authority decides that disciplinary action is not required, he may take appropriate remedial action. Remedial action may include, but is not limited to:

(1) Changes in assigned duties;

(2) Divestment by the employee or special Government employee of any financial interest that conflicts or appears to conflict with the performance of his official duties; or

(3) Disqualification for a particular assignment.

(d) Remedial or disciplinary action shall be effected in accordance with any applicable laws, Executive orders and regulations.

§ 400.735–4 Receipt of gifts, entertainment, and favors by employees.

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

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

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

(3) Has interests that may be substantially affected by the performance or non-performance of his official duty.

(b) The prohibitions of paragraph (a) of this section do not apply to:

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

(2) Acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour where an employee may properly be in attendance;

(3) Acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans; and

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

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

(1) Using public office for private gain;

(2) Giving preferential treatment to any person;

(3) Impeding Government efficiency or economy;

(4) Losing complete independence or impartiality;

(5) Making a Government decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Government.

(d) An employee shall not solicit contributions from another employee for a gift, or make a donation as a gift to an employee in a superior official position.

(e) An employee in a superior official position shall not accept a gift presented as a contribution from an employee or employees receiving less salary than himself.

(f) An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in 5 U.S.C. 114–115a.

§ 400.735–5 Outside activities of employees.

(a) An employee shall not engage in outside employment or other outside activity not compatible with the full and proper discharge of his duties and responsibilities as an employee of the Corporation. It is the employee's responsibility to ascertain whether his outside employment or activity for profit is compatible with his Government service by requesting prior written authorization from the Administrator. Should such authorization be granted, the employee has a continuing responsibility to confine himself to the scope of the authorization. If the circumstances change so as to involve a possible incompatible activity, the employee must seek further authorization in order to continue in his outside employment or activity for profit. Authorization granted in specific cases may subsequently be deemed to involve an incompatible activity, and in such cases the employee concerned shall be notified in writing of the cancellation of the authorization with instructions to modify or terminate the outside activity at the earliest practicable time.

(b) Incompatible activities by employees include but are not limited to:

(1) Acceptance of a fee, compensation, gift, payment of expense, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, a conflict of interest; or

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

(c) Employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law, Executive Order 11222, 5 CFR Part 735, or the regulations in this part. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing that is dependent on information obtained as a result of his employment by the Corporation, except when that information has been made available to the general public or will be made available on request, or when the Administrator gives written authorization for the use of nonpublic information on the basis that the use is in the public interest.

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

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

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

(1) Receiving bona fide reimbursement, unless prohibited by law, for actual expenses for travel and such other necessary subsistence as is compatible with the regulations in this part for which no payment or reimbursement is made by the Corporation. However, an employee may not be reimbursed, and payment may not be made on his behalf, for excessive personal living expenses, gifts, entertainment or other personal benefits;

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

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

§ 400.735–6 Financial interests of employees.

(a) An employee shall not:

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

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

(b) This section does not preclude an employee from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by law, Executive Order 11222, 5 CFR Part 735, or the regulations in this part.

§ 400.735–7 Use of Government property.

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

§ 400.735–8 Misuse of information by employees.

For the purpose of furthering a private interest, an employee shall not, except as provided in § 400.735–5(c), directly or indirectly use, or allow the use of, official information obtained through or in connection with his employment within the Corporation which has not been made available to the general public.

§ 400.735–9 Employee indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the Corporation determines does not under the circumstances, reflect adversely on the Corporation as his employer.

§ 400.735–10 Gambling, betting, and lotteries.

An employee shall not participate while on Corporation-owned or leased property or while on duty for the Corporation, in any gambling activity, including the operation of a gambling device, conducting a lottery or pool, a game for money or property, or in selling or purchasing a numbers slip or ticket. However, this section does not preclude activities regarding solicitations conducted by SERAWC (Seaway Employees Recreation and Welfare Council) among its members for organizational support or for benefit or welfare funds for its members, this having been approved under section 3 of Executive Order 10927, dated March 18, 1961.

§ 400.735–11 Coercion.

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

§ 400.735–12 Conduct prejudicial to the Government.

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

§ 400.735–13 Miscellaneous statutory provisions.

The attention of each employee is directed to the following statutory provisions:

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

(b) Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest (18 U.S.C. 201 through 209).

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) The prohibitions against disloyalty and striking (5 U.S.C. 118p, 118r).

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

(f) The prohibitions against:

(1) The disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and

(2) The disclosure of confidential information (18 U.S.C. 1905).

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

(h) The prohibition against the misuse of a Government vehicle (5 U.S.C. 78c).

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

(j) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (5 U.S.C. 637).

(k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) The prohibitions against:

(1) Embezzlement of Government money or property (18 U.S.C. 641);

(2) Failing to account for public money (18 U.S.C. 643); and

(3) Embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) The prohibition against prohibited political activities—The Hatch Act (5 U.S.C. 118i) and 18 U.S.C. 602, 603, 607 and 608.

§ 400.735–14 Use of Corporation affiliation by special Government employees.

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

§ 400.735–15 Use of inside information by special Government employees.

(a) A special Government employee shall not use inside information obtained as a result of his employment by the Corporation for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business or financial ties. For the purpose of this section, "inside information" means information obtained under Government authority which has not become part of the body of public information.

(b) Special Government employees may teach, lecture, or write in a manner not inconsistent with § 400.735–5(c) for employees.

§ 400.735–16 Receipt of gifts, entertainment and favors by special Government employees.

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

(b) The exceptions as set forth in § 400.735–4(b) for employees will apply with equivalent force and effect to spe-

cial Government employees with regard to the prohibitions of paragraph (a) of this section.

§ 400.735–17 Applicability of other provisions to special Government employees.

The provisions of § 400.735–7 (Use of Government property), § 400.735–10 (Gambling, betting, and lotteries), § 400.735–11 (Coercion), § 400.735–12 (Conduct prejudicial to the Government), and § 400.735–13 (Miscellaneous statutory provisions) apply to special Government employees in the same manner as to employees.

§ 400.735–18 Employees required to submit statements.

(a) Statements of employment and financial interests are required of the following:

(1) Employees occupying the following positions regardless of grade:

(i) The Assistant Administrator.

(ii) The Special Assistant to the Administrator.

(iii) The Superintendent of Operations and Maintenance.

(iv) The Counsel.

(v) The Administrative Officer.

(2) All employees in grade GS–14 or above of the General Schedule established by the Classification Act of 1949, as amended, or in comparable positions not subject to that Act.

(3) All employees in grade GS–11 or above of the General Schedule established by the Classification Act of 1949, as amended, or in comparable positions not subject to that Act, the basic duties and responsibilities of which require the incumbent to exercise judgment in making or recommending a Corporation decision or action in regard to contracting or procurement; or to regulating or auditing private or other non-Federal enterprise.

(b) An employee required to submit a statement of employment and financial interests shall submit that statement in the format prescribed by the Administrative Office.

(c) An employee required to submit a statement of employment and financial interests under the regulations in this part shall submit that statement in triplicate to the Administrative Officer not later than:

(1) Ninety days after the effective date of the regulations in this part if he is employed on or before that effective date; or

(2) Thirty days after he becomes subject to the reporting requirements by occupying a position covered under paragraph (a) of this section, if he occupies the position after that effective date.

§ 400.735–19 Supplementary statements.

Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in supplementary statements, in the format prescribed by the Administrative Office, at the end of the quarter in which the changes occur. Quarters end March 31, June 30, September 30, and December 31. If there are no changes or additions in a quarter, a negative report is not required. However, for the purpose of annual review, a supplementary statement, negative or otherwise, is required as of June 30 of each year.

§ 400.735–20 Interests of employees' relatives.

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

§ 400.735–21 Information not known by employees.

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

§ 400.735–22 Information not required of employees.

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

§ 400.735–23 Confidentiality of statements.

Subject to the provisions of § 400.735–26 concerning review of employee statements, each statement of employment and financial interests, and each supplementary statement, shall be held in confidence. The Administrative Officer is personally responsible for retention of employee statements and may not disclose information from a statement except as the Civil Service Commission or the Administrator may determine for good cause shown.

§ 400.735–24 Effect of statements on other requirements.

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

§ 400.735–25 Submission of statements by special Government employees.

(a) A special Government employee of the Corporation shall submit a statement of employment and financial interests which reports:

(1) All other employment; and

(2) His financial interests which relate either directly or indirectly to his duties and responsibilities as a special Government employee.

(b) A special Government employee who is a consultant or expert shall submit a statement of employment and financial interests to the Administrative Officer, in the format prescribed by the Administrative Office, at the time of his employment, and shall keep his statement current throughout his period of employment by submission of supplementary statements.

(c) The Administrator may waive the requirement in paragraph (a) of this section for the submission of a statement of employment and financial interests in the case of a special Government employee who is not a consultant or an expert when it has been determined that the duties of the position held by that special Government employee are of a nature and at such a level of responsibility that the submission of the statement by the incumbent is not necessary to protect the integrity of the Corporation. For the purpose of paragraphs (b) and (c) of this section, the words "consultant" and "expert" do not include:

(1) A physician, dentist, or allied medical specialist whose services are procured to provide care and service to patients; or

(2) A veterinarian whose services are procured to provide care and service to animals.

§ 400.735–26 Review of financial statements.

(a) The Administrative Officer shall review each statement of employment and financial interests submitted under these regulations to determine whether conflicts of interest or apparent conflicts of interest exist. If the review, or other information from other sources, indicates a conflict between the interests of an employee or special Government employee and the performance of his services for the Corporation, the Administrative Officer shall forward the statement together with a position description of the employee involved to the Counsel of the Corporation.

(b) The employee or special Government employee whose statement has been referred under the provisions of paragraph (a) of this section, will receive, from Counsel, advice and guidance regarding the matters questioned by the Administrative Officer. He will be afforded an opportunity to explain the conflict or appearance of conflict. It is expected that most problems will be settled at this informal stage. However, if an agreement cannot be reached after counseling, the matter shall be reported by Counsel, after consultation with the Administrative Officer, to the Administrator for resolution.

(c) The Administrator may provide the employee or special Government employee concerned an additional opportunity to explain the conflict or appearance of conflict. If the matter cannot be resolved, the Administrator may invoke the disciplinary provisions of § 400.735–3 or may decide that remedial steps shall be taken with regard to such employee or special Government employee.

(d) When questions of conflict of interest are resolved at one of the stages of review, the reviewing official shall sign and date a copy of the employee's statement to evidence clearance and this statement shall thereafter be kept as provided in § 400.735–23.

§ 400.735–27 Supplemental regulations.

The Administrative Office may prepare and, with the Administrator's approval, may issue supplemental and implementing regulations not inconsistent with the regulations in this part.

§ 400.735–28 Publication and interpretation.

(a) The Administrative Officer of the Corporation shall be responsible for making the regulations in this part and all revisions thereof, and the formats for statements of employment and financial interests available to:

(1) Each employee and special Government employee at the time of issuance and at least annually thereafter; and

(2) Each new employee and special Government employee of the Corporation at the time of his entrance on duty;

(3) Each employee and special Government employee of the Corporation at such other times as circumstances warrant; and

(b) The Administrative Office shall have available for review by employees and special Government employees of the Corporation, copies of such laws, Executive orders, Civil Service Commission regulations and instructions and Corporation regulations as may currently appertain to their standards of ethical and other conduct.

(c) The Counsel of the Corporation is designated to provide counseling and assistance with respect to interpretations of the regulations in this part and matters relating to ethical conduct, particularly matters subject to the provisions of the conflict of interest laws and on other matters covered by Executive Order 11222 of May 8, 1965. These counseling services are available to all employees and special Government employees of the Corporation at the Counsel's office in the Administration Building by appointment for consultation or by written communication.

The regulations in this Part 400 were approved by the Civil Service Commission on February 11, 1966, and shall become effective upon publication in the FEDERAL REGISTER. The regulations in this Part 400 supersede internal regulations of the Saint Lawrence Seaway Development Corporation relating to "Conduct of Employees" and "Conflict of Interest and Private Business Activities of Officers and Employees" (Chapters 004 and 009 respectively of the Corporation Manual).

Dated: December 30, 1965.

Saint Lawrence Seaway Development Corporation.

[SEAL] JOSEPH H. MCCANN, *Administrator.*

[F.R. Doc. 66–1664; Filed, Feb. 15, 1966; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

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

COURT DECISIONS; UNREMARRIED WIDOWS

1. In Part 3, § 3.214 is added immediately preceding the cross references to read as follows:

§ 3.214 Court decisions; unremarried widows.

Effective July 15, 1958, a decision rendered by a Federal court in an action to which the United States was a party holding that a widow of a veteran has not remarried will be followed in determining eligibility for pension, compensation or dependency and indemnity compensation.

2. The cross references following the new § 3.214 are revised to read as follows:

CROSS REFERENCES: Abandoned claims. See § 3.158.
Change in status of dependents. See § 3.651.
Dependency, income and estate. See § 3.660.

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

This VA Regulation is effective July 15, 1958.

Approved: February 9, 1966.

[SEAL] W. J. DRIVER, *Administrator.*

[F.R. Doc. 66–1638; Filed, Feb. 15, 1966; 8:47 a.m.]

PART 14—LEGAL SERVICES, GENERAL COUNSEL

Defense of Certain Suits Arising Out of Medical Care and Treatment in or for Department of Medicine and Surgery

In Part 14, § 14.514b is added to read as follows:

§ 14.514b Defense of certain suits arising out of medical care and treatment in or for the Department of Medicine and Surgery.

(a) Section 4116, title 38, United States Code, which was added by section 6 of Public Law 89–311, provides for:

(1) The defense of suits, alleging malpractice or negligence in furnishing medical care and treatment, filed against physicians, dentists, nurses, pharmacists, or paramedical or other supporting personnel as a result of an act or omission which occurred while acting within the scope of their employment in or for the Department of Medicine and Surgery.

(2) Section 4116 exemplifies the word "paramedical" as including medical and dental technicians, nursing assistants, and therapists.

(3) The provisions of this new section are effective May 1, 1966, except that they are also applicable to acts or omissions which occur prior to that date if no suit or civil action has been commenced before such date with respect to such act or omission.

(b) Any individual to which this law is applicable, against whom a civil action or proceeding is brought, alleging malpractice or negligence during the scope of his employment in or for the Department of Medicine and Surgery, shall immediately notify his immediate superior and shall deliver, either directly or through his immediate superior, all process and pleadings served upon him, or an attested true copy thereof, forthwith to the Chief Attorney having jurisdiction over the area in which the employee is employed. In addition, upon his receipt of such process or pleadings, or any prior information regarding the commencement of such civil action or proceeding, he shall, either directly or through his immediate supervisor, immediately so advise the Chief Attorney by telephone or telegraph. The Chief Attorney shall promptly, upon receipt of such process or pleadings, furnish the U.S. Attorney for the district embracing the place wherein the action or proceeding is brought, information concerning the commencement of such action or proceeding, and copies of all process and pleadings therein. Two copies of all process and pleadings along with information concerning the commencement of the action or proceeding shall be submitted immediately to the General Counsel who will in turn immediately submit one copy thereof to the Chief of the Torts Section, Department of Justice.

(c) The Chief Attorney shall submit a report, containing all available data bearing upon the question of whether the employee was acting within the scope of his office or employment with the Federal Government at the time of the incident out of which the suit arose, to the U.S. Attorney, with two copies to the General Counsel, at the earliest possible date, or within such time as shall be fixed by the U.S. Attorney upon request. The report should include factual information bearing upon the nature of the employee's duties and all available facts and circumstances surrounding the alleged act or omission, together with any other relevant information. The Chief Attorney will render all practicable assistance requested by the U.S. Attorney, or the General Counsel's Office, with respect to all aspects of the defense of the suit.

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

This VA regulation is effective May 1, 1966.

Approved: February 9, 1966.

By direction of the Administrator.

[SEAL] A. H. MONK,
Acting Deputy Administrator.

[F.R. Doc. 66-1639; Filed, Feb. 15, 1966; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter II—Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER G—PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

PART 262—U.S. STANDARDS FOR GRADES OF FROZEN RAW BREADED SHRIMP

On Tuesday, August 3, 1965, there was published in the FEDERAL REGISTER, pages 9644-9647, inclusive, Part 262—U.S. Standards for Grades of Frozen Raw Breaded Shrimp.

This part became effective September 2, 1965, except that the requirements for uniformity, degree of dehydration and condition of coating became effective December 1, 1965. On December 9, 1965, there was published in the FEDERAL REGISTER, page 15221, a notice extending the effective date for the condition of coating factor until February 7, 1966, to give the breaded shrimp industry an opportunity to submit data supporting their position for modification of the condition of coating factor.

As a result of a review of the data presented by the breaded shrimp industry, a further extension of the effective date for the condition of coating factor is given to allow additional studies to be conducted. Accordingly this factor shall become effective at the beginning of the 60th calendar day after February 7, 1966.

Breaded shrimp inspected and graded in accordance with the revised Part 262 as published in the August 3, 1965, FEDERAL REGISTER (30 F.R. 9644) between February 7, 1966, and April 8, 1966, shall meet the requirements for condition of coating as provided in Part 262—U.S. Grade Standards for Raw Breaded Shrimp and published in the FEDERAL REGISTER (25 F.R. 8444) dated September 1, 1960, as amended by interim regulations published on page 7444 of the FEDERAL REGISTER dated June 5, 1965.

HAROLD E. CROWTHER,
Acting Director.

FEBRUARY 10, 1966.

[F.R. Doc. 66-1633; Filed, Feb. 15, 1966; 8:46 a.m.]

Proposed Rule Making

FEDERAL POWER COMMISSION

[18 CFR Parts 2, 14]

[Docket No. R-297]

HYDROELECTRIC PROJECT LICENSES

Calculation of "Net Investment"; Correction

In the notice of proposed rule making, issued January 20, 1966, and published in the FEDERAL REGISTER January 27, 1966 (F.R. Doc. 66-913, 31 F.R. 1079), correct the word "limited" to read "licensed" in § 2.8 in paragraph 13.

In paragraph (B) correct the word "Reports" to read "Report" in § 14.1 of Part 14.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66-1617; Filed, Feb. 15, 1966; 8:45 a.m.]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 214]

NONIMMIGRANT CLASSES

Special Requirements for Admission, Extension, and Maintenance of Status

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 pertaining to petitions for aliens of distinguished merit and ability who are entertainers. In accordance with subsection (b) of said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, D.C., 20536, 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 20 days following the day of publication of this notice will be considered.

Subdivision (i) *Petition for alien of distinguished merit and ability* of subparagraph (2) *Supporting evidence* of paragraph (h) *Temporary employees* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended by adding the following at the end thereof: "In determining whether an alien entertainer may be considered to be of distinguished merit and ability or whether the services to be performed are of an exceptional nature requiring a person of distinguished merit and ability within the meaning of section 101(a)(15)(H)(i) of the Act, the district director shall give consideration but shall not be limited to evidence of the following factors: Whether the alien has performed and will perform as a star or featured entertainer, as evidenced by playbills, critical reviews, advertisements, publicity releases, averments by the petitioner, and contracts; the acclaim which the entertainer has achieved, as evidenced by reviews in newspapers, trade journals, and magazines; the reputation of theaters, concert halls, night clubs, and other establishments in which the entertainer has appeared and will appear; the reputation of repertory companies, ballet groups, orchestras, or other productions in which he has performed; the extent and number of commercial successes of his performances, as evidenced by such indicia as box office grosses and record sales reported in trade journals and other publications; the salary and other remuneration he has commanded and now commands for his performances, as evidenced by contracts; whether the alien has been the recipient of national, international, or other significant awards for his performances; the opinions of unions, other organizations, and recognized critics or other experts in the field in which the alien is engaged; whether previous petitions filed in behalf of the alien seeking his services in a similar capacity have been properly approved by the Service, and if so, whether there have been any changes in circumstances affecting the alien's classifiability as a person of distinguished merit and ability. When adjudicating a petition to accord classification under section 101(a)(15)(H)(i) of the Act to an alien entertainer, the district director may consult unions, other organization, and recognized critics and other experts in the relating entertainment field. Such consultation shall be for the purpose of obtaining the advisory opinion of the organization or person consulted with regard to the qualifications of the alien and the nature of the services to be performed by the alien. The advisory opinion shall be submitted in writing, and shall include a detailed recitation of the facts and data considered in rendering the opinion, except that it shall be furnished orally, subject to later confirmation in writing, when requested in a case deemed by the district director to be of an emergent nature; signed by a responsible official of any union or other organization consulted, and submitted to the district director on or before the date fixed by him, which shall not exceed 15 days from the date on which the opinion was requested."

Subparagraph (4) *Special classes* of paragraph (h) *Temporary employees* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended by adding the following sentence between the existing third and fourth sentences: "A petition shall not be required for an appearance, interview, or demonstration, without remuneration, by any nonimmigrant alien who is not an entertainer by occupation."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: February 10, 1966.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[F.R. Doc. 66-1641; Filed, Feb. 15, 1966; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

NECEDAH NATIONAL WILDLIFE REFUGE, WIS.

Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Migratory Bird Hunting Stamp Act of 1934, as amended (48 Stat. 451; 16 U.S.C. 718d), it is proposed to amend 50 CFR 32.21 by the addition of Necedah National Wildlife Refuge, Wis., to the list of wildlife refuges open to the hunting of upland game.

It has been determined that the regulated hunting of upland game may be permitted on the Necedah National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C,. 20240, within 20 days of the date of publication of this notice in the FEDERAL REGISTER.

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

§ 32.21 List of open areas; upland game.

* * * * *

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

STEWART L. UDALL,
Secretary of the Interior.

FEBRUARY 14, 1966.

[F.R. Doc. 66-1692; Filed, Feb. 15, 1966; 8:49 a.m.]

Notices

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 39; Amdt.]

ASSISTANT ADMINISTRATOR FOR DEVELOPMENT FINANCE AND PRIVATE ENTERPRISE ET AL.

Amendment of Delegation of Authority Relating to Investment Guarantees

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, from the Secretary of State, dated November 3, 1961 (26 F.R. 10608), I hereby amend the text of paragraph 6 of A.I.D. Delegation of Authority No. 39, from the Administrator of A.I.D., dated April 13, 1964 (29 F.R. 5355), to read as follows:

6. The authorities delegated herein may be redelegated and shall be exercised in accordance with agency policies, regulations, and procedures. The authorities delegated herein to the Assistant Administrator for Latin America may be successively redelegated.

This amendment shall be deemed effective as of April 13, 1964.

Dated: February 2, 1966.

DAVID E. BELL,
Administrator.

[F.R. Doc. 66-1656; Filed, Feb. 15, 1966; 8:48 a.m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 88 (Rev. 2)]

DISTRICT DIRECTORS OF INTERNAL REVENUE

Issuance of Notices of Revocation and Reestablishment of Exemption

FEBRUARY 11, 1966.

Pursuant to the provisions of 26 CFR 1.503(a)-1, the authority to determine that an organization has engaged in a prohibited transaction and to notify the organization of the revocation of exemption is delegated to District Directors of Internal Revenue.

District Directors are also delegated the authority to determine that such an organization will not knowingly again engage in a prohibited transaction and that the organization also satisfies all other requirements under section 501 (c)(3) or section 401(a) of the Internal Revenue Code of 1954, and to notify such organization of the reestablishment of its exemption pursuant to 26 CFR 1.503(d)-1.

Authority delegated in this order may be redelegated only to Chiefs of Audit Division.

This order supersedes Delegation Order No. 88 (Rev. 1), issued December 30, 1965, and Delegation Order No. 54, issued October 22, 1957.

Effective date. February 11, 1966.

SHELDON S. COHEN,
Commissioner.

[F.R. Doc. 66-1646; Filed, Feb. 15, 1966; 8:47 a.m.]

[Order No. 23 (Rev. 4)]

ASSISTANT COMMISSIONER (ADMINISTRATION) ET AL.

Delegation of Authority

FEBRUARY 11, 1966.

1. Pursuant to Treasury Department Order No. 145 (Rev. 2), dated October 28, 1959, and Treasury Department Order No. 177-22 (Rev. 1), dated October 18, 1965, there is hereby delegated to the Assistant Commissioner (Administration), the Director, Facilities Management Division, the Chief, Emergency Planning Branch, and the Safety Management Officer in the Emergency Planning Branch:

(a) The authority, under 28 U.S.C. 2672 to consider, ascertain, adjust, determine, settle and pay claims for money damages of $2,500 or less, for injury, loss, or death, caused by the negligent or wrongful act or omission of any employee of the Internal Revenue Service;

(b) The authority to consider, ascertain, adjust and determine claims under the Act of December 28, 1922, 42 Stat. 1066;

(c) The authority under the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, to settle and pay claims made by an employee of the Internal Revenue Service, for damage to or loss of personal property incident to his service.

2. This authority may not be redelegated.

3. This Order supersedes Delegation Order No. 23 (Rev. 3) issued April 15, 1963.

Effective date. February 11, 1966.

[SEAL] SHELDON S. COHEN,
Commissioner.

[F.R. Doc. 66-1645; Filed, Feb. 15, 1966; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Oregon 017510 (Wash.)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Land

FEBRUARY 2, 1966.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial Number Oregon 017510 (Wash.), for the withdrawal of about 850 acres of public lands in the townships described below from location and entry under the mining laws (Ch. 2, 30 U.S.C.).

The applicant desires to use the land for recreational areas and an administrative site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 710 Northeast Holladay, Portland, Oreg., 97232.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the lands will be withdrawn as requested by the Forest Service.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

WASHINGTON—WILLAMETTE MERIDIAN

WENATCHEE NATIONAL FOREST

Crystal Springs Campground

T. 21 N., R. 12 E.,
In sec. 14.

Owhi Campground

T. 22 N., R. 13 E.,
In sec. 2.

Johnny Creek Campground

T. 24 N., R. 16 E.,
In sec. 2.

Eight Mile Campground

T. 24 N., R. 17 E.,
In sec. 30.

Wenatchee River Campground

T. 27 N., R. 17 E.,
In sec. 27.

Nason Creek Campground

T. 27 N., R. 17 E.,
In sec. 33.

Company Creek Campground

T. 33 N., R. 17 E.,
In sec. 22.

Tronsen Campground

T. 21 N., R. 18 E.,
In sec. 3.

Bonanza Campground

T. 22 N., R. 18 E.,
In secs 20 and 21.

Lake Creek Campground

T. 28 N., R. 18 E.,
In secs. 12 and 13.

Halfway Spring Campground

T. 29 N., R. 19 E.,
In sec. 31.

South Navarre Campground

T. 30 N., R. 20 E.,
In sec. 9.

SNOQUALMIE NATIONAL FOREST

Naches Ranger Station Administrative Site Addition (formerly known as Currants Flat Station).

T. 16 N., R. 14 E.,
In sec. 1.

The areas described aggregate 849.44 acres, approximately.

D. B. LEIGHTNER,
Acting Land Office Manager.

[F.R. Doc. 66-1634; Filed, Feb. 15, 1966; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Amdt. 3]

CHIEF, OFFICE OF GOVERNMENT AID

Delegation of Authority

Effective as of the date hereof, the Redelegation of Authority from the Maritime Administrator to the Chief, Office of Government Aid, contained in F.R. Doc. 63-3241 (28 F.R. 3059, Mar. 28, 1963), is hereby amended as follows:

1. Amend section 2.04 to read as set forth below:

2.04 Authority to approve, after award of an Operating-Differential Subsidy Agreement, the granting of waivers, permissions, consents, or exemptions to subsidized operators, pursuant to sections 803, 804, and 805 of the Merchant Marine Act, 1936, as amended. (This is exclusive of any actions under sections 805(a) and 805(f) reserved to the Maritime Subsidy Board.)

2. Add a new authority as section 2.22 following section 2.21 to read as follows:

2.22 Authority to perform all of the functions and duties of the Contracting Officer as provided in trade-in contracts authorized by the Maritime Administrator pursuant to section 510 of the Merchant Marine Act, 1936, as amended.

Dated: February 7, 1966.

NICHOLAS JOHNSON,
Maritime Administrator.

[F.R. Doc. 66-1632; Filed, Feb. 15, 1966; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

NEW DRUGS

Notice of Approval of Applications

Correction

In F.R. Doc. 66-1355 appearing at page 2561 in the issue for Wednesday, February 9, 1966, the following corrections are made in the table. The eighth entry in the second column, now reading "Velbam (intravenous injection).", should read "Velban (intravenous injection)." The final entry in the third column, now reading "Parasympathomimetric (cholinesterase inactivator).", should read "Parasympathomimetic (cholinesterase inactivator)." The two Date approved entries in the fifth column now dittoed should read "November 18, 1965."

[Docket No. FDC-D-90; NDA No. 12-169]

CIBA PHARMACEUTICAL CO.

Elipten Tablets; Notice of Opportunity for Hearing

Notice is hereby given to CIBA Pharmaceutical Co., Summit, N.J., 07901, and any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order, under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of new-drug application No. 12-169 and all amendments and supplements thereto held by CIBA Pharmaceutical Co. for the drug, "Elipten (amino-glutethimide)," 125-milligram and 250-milligram tablets, on the grounds that:

1. New evidence of clinical experience, not contained in such application or not available to the Commissioner until after such application was permitted to become effective, evaluated together with the evidence available to the Commissioner when the application was permitted to become effective, show that such drug is not shown to be safe for use under the conditions of use upon the basis of which the application was permitted to become effective. Recent clinical experience shows that the use of the drug is associated with masculinzation, sexual precocity, hypothyroidism, and goiter. The significance of this new clinical experience is emphasized by recently reported tests that demonstrate the antithyroidal action of Elipten in rats with uptake of iodine diminished and an intrathyroidal block in the formation of iodinated compounds and an accumulation of thyroidal inorganic iodide.

2. New information before the Commissioner with respect to such drug, evaluated together with the evidence available to the Commissioner when the application was permitted to become effective, show that there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof; namely, that it is as an anticonvulsant which alone, or particularly as an adjunct, controls seizures in most forms of epilepsy. Recent reports in the literature and clinical experience of experts, together with information available in the application, show that there is a lack of substantial evidence on the basis of which it could fairly and responsibly be concluded that the drug will have the effect it purports or is represented to have.

3. The new-drug application contains untrue statements of material fact in that:

a. It contains representations that full reports of all investigations made to show whether or not the drug is safe for use are included in such application, but the application omitted without explanation information pertinent to an evaulation of the safety of the drug and such omission biased an evaluation of the safety of the drug. Specifically, the original new-drug application, submitted on October 7, 1959, and amended on November 30, 1959, omitted any information on a 1-year rat chronic toxicity study started by CIBA on October 21, 1958, and terminated on November 6, 1959. Gross autopsy data, available to the firm on November 6, 1959, showed the surviving high-dose female rats to have greatly enlarged thyroids, enlarged and mottled ovaries, mottled adrenals, and atrophied uterii. The high-dose male rats showed adrenal glands to be atrophied and mottled. The lower-dose female rats showed spotted adrenals with atrophy in some cases as well as atrophy of the uterii in some cases. This study is material in that it demonstrated the Elipten had a potential for causing serious adverse endocrine effects. The omission of this study biased an evaluation of the safety of the drug, and had the study been included in the new-drug application, it would have constituted sufficient ground at that time to refuse to permit the application to become conditionally effective on December 4, 1959.

b. CIBA in a letter to the Food and Drug Administration on December 11, 1959, concerning its Elipten new-drug application represented that "* * * chronic studies in rats at considerable higher doses than submitted are in progress and should be completed soon. * * *" This statement is a false statement of material fact since CIBA had already terminated by November 6, 1959, the 1-year rat chronic toxicity study it had been running and had already obtained gross autopsy data from that study which showed that Elipten had a potential for causing serious adverse endocrine effects, and information concerning that study was omitted from its new-drug application.

c. On March 10, 1961, CIBA submitted additional reports of pharmacological studies in monkeys to show the safety of the drug. The Food and Drug Administration considered this submission as a supplemental new-drug application and

requested the firm to send in a signed supplemental application form. This form certifying that the application contains full information of all investigations made to show whether or not the drug is safe for use was submitted by CIBA on May 8, 1961, although the 1-year rat chronic toxicity study terminated by CIBA on November 6, 1959, was omitted from the application without explanation.

4. The applicant has deliberately failed to make full reports of clinical or other experience on Elipten required by section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) and § 130.35(b) of the new-drug regulations (21 CFR 130.35(b)). On September 23, 1964, the applicant pursuant to the requirements of § 130.35(b) submitted its report to the Food and Drug Administration but deliberately omitted from such report the 1-year rat chronic toxicity study it had terminated on November 6, 1959, and also deliberately omited various clinical reports of side effects not fully disclosed in the labeling and not previously submitted for inclusion in the new-drug application, including reports of masculinization and sexual precocity occurring in children on Elipten therapy.

In accordance with the provisions of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and the regulations appearing in Title 21, Code of Federal Regulations, Part 130, the Commissioner will give the applicant, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of new-drug application No. 12–169 should not be withdrawn.

Within 30 days from the date of publication of this notice in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk of the Department of Health, Education, and Welfare, Office of the General Counsel, Food and Drug Division, Room 5440, North Building, Department of Health, Education, and Welfare, 3d and Independence Avenue SW., Washington, D.C., 20201, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new-drug application.

Failure of such persons to file such a written appearance of election within 30 days following the date of publication of this notice in the FEDERAL REGISTER will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public, except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing by filing a timely written appearance of election, a hearing examiner will be named by the Commissioner and he shall issue a written notice of the time and place for the hearing.

This notice is issued under the authority contained in the Federal Food, Drug, and Cosmetic Act (secs. 505, 701 (a), 52 Stat. 1052, as amended, 1055; 21 U.S.C. 355, 371(a)), and delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.90).

Dated: February 14, 1966.

JAMES L. GODDARD,
Commissioner of Food and Drugs.

[F.R. Doc. 66–1696; Filed, Feb. 15, 1966; 8:49 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF NEW HAMPSHIRE

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of New Hampshire for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A résumé, prepared by the State of New Hampshire and summarizing the State's proposed program, was also submitted to the Commission and is set forth below as an appendix to this notice. Attachments referenced in the appendix are included in the complete text of the program. A copy of the program, including proposed New Hampshire regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C., 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, within 30 days after initial publication in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, as well as other agreements which may be entered into under section 274 of the Atomic Energy Act, as amended, were published as Part 150 of the Commission's regulations in FEDERAL REGISTER issuance of February 14, 1962; 27 F.R. 1351. In reviewing this proposed agreement, interested persons should also consider the aforementioned exemptions.

Dated at Washington, D.C., this 24th day of January 1966.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

PROPOSED AGREEMENT BETWEEN THE U.S. ATOMIC ENERGY COMMISSION AND THE STATE OF NEW HAMPSHIRE FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8 and section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

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

Whereas, the Governor of the State of New Hampshire certified on _____, that the State of New Hampshire (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

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

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

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

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

Now therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

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

A. Byproduct materials;

B. Source materials; and

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

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

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

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

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

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ART. III. Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor or producer of any equipment, device, commodity or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

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

ART. V. The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ART. VI. The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ART. VII. The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ART. VIII. This Agreement shall become effective on _____, and shall remain in effect unless, and until such time as it is terminated pursuant to Article VII.

Done at Concord, State of New Hampshire, in triplicate, this day of _____.

For the United States Atomic Energy Commission.

GLENN T. SEABORG,
Chairman.

For the State of New Hampshire.

JOHN W. KING,
Governor.

WILLIAM A. STYLES,
AUSTIN F. QUINNEY,
EMILE SIMARD,
ROBERT L. MALLAT, JR.,
JAMES H. HAYES,
Executive Council.

NEW HAMPSHIRE RADIATION PROTECTION AND RADIATION CONTROL PROGRAM

POLICIES AND PROCEDURES FOR THE CONTROL OF IONIZING RADIATION

FOREWORD

The following narrative sets forth a brief description of the history, practices, capabilities, and proposed activities of the New Hampshire State Radiation Control Agency (hereafter referred to as "the Agency") of the New Hampshire State Department of Health and Welfare, Division of Public Health Services, as they relate to the assumption of certain regulatory functions of the U.S. Atomic Energy Commission and to the control of all sources of ionizing radiation, including naturally occurring isotopes and radiation producing machines.

The U.S. Atomic Energy Commission is authorized by section 274 of the Atomic Energy Act of 1954, as amended, to enter into an agreement with the Governor of a State to transfer to the State certain functions of licensing and regulatory control of byproduct, source, and special nuclear material in quantities not sufficient to form a critical mass. The transfer of responsibility with respect to these sources of ionizing radiation is made upon the determination by the Atomic Energy Commission that the State has the competency to administer licensing and regulatory authority of such sources.

The New Hampshire regulatory program for the control of sources of ionizing radiation will be conducted in such a manner as to effectively protect the public health and safety, and to further the economic growth of the State through the encouragement of the constructive and safe and proper uses of radiation. The program will be maintained so as to ensure compatibility with the regulatory program of the U.S. Atomic Energy Commission and with the programs of other agreement States insofar as possible.

Authority. The New Hampshire General Court, in 1963, enacted enabling legislation (RSA125, Chapter 229) designating the New Hampshire Department of Health and Welfare, Division of Public Health Services, as the New Hampshire State Radiation Control Agency, with the authority to promulgate, amend, and repeal codes and rules and regulations, subject to public hearing; to require the registration of sources of radiation as may be necessary to prohibit and prevent unnecessary radiation exposure; to enter at all reasonable times upon any private or public property for the purpose of determining whether there is compliance with or violations of the provisions of RSA 125 and the rules and regulations issued thereunder; and to conduct inspections and surveys of radiation sources and their shielding and immediate surroundings.

RSA 125 further authorizes the Governor and Council, on behalf of the State, to enter into an agreement with the U.S. Atomic Energy Commission providing for the discontinuance of certain licensing responsibilities of the Federal Government with respect to sources of ionizing radiation and the assumption thereof by the State.

History. The New Hampshire State Department of Health and Welfare became involved with radiological health in 1938 when the Division of Industrial Hygiene was established. The Department's activities in this field were limited initially to the industrial uses of X-ray and radium for the most part, with some work being done in hospitals and in physicians' and dentists' offices on request.

Emphasis on radiation safety became greater with the advent of the atomic energy program and the availability of radioisotopes in the late 1940's; and in 1950 one of the Division engineers attended a 6-week course in radiation safety at the Brookhaven National Laboratory. The Division staff also took advantage of the training programs in radiological health and safety sponsored by the U.S. Department of Health, Education, and Welfare at Cincinnati, Ohio.

Division personnel were employed on a part-time basis in the Radiological Defense Program of the New Hampshire Civil Defense Agency in the early 1950's and were authorized to acquire and use Cobalt 60 sources in the training of radiological monitors within State departments in 1953. Two of these personnel attended an instructor's school sponsored by the Federal Civil Defense Administration and one engineer was temporarily attached to the Civil Effects Test Group of the AEC's Operation Plumbob at Mercury, Nev., in 1957. These personnel have since participated on a part-time basis in a formal training program for community radiological monitoring teams and have been licensed by the AEC for the use of a 5-curie Cobalt 60 source and a 120-curie Cesium 137 source, for instrument calibration purposes.

When the AEC's licensing program was established in 1957, Division personnel began accompanying the Commission's inspectors on joint inspections of licensed users of radioisotopes in both the industrial and medical fields. At about this time inspections and surveys of the medical uses of X-ray were intensified and in 1959 a survey of all dental office personnel in the State was conducted at the request of the New Hampshire Dental Society.

Training in health physics has been furthered by the attendance of two of the Division personnel, a chemist and an engineer, at a 10-week course at the Oak Ridge Institute of Nuclear Studies in 1964 and training in the AEC's licensing procedures was accomplished through a 2-week course at the AEC offices in Bethesda, Md.

The recommendations of the National Bureau of Standards with regard to radiation shielding and limits of radiation exposure for humans have been adhered to until the present time and primary emphasis has been placed on radiation sources not regulated or otherwise under the jurisdiction of the Atomic Energy Commission.

Personnel. The backgrounds of training and experience in radiation of persons employed in the future to fill vacancies on the New Hampshire Radiation Control Agency staff will be equivalent to those of the present prospective staff. Following are the

résumés of the backgrounds of the proposed Agency staff:

FORREST H. BUMFORD

EDUCATION

University of New Hampshire—1937, B.S., Mech. Eng.
Special courses in Industrial Hygiene, Radiological Defense, and Radiological Health, USPHS—DOD—AEC.

MILITARY

U.S. Army Reserve 1936–1944 (1st Lieut.).
U.S. Public Health Service (R), Active Duty 1941–1946 (Lieut., S.G.).
U.S. Public Health Service (R), 1946–Date (Comm.).

EXPERIENCE

1937–1940—The Trane Co., La Crosse, Wis., Heating, Ventilating and A.C. Engineer.
1940–1941—State of New Hampshire, Dept. of Health, Division of Industrial Hygiene, Industrial Hygiene Engineer.
1941–1946—U.S. Public Health Service, Industrial Hygiene Engineer, Stationed N.H., District of Columbia, Tenn.
1946–1947—State of Ohio, Youngstown, Ohio, District Industrial Hygiene Engineer.
1947–1952—State of New Hampshire, Concord, N.H., Industrial Hygiene Engineer, Acting Director of Division 1951.
1952–Date—State of New Hampshire, Director, Division of Industrial Hygiene or Bureau of Occupational Health.

RADIATION EXPERIENCE

1941–Date—Experience in industrial, diagnostic, therapeutic, and fluoroscopic X-ray machines—safety and health. Health and safety in use of radium in hospitals, clinics, and industry.
1951–Date—State RADEF Officer in Civil Defense program. Charge of radiological defense for State; training of monitors and care and maintenance of instruments.
1957–Date—Hold AEC licenses for use of sealed sources for use in training and calibration of instruments, including multicurie (5) Cobalt 60 sources, Cesium 137 source (120 curie), including leak testing.
1961–Date—Appointed Director, State Radiation Control Agency, Division of Public Health, Department of Health and Welfare.

RICHARD S. DUMM

EDUCATION

University of New Hampshire—1951, B.S., Agr. Engineering.
Special courses:
Industrial Ventilation, Michigan State Univ., 1954 (1 week).
Radiological Defense Instructor, OCDM, 1957 (1 week).
Civil Effects Test Group, AEC Nevada Test Site, 1957 (2 weeks).
Civil Defense for Food and Drug Officials, USFDA, 1963 (1 week).
Radiological Health Physics, Oak Ridge Institute of Nuclear Studies, 1964 (10 weeks).

MILITARY

Enlisted USNR Nov. 1943–June 1946 (27 mos. active).
Enlisted USNR Apr. 1950–Jan. 1952 (12 mos. active).
Commissioned USNR Jan. 1952–date (13 mos. active).

EXPERIENCE

U.S. Naval Reserve (active) Feb. 1951–Mar. 1953.
State of New Hampshire, Dept. of Health, Division of Industrial Hygiene, Apr. 1953–date.

RADIATION

Health and safety of medical and industrial uses of X-ray and radium; 1953–date.
Teaching radiological defense to local town and city organizations; 1957–date.
Special courses (see Education).

JOHN R. STANTON

EDUCATION

St. Anslem's College, Manchester, N.H.—1955, A.B. Chemistry. Member St. Anslem's Chemical Society, 1952–55.

MILITARY

Two years active duty with U.S. Army, 1955–57; duty, weather observer. Seven years with New Hampshire National Guard, 1957 to date.

SPECIAL TRAINING

Weather Observer School, Fort Monmouth, N.J., 1956 (13 weeks).
Industrial Hygiene Chemistry Course—DOH USPHS Cincinnati, Ohio, 1963 (2 weeks).
Dust Evaluation Techniques Course—DOH USPHS Cincinnati, Ohio, 1963 (1 week).
Civil Defense for Food and Drug Officials course—USFDA, Concord, N.H., 1963 (1 week).
Radiological Health course—AEC—ORINS—Oak Ridge, Tenn., 1964 (10 weeks).

EXPERIENCE

Chemist (Highway Materials Testing)—New Hampshire Department of Public Works and Highways, 1957–1962. Immediate Supervisor, Paul S. Otis. Principal duties: chemical analysis of paints, tar, asphalt and other highway construction materials.
Industrial Hygiene Chemist—Occupational Health Service, New Hampshire Department of Health and Welfare, 1962 to present. Immediate Supervisor, Forrest H. Bumford. Principal duties: (1) Chemical analysis of trace metals, solvents and metabolic products of toxins using infrared spectroscopy, ultraviolet spectrophotometry and gas chromatography; (2) monitoring of daily air samples for beta activity.

GOVERNOR'S RADIATION ADVISORY COMMITTEE

Robert Normandi, Ph. D., Chairman, Professor of Biology and Radiation Biology, St. Anslem's College, Manchester, N.H. Holds AEC license.
Frank Lane, M.D., Chief Roentgenologist, Mary Hitchcock Memorial Hospital, Hanover, N.H., Radiation Safety Officer, Mary Hitchcock Memorial Hospital, Hanover, N.H. Charge of 1,000 curie cobalt 60 teletherapy units. Holds AEC licenses.
Laurence Bixby, M.D., Roentgenologist, Dover City Hospital, Dover, N.H., Roentgenologist, Frisbie Memorial Hospital, Rochester, N.H.
John Lockwood, Sc. D., Chairman, Department of Physics, University of New Hampshire, Durham, N.H. Considerable experience with various isotopes and member of University Radiation Committee. Holds AEC license.
J. Copenhaver, Ph. D., Chairman, Dept. of Biological Sciences, Dartmouth College, Hanover, N.H. Holds AEC license.
Gene Likens, Ph. D., Dept. of Biological Sciences, Dartmouth College, Hanover, N.H. Holds AEC license.
Richard D. Brew, President, Brew Co., Concord, N.H. Representing industrial interests on committee.
Paul Simpson, Sanders Associates, Nashua, N.H. Representing industrial interests on committee.
Leonard Hill, Comptroller, State of New Hampshire, State House, Concord, N.H. Representing Governor on State Committee.

The committee membership will be changed somewhat after January 1966, to give a more balanced membership amongst the various professions concerned with radiological health. This committee will keep the Governor and Council informed on matters relative to radiation problems within the State.

They will also recommend programs and policies to the Radiation Control Agency and act as advisors to the Director of the Agency. They or certain members of the committee will also serve the Agency as an isotope committee similar to that in use by the AEC.

Licensing and registration. The State program provides for the issuance of both specific and general licenses for radioactive materials. The specific license will be issued to authorize the possession of such quantities of special nuclear material, source material, byproduct material, and other naturally occurring radioactive materials, such as radium, as are not generally licensed or exempted from licensing under the regulations General licenses are established in the regulations for the possession of such quantities of certain radioactive materials as are considered to be unlikly to present a hazard to the health and safety of the public under the filing of applications with the Agency or the issuance of licensing documents to the particular persons using the radioactive material.

Persons possessing less than certain quantities of radioactive materials, as stated in the regulations, or who possess items containing certain specified radioactive materials are exempted from the licensing requirements of the regulations.

The program also requires that persons having possession of any source of ionizing radiation other than exempt radioactive material and radioactive material licensed under the regulations, including machines or devices capable of producing ionizing radiation, shall register such machines or devices with the Agency on a form provided by the Agency.

The Agency is responsible for evaluating applications for and the issuing of licenses. Provision has been made, however, for a radiation advisory committee to assist the Agency in evaluations which require technical consultation. The board will consist of persons highly qualified in the fields of the medical uses of radiation, physics, and industry whenever possible. In addition, the Agency will utilize the applicable licensing criteria of the U.S. Atomic Energy Commission in making its evaluations.

Inspection. Inspections of activities using radiation sources will be made on a periodic basis. The most hazardous uses of radiation will be inspected at least once in each 6-month period, and other uses on a less frequent basis, depending upon the relative hazard. All licensed or registered activities will be inspected at least once in each 2-year period.

Announcement of an intended inspection may or may not be made prior to its execution.

Inspection visits will usually include a comprehensive review by the inspector of the licensee's equipment, facilities, and handling or storage of radioactive material, the procedures, in effect, including actual operation, and interviewing of personnel actually involved. The inspector will review the user's survey methods and results, personnel monitoring practices and results, the posting and labeling used, the instructions to personnel, and the methods and apparent effectiveness of maintaining control of people in the controlled area. He will review the user's records of receipts, transfers, and inventory of licensed materials, if any. He may physically check the inventory. He will examine records concerning any disposal of radioactive material which might have been made. He may make measurements of radiation levels. Prior to the termination of each in-

spection, the inspector will meet with the management to discuss the results of his inspection. At this time he will present tentative oral recommendations or suggestions, and will attempt to answer questions concerning the regulatory program.

The inspector will prepare a detailed report to inform his superior and the licensee or registrant of all the facts and circumstances observed during the inspection, including recommendations for the abatement of noncompliance matters. The report will provide the basis for any necessary enforcement action by the Agency.

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

Enforcement. Minor items of noncompliance, such as improper signs, failure to label, etc., will be included in the inspector's report and, if the licensee or registrant agrees to correct these irregularities at the time of the inspection, the corrective action taken will be reviewed with the licensee or registrant during the next periodic inspection. If the inspection reveals a noncompliance of a more serious nature, the licensee or registrant will be required to accomplish corrective action prior to a time fixed by the director of the Agency, which time shall be not more than ten days subsequent to formal written notification of the item of noncompliance by the Agency. The licensee or registrant will be required to inform the Agency in writing, usually within 15 days of formal notification, as to corrective action taken and the date it was accomplished. In these cases, the Agency's representative will either conduct a prompt follow-up inspection or the matter will be reviewed during the next regular inspection to insure that corrective action has, in fact, been accomplished. If the reply does not satisfactorily explain the noncompliance and assure that further violations will be prevented, the Agency will take such administrative actions as are available to it.

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

The director of the Agency has legal authority, in an emergency situation, to issue an order reciting that such an emergency does, in fact, exist and requiring that such action as he deems necessary be taken to meet the emergency. Any person to whom such an order is directed is required by law to comply with the order immediately.

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

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

Reciprocity. The Agency will exempt persons from the licensing requirement of the regulations who use, transfer, possess, or receive byproduct, source, or special nuclear material in quantities not sufficient to form a critical mass pursuant to a license issued by the U.S. Atomic Energy Commission or by another agreement state provided that such persons notify the Agency immediately of the presence of such materials within the state.

Compatibility. It is the policy of the State of New Hampshire to institute and maintain a regulatory program for sources for ionizing radiation so as to provide for a system consonant insofar as possible with the standards and regulatory programs of the Federal government and with those of other agreement States.

[F.R. Doc. 66-937; Filed, Jan. 25, 1966; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

FEBRUARY 11, 1966.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State docket number assigned MT-8547, filed January 24, 1966. Applicant: BUSY BEE MOVERS, INC., Myrtle Avenue, Mahopac Falls, N.Y. Certificate of public service and necessity sought to operate a freight service as follows: Transportation of: *Household goods, and household furniture and appliances,* from all points in New York City, N.Y., in the counties of Putnam and Westchester on the one hand, and, on the other, all points in the State, and *returned, refused, and rejected merchandise* of the same description in the reverse direction.

HEARING: Date, time, and place of hearing to be hereafter fixed. Requests for procedural information including the time for filing protests concerning this application should be addressed to the New York State Public Service Commission, 55 Elk Street, Albany, N.Y., 12225, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[F.R. Doc. 66-1648; Filed, Feb. 15, 1966; 8:48 a.m.]

[Notice 130]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 11, 1966.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules in Ex Parte No. MC 67 (49 CFR 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protest must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined, at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

No. MC 2392 (Sub-No. 47 TA), filed February 9, 1966. Applicant: WHEELER TRANSPORT SERVICE, INC., Post Office Box 432, Genoa, Nebr. Applicant's representative: R. E. Powell, 1005-1006 Trust Building, Lincoln, Nebr. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer solutions,* from the plantsite of Phillips Petroleum Co., at or near Aurora, Nebr., to points in Iowa, Kansas, Missouri, and South Dakota, for 180 days. Supporting shipper: Phillips Petroleum Co., Bartlesville, Okla., 74003. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr., 68508.

No. MC 66562 (Sub-No. 2142 TA), filed February 8, 1966. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y., 10017. Applicant's representative: William H. Marx (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* moving in express service, between Galesburg and Peoria, Ill., (1) from Galesburg southeast on U.S. Highway 150 to junction Illinois Highway 97, thence over Illinois Highway 97 to junction Illinois Highway 8, thence over Illinois Highway 8 to Peoria, and return over the same route, serving the intermediate points of Yates City and Elmwood, Ill.; and between Galesburg and Peoria, Ill., over U.S. Highway 150, serving no intermediate points, as an alternate route for operating convenience only, for 150 days. Restrictions: 1. The service to be performed by applicant shall be limited to that which is auxiliary to or supplemen-

tal of express service of the Railway Express Agency, Inc. 2. Shipments transported by applicant shall be limited to those on through bills of lading or express receipts. 3. Such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict applicant's operations to a service which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc.

Supporting shippers: There are 10 supporting statements attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 66562 (Sub-No. 2143 TA), filed February 8, 1966. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N.Y., 10017. Applicant's representative: William H. Marx (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* moving in express service, between Galesburg and Lewistown, Ill., from Galesburg over U.S. Highway 150 to junction Illinois Highway 97, thence over Illinois Highway 97 to junction Illinois Highway 116, thence over Illinois Highway 116 to junction Illinois Highway 78, thence over Illinois Highway 78 to junction Illinois Highway 100, thence over Illinois Highway 100 to Lewistown, and return over the same route, serving the intermediate points of Farmington, Norris, and Canton, Ill. (also return from Farmington, Ill., over Illinois Highway 97 to Cuba, Ill., thence over unnumbered highway to Canton, Ill., serving the intermediate point of Cuba, Ill., and return to Galesburg, Ill., on the same route as above) for 150 days. Restrictions: 1. The service to be performed by applicant shall be limited to that which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. 2. Shipments transported by applicant shall be limited to those on through bills of lading or express receipts.

3. Such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict applicant's operations to a service which is auxiliary to or supplemental of express service of the Railway Express Agency, Inc. Supporting shippers: There are 11 supporting statements attached to the application which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: Stephen P. Tomany, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 346 Broadway, New York, N.Y., 10013.

No. MC 102616 (Sub-No. 784 TA), filed February 9, 1966. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa., 17405. Applicant's representative: S. E. Smith (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum asphaltum liquid*, in bulk, in tank vehicles, from East Liverpool, Ohio, to Lackawanna, N.Y., for 150 days. Supporting shipper: Dacar Chemical Products Co., Dacar Chemical Building, McCartney at Wabash Street, Pittsburgh, Pa., 15220. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 218 Central Industrial Building, 100 North Cameron Street, Harrisburg, Pa., 17101.

No. MC 103880 (Sub-No. 357 TA) (Amendment), filed January 24, 1966, published FEDERAL REGISTER, issue of February 1, 1966, and republished as amended this issue. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Post Office Box 7211, Akron, Ohio, 44306. Applicant's representative: Ronald Burian (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Panaflex*, in bulk, in tank vehicles, from Fort Wayne, Ind., to Three Rivers, Mich., for 120 days. Supporting shipper: Amoco Chemicals Corp., 130 East Randolph Drive, Chicago 1, Ill. Send protests to: G. J. Baccei, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 435 Federal Building, Cleveland, Ohio, 44114. NOTE: The purpose of this republication is to show that the commodity, Panaflex, will move in bulk, in tank vehicles.

No. MC 107010 (Sub-No. 21 TA), filed February 9, 1966. Applicant: D & R BULK CARRIERS, INC., Post Office Box 106, Auburn, Nebr. Applicant's representative: R. E. Powell, 1005–1006 Trust Building, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions*, from the plantsite of Phillips Petroleum Co., at or near Aurora, Nebr., to points in Iowa, Kansas, Missouri, and South Dakota, for 180 days. Supporting shipper: Phillips Petroleum Co., Bartlesville, Okla., 74003. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 315 Post Office Building, Lincoln, Nebr., 68508.

No. MC 115967 (Sub-No. 6 TA), filed February 9, 1966. Applicant: WILLIE T. HIRES, INC., 4912 Hohman Avenue, Hammond, Ind., 46320. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, Ill., 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, yogurt, fruit juices, and ice cream*, from the plantsite of the Borden Co. at or near Woodstock, Ill., to points in Indiana on and north of U.S. Highway 24, and on and west of U.S. Highway 31, for 180 days. Supporting shipper: The Borden Co., 1821 South Kolbourn Avenue, Chicago, Ill., 60623, Representative H. E. Austin, director of sales and distribution. Send protests to: Fred Gruin, Jr., Safety Inspector, Bureau of Operations and Compliance, Interstate Commerce Commission, 308 Federal Building, Fort Wayne, Ind., 46802.

No. MC 117869 (Sub-No. 3 TA), filed February 9, 1966. Applicant: DENTON PRODUCE, INC., 410 North Independence, Post Office Box 109, Enid, Okla., 73701. Applicant's representative: M. R. Denton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., to points in Texas, Oklahoma, Kansas, Nebraska, Denver, Colorado, Kansas City, Missouri, and South Dakota, for 180 days. Supporting shipper: Standard Fruit and Steamship Co., 944 St. Charles Avenue, New Orleans, La., 70150. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 350, American General Building, 210 Northwest Sixth, Oklahoma City, Okla., 73102.

No. MC 127129 (Sub-No. 1 TA), filed February 9, 1966. Applicant: AVERY TRUCKING CO., INC., 6711 Saxton Avenue, Post Office Box 4383, Boise, Idaho, 83701. Applicant's representative: Kenneth G. Bergquist, 1110 Bank of Idaho Building, Boise, Idaho, 83702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, from points in Idaho, to points in Idaho, via Oregon for operating convenience only, for 180 days. Supporting shippers: Inland Empire Lumber Service, Post Office Box 2542, Terminal Annex, Spokane, Wash., 99200; Meridian Pine Co., Post Office Box 865, Meridian, Idaho, 83642; Boise Stone & Tile Co., 5106 Fairview Avenue, Boise, Idaho, 83706; B. E. Crawford-Crushing, Route No. 2, Boise, Idaho, 83702. Send protests to: C. W. Campbell, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 203 Eastman Building, Boise, Idaho, 83702.

No. MC 127129 (Sub-No. 2 TA), filed February 9, 1966. Applicant: AVERY TRUCKING CO., INC., 6711 Saxton Avenue, Post Office Box 4383, Boise, Idaho, 83701. Applicant's representative: Kenneth G. Bergquist, 1110 Bank of Idaho Building, Boise, Idaho, 83702. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, from Boise Stone & Tile Co. quarry at Park Valley, Utah, to points in Idaho, for 180 days. Supporting shipper: Boise Stone & Tile Co., 5106 Fairview Avenue, Boise, Idaho, 83706. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, 203 Eastman Building, Boise, Idaho, 83702.

No. MC 127884 (Sub-No. 1 TA), filed February 8, 1966. Applicant: ELVIN J. KENDA, doing business as GALLATIN CANYON LINES, 717 North Tracy Street, Bozeman, Mont., 59715. Applicant's representative: Hugh Sweeney, Billings State Bank Building, Billings, Mont., 59101. Authority sought to operate as a *common carrier*, by motor

vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, and household goods as defined by the Commission), between (1) Bozeman, Mont., on the one hand, and, on the other, points on U.S. Highway 191 between Bozeman, Mont., and the Wyoming State line, having a prior or subsequent out-of-State movement; and between (2) Bozeman, Mont., and West Yellowstone, Mont., via U.S. Highway 191 in Wyoming and that portion of U.S. Highway 191 between West Yellowstone, Mont., and the Wyoming State line, in Montana, for 120 days. Supporting shippers: Montana Propane, Box 204, West Yellowstone, Mont., 59758; Roland Staebler, doing business as Staebler Grocery, West Yellowstone, Mont., 59758; Sarver Heating and Sheet Metal, West Yellowstone, Mont., 59758; Elk Studs Co., Box 343, West Yellowstone, Mont., 59758; Carl Weissman and Sons, 624 East Main, Bozeman, Mont., 59715; Continental Oil Company, Bozeman, Mont., 59715; Montana Motor Supply, Inc., Box 853, Bozeman, Mont., 59715; Hines Motor Supply Co., 103 West Mendenhall, Bozeman, Mont., 59715; Empire Building Materials, Box 141, Bozeman, Mont., 59715; Story Motor Supply, Inc., Box 828, Bozeman, Mont., 59715; Stage Coach Corp., Box 160, West Yellowstone, Mont., 59758. Send provisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 318 U.S. Post Office Building, Billings, Mont., 59101.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-1649; Filed, Feb. 15, 1966; 8:48 a.m.]

[Notice 384]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 11, 1966.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 906 (Deviation No. 4), CONSOLIDATED FORWARDING CO., INC., 1300 North 10th Street, St. Louis, Mo., 63106; filed January 24, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 69 and Indian Nation Turnpike, at or near Savanna, Okla., over Indian Nation Turnpike to junction U.S. Highway 75, at or near Henryetta, Okla., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Atoka, Okla., over U.S. Highway 75 to Henryetta, Okla.; (2) from Atoka, Okla., over U.S. Highway 69 to junction U.S. Highway 266 at or near Checotah, Okla., thence over U.S. Highway 266 to Henryetta, Okla.; and return over the same routes.

No. MC 2202 (Deviation No. 85), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, Ohio, 44309; filed January 24, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Baltimore, Md., over Maryland Highway 3 to junction U.S. Highway 50, thence over U.S. Highway 50 to Washington, D.C., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Baltimore, Md., over U.S. Highway 1 to Washington, D.C., and return over the same route.

No. MC 17778 (Deviation No. 6), YALE TRANSPORT CORP., 460 12th Avenue, New York, N.Y., 10018; filed January 27, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follow: (1) From Springfield, Mass., over Interstate Highway 91 to New Haven, Conn.; and (2) from Boston, Mass., over Interstate Highway 95 to New York, N.Y.; and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) From New York, N.Y., over U.S. Highway 1 to New Haven, Conn., thence over U.S. Highway 5 to Springfield, Mass., thence over U.S. Highway 20 to Boston, Mass.; and (2) from New York, N.Y., over U.S. Highway 1 via Westerly and Providence, R.I., to Boston, Mass. (also from Westerly, R.I., over Rhode Island Highway 3 to Providence, R.I., thence over U.S. Highway 1 to Boston, Mass.); and return over the same routes.

No. MC 55843 (Deviation No. 5), SAGINAW TRANSFER COMPANY, INC., 2130 Midland Road, Saginaw, Mich., 48603, filed January 27, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route, as follows: From junction Interstate Highway 94 and U.S. Highway 27, at Marshall, Mich., over Interstate Highway 94 to junction U.S. Highway 127 at Jackson, Mich., thence over U.S. Highway 127 to Lansing, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes, as follows: (1) From Detroit, Mich., over Michigan Highway 14 (formerly portion U.S. Highway 12) to Ann Arbor, Mich., thence over unnumbered highway (formerly portion U.S. Highway 12), to junction Interstate Highway 94 (formerly portion U.S. Highway 12), near Lima Center, Mich., thence over Interstate Highway 94 to junction unnumbered highway (formerly portion U.S. Highway 12), near Parma, Mich., thence over unnumbered highway via Albion and Marshall, Mich., to junction Business Route Interstate Highway 94 (formerly portion U.S. Highway 12), thence over Business Route Interstate Highway 94 to Battle Creek, Mich., thence over unnumbered highway (Columbia Avenue) (formerly portion U.S. Highway 12) to junction Interstate Highway 94 (formerly portion U.S. Highway 12), thence over Interstate Highway 94 to junction unnumbered highway, 1 mile east of Galesburg, Mich., thence over unnumbered highway to Galesburg, Mich., thence over Michigan Highway 96 to Kalamazoo, Mich., thence over unnumbered highway (formerly portion U.S. Highway 12) via Paw Paw and Watervliet, Mich., to Benton Harbor, Mich., thence over Business Route Interstate Highway 94 (formerly portion U.S. Highway 12) to junction unnumbered highway (formerly portion U.S. Highway 12) near Stevensville, Mich., thence over unnumbered highway via Bridgeman and Union Pier, Mich., to junction U.S. Highway 12, near New Buffalo, Mich., thence over U.S. Highway 12 to Chicago, Ill.

(2) From Chicago, Ill., over U.S. Highway 12 to junction Interstate Highway 94 (formerly portion U.S. Highway 12), near New Buffalo, Mich., thence over Interstate Highway 94 to junction unnumbered highway (Columbia Avenue) (formerly portion U.S. Highway 12), thence over unnumbered highway to Battle Creek, Mich., thence over Michigan Highway 78 via Lansing, Mich., to Flint, Mich., and thence over Business Route Michigan Highway 54 (formerly portion U.S. Highway 23) to junction unnumbered highway (formerly portion U.S. Highway 23), thence over unnumbered highway to junction Business Route Interstate Highway 75 (formerly shown as portion U.S. Highway 23), thence over Business Route Interstate Highway 75 to Saginaw, Mich., thence over Michigan Highway 13 (formerly portion U.S. Highway 23), to Bay City, Mich.; and (3) from Marshall, Mich., over U.S. Highway 27 to Charlotte, Mich., and return over the same routes.

No. MC 69116 (Deviation No. 32), SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill., 60606; filed January 27, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation

route as follows: From Davenport, Iowa, over U.S. Highway 61 to Muscatine, Iowa, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Davenport, Iowa, over Iowa Highway 22 to Muscatine, Iowa, and return over the same route.

No. MC 69833 (Deviation No. 16), ASSOCIATED TRUCK LINES, INC., 15 Andre Street SE., Grand Rapids, Mich., 49507; filed January 26, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *General commodities*, with certain exceptions, over a deviation route as follows: From Indianapolis, Ind., over Interstate Highway 69 to junction Interstate Highway 94, thence over Interstate Highway 94 to Jackson, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From South Bend, Ind., over U.S. Highway 31 to Indianapolis, Ind.; (2) from Elkhart, Ind., over U.S. Highway 20 to South Bend, Ind., thence over U.S. Highway 33 to Niles, Mich.; and (3) from Jackson, Mich., over Michigan Highway 60 to Niles, Mich.; and return over the same routes.

No. MC 76266 (Deviation No. 22), ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, Minn.; filed January 24, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Council Bluffs, Iowa, over Iowa Highway 64 to junction Iowa Highway 83, thence over Iowa Highway 83 to junction U.S. Highway 6, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Council Bluffs, Iowa, over U.S. Highway 6 to junction Iowa Highway 83, and return over the same route.

MOTOR CARRIERS OF PASSENGERS

No. MC 1934 (Deviation No. 4), THE ARROW LINE, INC., 70 Florence Street, East Hartford, Conn., filed February 1, 1966. Applicant's representative: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, over a deviation route as follows: From New Haven, Conn., over Interstate Highway 91 to junction U.S. Highway 5 in Longmeadow, Mass., thence over U.S. Highway 5 to junction Massachusetts Turnpike (Interstate Highway 90), thence over Interstate Highway 90 to exit No. 2 in East Lee, Mass., thence over U.S. Highway 20 to junction U.S. Highway 7, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From New Haven, Conn., over Connecticut Highway 67 to junction Connecticut Highway 63, thence over Connecticut Highway 63 via Bethany, Conn., to Naugatuck, Conn., thence over Connecticut Highway 8 via Waterbury and Torrington, Conn., to Winsted, Conn., thence over U.S. Highway 44 to Canaan, Conn., thence over U.S. Highway 7 to Pittsfield, Mass., thence over U.S. Highway 20 to Albany, N.Y., and return over the same route.

No. MC 115025 (Deviation No. 1), THE SHORT LINE OF CONNECTICUT, INCORPORATED, doing business as THE SHORT LINE, 847 Hanover Street, Meriden, Conn., filed February 2, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, over a deviation route as follows: Between New Haven, Conn., and Hartford, Conn., over Interstate Highway 91, and over the following access routes (1) from Hartford, Conn., over city streets and access roads to Interstate Highway 91 (within the city of Hartford), (2) from Meriden, Conn., over U.S. Highway 6A to junction with Interstate Highway 91 (East Meriden, Conn.), and (3) from Meriden, Conn., over spur route to junction with Interstate Highway 91 (Meriden, Conn.), and return over the same routes. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: Between New Haven, Conn., and Hartford, Conn., over U.S. Highway 5.

No. MC 115116 (Deviation No. 1), SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J., filed February 2, 1966. Applicant's representative: Michael J. Marzano, 17 Academy Street, Newark, N.J., 07102. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 206 and Mercer County Highway 583 (Princeton Avenue), in Lawrence Township, N.J., over U.S. Highway 206 to Brunswick Circle and junction with U.S. Highway 1 and Strawberry Street, at or near the Lawrence Township and city of Trenton boundary line, thence over Strawberry Street (U.S. Highway 1) to the Trenton Freeway in Trenton, N.J., thence over the Trenton Freeway (U.S. Highway 1) to junction with access roads to Perry Street, thence over access roads to Perry Street, thence over Perry Street to Perry Street Terminal, in Trenton, N.J., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From the junction of U.S. Highway 206 and Mercer County Highway 583 (Princeton Avenue) located in Lawrence Township, N.J., thence over Princeton Avenue to junction North Broad Street located at Trenton, N.J., thence over North Broad Street to junction Allen Street, thence over Allen Street to Perry Street Terminal located at Trenton, N.J.; and return from Perry Street Terminal over Perry Street to junction North Broad Street, thence over North Broad Street to junction Princeton Avenue, thence over Princeton Avenue to junction U.S. Highway 206 (junction U.S. Highway 206 and Mercer County Highway 583) in Lawrence Township, N.J.

By the Commission.

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

[F.R. Doc. 66-1650; Filed, Feb. 15, 1966; 8:48 a.m.]

[Notice 880]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 11, 1966.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the special rules of procedure for hearing outlined below:

Special rules of procedure for hearing. (1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time

of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 118130 (Sub-No. 43), filed February 7, 1966. Applicant: BEN HAMRICK, INC., 2000 Chelsea Drive West, Fort Worth, Tex. Applicant's representative: M. Ward Bailey, 24th Floor, Continental Life Building, Fort Worth, Tex., 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Milton, Pa., to points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, and Texas, and *exempt commodities*, on return.

HEARING: March 15, 1966, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Edith H. Cockrill.

By the Commission.

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

[F.R. Doc. 66-1651; Filed, Feb. 15, 1966; 8:48 a.m.]

[Notice 878]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 11, 1966.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 108884 (Sub-No. 11) (Republication), filed August 23, 1965, published FEDERAL REGISTER issue of September 9, 1965, and republished, this issue. Applicant: ROGERS AND KASPER, INC., Route 46, Great Meadows, N.J. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y., 10006. By application filed August 23, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of the commodities from and to the points indicated in the findings below, restricted against the transportation of individual shipments exceeding 5,000 pounds in weight. An order of the Commission, Operating Rights Board No. 1, dated January 26, 1966, and served February 3, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of frozen foods, in vehicles equipped with mechanical refrigeration, from New York, N.Y., and Jersey City and Kearny, N.J., to points in Lycoming and Northumberland Counties, Pa.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a cetrificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 111729 (Sub-No. 116) (REPUBLICATION), filed September 23, 1965, published FEDERAL REGISTER issue of October 21, 1965, and republished, this issue. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, DeBevoise Building, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, Commonwealth Building, 1625 K Street NW., Washington, D.C., 20006. By application filed September 23, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of electrical wires, conduits, lamps, light bulbs, and other electrical supplies, toasters, irons, lamp fixtures, and other small electrical household appliances, limited to shipments not to exceed 75 pounds, between the points indicated in the findings below. An order of the Commission, Operating Rights Board No. 1, dated January 24, 1966, and served February 1, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *electrical supplies and electrical household appliances*, limited to the transportation of packages not exceeding 75 pounds each, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey. Because it is possible that other parties, who have relied upon the notice of application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authorities described in the findings in this order, a notice of the authorities actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of such publication.

No. MC 111729 (Sub-No. 117) (Republication), filed October 4, 1965, published FEDERAL REGISTER issue of October 28, 1965, and republished, this issue. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, DeBevoise Building, Bayside, N.Y. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C., 20006. By application filed October 4, 1965, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of the commodities and between the points indicated in the findings herein. An order of the Commission, Operating Rights Board No. 1, dated January 26, 1966, and served February 7, 1966, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, of *business papers, records*, and *audit and accounting media* (except cash letters) between Cincinnati, Ohio, on the one hand, and, on the other, Erie, Pa. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER, and any proper party in interest may file an appropriate pleading within a period of 30 days from the date of such publication.

No. MC 115353 (Sub-No. 6) (Republication), filed May 3, 1965, published FEDERAL REGISTER issue of May 26, 1965, and republished this issue. Applicant: LOUIS J. KENNEDY, 342 Schuyler Avenue, Kearny, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. By application filed May 3, 1965, as amended, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of gypsum products and related building materials, from and to the points indicated in the findings below, including to points in Tennessee on and east of U.S. Highway 45; and of rejected and damaged shipments, on return. An order of the Commission, dated January 25, 1966, and served February 3, 1966, finds that operation by applicant in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of *gypsum products* and *building materials* (except (1) commodities in bulk and (2) commodities which because of size or weight require the use of special equipment), from the plant and warehouse sites of Kaiser Gypsum Co., Inc., at or near Jacksonville, Fla., to points in Georgia, South Carolina, Alabama, and that part of Tennessee on and east of a line beginning at the Tennessee-Mississippi State line and extending over U.S. Highway 45 to junction U.S. Highways 45W and 45E at or near Fairview, thence over U.S. Highway 45E to the Tennessee-Kentucky State line, under a

continuing contract with Kaiser Gypsum Co., Inc., of Oakland, Calif., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 3598 (Sub-No. 4), filed February 1, 1966. Applicant: WOOSTER EXPRESS, INC., 150 Strong Road, South Windsor, Conn. Applicant's representative: Reubin Kaminsky, Suite 223, 410 Asylum Street, Hartford, Conn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, including household goods and office furniture and equipment (but excluding commodities which necessitate the use of dump trucks, tank trucks, or special equipment), from South Windsor, Conn., to points in Connecticut. NOTE: Applicant states the purpose of this application is to convert certificate of registration, MC 120301, Sub 2 into a certificate of public convenience and necessity. This is a matter directly related to MC–F–9334.

No. MC 120287 (Sub-No. 2), filed December 20, 1965. Applicant: K & B TRUCK LINES, INC., 600 North Houston, Amarillo, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (1) between Happy and Amarillo, Tex., over U.S. Highway 87, serving all intermediate points; (2) (a) between Claude and Amarillo, Tex., over U.S. Highway 287, serving all intermediate points; (b) between Claude and Groom, Tex., from Claude over Texas Highway 15 to junction U.S. Highway 66, thence over U.S. Highway 66 to Groom, and return over the same route, serving all intermediate points; (3) between Amarillo, Tex., and Pantex Ordnance plant and Amarillo Army Airfield, from Amarillo over U.S. Highway 60 to Panhandle, thence over Texas Highway 15 to Conway, thence over U.S. Highway 66 to Groom, and return over the same route, serving all intermediate points, and (4) between Conway and Amarillo, Tex., over U.S. Highway 66, as an alternate route, serving no intermediate points. NOTE: This is a matter directly related to MC–F–9302.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceeding with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–9274 (RED BALL MOTOR FREIGHT, INC.—Control—STASI MOTOR FREIGHT, INC.), published in the December 8, 1965, issue of the FEDERAL REGISTER on page 15192. By petition and amendment filed February 8, 1966, applicants seek to amend the application to include merger in lieu of control only.

No. MC–F–9327. Authority sought for control and merger by WARSAW TRUCKING CO., INC., 1102 West Winona Avenue, Warsaw, Ind., of the operating rights and property of UNGER TRUCKING COMPANY, INC., 660 Erie Street, Wabash, Ind., and for acquisition by WARREN E. HYGEMA and GUY E. HYGEMA, both also of Warsaw, Ind., of control of such rights and property through the transaction. Applicants' attorney: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. Operating rights sought to be controlled and merged. NOTE: The following operating rights are presently in the name of FLOYD L. UNGER, doing business as UNGER TRUCKING COMPANY. VIOLA G. UNGER is sole heir of FLOYD L. UNGER, deceased. She is presently in the process of correcting and amending the Commission's records to reflect the transfer of rights from FLOYD L. UNGER, doing business as UNGER TRUCKING COMPANY, to UNGER TRUCKING COMPANY, INC.: *Rock wool*, as a *common carrier*, over irregular routes, from Lagro, Wabash and Huntington, Ind., to Louisville, Ky., St. Louis, Mo., and points in Illinois, Ohio, and Michigan; *mineral wool* (rock or slag), from Huntington, Lagro, and Wabash, Ind., to points in Kentucky (except Louisville); *heavy machinery*, from Wabash, Ind., to Louisville, Ky., and points in Illinois, Ohio, and Michigan; *air louvres, caulking and glazing compounds, doors, windows, sash and screens and parts and fittings thereof*, and *electric ventilating fans*, from Wabash, Ind., to points in Illinois, Michigan, and Ohio (except Cincinnati, Ohio). Restriction: The separate grants of authority described above shall not be tacked or joined, directly or indirectly for the purpose of performing any through service; and *mineral wool* (rock, slag, or glass), and *products thereof*, from Wabash, Ind., to St. Louis, Mo., and points in Illinois, Kentucky, Michigan, and Ohio. WARSAW TRUCKING CO., INC., is authorized to operate as a *common carrier* in Indiana, Alabama, California, Florida, Georgia, Iowa, Arkansas, Mississippi, Tennessee, Ohio, Maryland, Arizona, Colorado, Connecticut, Delaware, Kansas, Louisiana, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, Pennsylvania, New York, Missouri, Illinois, Michigan, Wisconsin, North Carolina, Nebraska, Oklahoma, South Carolina, Texas, Kentucky, Virginia, West Virginia, Nevada, and New Mexico. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9332. Authority sought for purchase by TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo., 63101, of a portion of the operating rights and certain property of L. A. TUCKER TRUCK LINES, INCORPORATED, 321 North Spring Street, Cape Girardeau, Mo., and for acquisition by ROBERT B. SCHILLI, 1931 North Geyer Road, St. Louis, Mo., of control of such rights and property through the purchase. Applicants' attorney: Thomas F. Kilroy, Colorado Building, Washington, D.C. Operating rights sought to be transferred: *Calcium, carbonate of lime*, and *limestone*, in bulk, in hopper type equipment, as a *common carrier*, over irregular routes, from Sainte Genevieve, Mo., to points in Illinois (except those in Madison County, Ill.). Vendee is authorized to operate as a *common carrier* in Illinois, Missouri, Indiana, Kansas, Wisconsin, Kentucky, Tennessee, Iowa, Oklahoma, Arkansas, Ohio, Nebraska, Michigan, Minnesota, North Dakota, South Dakota, Texas, Mississippi, Alabama, Colorado, Wyoming, and Louisiana. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9333. Authority sought for purchase by SIDEVAN, INC., McEldowney Building, Winchester, Ky., 40391, of a portion of the operating rights of YEARY TRANSFER COMPANY, INC., Post Office Box 398, Lexington, Ky., and for acquisition by EDWIN N. YEARY, 4004 Versailles Road, Lexington, Ky., WILLIAM HAYS, McEldowney Building, Winchester, Ky., and Richard Ross, 209 Clemson Street, Laurens, S.C., of control of such rights through the purchase. Applicants' attorney: Harry Ross, 848 Warner Building, Washington, D.C. Operating rights sought to be transferred: *Tobacco* and *tobacco products* (manufactured and unmanufactured), and *articles* incidental to the transportation of tobacco and tobacco products, (manufactured and unmanufactured), as a *contract carrier*, over irregular routes, between Danville, Va., and Greensboro, N.C., on the one hand, and, on the other, Lexington and Louisville, Ky., and Cincinnati, Ohio, between Louisville and Lexington, Ky., on the one hand, and, on the other, Lancaster, Pittsburgh, Harrisburg, and Scranton, Pa., Camden, Spottswood, and Jersey City, N.J., East Hartford and Windsor, Conn., Albany and Ancram, N.Y., Minneapolis, Minn., and points in Wisconsin. Restriction: The authority granted herein is subject to the following conditions: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract or contracts, with P. Lorillard Co. The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limita-

tions in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the Act. SIDEVAN, INC., holds no authority with this Commission. However, EDWIN N. YEARY, one of its controlling stockholders, also owns controlling interest in YEARY TRANSFER CO., INC., vendor herein, which is also authorized to operate as a *common carrier* in Kentucky, Ohio, Alabama, Florida, Georgia, Illinois, Indiana, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, Texas, Louisiana, Massachusetts, and Delaware. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9334. Authority sought for purchase by WOOSTER EXPRESS, INC., 150 Strong Road, South Windsor, Conn., of the operating rights of HAMILTON EXPRESS, INC. (BURTON A. GREENSPAN, TRUSTEE-IN-BANKRUPTCY), 50 State Street, Hartford, Conn., and for acquisition by JOSEPH RAVALESE, 1028 Farmington Avenue, West Hartford, Conn., PATSY RAVALESE, 50 Hunter Drive, West Hartford, Conn., and JOSEPH RAVALESE, JR., 111 Meadow Lane, West Hartford, Conn., of control of such rights through the purchase. Applicants' attorney and representative: Reubin Kaminsky, 410 Asylum Street, Hartford, Conn., and Burton A. Greenspan, 50 State Street, Hartford, Conn. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–120301 (Sub-No. 2), covering the transportation of general commodities, including household goods and office furniture and equipment (but not including commodities which necessitate the use of dump trucks, tank trucks, or special equipment) for hire, as a common carrier, in intrastate commerce, from its headquarters in South Windsor and upon call received at its headquarters between any point within the State of Connecticut, as may be necessary in the performance of its common carrier service. Vendee is authorized to operate as a *common carrier* in Massachusetts, New Jersey, and Connecticut. Application has been filed for temporary authority under section 210a(b). NOTE: Docket No. MC–3598 (Sub-No. 4) is a matter directly related.

No. MC–F–9335. Authority sought for control by TOSE, INC., 64 West Fourth Street, Bridgeport, Pa., 19405, of O'CONNOR'S EXPRESS, 400 Delancey Street, Newark, N.J., 07105. Applicant's attorney: Paul Coyle, 5631 Utah Avenue NW., Washington, D.C. Operating rights sought to be controlled: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between New York, N.Y., and points in Nassau and Westchester Counties, N.Y., on the one hand, and, on the other, points in that part of Pennsylvania within 120 miles of Newark, N.J., and those in New Jersey, not including those in Cape May, Cumberland, Gloucester, and Salem Counties, N.J., between points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., on the one hand, and, on the other, New York, N.Y., points in Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y., those in Connecticut west of the Connecticut River, and those in Massachusetts west of the Connecticut River and south of a line beginning at the Massachusetts-New York State line and extending along U. S. Highway 20 to Pittsfield, Mass., and thence along Massachusetts Highway 9 (formerly shown as Massachusetts Highway 90), to the Connecticut River. TOSE, INC., is authorized to operate as a *common carrier* in Pennsylvania, New York, Maryland, New Jersey, Delaware, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–9336. Authority sought for purchase by EVERETT LOWRANCE, 4916 Jefferson Highway, Post Office Box 10216), New Orleans, La., 70121, of a portion of the operating rights of BARSH TRUCK LINES, INC., Post Office Box 899, Sapulpa, Okla., 74066. Applicants' attorney: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La., 70130. Operating rights sought to be transferred: *Frozen fruit juices* and *frozen fruit concentrates*, in mixed loads of canned citrus products, as a *common carrier*, over irregular routes, from points in Florida to points in Arkansas, Iowa, Kansas, Missouri, Nebraska (except Omaha and Lincoln), and Oklahoma; *glassware*, from Tulsa, Sand Springs, and Sapulpa, Okla., to St. Louis, Joplin, Springfield, and Carthage, Mo., Cheyenne and Casper, Wyo., and points in Arkansas, Texas, New Mexico, Colorado, and Kansas, from Sapulpa, Okla., to Phoenix, Tucson, Nogales, Bisbee, and Flagstaff, Ariz., and points in Mississippi, Alabama, Georgia, and Florida, *glass containers* from Sand Springs and Muskogee, Okla., to points in Arizona and Mississippi, and *canned citrus products*, from Bartow, Fla., to points within 50 miles thereof, to points in Arkansas, Oklahoma, Kansas, Missouri, Iowa, and Nebraska (except Omaha and Lincoln). Restriction: The operations authorized herein shall be conducted separately from carrier's other activities; separate accounts and records for each activity shall be maintained; and carrier shall not transport property both as a for-hire carrier and as a private carrier at the same time in the same vehicle. Vendee is authorized to operate as a *common carrier* in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Wyoming, Montana, North Carolina, Oregon, South Carolina, Utah, Washington, and Idaho. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9337. Authority sought for purchase by DON WARD, INC., 241 West 56th Avenue, Denver, Colo., of a portion of the operating rights and certain property of CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE (formerly CONSOLIDATED FREIGHTWAYS, INC.), 175 Linfield Drive, Menlo Park, Calif., and for acquisition by DON WARD, 241 West 56th Avenue, Denver, Colo., and BOYD E. RICHNER, Post Office Box 1488, Durango, Colo., of control of such rights and property through the the purchase. Applicants' attorneys: Charles H. Haines, Jr., Equitable Building, Denver, Colo., 80202, and Robert C. Stetson, 175 Linfield Drive, Menlo Park, Calif. Operating rights sought to be transferred: *Perlite rock*, crude or processed, as a *common carrier*, over irregular routes, from points in Taos County, N. Mex., to Antonito, Colo., and points within 8 miles thereof. Vendee is authorized to operate as a *common carrier* in Utah, Colorado, New Mexico, Wyoming, Nebraska, South Dakota, Montana, and Iowa. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9338. Authority sought for control and merger by C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, Dallas, Tex. (Mailing address: Post Office Box 5976, Dallas, Tex., 75222), of the operating rights and property of JEFFRIES-EAVES, INC., 333 Osuna Road NW., Albuquerque, N. Mex., and for acquisition by W. O. HARRINGTON, Coppell, Tex., of control of such rights and property through the transaction. Applicants' attorneys: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City, Okla., 73102, and O. Russell Jones, 207 Bokum Building, Santa Fe, N. Mex., 87501. Operating rights sought to be controlled and merged: *Lumber* and *forest products*, as a *common carrier*, over a regular route, from Sawmill, Ariz., to Gallup, N. Mex., serving no intermediate points; *such commodities* as require special handling or rigging because of size or weight, over irregular routes, between points in New Mexico, Arizona, Texas, and Colorado; *machinery, materials, supplies, and equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Wyoming, Montana, Utah, Colorado, North Dakota, South Dakota, and Nebraska; *pipe, pipeline materials, machinery, supplies, and equipment*, incidental to, or used in, the construction, repairing, maintenance, and dismantling of gas, gasoline, and oil pipelines, including the stringing of pipe, between points in Wyoming, Montana, Utah, and Colorado.

Commodities (other than petroleum products, in bulk), used in, or in connection with, the construction, repair and maintenance of dams and powerplants, between points in Hot Springs, Fremont, Carbon, and Natrona Counties, Wyo.; *machinery, equipment, materials, and supplies*, used in, or in connec-

tion with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; and *machinery, materials, equipment, and supplies,* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing, and picking-up thereof, between points in Oklahoma, and Kansas, between points in Arkansas, Colorado, and Texas, between points in Arkansas, Colorado, and Texas, on the one hand, and, on the other, points in Oklahoma, and Kansas; *heavy machinery,* requiring special handling and equipment because of size or weight, between points in Arkansas, Kansas, Missouri, Oklahoma, and Texas; *machinery, equipment, materials, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and byproducts, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, between points in Wyoming, Montana, Utah, Colorado, North Dakota, South Dakota, and Nebraska, between points in Oklahoma and Kansas, between points in Arkansas, Colorado, and Texas, between points in Arkansas, Colorado, and Texas, on the one hand, and, on the other, points in Oklahoma and Kansas.

Single or concentric cylinders or containers, loaded or empty, which because of size, or construction, require special equipment or handling, and *accessories, components and related parts thereof,* moving in connection therewith, except such of the foregoing commodities as are used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, between the Nevada Test Site of the U.S. Atomic Energy Commission located near Mercury, Nev., on the one hand, and, on the other, Albuquerque and Los Alamos, N. Mex.; *aluminum pipe or tubing, culvert,* and *accessories and parts thereof,* from the plantsite of Kaiser Aluminum & Chemical Sales, Inc., located near Gallup, N. Mex., to points in Utah, Colorado, and that part of Texas on and north of U.S. Highway 180, and on and west of U.S. Highway 83. C & H TRANSPORTATION CO., INC., is authorized to operate as a *common carrier* in all States in the United States (except Hawaii), and the District of Columbia. Application has not been filed for temporary authority under section 210a(b). NOTE: Finance Docket No. 24011 is a matter filed simultaneously.

No. MC–F–9339. Authority sought for purchase by CARGO-IMPERIAL FREIGHT LINES, INC., 91 Mountain Road, Burlington, Mass., 01801, of the operating rights of BRASS CITY EXPRESS, INC., 300 Chase River Road, Waterbury, Conn., and for acquisition by ROBERT W. HOTIN, also of Burlington, Mass., of control of such rights through the purchase. Applicants' attorneys: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn., and Kenneth B. Williams, 111 State Street, Boston, Mass. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–120819 (Sub-No. 1), covering the transportation of property for hire as a motor common carrier, in intrastate commerce, within the State of Connecticut. Vendee is authorized to operate as a *common carrier* in New York, Massachusetts, Connecticut, and Rhode Island. Application has been filed for temporary authority under section 210a(b). NOTE: No. MC–114877 (Sub-No. 3), a matter directly related. NOTE: If a hearing is deemed necessary, Applicant requests it to be held at Hartford, Conn.

No. MC–F–9340. Authority sought for purchase by NITEHAWK EXPRESS, INC., 2334 University Avenue, St. Paul 14, Minn., of the operating rights of JAMES LA CASSE, doing business as NITEHAWK EXPRESS, 2334 University Avenue, St. Paul 14, Minn., and for acquisition by JAMES LA CASSE, also of St. Paul 14, Minn., of control of such rights through the purchase. Applicants' attorney: Joseph J. Dudley, E–1506 First National Bank Building, St. Paul, Minn. Operating rights sought to be transferred: *Seed, feed, oil meal,* and *materials and supplies,* incidental to or used in feed and seed business houses, as a *contract carrier,* over irregular routes, between Minneapolis, Minn., on the one hand, and, on the other, Omaha, Seward, Lincoln, and Nebraska City, Nebr., La Crosse, Wis., and points in Iowa; *corn* (unshelled), during the season extending from the 15th day of August to the 15th day of December, inclusive, of each year, between Hampton, Iowa, and points within 25 miles of Hampton, on the one hand, and, on the other, Waterville, Minn., and points within 25 miles of Waterville; and *feed ingredients,* from the site of the plant of the Allied Chemical & Dye Corp., Nitrogen Division, near La Platte, Nebr., to Mankato, Minneapolis, and St. Paul, Minn. Restriction: The authority granted herein is subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the act. Vendee holds no authority from this Commission. However, it is affiliated with (1) HINES TRANSFER, INC., 2334 University Avenue, St. Paul, Minn., and (2) INTERSTATE EXPRESS, INC., 2334 University Avenue, St. Paul, Minn., which are authorized to operate (1) as a *common carrier* in Minnesota, Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, Montana, Arkansas, Oklahoma, and Texas, and (2) as a *contract carrier* in Wisconsin, Pennsylvania, Texas, Illinois, Iowa, Minnesota, Missouri, and Arkansas. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–1652; Filed, Feb. 15, 1966; 8:48 a.m.]

[Notice 1301]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 11, 1966.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–68437. By order of February 10, 1966, the Transfer Board approved the transfer to Richard J. Lee, Jerry A. Smith, and Russell O. Brown, a partnership, doing business as L & L Fast Freight, Grass Valley, Calif., of the certificate of registration No. MC–99946 (Sub-No. 1) issued April 29, 1965, Melvin Crail and Fred Becker, doing business as Georgetown Express, Georgetown, Calif., evidencing a right to engage in interstate or foreign commerce solely within the State of California, transporting general commodities. John V. Lemmon, Crocker-Citizens Bank Building, Sacramento, Calif., 95814, attorney for applicants.

No. MC–FC–68455. By order of February 10, 1966, the Transfer Board approved the transfer to William F. Juergens, doing business as "J" Truck Line, Petersburg, Ill., of the operating rights of "J" Truck Line, Inc., Petersburg, Ill., in certificate No. MC–118780, issued May 7, 1963, authorizing the transportation, over irregular routes, of agricultural machinery and implements, animal and poultry feed, animal and poultry feed ingredients, concentrates and minerals used in the mixing of animal and poultry feed and calf meal, baled straw, brick, tile and clay products, building materials, grain, fence posts, harvester combines, and livestock, from and to specified points in Illinois, Indiana, Iowa, Missouri, Ohio, and Wisconsin, varying with the commodities indicated. Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill., 62707, attorney for applicants.

No. MC–FC–68511. By order of February 10, 1966, the Transfer Board ap-

proved the transfer to United Marlboro Carriers Corp., a corporation, New York, N.Y., of a portion of the operating rights in certificate No. MC–55387, issued October 16, 1963, to L. T. Stevenson Motor Lines, Inc., Woodside, Long Island, N.Y., authorizing the transportation, over irregular routes, of: General commodities, with the usual exceptions, between points in the New York, N.Y., commercial zone, on the one hand, and, on the other, points in Hudson, Bergen, Passaic, Morris, Essex, Union, and Middlesex Counties, N.J. Morton E. Kiel, 140 Cedar Street, New York, N.Y., attorney for transferee. W. D. Traub, 10 East 40th Street, New York, N.Y., attorney for transferor.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–1653; Filed, Feb. 15, 1966; 8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 11, 1966.

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

LONG-AND-SHORT HAUL

FSA No. 40299—*Clay from Ochlocknee, Ga.* Filed by O. W. South, Jr., agent (No. A4852), for interested rail carriers. Rates on clay, kaolin or pyrophyllite, in carloads, from Ochlocknee, Ga., to points in southern, official (including Illinois) and western trunkline territories.

Grounds for relief—Market competition.

Tariff—Supplement 202 to Southern Freight Association, agent, tariff ICC S–40.

FSA No. 40300—*Class and commodity rates from and to Van Zant, N.C.* Filed by O. W. South, Jr., agent (No. A4855), for interested rail carriers. Rates on property moving on class and commodity rates, between Van Zant, N.C., on the one hand, and points in the United States and Canada, on the other.

Grounds for relief—New station and grouping.

FSA No. 40301—*Pulpboard or fiberboard to Chicago, Ill.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 2826), for interested rail carriers. Rates on pulpboard or fiberboard, n.o.i.b.n., in carloads, from Big Island, Buena Vista, Covington, Lynchburg, and Richmond, Va., to Chicago, Ill., and points taking same rates.

Grounds for relief—Market competition.

Tariff—Supplement 61 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C–366.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–1654; Filed, Feb. 15, 1966; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

ITALY SOUTH FRANCE/U.S. GULF CONFERENCE

Notice of Agreement Filed for Approval

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

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

Notice of agreement filed for approval by:

Mr. Henry G. Diaz, Interim Chairman, Lykes Lines Agency, Inc., Post Office Box 1095, Piazza Corvetto, 2–7, Genoa, Italy.

Agreement 9522, between Central Gulf Steamship Corp., Concordia Line, Constellation Line, Creole Line, Fabre Line, Hansa Line, Jugolinija, Lykes Bros. Steamship Co., Inc., Sidarma Line, and Zim Israel Navigation Co., Ltd., proposes the creation of a new Conference, the Italy South France/U.S. Gulf Conference, to promote commerce in the trade from all Italian ports (Ventimiglia to the Yugoslav border) including islands, French Mediterranean ports to San Juan, P.R., and U.S. South Atlantic and Gulf of Mexico ports (Morehead City, N.C., to Brownsville, Tex., both inclusive) by establishing and maintaining a uniform freight tariff under terms and conditions set forth in the agreement.

Dated: February 11, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66–1647; Filed, Feb. 15, 1966; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI66–247]

ASHLAND OIL & REFINING CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate; Correction

FEBRUARY 3, 1966.

In the order providing for hearing on and suspension of proposed change in rate, and setting date for hearing, issued January 19, 1966, and published in the FEDERAL REGISTER February 3, 1966 (F.R. Doc. 66–1109, 31 FR–1339), correct the word "charged" to read "changed" in ordering paragraph (D).

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66–1618; Filed, Feb. 15, 1966; 8:45 a.m.]

[Docket No. CP66–242]

CHICAGO DISTRICT PIPELINE CO.

Notice of Application

FEBRUARY 8, 1966.

Take notice that on January 28, 1966, Chicago District Pipeline Co. (Applicant), 122 South Michigan Avenue, Chicago, Ill., 60603, filed in Docket No. CP66–242 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate an odorizer facility, a side tap connection on its existing 36-inch Calumet No. 3 line, and approximately 380 feet of 36-inch pipeline connecting said side tap with the facilities of Natural Gas Pipeline Co., of America (Natural) proposed in its application filed in Docket No. CP66–169 on December 1, 1965 (30 F.R. 15383). Applicant proposes to construct and operate the odorizer facility on a meter site to be owned and operated by Natural at the terminus of Natural's proposed 36-inch Herscher-Dyer Road pipeline in Cook County, Ill. Applicant states that the proposed facilities will be utilized to receive and transport for the account of its customers volumes of gas for which its customers have contracted. Natural has applied for certificate authorization in the aforementioned Docket No. CP66–169 to construct and operate the proposed Herscher-Dyer Road pipeline and to transport and sell the volumes of natural gas which Applicant proposes to receive and transport through the facilities proposed in the instant application.

Applicant states that the volumes of gas which it proposes to receive and transport through the facilities proposed by the instant application will not cause an increase in the volumes of gas which Applicant is currently authorized to transport.

The total estimated cost of Applicant's proposed construction is $116,000, which will be financed with funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before February 28, 1966.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7

and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66-1619; Filed, Feb. 15, 1966; 8:45 a.m.]

[Docket No. CP66-240]

MICHIGAN WISCONSIN PIPE LINE CO., ET AL.

Notice of Application

FEBRUARY 8, 1966.

Take notice that on January 27, 1966, the cities of Princeton and Mercer, Mo., and Lineville, Iowa (Applicants), filed in Docket No. CP66-240 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan Wisconsin Pipe Line Co. (Respondent) to establish physical connection of its transmission facilities with the facilities proposed to be constructed by Applicants and to sell and deliver to Applicants certain volumes of natural gas for resale and distribution in the respective Applicant communities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that the community of Lineville is located in Wayne County, Iowa, on the Iowa-Missouri border, approximately 3 miles due south of the nearest point on that part of Respondent's main transmission line which traverses southern Iowa. The application further states that the community of Mercer is located in Mercer County, Mo., approximately 5 miles due south of Lineville, and has a population of approximately 377, and that the community of Princeton is also situated in Mercer County, Mo., approximately 8 miles south of the community of Mercer. Princeton has an estimated population of 1,506.

Applicants state that in view of the location of the three communities, all in a southerly direction from the same point on Respondent's main transmission system and all in close proximity to each other, it is proposed that the gas requirements of the three communities be transported and delivered to each of them by means of a single lateral transmission line. Accordingly, Applicants propose that on the basis of Respondent's 10-cent formula, Respondent construct approximately 5.1 miles of 4½-inch O.D. lateral pipeline and that the community of Princeton construct 11 miles of 3½-inch O.D. pipeline joining Respondent's pipeline at a point between the communities of Mercer and Lineville.

The application states that Lineville and Mercer will construct and operate their own municipal gas systems and that Princeton will construct and operate a municipal gas system and a metering station at Mercer in addition to the aforementioned 11 miles of pipeline.

The total estimated volumes of natural gas necessary to meet Applicants' annual and peak day requirements for the initial 3-year period of proposed operations are stated to be:

	Year of operation		
	First year	Second year	Third year
Annual requirements:			
Princeton	49,397	69,207	90,239
Mercer	14,180	18,367	25,266
Lineville	17,912	26,015	31,164
Total	81,489	113,589	146,669
Peak day requirements:			
Princeton	517	675	887
Mercer	147	192	262
Lineville	176	258	310
Total	840	1,125	1,459

The total estimated costs to the cities of Lineville and Mercer of constructing their proposed distribution systems are approximately $89,000 and $55,000, respectively. The total estimated cost to the city of Princeton of constructing its distribution system and the portion of the lateral transmission line from the terminus of Respondent's portion of the lateral line to Mercer and Princeton is approximately $315,000.

Financing of Applicant's proposed facilities will be by means of Gas Revenue Bonds to be issued separately by the three cities.

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 February 28, 1966.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66-1620; Filed, Feb. 15, 1966; 8.45 a.m.]

[Docket No. CP66-238]

MICHIGAN WISCONSIN PIPE LINE CO., ET AL.

Notice of Application

FEBRUARY 8, 1966.

Take notice that on January 27, 1966, the cities of Unionville and Milan, Mo. (Applicants), filed in Docket No. CP66-238 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan Wisconsin Pipe Line Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicants and to sell and deliver to Applicants volumes of natural gas for resale and distribution in each of the Applicant communities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that the community of Unionville is located in Putnam County in north central Missouri, and has an estimated population of 2,000. The application further states that Unionville is situated approximately 17 miles due south of the nearest point on that part of Respondent's main transmission line which traverses southern Iowa.

The application states that Milan is located in Sullivan County, Mo., approximately 21 miles due south of Unionville and has a population of approximately 1,800.

Applicants propose to construct, own and operate municipal gas distribution systems within their respective borders and Milan proposes to construct and own an additional 21 miles of 3½-inch O.D. transmission pipeline extending south from Unionville to Milan.

Iowa Southern Utilities Co. (Iowa Southern), by a separate application pursuant to section 7(a) of the Natural Gas Act filed concurrently with the instant application in Docket No. CP66-239, proposes to construct, own and operate a natural gas distribution system in the community of Cincinnati, Iowa, which community is located approximately 7.5 miles south of Respondent's main transmission pipeline in Iowa and in the same southerly direction as the Applicant communities. By its concurrent application Iowa Southern requests an order directing Respondent to construct the necessary lateral pipeline as determined by Respondent's 10-cent formula and to sell and deliver to Iowa Southern at a point near Cincinnati the natural gas required for distribution in Cincinnati.

Applicants state that in view of the location of the three communities of Cincinnati, Iowa, and Unionville and Milan, Mo., it is proposed that the gas requirements of the three communities be transported and delivered to each of them by means of a single lateral transmission line. Accordingly, Applicants propose that Respondent construct, using its 10-cent formula, approximately 17 miles of lateral pipeline extending from its main transmission line in a southerly direction to the community of Cincinnati and thence to the community of Unionville where it will join the pipeline proposed to be constructed by Milan.

The total estimated volumes of natural gas necessary to meet Applicants' annual and peak day requirements for the initial 3-year period of proposed operations are stated to be:

UNIONVILLE

	First year	Second year	Third year
Annual (Mcf)	113,364	173,618	207,925
Peak day (Mcf)	1,125	1,528	1,867

MILAN

Annual (Mcf)	191,839	235,284	262,959
Peak day (Mcf)	980	1,317	1,592

The total estimated cost to the city of Unionville of constructing its proposed distribution system is approximately $450,000. The total estimated cost to the city of Milan of constructing its distribution system and the transmission line from Unionville to Milan is approximately $515,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 28, 1966.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66-1621; Filed, Feb. 15, 1966; 8:45 a.m.]

[Docket No. E-7268]

DAYTON POWER AND LIGHT CO.

Notice of Application

FEBRUARY 8, 1966.

Take notice that on February 4, 1966, The Dayton Power & Light Co. (Dayton), filed an application with the Federal Power Commission pursuant to section 203 of the Federal Power Act seeking authority to acquire the entire electric facilities of the city of Miamisburg, Ohio (Miamisburg).

Dayton is incorporated under the laws of the State of Ohio and is qualified to transact business within that State with its principal place of business office at Dayton, Ohio. Dayton is engaged in the generation, transmission and distribution of electric energy in 24 counties in the State of Ohio.

Miamisburg is a municipality incorporated under the laws of Ohio and is located in Montgomery County, Ohio.

According to the application, Dayton proposes to purchase the entire electric facilities of Miamisburg for $5,156,560 and thereafter to consolidate them with the property of Dayton. The facilities to be required are now being used to supply service in and around Miamisburg and will be used by Dayton to supply the same service after the acquisition.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 4, 1966, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

GORDAN M. GRANT,
Acting Secretary.

[F.R. Doc. 66-1622; Filed, Feb. 15, 1966; 8:45 a.m.]

[Docket No. CP66-243]

EL PASO NATURAL GAS CO.

Notice of Application

FEBRUARY 8, 1966.

Take notice that on January 28, 1966, El Paso Natural Gas Co. (Applicant), Post Office Box 1492, El Paso, Tex., 79999, filed in Docket No. CP66-243 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas to The Washington Water Power Co. (Water Power) for transportation to and resale and general distribution in the community of Medical Lake, Wash., and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that deliveries of natural gas to Water Power will be made at the outlet of Applicant's existing Eastern State Hospital and Lakeland Meter Station (authorized by order issued in Docket No. G-1429, 13 FPC 221 (1954)), without additional facilities to be constructed by Applicant, and that Water Power will transport the gas to points of resale and distribution in the community of Medical Lake, Wash. Applicant states that the total estimated cost of the facilities to be constructed by Water Power is $110,670.

Applicant further states that, during the third full year of proposed natural gas service, annual and peak day natural gas requirements of Water Power will aggregate 29,368 Mcf and 277 Mcf, respectively. The sales and deliveries which are the subject of the instant application are proposed to be made in accordance with and at rates contained in Applicant's Rate Schedule DS-1, FPC Gas Tariff, Original Volume No. 3.

Applicant states that if the instant application is approved prior to the grant of authorizations sought by it in its application filed in Docket No. CP66-27,[1] the service embraced by the instant application will be divested by Applicant to Northwest Pipeline Corp. (Northwest) under authorizations sought by Applicant in its application filed in Docket No. CP66-27; otherwise, Northwest will be substituted as the party applicant under the instant application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before February 28, 1966.

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

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

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66-1623; Filed, Feb. 15, 1966; 8:45 a.m.]

[1] See Notice of Applications, Consolidation of Proceedings and Requirement to File Testimony, 30 F.R. 11003, Aug. 25, 1965, regarding application of Applicant and applications of Northwest in Docket Nos. CP66-28, CP66-29, and CP66-30, relating to the divestiture by Applicant of its Northwest Division System.

[Project No. 1971]

IDAHO POWER CO.

Notice of Application for Amendment of License for Constructed Project

FEBRUARY 7, 1966.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Idaho Power Co. (correspondence to: T. E. Roach, President, Idaho Power Co., Boise, Idaho) for amendment of license for constructed Project No. 1971, situated on the Snake River in Adams and Washington Counties, Idaho, and Baker and Wallowa Counties, Oreg., and affecting lands of the United States within the Nezperce, Payette, and Wallowa—Whitman National Forests.

The application seeks to amend Article 48 of the license for the project to increase the maximum permissible discharge from the Hells Canyon development spillway from 10,000 c.f.s., as now specified in the license article, to 15,000 c.f.s. The proposed increase is sought following additional studies by the licensee and the U.S. Corps of Engineers which have indicated that a maximum of 10,000 c.f.s. increase in discharge from the Hells Canyon spillway as a result of an unscheduled breach of the Oxbow fuse box is insufficient, and that such maximum should be increased to 15,000 c.f.s.

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 of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is March 21, 1966. The application is on file with the Commission for public inspection.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66-1624; Filed, Feb. 15, 1966; 8:45 a.m.]

[Docket No. CP66-239]

IOWA SOUTHERN UTILITIES CO. AND MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

FEBRUARY 8, 1966.

Take notice that on January 27, 1966, Iowa Southern Utilities Co. (Applicant), Centerville, Iowa, 52544, filed in Docket No. CP66-239 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan Wisconsin Pipe Line Co. (Respondent) to establish physical connection of its transportation facilities with the facilities proposed to be constructed by Applicant and to sell and deliver to Applicant volumes of natural gas for resale and distribution in the community of Cincinnati, Iowa (Cincinnati), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Cincinnati is located approximately 7.5 miles south of the main pipeline of Respondent in south central Appanoose County, Iowa, on State Highway 60 and has a population of approximately 583.

Applicant further states that it now provides natural gas service in 28 cities and towns in the area of which 14 are served with natural gas purchased from Respondent, 13 are served with natural gas purchased from Natural Gas Pipeline Co. of America, and 1 served with natural gas purchased from Northern Natural Gas Co.

Applicant proposes to construct a distribution system consisting of approximately 14,560 feet of 2-inch pipeline, 19,300 feet of 1¼-inch pipeline and a town border station. Applicant further proposes that Respondent construct the necessary lateral pipeline (pursuant to its 10-cent formula), a gas measuring station, and related facilities in order to enable it to sell and deliver natural gas to Applicant in accordance with Respondent's ACQ-1 rate schedule.

The total estimated volumes of natural gas necessary to meet Applicant's annual and peak day requirements for the initial 3-year period of proposed operations are stated to be:

	First year	Second year	Third year
Annual (Mcf)	18,362	26,295	31,405
Peak day (Mcf)	189	271	324

The total estimated cost of Applicant's proposed distribution system is $82,216, which cost will be financed with internally generated funds and short term bank loans.

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 February 28, 1966.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66-1625; Filed, Feb. 15, 1966; 8:46 a.m.]

[Docket No. CP66-241]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Application

FEBRUARY 7, 1966.

Take notice that on January 27, 1966, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), Hastings, Nebr., 68901, filed in Docket No. CP66-241 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization for the construction and operation of the following facilities: (a) A 1,100 horsepower compressor addition to be located at Big Springs, Nebr., (b) 24 miles of 12-inch pipeline to parallel an existing 10-inch pipeline between Ogallala and Paxton, Nebr., (c) 12 miles of 16-inch pipeline to replace 10 miles of 8-inch and 2 miles of 10-inch pipeline between North Platte and Brady, Nebr., (d) a new 1,100 horsepower station at Riverdale, Nebr., (e) a 1,100 horsepower compressor addition at Applicant's Grand Island, Nebr., station, (f) approximately 24 miles of 8-inch pipeline replacing an equal amount of 6-inch pipeline between Riverdale and Litchfield, Nebr., and (g) approximately 8 miles of 3-inch pipeline replacing an equal amount of 2-inch pipeline between Northport and Oshkosh, Nebr.

Applicant states that the proposed facilities will increase its transmission capacity by 10,000 Mcf of gas per day and that said facilities are required to meet the growth of its firm customers' requirements.

The total estimated cost of Applicant's construction is $1,590,700, which cost will be financed out of current working capital and interim bank loans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before February 28, 1966.

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

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

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66-1626; Filed, Feb. 15, 1966; 8:46 a.m.]

[Docket No. CP66-244]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

FEBRUARY 8, 1966.

Take notice that on February 1, 1966, Panhandle Eastern Pipe Line Co. (Applicant), 1 Chase Manhattan Plaza, New York, N.Y., 10005, filed in Docket No. CP66-244 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the transportation and sale of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to increase its peak day capacity by approximately 150,000 Mcf through the installation of the following facilities:

(a) Approximately 145.7 miles of 30-inch and 36-inch main pipeline loop, representing a continuation of Applicant's fourth main pipeline,

(b) 25,050 compressor horsepower to be installed at various locations on Applicant's system,

(c) Approximately 61.7 miles of lateral line facilities to be installed at various points on Applicant's present system,

(d) Measuring station revisions and other appurtenances in conjunction with this proposed system expansion.

Applicant also proposes to distribute winter contract demands amounting to approximately 127,000 Mcf of gas per day, together with related increases in contract demands for the non-winter months, among 36 of its resale customers and to install reserve capacity of approximately 23,000 Mcf of gas per day.

The total estimated cost of Applicant's proposed construction is $31,786,000, which cost will be financed substantially through the issuance of debentures.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the

regulations under the Natural Gas Act (157.10) on or before February 28, 1966.

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

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

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66-1627; Filed, Feb. 15, 1966; 8:46 a.m.]

[Docket No. G-6170, etc.]

SUPERIOR OIL CO. ET AL.

Findings and Order After Statutory Hearing; Correction

JANUARY 27, 1966.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, substituting respondent, making successors corespondents, redesignating proceedings, accepting surety bond for filing, accepting agreements and undertakings for filing, requiring filing of agreement and undertaking, and accepting related rate schedules and supplements for filing, issued January 17, 1966, and published in the FEDERAL REGISTER January 25, 1966 (F.R. Doc. 66-758, 31 F.R. 976), make the following corrections:

Correct Docket No. "G-9162" to read Docket No. "G-9160" in footnote 18.

Insert the omitted footnote 29 to read as follows:

[29] July 1, 1967, moratorium date pursuant to Commission's Statement of General Policy 61-1, as amended.

Footnote 18 refers to J. C. Vaughh, Jr., Docket No. G-9160 and Robert A. Lee and Hilton L. Lander (Operator), et al., Docket No. CI64-189.

Footnote 29 refers to Monsanto Co. (Operator), et al., Docket No. CI64-1392, Cities Service Oil Co., Docket No. CI66-350, Pan American Petroleum Corp., Docket No. CI66-402, Occidental Petroleum Corp., Docket No. CI66-415, Wood Oil Co., Docket No. CI66-417, Shell Oil Co., Docket No. CI66-426.

GORDON M. GRANT,
Acting Secretary.

[F.R. Doc. 66-1628; Filed, Feb. 15, 1966; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

FEBRUARY 10, 1966.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976, being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 11, 1966, through February 20, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-1635; Filed, Feb. 15, 1966; 8:46 a.m.]

[File No. 70-4352]

MASSACHUSETTS ELECTRIC CO.

Proposed Issue and Sale of Principal Amount of First Mortgage Bonds at Competitive Bidding

FEBRUARY 10, 1966.

Notice is hereby given that Massachusetts Electric Co. ("Massachusetts"), 441 Stuart Street, Boston Mass., 02116, an electric utility subsidiary company of New England Electric System ("NEES"), a registered holding company, has filed an application with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rules 42(b) (2) and 50 thereunder as applicable to the proposed transactions. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

Massachusetts proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $10,000,000 principal amount of First Mortgage Bonds, Series I, __ percent due 1996. The interest rate of the bonds (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Massachusetts (which will be not less than the principal amount nor more than 102¾ percent thereof) will be determined by the competitive bidding.

The bonds are to be dated as of March 1, 1966, will mature on March 1, 1996, and will be issued under a First Mortgage Indenture and Deed of Trust dated as of July 1, 1949, between Massachusetts and State Street Bank & Trust Co. (formerly The Second National Bank of Boston), as Trustee, and indentures supplemental thereto including an Eighth Supplemental Indenture to be dated as of March 1, 1966.

The net proceeds from the sale of the bonds will be applied to the payment of short-term notes payable to banks, of which $11,000,000 principal amount is expected to be outstanding at the time of the issue of the bonds. In the event that a smaller principal amount of such notes are then outstanding any balance of proceeds will be applied to the payment of then outstanding short-term notes payable to NEES.

The estimated fees and expenses to be paid in connection with the proposed transactions are estimated to aggregate $70,000, including $35,000 for legal, accounting and other services to be rendered at cost by the system service company. The fees and expenses of independent counsel for the underwriters, which are to be paid by the successful bidder, are to be supplied by amendment.

Massachusetts has applied to the Massachusetts Department of Public Utilities for approval of the proposed issuance and sale of bonds with a maximum interest rate of 5½ percent. A copy of the order entered therein is to be supplied by amendment. If the interest rate on the bonds specified by the successful bidder exceeds 5½ percent per annum, a further order of that State commission will be necessary. It is represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 2, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed

or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 66-1636; Filed, Feb. 15, 1966; 8:46 a.m.]

[File No. 70-4344]

NEW ORLEANS PUBLIC SERVICE INC.

Proposed Issue and Sale of Notes to Banks

FEBRUARY 10, 1966.

Notice is hereby given that New Orleans Public Service Inc. ("New Orleans"), 317 Baronne Street, New Orleans, La., 70160, a public-utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed a declaration and an amendment thereto with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 thereof as applicable to the proposed transactions. All interested persons are referred to said amended declaration, on file in the office of the Commission, for a statement of the proposed transactions which are summarized below.

New Orleans, in order temporarily to finance part of its 1966 construction program estimated to cost $46,900,000, proposes to issue and sell its promissory notes to certain banks as set forth below. The notes will be sold during a period ending on or about May 1, 1966, as funds are required by the construction program. The aggregate principal amount of notes to be outstanding at any one time, including $1,000,000 of notes heretofore sold to certain of the banks, will not exceed $13,870,000. The notes will bear interest at the prime rate (currently 5 percent per annum) of each lending bank on the date of issue, will mature October 11, 1966, and may be prepaid in whole or in part, without premium, at any time.

The principal amount of notes heretofore sold and proposed to be sold to the several banks are as follows:

The Chase Manhattan Bank (National Association), New York, N.Y.	$7,620,000
Irving Trust Co., New York, N.Y.	1,250,000
Whitney National Bank of New Orleans	2,000,000
The National Bank of Commerce in New Orleans	1,225,000
The Hibernia National Bank in New Orleans	725,000
The National American Bank of New Orleans	725,000
The Bank of New Orleans & Trust Co	225,000
The Bank of Louisiana in New Orleans	50,000
International City Bank & Trust Co., New Orleans, La.	50,000
	13,870,000

The declaration states that New Orleans intends, during 1966, to retire the proposed notes with funds to be derived from the sale of its First Mortgage Bonds and from the sale of additional common stock to its parent, Middle South Utilities, Inc. The latter two transactions will be the subject of future filings with the Commission. In the event of permanent financing, no further borrowings will be made by New Orleans pursuant to the authorization sought herein.

It is further stated that only minor incidental expenses and no special or separate legal fees are anticipated in connection with the proposed transactions; and that no State commission, and no Federal commission other than this Commission, has jurisdiction over the proposed issue and sale of notes.

Notice is further given that any interested person may, not later than February 28, 1966, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 66-1637; Filed, Feb. 15, 1966; 8:46 a.m.]

CUMULATIVE LIST OF CFR PARTS AFFECTED—FEBRUARY

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

3 CFR

Page

PROCLAMATION:
3701 ... 1231
3702 ... 1265
3212 (terminated by Proc. 3703) ... 1295
3703 ... 1295

EXECUTIVE ORDERS:
3406 (revoked in part by PLO 3924) ... 2548

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Letter of Jan. 29, 1966 ... 2469

5 CFR

213 ... 1233, 1270, 1271, 2373, 2471, 2583, 2645
338 ... 1233

6 CFR

73 ... 2531

7 CFR

15 ... 2645
54 ... 2771
55 ... 2771
56 ... 2771
70 ... 2771
319 ... 2589
401 ... 1297
701 ... 2728
717 ... 2413
718 ... 2590
719 ... 1236
722 ... 2471, 2531, 2776
724 ... 1233, 1237, 1238, 1297, 2414, 2590, 2645
728 ... 2728
730 ... 1239
775 ... 2472
811 ... 2776
850 ... 2648
851 ... 1297
905 ... 2693, 2694
907 ... 2420, 2694, 2776
910 ... 2420, 2695
912 ... 2695
913 ... 2373, 2695
944 ... 2728
970 ... 2648, 2729
971 ... 1239
993 ... 2777
1068 ... 2696

PROPOSED RULES:
729 ... 2479
906 ... 2552
967 ... 1304
991 ... 2479
1013 ... 2730
1033 ... 2384
1034 ... 2384
1063 ... 2659
1067 ... 2698
1068 ... 1242
1097 ... 2430
1102 ... 2430
1106 ... 1304
1108 ... 2430

8 CFR

Page

212 ... 2373
214 ... 2373
245 ... 2373

PROPOSED RULES:
214 ... 2784

9 CFR

51 ... 2473
78 ... 2473, 2591
304 ... 2543

PROPOSED RULES:
312 ... 2484

10 CFR

PROPOSED RULES:
Ch. I ... 2699
140 ... 2614

12 CFR

543 ... 2544

PROPOSED RULES:
581 ... 1314, 1315
582 ... 1314, 1315

13 CFR

112 ... 2374
113 ... 2374

14 CFR

21 ... 2421
39 ... 1267, 2422, 2649, 2650, 2681
45 ... 1268
71 ... 1268, 2002, 2422, 2423, 2473–2475, 2531, 2650, 2651, 2717.
73 ... 1268, 1269, 2002, 2583
75 ... 2002, 2475, 2777
97 ... 2532, 2584
157 ... 1269
221 ... 2424
295 ... 2681
370 ... 1298

PROPOSED RULES:
1 ... 2485
21 ... 2485
27 ... 2485
29 ... 2485
33 ... 2486
35 ... 2487
67 ... 1312
71 ... 1312, 2436, 2437, 2488–2490, 2552, 2553, 2660, 2661, 2732.
75 ... 2614

16 CFR

15 ... 1239
303 ... 2651

PROPOSED RULES:
301 ... 2661

17 CFR

231 ... 2544
240 ... 2592
241 ... 2475

PROPOSED RULES:
240 ... 1247
249 ... 1247
259 ... 1247
274 ... 1247

18 CFR

Page

2 ... 2778

PROPOSED RULES:
2 ... 2784
14 ... 2784
154 ... 1316

19 CFR

8 ... 2727
10 ... 2546
13 ... 2727
16 ... 2728
24 ... 2778
25 ... 2546
200 ... 2593

PROPOSED RULES:
13 ... 2430

20 CFR

Page

25 ... 2376

PROPOSED RULES:
405 ... 2748

21 CFR

8 ... 2653
121 ... 1271, 2425, 2476, 2547
130 ... 2653
146 ... 2653
164 ... 2653
166 ... 1239

22 CFR

502 ... 2426

24 CFR

203 ... 2477
213 ... 2477
234 ... 2478

26 CFR

1 ... 1271, 2427
31 ... 2596
251 ... 2377

28 CFR

0 ... 2427

29 CFR

800 ... 2657

PROPOSED RULES:
60 ... 2436

30 CFR

42 ... 2378

PROPOSED RULES:
221 ... 2614

31 CFR

203 ... 2596

32 CFR

111 ... 2681
591 ... 2367
592 ... 2368
593 ... 2368
594 ... 2369
595 ... 2369
599 ... 2370
600 ... 2370
602 ... 2370
603 ... 2371
606 ... 2371
610 ... 2371
1001 ... 2681