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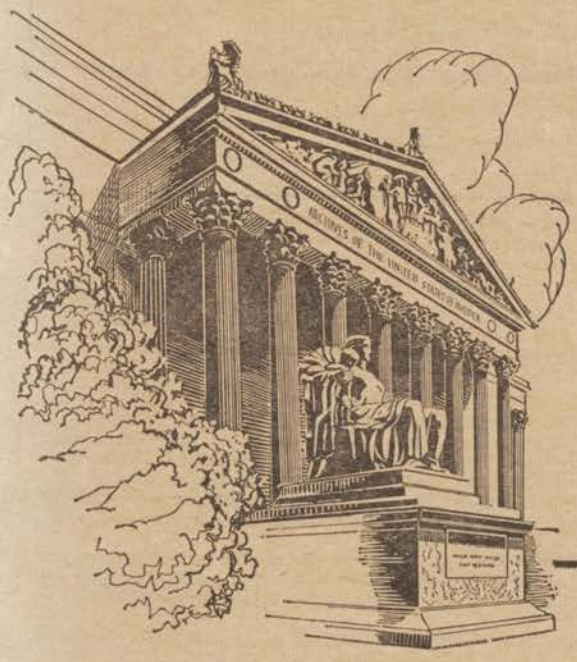

How To Find U.S. Statutes and U.S. Code Citations

[Revised Edition—1965]

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

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

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

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3214 is amended to show that the positions of Special Assistant for Traffic Safety Program Planning, the Special Assistant for Traffic Safety Research Coordination, and the Special Assistant for Traffic Safety Research Testing and Demonstration, in the Office of the Under Secretary for Transportation, are excepted under Schedule B. Effective on publication in the FEDERAL REGISTER, a new paragraph (c) is added as set out below.

§ 213.3214 **Department of Commerce.**

* * * * *

(c) *Office of the Under Secretary for Transportation.* (1) Special Assistant for Traffic Safety Program Planning.

(2) Special Assistant for Traffic Safety Research Coordination.

(3) Special Assistant for Traffic Safety Research Testing and Demonstration.

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

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

[F.R. Doc. 66-6829; Filed, June 21, 1966; 8:51 a.m.]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the position of Deputy Assistant Secretary for Science and Population is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (6) is added to paragraph (h) as set out below.

§ 213.3316 **Department of Health, Education, and Welfare.**

* * * * *

(h) *Office of the Assistant Secretary for Health and Scientific Affairs.* * * *

(6) One Deputy Assistant Secretary for Science and Population.

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

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

[F.R. Doc. 66-6830; Filed, June 21, 1966; 8:51 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 4]

PART 722—COTTON

Subpart—Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton

TRANSFER OF COTTON ACREAGE AFFECTED BY NATURAL DISASTER

Basis and purpose. This amendment is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). The purpose of this amendment is to designate States and counties that have been affected by a natural disaster within the meaning of section 344(n) of the act for the 1966 crop.

In order that determinations with respect to transfers of acreage for the 1966 crop may be made prior to the end of the cotton planting season, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Office of the Federal Register.

Section 722.430(h) of the regulations for Acreage Allotments for 1966 and Succeeding Crops of Upland Cotton (31 F.R. 5300, as amended) is amended by adding the following additional counties to the list of designated States and counties:

ARKANSAS	
St. Francis	Lee
TENNESSEE	
Fayette	Madison
Haywood	

(Secs. 344(n), 375; 78 Stat. 177, 52 Stat. 66, as amended; 7 U.S.C. 1344(n), 1375)

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

Signed at Washington, D.C., on June 16, 1966.

ROLAND F. BALLOU,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-6774; Filed, June 21, 1966; 8:46 a.m.]

[Amdt. 7]

PART 730—RICE

Subpart—Rice Marketing Quota Regulations for 1964 and Subsequent Crop Years

1966 RATE OF PENALTY

The amendment herein is issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended.

The purpose of this amendment is to announce the rate of penalty applicable to excess rice produced in the 1966 crop year.

Under the Act, the penalty rate per pound on the farm marketing excess is equal to 65 per centum of the parity price per pound for rice as of June 15 of the calendar year in which the crop is produced.

Since rice will shortly be harvested in some parts of the rice-producing areas and since the rate of penalty is essential in computing the amount of penalty on any excess rice production, it is important that this amendment be issued and made effective as soon as possible. In addition, calculation of the rate of penalty is a mathematical determination. Accordingly, it is hereby found that compliance with the notice, public procedure, and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary and contrary to the public interest, and this amendment shall become effective as provided herein.

Section 730.1573 is amended by adding at the end thereof the following sentence: "The rate of penalty applicable to the 1966 crop of rice shall be 4.43 cents per pound. This is 65 per centum of the parity price as of June 15, 1966, which is determined to be 6.83 cents per pound."

Effective date. Date of publication in the FEDERAL REGISTER.

(Secs. 356, 375, 52 Stat. 62, as amended, 66, as amended; 7 U.S.C. 1356, 1375)

Signed at Washington, D.C., on June 16, 1966.

ROLAND F. BALLOU,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 66-6775; Filed, June 21, 1966; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 66-WE-32]

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

Designation of Control Zone, Designation of Transition Area, and Alteration of Transition Area

On May 10, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 6873) stating that the Federal Aviation Agency proposed to designate a control zone and a transition area at Hillsboro, Oreg.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 18, 1966, as hereinafter set forth.

In § 71.171 (31 F.R. 2065) the following control zone is added:

HILLSBORO, OREG.

Within a 5-mile radius of Hillsboro Airport (latitude 45°32'15" N., longitude 122° 56'30" W.), and within 2 miles each side of the Newberg, Oreg., VORTAC 007° radial, extending from the 5-mile radius zone to 8 miles S of the airport. This control zone will be effective during the time established in advance by a Notice to Airmen and continuously published in the Airman's Information Manual.

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

HILLSBORO, OREG.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hillsboro Airport (latitude 45°32'15" N., longitude 122°56'30" W.), and within 2 miles of each side of the Newberg, Oreg., VORTAC 007° and 187° radials, extending from the 5-mile radius area to 1 mile S of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 15 miles SE and 10 miles NW of the Newberg VORTAC 024° and 204° radials, extending from 12 miles NE to 27 miles SW of the VORTAC.

In § 71.181 (31 F.R. 2242) the Portland, Oreg., transition area is amended by deleting "and within 2 miles each side of the Newberg, Oreg., VORTAC 007° radial, extending from the 23-mile radius area to the VORTAC."

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

Issued in Los Angeles, Calif., on June 14, 1966.

JOSEPH H. TIPPETS,
Director, Western Region.

[F.R. Doc. 66-6802; Filed, June 21, 1966; 8:48 a.m.]

[Airspace Docket No. 65-PC-5]

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

Alteration of Control Zone, Revocation of Control Area Extension, and Designation of Transition Area

On March 17, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 4520) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the controlled airspace in the vicinity of Kwajalein Island, Marshall Islands.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., August 18, 1966, as hereinafter set forth.

1. In § 71.165 (31 F.R. 2055) the Kwajalein Island control area extension is revoked.

2. In § 71.171 (31 F.R. 2065) the Kwajalein Island control zone is amended to read:

KWAJALEIN ISLAND, MARSHALL ISLANDS

Within a 5-mile radius of the Kwajalein Island AAF (latitude 08°43' N., longitude 167°44' E.); within 2 miles each side of the Kwajalein TACAN 248° radial, extending from the 5-mile radius zone to 6 miles W of the TACAN; within 2 miles each side of the 008° bearing from the Kwajalein RBN, extending from the 5-mile radius zone to 12 miles N of the RBN; and within 2 miles each side of the 078° bearing from the Kwajalein RBN, extending from the 5-mile radius zone to 8 miles E of the RBN.

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

KWAJALEIN ISLAND, MARSHALL ISLANDS

That airspace extending upward from 700 feet above the surface within a 12-nmi radius of the Kwajalein TACAN; and that airspace extending upward from 1,200 feet above the surface within a 100-nmi radius of the Kwajalein TACAN.

(Secs. 307(a) and 1110 of the Federal Aviation Act of 1958; 49 U.S.C. 1348 and 1510, and Executive Order 10854; 24 F.R. 9565)

Issued in Washington, D.C., on June 16, 1966.

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

[F.R. Doc. 66-6803; Filed, June 21, 1966; 8:48 a.m.]

[Airspace Docket No. 65-AL-19]

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

Designation of Transition Area, and Revocation of Control Area Extension

On March 30, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 5132) stating that the Federal Aviation Agency was considering amendments to Part 71 of the Federal Aviation Regulations that would designate a transition area in the vicinity of Cordova, Alaska.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Comments were received from the AOPA stating that one or both of the control zone extensions could be reduced in length and still comply with current criteria for control zone extensions. However, our review of the control zone extension to the southwest indicates that this extension just meets existing criteria and cannot be reduced in length. The extension to the southeast could be reduced by approximately 1 mile. However, it would be necessary to replace this portion of the extension with a 700-foot floor transition area which, in turn, would be located within a 1,200-foot floor transition area. We feel that the uncontrolled airspace to be gained from these measures is negligible, and would be almost indiscernible on aeronautical charts.

Although not mentioned in the notice, action is taken herein to revoke the Cordova control area extension. This action will reduce the size of presently designated controlled airspace and raise, in part, the floor of the controlled airspace from 700 to 1,200 feet above the surface. Therefore, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001, e.s.t., August 18, 1966, as hereinafter set forth.

1. In § 71.165 (31 F.R. 2055) the Cordova, Alaska, control area extension is revoked.

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

CORDOVA, ALASKA

That airspace extending upward from 700 feet above the surface within 5 miles NW and 8 miles SE of the Cordova RR SW course, extending from 8 miles SW of the Cordova RR to 13 miles SW of the INT of the SW course of the Cordova RR and the E course of the Hinchinbrook RR; and that airspace extending upward from 1,200 feet above the surface within 5 miles NE and 8 miles SW of the Cordova RR SE course, extending from 13 miles SE of the Cordova RR to 13 miles SE of the INT of the SE course of the Cordova RR and the E course of the Hinchinbrook RR; within 8 miles N and 5 miles S of the Hinchinbrook RR E and W courses, extending from 7 miles W to 13 miles E of the Hinchinbrook RR.

(Secs. 307(a) and 1110 of the Federal Aviation Act of 1958; 49 U.S.C. 1348 and 1510, and Executive Order 10854; 24 F.R. 9565)

Issued in Washington, D.C., on June 16, 1966.

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

[F.R. Doc. 66-6804; Filed, June 21, 1966; 8:49 a.m.]

[Airspace Docket No. 65-SW-29]

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

Alteration of Federal Airways

On April 29, 1966, Federal Register Document No. 66-4688 was published in the FEDERAL REGISTER (31 F.R. 6484) and, in part, amended V-16 and V-198. These actions are effective June 23, 1966. The south alternate airway to V-16 between Tucson, Ariz., and Cochise, Ariz., was inadvertently omitted from the document. In addition, a recomputation of airway mileages determined that the distance between Hudspeth, Tex., and the INT of Hudspeth 109° and Fort Stockton, Tex., 284° radials should be 67 nautical miles instead of 66 nautical miles. Corrective action is taken herein.

Since these actions are minor in nature and will not affect the general public, notice and public procedure hereon are unnecessary and they may be made effective immediately.

In consideration of the foregoing, Federal Register Document No. 66-4688, Items 6 and 44 are amended effective immediately as hereinafter set forth.

1. Item 6 is amended as follows:

In V-16 "Cochise, Ariz.;" is deleted and "Cochise, Ariz., including an S alternate via INT Tucson 122° and Cochise 257° radials;" is substituted therefor.

2. Item 44 is amended as follows:

In V-198 "12 AGL Hudspeth; 29 mi. 12 AGL, 37 mi. 82 MSL," is deleted and "12 AGL Hudspeth; 29 mi. 12 AGL, 38 mi. 82 MSL," is substituted therefor.

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

Issued in Washington, D.C., on June 16, 1966.

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

[F.R. Doc. 66-6805; Filed, June 21, 1966; 8:49 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Disclosure of Terms and Conditions in Guarantee Advertising

§ 15.63 Disclosure of terms and conditions in guarantee advertising.

(a) A television station has been advised by the Federal Trade Commission that it would be improper in commercials it produces for local automobile dealers to mention the manufacturer's guarantee but to refer viewers to the manufacturer's national advertising for a description of the guarantee's terms.

(b) "In brief," the Commission's advisory opinion stated, "the law requires that when a guarantee is mentioned in the advertising of a product all the material terms and conditions of the guarantee must be clearly and conspicuously disclosed in the same advertisement. The objective is to avoid the possibility of a reader or hearer being misled by concluding, erroneously, that the guarantee is broader or affords more protection than is in fact the case, and, obviously, this objective is not attained by a mere reference in the advertisement to the fact that one may ascertain the terms and conditions of the guarantee by looking elsewhere.

(c) "The Commission is aware of the fact that the advertising of automobile guarantees may present complications because of the numerous conditions which the guarantees contain. But this factor alone makes the disclosure all the more important in order to avoid deception of consumers."

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

Issued: June 21, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-6744; Filed, June 21, 1966; 8:45 a.m.]

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Pledge of Adherence to FTC Trade Practice Rules as a Condition to Membership in Trade Association

§ 15.64 Pledge of adherence to FTC trade practice rules as a condition to membership in trade association.

(a) A trade association proposing to require applicants for membership to certify to it that they are following the Federal Trade Commission's trade practice rules for the industry involved, as a condition of membership, has been advised by the Commission that this would not be illegal.

(b) The association informed the FTC it is aware of the fact that it is not authorized to enforce the law, but that it feels those who do not observe the rules are not operating their businesses in a manner which is strictly in the public interest and therefore should not be eligible for membership. It stated that it contemplates no enforcement program beyond requiring the pledge and referral of appropriate cases to the Commission.

(c) "On the basis of the information you have presented," the FTC's advisory opinion said, "the Commission has concluded that the inclusion of this pledge on the application for membership would not, in and of itself, appear to violate any of the laws administered by the Commission. This, of course, assumes that the pledge will be required of all applicants alike."

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

Issued: June 21, 1966.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 66-6745; Filed, June 21, 1966; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 40—STANDARDS OF CONDUCT

Implementing Regulations

The following § 40.735-16 is to be added to Part 40, published at 31 F.R. 4989:

§ 40.735-16 Implementing regulations.

The military departments and Defense agencies shall issue implementing regulations not inconsistent with this part. Two copies of such implementing regulations of the military departments and Defense agencies will be submitted to the General Counsel, DoD, for approval prior to publication. Implementing regulations of the military departments, after approval, may be submitted for publication in the FEDERAL REGISTER.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[F.R. Doc. 66-6795; Filed, June 21, 1966; 8:48 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

PART 1-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Subpart 1-5.10—Use of Excess Aluminum

This amendment prescribes policies and procedures for implementing the Government Use Program regarding the purchase of excess aluminum in the Government stockpile by Government contractors, subcontractors, and suppliers. These policies and procedures are set forth in a new Subpart 1-5.10 and are mandatorily applicable to all civilian executive agencies. They replace the permissive procedures previously prescribed in FPR Temporary Regulation No. 3, February 21, 1966 (31 F.R. 3271).

Part 1–5 is amended by adding a new Subpart 1–5.10 reading as follows:

Subpart 1–5.10—Use of Excess Aluminum

Sec.
1–5.1000 Scope.
1–5.1001 Use of excess aluminum in National Stockpile.
1–5.1001–1 Government Use Program.
1–5.1001–2 Contract clause.
1–5.1001–3 Contract clause for construction contracts.

AUTHORITY: The provisions of this Subpart 1–5.10 issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

§ 1–5.1000 Scope.

This subpart sets forth policies and procedures regarding the use of excess aluminum in the National Stockpile.

§ 1–5.1001 Use of excess aluminum in National Stockpile.

§ 1–5.1001–1 Government Use Program.

(a) It has been determined to be in the public interest to establish a Government Use Program requiring, to the maximum practicable extent, purchase of excess aluminum in the Government stockpile by Government contractors, directly or through subcontractors or suppliers, equal in weight to the weight of aluminum products as defined in § 1–5.1001–2 purchased by the Government or used in the production of items delivered under Government contracts. In implementation of this Program, all contracts in the categories listed below shall contain the clause in § 1–5.1001–2, or in the case of construction contracts, the clause as modified in § 1–5.1001–3:

(1) Purchases in the amount of $500 or more of aluminum products as defined in § 1–5.1001–2.

(2) Purchases of supplies or construction in the amount of $25,000 or more where the aluminum products used in the production of items delivered under the contract or in the production of items incorporated in construction performed under the contract are estimated by the contracting officer to approximate 10,000 pounds or more.

(b) These provisions do not apply to procurements of supplies or construction effected by procuring activities located outside, for use outside, the United States, its possessions, and Puerto Rico. These provisions are applicable to new procurements that are effected by amendments to an existing contract. In such cases, only the new procurement portion of the total contract is considered in determining whether the clause is required and, if required, the extent of its applicability. All contracts entered into including this clause shall be reported to:

Director, Industry Materials Division, Defense Materials Service, General Services Administration, Washington, D.C., 20405.

Such reports shall include the name of the contractor, the contract number, the delivery period, and the estimated amount of aluminum which will be required to fulfill the contract.

§ 1–5.1001–2 Contract clause.

REQUIRED SOURCE FOR ALUMINUM INGOT

(a) As used in this clause (i) the term "aluminum products" means aluminum or aluminum alloy in its last commercial form delivered by the producer, mill, or foundry as an end item under this contract, or used to produce an end item under this contract, such as by way of example (but not limited to) wrought aluminum products; forgings and castings; rolled bar, rod, structural shapes, and bare wire; aluminum conductor steel reinforced and bare aluminum cable; insulated or covered wire or cable; extruded bar, rod, shapes and tube (extruded, drawn and welded tube); sheet, strip and plate; pig or ingot; granular or shot; slab; foil; and powder, flake or paste; and (ii) the term "supplier" includes vendors, materialmen, warehousemen, distributors or manufacturers of aluminum products or other items containing aluminum in any form.

(b) Except as provided in (c), below, the Contractor (or subcontractor or supplier, where applicable) shall purchase from the General Services Administration (GSA) a quantity of aluminum pig or ingot equal in weight to the gross weight of aluminum products constituting, or used in the production of, the items to be delivered under this contract. Such purchase shall be in accordance with the terms and conditions of sale prescribed therefor by GSA. Each order placed with GSA pursuant to this clause shall state that it is placed in accordance therewith and shall be sent to:

Director, Industry Materials Division, Defense Materials Service, General Services Administration, Washington, D.C., 20405.

Aluminum purchased pursuant to this clause may be used in any manner the Contractor desires and need not be earmarked in any way after delivery to the Contractor, nor physically incorporated in the items to be delivered hereunder.

(c) To the extent the Contractor (or subcontractor or supplier, where applicable) places subcontracts or purchase orders for aluminum products or for items other than aluminum products and containing aluminum in any form, he is not required with respect to such subcontracts or purchase orders to purchase aluminum from the GSA. However, he agrees to incorporate this clause, except paragraph (d):

(i) In any such subcontract or purchase order for aluminum products in the total amount of $500 or more; or

(ii) In any such subcontract or purchase order in the total amount of $25,000 or more for any items containing aluminum in any form where the quantity of aluminum products used in the production of such items is estimated to be 10,000 pounds or more.

(d) The Contractor shall furnish to the GSA calendar quarter summaries (within 30 days following the close of the applicable quarter) of all subcontracts and purchase orders placed by him pursuant to (c)(i) above that will identify (i) each aluminum product supplier involved, (ii) the quantity (by weight) of aluminum products, and (iii) the contract number applicable to specific quantities. The requirements of this paragraph (d) are applicable only to the prime Contractor and not to any subcontractor or other supplier hereunder. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(e) The requirements of this clause are not intended to preclude basic agreements or other arrangements between the parties to any contracts (subcontracts or purchase orders) subject to this clause that will permit reference in such contracts to the applicability of the requirements of this clause, without the need for physically incorporating this clause in its entirety in each affected subcontract or purchase order.

(f) In placing subcontracts and purchase orders subject to the clause, the Contractor and all subcontractors and suppliers are authorized and encouraged to consolidate aluminum product purchases hereunder with other defense rated order purchases (ACM, DO, or DX) and other identifiable Government orders so as to apply the requirements of this clause to the total purchase. Otherwise, it is required either that aluminum product purchases subject to this clause be separately made, or, if consolidated with other aluminum product purchases, that the quantities (by weights) of aluminum products subject to this clause be separately set forth in the purchase document and identified as subject to this clause.

(g) Required purchases of aluminum from GSA by Contractors, subcontractors, or suppliers, shall be made within 90 days from the date (i) of final delivery pursuant to a contract, subcontract, or purchase order containing the requirements of this clause, or (ii) when the Contractor, subcontractor, or supplier, has completed deliveries of aluminum products aggregating 100,000 pounds, whichever is earlier: *Provided, however,* That any Contractor, subcontractor, or supplier, may defer required purchases of aluminum for the purpose of consolidating purchases to meet the requirement of two or more contracts, subcontracts, or purchase orders containing this clause until 90 days after the aggregate purchase requirements of such contracts, subcontracts, or purchase orders equal the minimum order quantities established by GSA (approximately 10,000 pounds or more). Successive consolidated purchases thereafter may be made at any time within 90-day intervals. The 90-day limitations may be extended upon approval in writing by the GSA.

(h) Certain producers of aluminum have entered into contracts with GSA effective as of November 1, 1965, under which they have made long term commitments to purchase certain minimum and maximum quantities of aluminum from that Agency. The obligations of such producers under this clause shall be governed by the provisions of those contracts to the extent of any inconsistency.

(i) All purchases made pursuant to this clause, other than from GSA, which are rated (ACM, DO, or DX) in accordance with DMS Regulation 1, NPA Order M–5A and BDSA Regulation 2, are subject to the provisions of those regulations concerning the maintenance of records, rights of inspection and audit, and the penalty provisions contained therein for willful compliance.

§ 1–5.1001–3 Contract clause for construction contracts.

The clause contained in § 1–5.1001–2 shall be modified by deletion of paragraph (c) thereof and substitution of the following paragraph in all contracts for construction:

(c) To the extent the Contractor or subcontractor or supplier, where applicable, places subcontracts or purchase orders for aluminum products, or for items other than aluminum products and containing aluminum in any form, or for construction where the subcontractor is to furnish materials containing aluminum in any form, he is not required with respect to such subcontracts or purchase orders to purchase aluminum from the GSA. However, he agrees to incorporate this clause, except paragraph (d):

(i) In any such subcontract or purchase order for aluminum products in the total amount of $500 or more; or

(ii) In any such subcontract or purchase order in the total amount of $25,000 or more

for any items containing aluminum in any form where the quantity of aluminum products used in the production of such items is estimated to be 10,000 pounds or more; or

(iii) Construction, where the materials are to be supplied by the subcontractor and the total value of such materials containing aluminum (in any form) is estimated to be $25,000 or more, and where the quantity of aluminum products used in the production of such items is estimated to be 10,000 pounds or more.

Effect on other issuances. This amendment supersedes FPR Temporary Regulation No. 3, February 21, 1966 (31 F.R. 3271).

Effective date. This amendment is effective July 2, 1966, but may be observed earlier.

Dated: June 15, 1966.

LAWSON B. KNOTT, Jr.,
Administrator of General Services.

[F.R. Doc. 66-6834; Filed, June 21, 1966; 8:51 a.m.]

Title 45—PUBLIC WELFARE

Chapter VIII—Civil Service Commission

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Mississippi

Appendix A to Part 801 is amended as set out below to show, under the heading "Dates, Times, and Places for Filing," one additional place for filing in Mississippi:

MISSISSIPPI

County; Place for filing; Beginning date.

* * * * *

Humphreys; (1) Belzoni—Post Office Building; October 1, 1965; (2) Louise—Post Office Building; June 21, 1966.

(Secs. 7 and 9 of the Voting Rights Act of 1965; P.L. 89-110)

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

[F.R. Doc. 66-6893; Filed, June 20, 1966; 5:09 p.m.]

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Mississippi

Appendix A to Part 801 is amended as set out below to show, under the heading "Dates, Times, and Places for Filing," one additional place for filing in Jackson, Miss., and to include all places for filing in Hinds County in one place.

MISSISSIPPI

County, Place for Filing; Beginning Date.

* * * * *

Hinds; (1) Jackson—301 Building, 301 North Lamar Street; November 8, 1965, through January 2, 1966; (2) Jackson—Post Office Building, 245 East Capitol Street; January 3, 1966; (3) Jackson—848 Lynch Street; June 22, 1966; (4) Raymond—U.S. Post Office; November 8, 1965.

(Secs. 7 and 9 of the Voting Rights Act of 1965; P.L. 89-110)

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

[F.R. Doc. 66-6919; Filed, June 21, 1966; 11:16 a.m.]

Chapter X—Office of Economic Opportunity

PART 1030—COMMUNITY ACTION PROGRAMS

Criteria for Grants Exceeding 90 Percent of Program Costs

Section 1030.10 of Chapter X of Title 45 of the Code of Federal Regulations is amended to read as follows:

§ 1030.10 Criteria for grants exceeding 90 percent of program costs.

(a) *Purpose.* Under section 208(a) of the Economic Opportunity Act, grants authorized under sections 204 and 205 may exceed 90 percent of the costs referred to in those sections if the Director determines that assistance in excess of 90 percent is required in furtherance of the purposes of the Act. Such a determination is required to be pursuant to objective criteria adopted and promulgated by the Director. The purpose of this section is to establish criteria for making grants in excess of 90 percent of program costs.

(b) *General.* Assistance granted under sections 204 and 205 will exceed 90 percent of the costs referred to in those sections if the Director determines that both of the following criteria are satisfied:

(1) The per capita income of the community to be served by the program, or of any county within such community, is less than $750 per annum; and

(2) A reasonable effort to raise 10 percent of the program cost from non-Federal sources, both public and private, has been made without success.

(c) *Determination of per capita income.* The per capita income of a community will be determined from such evidence as may be available. Data on per capita incomes for 1959, as indicated by the 1960 census for counties and for many other areas, may be obtained from the Office of Economic Opportunity. In the absence of other evidence, this census data will be accepted as establishing the present level of per capita income for the areas for which it is available.

(d) *Determination of inability to raise local share.* A determination that the applicant has made a reasonable effort to raise the 10 percent non-Federal share will be made upon the basis of facts submitted by the applicant and any other information available to OEO.

(e) *Portion of program costs to be borne by Office of Economic Opportunity.* In cases in which assistance is granted which exceeds 90 percent of program costs, the portion of costs borne by the Office of Economic Opportunity will depend upon the amount which can feasibly be raised from non-Federal sources. In the case of a multicounty program, such portion will in no event exceed the sum of (1) the costs attributable directly to operations in counties having per capita incomes under $750 per annum, and (2) 90 percent of all other costs of the program.

(78 Stat. 519; 42 U.S.C. 2788)

Effective date. Date of signature.

Dated: June 8, 1966.

SARGENT SHRIVER,
Director,
Office of Economic Opportunity.

[F.R. Doc. 66-6773; Filed, June 21, 1966; 8:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14229; FCC 66-521]

PART 73—RADIO BROADCAST SERVICES

Expanded Use of UHF Television Channels

Sixth report and order. In the matter of fostering expanded use of UHF television channels (Gary and Richmond, Ind.; Owenton, Ky.; Flint, Mich.; Kennewick, Wash.; Durham and Raleigh, N.C.); Docket No. 14229, RM-824, RM-821, RM-894, RM-843, RM-879, RM-827.

1. On February 9, 1966, the Commission adopted the fifth report and memorandum opinion and order in this proceeding, with a revised assignment plan for UHF television broadcast channels (2 F.C.C. 2d 527, 6 R.R. 2d 1643, 31 F.R. 2932). At the same time, we adopted a further notice of proposed rule making in this docket (FCC 66-138) in which among other things[1] we proposed changes or additions to the new table of assignments in response to petitions which were filed after the adoption of the new table in the fourth report and order. As we indicated in both the fifth report and this further notice, although the requested assignments initially appeared to be merited, in 10 cases the requested assignment was: (1) Opposed, (2) a second (or third) new assignment for the community involved, or (3) in a place where available channels are relatively scarce. Therefore, we did not act on these 9 petitions (10 requested changes) in the fifth report but instead incorporated the proposals in the aforesaid further notice so as to invite comments on the merits thereof. In this

[1] As stated therein, the principal purpose of this further notice was to "focus attention on, and invite comments concerning, certain types of situations where use of the high UHF channels for other than 'community' types of stations may be particularly appropriate."

document we dispose of six of the nine petitions (making seven changes), leaving Gastonia, N.C., Monroe, N.C., and Palm Springs, Calif., for a separate document, soon to be released.

2. Although we have tried in each case to provide the community with a suitable channel, in some instances we have not assigned the particular channel requested due to its incompatability with the revised pattern of assignments adopted in the fifth report because it was inconsistent with our objective of selecting the most efficient assignment in terms of its impact on remaining available assignments. We are making these assignments on the basis that they will be put to prompt use. Otherwise they may be withdrawn from the table in order to restore maximum flexibility to meet future demands for channels.

3. *Gary, Ind. (RM–824).* General Media Television, Inc., has filed comments in response to our proposal to assign Channel *50 reserved and Channel 56 unreserved to Gary. General states that it originally planned for Channel 50 when this channel was assigned to Gary on an unreserved basis prior to our fourth report and order, and that inasmuch as it has expended significant sums of money for legal and engineering fees and related matters and also in view of certain competitive advantages in Channel 50 in preference to Channel 56, it requests that we reverse the assignments proposed in our further notice so that Channel 50 would be available on an unreserved basis for Gary. However, the St. John School Township of Lake County, Ind., having originally applied for a channel at Gary on April 25, 1965, has indicated that it intends to provide cultural, educational and in-school programing to the Lake County area of Northern Indiana, and on April 15, 1966, was issued a construction permit (BPET–228) for a new educational TV station at St. John, Ind., to operate on Channel 50. Channel 50 is available for use at St. John under the 15-mile rule contained in § 73.607 of the rules.

4. We find no public interest basis for changing the assignment at Gary which was adopted in the fifth report, particularly in view of the aforesaid plans and construction permit for the education station on this channel. We are adding the Channel 56 assignment (unreserved) as proposed.

5. *Richmond, Ind. (RM–821).* This industrial city of 44,149[2] has not had a television channel assignment and on July 16, 1965, a petition was filed by Mr. Ben Karns indicating that the city needs a UHF facility, which he would make application for and promptly put into operation. We agree that such an assignment is warranted. However, the assignment of Channel 19, which was specified by the petitioner, was based on a pattern of assignments which was extensively altered in the assignment plan adopted in the fifth report and we proposed the assignment of Channel 43. Because of this and the fact that there were no opposition comments to our proposal to assign Channel 43 to Richmond, we are assigning this channel, in accordance with the further notice.

6. *Owenton, Ky. (RM–894).* We have proposed the assignment of Channel *52 on a reserved basis to Owenton, in response to a petition filed by The Kentucky Authority for Educational Television on December 20, 1965. Petitioner has pointed out that this assignment will provide adequate area coverage and at the same time eliminate site location spacing conflicts with a proposed Channel *46 facility at Lexington, Ky. Inasmuch as the State of Kentucky has now appropriated funds for a State educational network, petitioner's representations indicate that it is prepared to proceed with construction. There is no opposition to or conflict with the proposal and so we are assigning the channel as proposed.

7. *Flint, Mich. (RM–843).* Midway Television, Inc., filed a petition on August 25, 1965, requesting the assignment of Channel 15 for Flint. We agree that Flint, a major city with a population of 196,940, merits a second commercial assignment and have proposed Channel 66, the lowest channel possible under our new Table. In its comments Midway urges "* * * in view of the apparent lack of interest in educational television in Flint at this time that Channel 66 be assigned and reserved for educational use and Channel 31 be released for commercial use". Although no other comments have been filed, there is indicated interest and intent on the part of the Flint City schools, which filed for HEW Title III funds, to undertake an educational television station in Flint. There is nothing in the record here to convince us that Channel 66 would not be satisfactory as a commercial facility for Flint and it is our view that the public interest would not be served by shifting the educational assignment to the higher channel in this case.[3]

8. *Kennewick, Wash. (RM–879).* Apple Valley Broadcasting, Inc. (Apple Valley), filed a petition on November 4, 1965, requesting the assignment of a suitable available UHF channel for Kennewick, stating that it has an application pending for a construction permit (BPCT–3648) for a third UHF channel (35) at Yakima, and as in the case of the other two Yakima stations, wishes to establish a "satellite" station in the tri-cities (Kennewick, Pasco and Richland) area.[4] This request is opposed by Cascade Broadcasting Co. (Cascade), which is the licensee of Station KEPR–TV, Pasco as well as other area broadcast facilities including KIMA–TV (and AM), Yakima (of which KEPR–TV, Pasco, is a satellite).

9. Cascade's position is that petitioner's request is in reality a request for a third assignment for the tri-cities, inasmuch as Station KEPR–TV and Station KNDU–TV are operating (as satellites) at Pasco and Richland, respectively, and the three cities are integrated (and thus presumably one market) in terms of geography, industry, agriculture and business. The thrust of the Cascade argument is that based on both past experience[5] and present competitive factors, the tri-cities area is not large enough to support three UHF television stations, and thus the introduction of a third UHF station to the tri-cities market "would threaten the continued existence of KEPR–TV." Moreover, Cascade contends that the competition is not fair; that with the transportation of programs from distant stations into the tri-cities by CATV systems and translators, and a choice, in some instances between two or more time segments of a broadcast week for a particular program (due to the unique time factor in the Pacific Northwest which leads to a lack of uniformity in the scheduling of network and syndicated films), the public in the tri-cities area "is provided with a choice of programs unparalleled in Spokane, Seattle, Tacoma, or Portland."[6]

10. Petitioner's answer to the economic argument is that since the two stations already operating in the tri-cities area are satellites of commonly owned Yakima stations, the operation of a third station, whether as a satellite of a Yakima station or otherwise, could have no significant effect on the continued operation of the tri-city satellites. As to alleged competition from translators, petitioner observes that Cascade makes no claim that the translators adequately serve the tri-cities area as they (Cascade) have stated, that they are located approximately 45 miles southwest of the tri-cities and that "there have been reports of reception from the * * * translators as far as 40 to 50 miles from the transmitter site." (Quote and emphasis supplied by petitioner.) Petitioner also points out that CATV is no substitute for off-the-air, free television service, and states that the requested assignment will provide a third full-time network service, and furthermore, the assignment of Channel 42 to Kennewick would have no appreciable effect on the assignment of other UHF

[2] All population figures—1960 U.S. Census.

[3] As we stated in the further notice, we have proposed therein the most efficient assignment and (where pertinent) applied the principle of distributing high and low assignments in the same community on an equitable basis as between reserved and nonreserved channels.

[4] This application, which was filed on Oct. 19, 1965, is presently pending along with two other applications for this channel. (As one of its arguments in this proceeding, Apple Valley states that with that channel (Channel 35, Yakima) and Channel 42 at Kennewick it would be able to achieve competitive equality with the stations at Yakima and their tri-cities satellites.

[5] Cascade states that "the following failures can be documented in the area which this rule making is concerned": KTRX, Kennewick-Pasco (Ch. 31) began Jan. 28, 1958, quit Nov. 5, 1958; KNBS, Walla Walla (Ch. 22) began Jan. 3, 1960, quit Dec. 14, 1960; KBAS, Ephrata (Ch. 16) began Feb. 15, 1956, quit Nov. 30, 1961.

[6] Cascade states that the "same-day protection" against duplication of programing to local stations by CATV systems will only reduce and not eliminate the unfair competition which they offer to its Station KEPR–TV.

channels to other communities in this area.

11. It is our view that Kennewick, with a population of 14,244, should have a first television assignment, based on the indicated interest and intent of petitioner to establish a station here. Although the competitor opposing the request has established the point that this would in effect be a third assignment for the tri-cities area, we have stated before in similar situations that it is not our function to place artificial restraints upon competition unless the overall public interest will be adversely affected thereby. We do not find that Cascade has made such a showing in this case. As to the CATV audience-dilution argument (which Cascade also interposed on the proposal for a third UHF assignment for Yakima), we have stated (fifth report and order) that "* * * the existence or nonexistence of CATV service cannot be the basis of regular TV channel allocations, since as we have emphasized * * *, this service should be a supplement to, rather than a replacement for, the regular broadcast service available to all * * *." Furthermore, the documental "failures" which occurred in two cities in 1960 and 1961 and in Kennewick-Pasco in 1958 have little if any relevancy, and in any event are not of decisional significance, in the current proceeding.

12. *Raleigh and Durham, N.C. (RM-827).* Crescent Broadcasting Co. requests the assignment of Channel 22 to Raleigh in place of Channel 28 which is presently assigned there, with a show cause order for the modification of its construction permit (BPCT-3493) in accordance therewith. Petitioner points out that it operates on Channel 22 in other cities and that the assignment of this channel to Raleigh would permit certain economies and efficiencies in the operation of a station for which it has a construction permit (BPCT-3493), thereby benefitting the public through the resulting enhancement and improvement of the proposed broadcast service there. Petitioner indicated in its comments that there might be some difficulty (though not as a result of its proposal) with respect to allocations for Martinsville and Danville, Va. However, this is no longer a problem, since Channel 65 can be assigned to Martinsville (in response to the request for a channel there, RM-897, Docket 16622—notice of proposed rule making adopted May 4, 1966), and thus Channel 44 can be left in Danville (instead of switching it to Martinsville, as had been suggested in the aforesaid comments).

13. As to the concommitantly necessary change substituting Channel 28 for 22 at Durham, there is no opposition to the within proposal and this would not interfere with any existing authorizations or the overall assignment plan. Hence, the requested switch in channels is granted, and the petitioner's construction permit is modified to specify operation on Channel 22 in place of Channel 28 at Raleigh.

14. In view of the foregoing, pursuant to the authority contained in sections 4(i), 303 (c), (f), and (r) of the Communications Act of 1934, as amended: *It is ordered,* Effective July 25, 1966, that the Table of Television Assignments contained in § 73.606 of the Commission rules and regulations is amended as to the communities named herein, to read as follows:

City	*Channel*
Gary, Ind	*50, 56
Richmond, Ind	43
Owenton, Ky	*52
Flint, Mich	12—, *31, 66
Kennewick, Wash	42
Raleigh, N.C	5, 22, *34
Durham, N.C	11+, 28

15. *It is further ordered,* That, the construction permit of Crescent Broadcasting Co. for a new television station at Raleigh, N.C., is modified to specify Channel 22 instead of Channel 28, subject to the following conditions:

(a) That the permittee or licensee shall advise the Commission, in writing by July 25, 1966, of its acceptance of the modification of its authorization;

(b) That the permittee or licensee shall submit to the Commission by August 25, 1966, all necessary information for the preparation of a modified authorization to construct and operate on the newly specified channel with transmitting facilities meeting all requirements of the Commission's rules and regulations for operation on that channel;

(c) That construction looking to a change to the newly specified channel is not to commence until specifically authorized by the Commission after the information in (b) above is submitted; and

(d) That upon completion of construction of the new facilities in accordance with the terms of the modified authorization, proof of performance measurement data adequate to demonstrate compliance with the applicable technical performance requirements of the rules and of the type normally required to be furnished in an application for a television license shall be submitted, in triplicate, at least ten (10) days prior to the date on which it is desired to begin program operation. Program operation on the newly specified channel shall not be commenced until specifically authorized by the Commission after its evaluation of such data.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: June 14, 1966.

Released: June 15, 1966.

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

[F.R. Doc. 66-6784; Filed, June 21, 1966; 8:47 a.m.]

[Docket No. 14185, etc.; FCC 66-538]

PART 73—RADIO BROADCAST SERVICES

Revision of FM Broadcast Rules, etc.

In the matter of revision of FM broadcast rules, particularly as to allocation and technical standards, Docket No. 14185: Petition of FM Unlimited, Inc., for changes in FM station assignment rules, RM-94; and amendment of § 73.202, *Table of Assignments,* FM Broadcast Stations (Blue Island, Des Plaines, Elmwood Park, Lansing, and Skokie, Ill.; Valparaiso, Ind., RM-509.

In re applications of Radio Skokie Valley, Inc. (WRSV), File No. BLH-1916, for license to cover construction permit authorizing a new Class A FM Broadcast Station at Skokie, Ill.; and the News-Sun Broadcasting Co., Waukegan, Ill., Docket No. 13292, File No. BPH-2543; Walter A. Hotz and Charles W. Kline doing business as Radio America, Chicago, Ill., Docket No. 13709, File No. BPH-2858; and Edward Walter Piszczek and Jerome K. Westerfield, Des Plaines, Ill., Docket No. 13940, File No. BPH-3201; for construction permits (FM).

In the matter of amendment of § 73.202, *Table of Assignments,* FM Broadcast Stations (Chicago and Skokie, Ill., Docket No. 15771.

1. The Commission has under consideration; (a) Its notice of proposed rule making and order to show cause, FCC 64-1203, issued in this proceeding on December 28, 1964 (29 F.R. 19261), and the comments filed therein and (b) petition for reconsideration and counterproposal filed by Lake Broadcasting Co., Inc., licensee of Station WWCA, Gary, Ind., directed against our decision in a memorandum opinion and order, FCC 64-1202, issued on December 29, 1964 (30 F.R. 12), in Docket 14185 et al., and comments and opposition thereto.[1]

2. In our notice in Docket 15771 we invited comments on a proposal to substitute Channel 270 for 252A at Skokie, Ill., and to delete Channel 270 at Chicago, Ill., with a view to eliminating the mutual interference situation between Station WRSV on Channel 252A at Skokie and Stations WHFC[2] and WFMT in Chicago on the second adjacent Channels 250 and 254, respectively. It was also proposed to limit the facilities of WRSV on Channel 270 to a power of 20 kilowatts and antenna height of 130 feet above average terrain (its present height) in the direction of Waukegan

[1] Comments in support of the Lake petition for reconsideration were filed late by Music Time, Inc., and an opposition to the Lake petition was also filed late by the News-Sun Broadcasting Co. In view of the relevance of these pleadings and the importance of this proceeding to the stations involved and the general public in the Chicago area, we are accepting and considering these late filings herein.

[2] This call sign has since been changed to WSDM, but we will use the WHFC call sign for clarity in this document.

and Milwaukee in order to afford the same or better protection to stations located in those cities on Channels 272A and 271, respectively. We also ordered the licensee of WRSV to show cause why its outstanding authorization should not be modified to specify operation on Channel 270 in lieu of 252A with the facilities outlined above. The changes proposed were made subject to the outcome of an appeal which was taken by Carol Music, Inc., the licensee of Station WCLM on Channel 270 at Chicago to the U.S. Court of Appeals for the District of Columbia. This case, No. 19,089, has since been dismissed by the court and on June 6, 1966, the Supreme Court denied a petition for a writ of certiorari.

3. L and P Broadcasting Corp., licensee of Station WHFC on Channel 250 in Chicago, supports the Commission's proposal and the show cause order to WRSV. L and P states that it receives interference from WRSV to in excess of 44,000 persons within its 1 mv/m contour, that it is only about 10 miles distant from WRSV whereas the present separation requirement for stations two channels removed is 40 miles, and that the proposal would eliminate both the interference to WHFC and to WRSV. Likewise, it points out that the mutual interference between WRSV and WFMT, operating on Channel 254 in Chicago, at a distance of only 13 miles, will also be eliminated.[3] Radio Skokie Valley, Inc., licensee of WRSV, supports the proposal and states that it will accept a modification of its license to specify operation on Channel 270 with the facilities limited to those proposed or the equivalent thereof. WRSV also states that it may have to seek another location but that it will comply with the interference consideration and facility limitation in the notice. WRSV states further that since its previous attempts at securing Channel 294 have been resolved against it, a move to Channel 270 seems to be the only reasonable solution to the handicaps under which it has operated due to the interference it has suffered.

4. In the December 29, 1964 memorandum opinion and order in Docket No. 14185 et al., the Commission assigned Channel 294 to Waukegan, Ill., and denied this assignment to all the other communities seeking it including Skokie. It pointed out that this assignment would also, under the "25 mile rule," be available upon application to the community of Des Plaines and that in a separate notice of proposed rule making we were attempting to solve the Skokie-Chicago interference problem by proposing to assign Channel 270 to Skokie and deleting it from Chicago. While other actions were taken in this memorandum opinion and order, these actions are the only ones germane to the Lake petition for reconsideration. Lake seeks the assignment of Channel 270 to Gary, Ind., and the assignment of Channel 294 to Skokie (as a substitute for Channel 252A) and the substitution of Channel 280A or 296A to Kankakee, Ill., for Channel 272A, presently authorized to Station WTAS at Crete, under the "25 mile rule." Channel 270 could be assigned to Gary at standard Class B spacings. Lake concedes that Channel 294 at Skokie would be short-spaced to Channel 292A at Lansing, Ill. (33 miles instead of 40 miles required), but urges that this is better than the resulting short spacings on Channel 270 at Skokie. Channel 294 would of course under the Lake counterproposal not be available to either Waukegan or Des Plaines. This proposal is summarized as follows:

City	Channel No.	
	Present	Proposed
Skokie, Ill.	252A	294
Kankakee (Crete), Ill.	272A	280A or 296A
Gary, Ind.		270

5. In support of its counterproposal, Lake submits that Gary, with a population of 178,320, does not have an FM assignment, that it appears to be the largest city without such an assignment, and that no other channel can be assigned to Gary in conformance with the required spacings. While Lake concedes that Gary receives a number of FM services from Chicago, it urges that section 307(b) of the Act requires that both reception and transmission facilities must be equitably distributed among the several States and communities. Since Skokie's needs, it alleges, can be met by either Channel 270 or 294, Lake urges that the point at issue is whether Gary needs its first FM channel before Waukegan its second or Des Plaines its first. Waukegan has a population of 55,719 and has a Class A FM assignment and a daytime-only AM station. Des Plaines has a population of 34,886 and has neither an AM nor FM station. Music Time, Inc., licensee of Station WMKE on Channel 271 in Milwaukee, Wis., supports the Lake counterproposal since the proposed use of Channel 270 at Skokie would result in short-spacing to its station whereas the use of this channel at Gary would meet the required minimum spacing. Music Time further contends that Gary needs an FM assignment and that its proposal would be a more efficient allocation. Finally it states that the relative needs of Skokie, Waukegan, and Des Plaines can best be determined in a decision as to where Channel 294 should be allocated.

6. In its opposition to the Lake counterproposal and petition for reconsideration, The News-Sun Broadcasting Co., applicant for a new FM station on Channel 294 at Waukegan, BPH-2543, contends that this party does not have any legal standing to participate in any reconsideration of the memorandum opinion and order issued on December 29, 1964, since it did not participate in the lengthy and comprehensive rule making proceeding. It urges that the counterproposal offered by Lake can only be treated as a new proposal since it did not file either comments or reply comments in the previous proceeding relating to the assignment of Channel 294 to Waukegan and the proposal to assign Channel 270 to Skokie, nor did it file any additional comments as required by § 1.415(d) of the rules. News-Sun also argues that to consider anew a decision the Commission has made after several years of uncertainty concerning FM service in the Waukegan area and to initiate a new proceeding would be unfair, disruptive, and contrary to the public interest. It urges that the Commission should deny the proposal forthwith without consideration of the substantive matter of the respective needs of Waukegan and Gary.

7. In reply Lake asserts that it was a party to the proceeding in Docket 14185 in that it filed comments in connection with the second further notice noting that no channels were available to Gary under the spacings proposed and urging that an assignment was needed at Gary even at substandard spacings. Lake further argues that the disposition of Channel 294 was not made until the memorandum opinion and order of December 29, 1964, in which decision it was announced that Channel 270 would likely be available as a solution to the Skokie problem. Lake states that its request for Channel 270 does not necessarily determine where Channel 294 is to go and that its request was timely filed. It thus contends that it had a right to file the pleadings that it did at the time that they were filed.

8. Before going into the merits of the Commission's decision of December 29, 1964, and its proposal in the subject notice, as well as the counterproposal of Lake Broadcasting, it is necessary to determine whether or not Lake is within its rights in petitioning for reconsideration of our decision. We are of the view that it is. Lake did participate in the previous proceeding in Docket 14185 in which the basic assignment principals and the table of assignments were adopted. Further, disposition of the assignment of Channel 294 and first notice of the probable availability of Channel 270 were first made in the December 29, 1964, memorandum opinion and order. Thus we believe that Lake is a party in interest in this proceeding and its proposal and request for reconsideration will be considered on their merits.

Conclusions. 9. After careful consideration of all the comments and reply comments filed in the proceeding concerning the proposal to assign Channel 270 to Skokie and in the Lake petition for reconsideration and counterproposal and the comments directed thereto, we have concluded that the decision to assign Channel 294 to Waukegan (with its availability to Des Plaines under the "25 mile rule") and the proposal to substitute Channel 270 for 252A at Skokie to eliminate a serious mutual interference problem involving three stations and the general public affected thereby, would best serve the public interest. These decisions would make the new assignment (Channel 294) at standard spacings and would shift Channel 270 from Chicago,

[3] This party appears to have the distances reversed since the distance from WRSV to WFMT is about 10.6 miles and that between WRSV and WHFC is about 13.5 miles.

where it is presently short-spaced, to Skokie,[5a] where it would be assigned under conditions which would assure no more impact on adjacent-channel short-spaced stations in Waukegan and Milwaukee than the former use. The Lake proposal would make possible the assignment of Channel 270 at standard spacings but if the serious Skokie interference problem is to be resolved, it would require a new assignment on Channel 294, at short spacing. This we have not done since the adoption of the new FM standards and the table of assignments in September 1963.[4] We do not believe that we should deviate from our minimum separation rules except upon a showing of the most compelling public interest requirement.[5] We find no such showing in the Lake request. While Gary is quite large and normally would deserve an FM assignment, it does have two AM stations, one of which is an unlimited time operation. It also has an educational FM station in operation. Nearby Hammond (about 8 miles) has an unlimited time AM station and a Class B FM station. Thus, Gary does have local aural service and its local needs can additionally be met by the Hammond FM station. Our reasons for providing for a Class B assignment for Waukegan (or Des Plaines) and for the proposed change in assignments for Skokie are spelled out in the December 29, 1964, memorandum opinion and order and need not be repeated here.

10. Authority for the adoption of the rule amendments contained herein is contained in sections 4(i), 303, and 307 (b) of the Communications Act of 1934, as amended.

11. In view of the foregoing: *It is ordered,* That the petition for reconsideration and counterproposal filed by Lake Broadcasting Co., Inc., is denied.

12. *It is further ordered,* That effective July 25, 1966, § 73.202 of the Commission's rules and regulations, the FM table of assignments, is amended to read, with respect to the communities named below, as follows:

City	*Channel No.*
Chicago, Ill.	226, 230, 234, 238, 242, 246, 250
Skokie, Ill.	254, 258, 262, 266, 278, 282, 298, 270

13. *It is further ordered,* That pursuant to authority contained in section 316 of the Communications Act of 1934, as amended, the outstanding authorization of Radio Skokie Valley, Inc., for operation of Station WRSV is modified to specify operation on Channel 270 in lieu of 252A subject to the following conditions:

(a) The licensee shall inform the Commission by July 15, 1966, of its acceptance of this modification.

(b) The licensee shall submit to the Commission by July 15, 1966, all the technical information normally necessary for the issuance of a construction permit for operation on Channel 270, including any changes in antenna and transmission line.

(c) The licensee may continue to operate on Channel 252A until upon its request, the Commission authorizes interim operation on Channel 270, following which the licensee shall submit (within 30 days) the measurement data normally required of an applicant for an FM broadcast station license.

(d) The licensee shall specify facilities of 20 kilowatts ERP and antenna height of 130 feet above average terrain in the direction of WEFA, Waukegan, Ill., and WMKE, Milwaukee, Wis., or the equivalent of these facilities in the event a new site is selected.

(e) No operations shall commence on Channel 270 until WCLM ceases operation on that channel.

14. *It is further ordered,* That this proceeding (Docket No. 15771) is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: June 15, 1966.

Released: June 16, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-6785; Filed, June 21, 1966; 8:47 a.m.]

[FCC 66-523]

PART 87—AVIATION SERVICES

Application for Aircraft Radio Station Licenses

Order. In the matter of amendment of Part 87 of the Commission's rules to facilitate the use of newly installed type accepted equipment in private aircraft radio stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 14th day of June 1966, the Commission considered the above-captioned matter.

1. It has come to the attention of the Commission that standard radio installations aboard new aircraft often do not suit the needs of the purchaser. Such a purchaser may take delivery of the aircraft and then purchase additional or replacement radio equipment. Similarly, owners of older aircraft may want to update their equipment or may be required to replace old equipment to meet FCC requirements, such as type acceptance. In these instances, the purchase and installation of new equipment may take very little time because aircraft radio equipment, in general, is available from the shelf and is designed for interchangeability. Often there is insufficient time for the purchaser to obtain a regular authorization or special temporary authority before he flies the aircraft.

2. In the interest of aviation safety, the immediate use of such radio equipment should be permitted, under certain conditions, and an appropriate amendment of Part 87 is set forth below. This amendment will allow use of newly installed equipment in a licensed private aircraft radio station for a period of 30 days from the date of installation, provided: (1) An application for station license (FCC Form 404) to include the newly installed transmitting equipment has been mailed to or filed with the Commission, (2) operation is limited to the frequencies available in § 87.201, of this part, and (3) the newly installed transmitting equipment is type accepted for use in the aviation services. This procedure is available only when a valid private aircraft radio station license is outstanding.

3. The amendments adopted herein are procedural in nature, and, therefore, the prior notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act are not applicable.

4. In view of the foregoing: *It is ordered,* Pursuant to sections 4(i), 301, 303(r), and 308(a)(3) of the Communications Act of 1934, as amended, that Part 87 of the Commission's rules is amended as set forth below, effective June 24, 1966.

(Secs. 4, 301, 303, 308, 48 Stat. 1066, 1081, 1082, 1084, as amended; 47 U.S.C. 154, 301, 303, 308)

Adopted: June 14, 1966.

Released: June 15, 1966.

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

A new paragraph (d) is added to § 87.29 to read as follows:

§ 87.29 Application for aircraft radio station licenses.

* * * * *

(d) A private aircraft radio station may be operated with newly installed transmitting equipment other than that specified in the station authorization for a period of thirty (30) days from the date of installation provided: (1) An application for station license (FCC Form 404)

[5a] In Docket No. 14743, the Commission ordered Carol Music to cease operation in 60 days after judicial affirmance of the decision, in the event a court review is sought.

[4] See memorandum opinion and order, RM-674, FCC 65-387 issued May 7, 1965.

[5] The shift of Channel 270 from Chicago to Skokie, while short-spaced in both locations, is made pursuant to par. 14 of the third report, memorandum opinion and order, FCC 63-735, issued in Docket 14185, on Aug. 1, 1963 (23 R.R. 1801), and par. 5 of the third further notice of proposed rule making, FCC 64-70, issued in the same docket on Feb. 3, 1964. These decisions concern policies we have adopted providing for changes in assignments for existing stations which result in improved spacing situations and in better serving the public interest. Our action herein is similar to that taken in Docket 15969, when, following deletion of an FM station at Red Bank, N.J., we reassigned the channel to the nearby community of Eatontown for use by another station involved in a serious interference problem. See report and order in that Docket, FCC 65-723 vol. 1 (2d) FCC 739, 5 R.R. 2d 1762.

[6] Commissioner Cox absent.

[1] Commissioner Wadsworth abstaining from voting.

to include the newly installed transmitting equipment has been mailed to or filed with the Commission, (2) operation is limited to the frequencies available in § 87.201, and (3) the newly installed transmitting equipment is type accepted for use in the aviation services.

[F.R. Doc. 66-6786; Filed, June 21, 1966; 8:47 a.m.]

[Docket No. 16239; FCC 66-524]

PART 87—AVIATION SERVICES

Use of Emergency Frequency by Additional Aeronautical Ground Stations

Report and order. In the matter of amendment of Part 87—Aviation Services—to provide for the use of 121.5 Mc/s by additional aeronautical ground stations; Docket No. 16239.

1. The Commission on October 13, 1965, adopted a notice of proposed rule making in the above entitled matter (FCC 65-926) which made provision for the filing of comments and was duly published in the FEDERAL REGISTER on October 20, 1965 (30 F.R. 13331).

2. The notice proposed to amend various sections of Part 87—Aviation Services to allow the use of 121.5 Mc/s by aeronautical advisory, multicom, flight test, instructional, and search and rescue mobile stations. This frequency is a universal simplex emergency and distress frequency made available in the Aviation Services to provide a clear channel between aircraft in distress or conditions of emergency and certain ground stations. Prior to the amendment adopted herein, the rules made 121.5 Mc/s available on the ground to aeronautical enroute and airdrome control stations only.

3. Comments were filed by Aeronautical Radio, Inc. (ARINC), Aircraft Owners and Pilots Association (AOPA), Air Transport Association (ATA), Federal Aviation Agency (FAA), National Pilots Association (NPA), Plateau Natural Gas Co., and United States Steel Corp. Representatives of general aviation favored the proposal. FAA and representatives of the airlines are opposed to a rule which would allow a general expansion of the availability of 121.5 Mc/s on the ground.

4. FAA is generally opposed to extending the licensing privileges of the emergency channel 121.5 Mc/s to the various classes of stations included in the notice of proposed rule making. Their objections are as follows:

(a) Many of the stations are not staffed with personnel who have the training and capability to handle emergency situations.

(b) Many of the stations do not have adequate facilities (direction finder equipment, interphone circuits, etc.), to provide even the most basic assistance.

(c) The availability of an unused air/ground channel, even though intended for emergency use only, could lead to its misuse.

(d) The licensing of the additional air/ground emergency channel could lead to exploitation for commercial purposes. This would be done through the various advertising media inferring availability of emergency service without the assurance that this exists or that continuous guard (even during hours of operation) is maintained.

(e) Multiple installations of 121.5 Mc/s in the same geographical area could lead to confusion and interference in an emergency situation. In fact, the FAA is reducing the number of emergency channels in areas having multiple facilities. This is being accomplished to avoid unnecessary duplication without derogation of emergency coverage.

FAA recommends that the rules permit the licensing of 121.5 Mc/s at those locations where emergency service from Government stations is not available and then only on a case-by-case basis with prior coordination with the FAA.

5. ARINC and ATA joint comments urge the Commission not to adopt the rule making as proposed. ARINC/ATA objections may be summarized as follows: (a) Under the proposal it would be possible, at one airport, for one or more FCC licensees, in addition to the FAA, to be authorized the use of 121.5 Mc/s. This situation would raise doubt, in the event of emergency or distress transmissions by an aircraft, as to whether it should be answered by an FCC licensee or the FAA. This situation would undoubtedly result in confusion and, at least potentially, could impede the instantaneous response which is normally given to emergency or distress communications. (b) With increases in the number of stations operating on 121.5 Mc/s the total use will increase. There would be a general broadening in nature of communications handled which would require additional policing of the use of 121.5 Mc/s to assure the primary objectives for which the frequency was assigned is not defeated. In that regard, it would be necessary to establish which branch of Government would effect the policing action.

6. ARINC and ATA close their comment by recognizing there may be situations where issuance of license authority to permit use of 121.5 Mc/s may be justified. It is suggested that the Commission consider such situations on a case-by-case basis, after coordination with FAA, and grant authorizations as an exception to the rules. In order to minimize the inconvenience of proceeding on a case-by-case basis, ARINC and ATA recommend that authority to act in matters of this nature be delegated to the Safety and Special Radio Services Bureau.

7. United States Steel favors the extended coverage on the ground of 121.5 Mc/s. It favors, however, a more limited extension than that proposed. United States Steel feels that it should be extended only to aeronautical advisory and search and rescue stations at this time. It proposes a trial period of 1 year and if there is still a need to further extend coverage of 121.5 Mc/s, additional services should be considered.

8. AOPA, NPA, and Plateau Natural Gas Co. favor the proposal. In general, they feel the proposal should provide additional assurance that an aircraft in difficulty may be able to reach someone on the ground for assistance. These commentaries contained no apprehensions about the expansion of 121.5 Mc/s on the ground provided controls were retained to assure proper use of the frequency.

9. The purpose of the extension of the capability for ground stations to respond to emergencies on the emergency frequency is not to supplant or hinder the FAA in responding to emergency calls. Rather it is to provide a service where none exists or in areas that have marginal service. In order to guard against the situations described by FAA, ARINC and ATA, the rules, as proposed in the notice, have been modified to require a showing of need for the frequency 121.5 Mc/s before it will be authorized. This should provide the Commission with sufficient control to avoid the problems anticipated by FAA, ARINC and ATA. It will also allow for sufficient expansion to meet the needs of general aviation.

10. The use of 121.5 Mc/s will remain the same. Any attempt to misuse the channel will be met with vigorous enforcement action. The Commission does not intend to allow its licensees to operate in a manner not in the best interest of aviation safety.

11. The modification to require a showing of need parallels the FAA comment which recommended that 121.5 Mc/s be permitted at those locations where emergency service from Government stations is not available and then only on a case-by-case basis with prior coordination with the Federal Aviation Agency. Under the showing of need certainly a sine qua non would be to establish that emergency service from a Government station is not available.

12. Authority for the amendments adopted herein is contained in section 303 (b), (c), and (r) of the Communications Act of 1934, as amended.

13. In view of the foregoing: *It is ordered,* Effective July 25, 1966, that Part 87 is amended as set forth below.

14. *It is further ordered,* That the proceeding is terminated.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: June 14, 1966.

Released: June 15, 1966.

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

Part 87 is amended as follows:

1. Section 87.253 is amended to read as follows:

§ 87.253 Frequencies available.

(a) 122.8 and 123.0 megacycles, 6A3 emission: For communications with private aircraft stations.

(b) 121.5 megacycles: This is a universal simplex emergency and distress frequency for air-ground communications and will not be assigned unless (1) a showing is made establishing a need for such service and (2) a regular aeronautical advisory frequency is assigned and available for use to accommodate normal communications needs.

2. Section 87.271 is amended to read as follows:

§ 87.271 Frequencies available.

(a) 122.9 megacycles, 6A3 emission: This frequency is available on the condition that no harmful interference is caused to the aeronautical advisory service.

(b) 121.5 megacycles: This is a universal simplex emergency and distress frequency for air-ground communications and will not be assigned unless (1) a showing is made establishing a need for such services and (2) the regular aeronautical multicom frequency is assigned and available for use to accommodate normal communications needs.

3. In § 87.331 a new paragraph (d) is added to read as follows:

§ 87.331 Frequencies available.

* * * * *

(d) 121.5 megacycles: This is a universal simplex emergency and distress frequency for air-ground communications and will not be assigned unless (1) a showing is made establishing a need for such services and (2) a regular flight test frequency is assigned and available for use to accommodate normal communications needs.

4. Section 87.341 is amended to read as follows:

§ 87.341 Frequencies available.

(a) The frequencies 123.1, 123.3 and 123.5 Mc/s are available for assignment to ground and aircraft instructional stations on the basis that interference is not caused to flight test stations. Normally, one frequency will be assigned to each station at a fixed location; mobile stations will be assigned all these frequencies.

(b) 121.5 megacycles: This is a universal simplex emergency and distress frequency for air-ground communications and will not be assigned unless (1) a showing is made establishing a need for such services and (2) a regular instructional frequency is assigned and available for use to accommodate normal communications needs.

5. Section 87.441 is amended to read as follows:

§ 87.441 Frequencies available.

(a) The frequency 121.6 megacycles is available for use by aeronautical search and rescue mobile stations.

(b) 121.5 megacycles: This is a universal simplex emergency and distress frequency for air-ground communications and will not be assigned unless (1) a showing is made establishing a need for such services and (2) the regular search and rescue mobile frequency is assigned and available for use to accommodate normal communications needs.

[F.R. Doc. 66-6787; Filed, June 21, 1966; 8:47 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 27]

[Bureau of Mines Schedule 32A]

METHANE-MONITORING SYSTEMS

Procedures for Investigation, Tests, and Certification

On pages 89–92 of the FEDERAL REGISTER of January 5, 1966, there was published under proposed rule making a notice and text of proposed revision of the regulations of Part 27 of Subchapter D of Chapter I, Title 30, Code of Federal Regulations, prescribing procedures for testing and certifying methane-monitoring systems, and components thereof, to be incorported in permissible or approved equipment that is used in gassy mines and tunnels.

Interested persons were given 30 days in which to comment, make suggestions, or offer objections concerning the proposed revision. As a result of consideration of suggestions and a detailed review of the proposed revision, it has been decided to again publish in an amended form to offer interested persons an opportunity to make further comments.

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given that under authority contained in section 5 of the Act of May 16, 1910 (36 Stat. 370; 30 U.S.C. sec. 7), as amended, and section 212(a) of the Act of July 16, 1952 (66 Stat. 709; 30 U.S.C. 482(a)), it is proposed to revise the regulations issued as Part 27 of Chapter I, Title 30, Code of Federal Regulations. The current regulations were adopted on November 23, 1961 (26 F.R. 10969).

The purposes of the proposed revision are to: (1) Update the regulations to reflect technological advancements in the design and construction of methane-monitoring systems, (2) redefine the requirements for a power-shutoff device to operate at the machine to be controlled or by deenergizing the trailing cable, (3) remove the requirement for a 2-minute delay before energizing of a cable(s) to a machine(s) controlled by a methane-monitoring system after a shutdown caused by methane detection, (4) remove the requirement for reserve electrical capacity to operate independently for approximately 4 hours when power is not on the machine which it controls, and (5) incorporate the fees, which were adopted when published in the March 23, 1965, issue of the FEDERAL REGISTER (30 F.R. 3752).

In accordance with the policy of the Department of the Interior, interested persons may submit written comments, suggestions, or objections with respect to the proposed revision of the regulations to the Director, Bureau of Mines, Interior Building, Washington, D.C., 20240, within 30 days after the date of publication in the FEDERAL REGISTER.

WALTER R. HIBBARD, Jr.,
Director, Bureau of Mines.

JUNE 3, 1966.

Part 27 of Chapter I of Title 30 would read as follows:

Subpart A—General Provisions

Subpart B—Construction and Design Requirements

Subpart C—Test Requirements

AUTHORITY: The provisions of this Part 27 issued under sec. 5, 36 Stat. 370, as amended, and sec. 212(a), 66 Stat. 709; 30 U.S.C. 7, 482(a). Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, and secs. 201, 209, 66 Stat. 692, 703; 30 U.S.C. 3, 5, 471, 479.

Subpart A—General Provisions

§ 27.1 Purpose.

The regulations in this part set forth the requirements for methane-monitoring systems or components thereof to procure certification for their incorporation in or with permissible equipment that is used in gassy mines and tunnels; procedures for applying for such certification; and fees.

§ 27.2 Definitions.

As used in this part:

(a) "Bureau" means the Bureau of Mines of the U.S. Department of the Interior.

(b) "Applicant" means an individual, partnership, company, corporation, association, or other organization that designs, manufactures, or assembles and that seeks certification or preliminary testing of a methane-monitoring system or component.

(c) "Methane-monitoring system" means a complete assembly of one or more methane detectors and all other components required for measuring and signalling the presence of methane in the atmosphere of a mine, tunnel, or other underground workings, and shall include a power-shutoff component.

(d) "Methane detector" means a component for a methane-monitoring system that functions in a gassy mine, tunnel, or other underground workings to sample the atmosphere continuously and responds to the presence of methane.

(e) "Power-shutoff component" means a component of a methane-monitoring system, such as a relay, switch, or switching mechanism, that will cause a control circuit to deenergize a machine, equipment, or power circuit when actuated by the methane detector.

(f) "Flammable mixture" means a mixture of a gas, such as methane, natural gas, or similar hydrocarbon gas with normal air, that can be ignited.

(g) "Gassy mine or tunnel" means a mine, tunnel, or other underground workings in which a flammable mixture has been ignited, or has been found with a permissible flame safety lamp, or has been determined by chemical analysis to contain 0.25 percent or more (by volume) of methane in any open workings when tested at a point not less than 12 inches from the roof, face, or rib.

(h) "Letter of certification" means a formal document issued by the Bureau stating that a methane-monitoring system or subassembly or component thereof: (1) Has met the requirements of this part, and (2) is certified for incorporation in or with permissible or approved equipment that is used in gassy mines and tunnels.

(i) "Component" means a part of a methane-monitoring system that is essential to its operation as a certified methane-monitoring system.

(j) "Explosion proof" means that a component or group of components (subassembly) is so constructed and protected by an enclosure with or without a flame arrester(s) that, if a flammable mixture of gas is ignited within the enclosure, it will withstand the resultant pressure without damage to the enclosure and/or flame arrester(s). Also the enclosure and/or flame arrester(s) shall prevent the discharge of flame from

within either the enclosure or the flame arrester, or the ignition of any flammable mixture that surrounds the enclosure and/or flame arrester.[1]

(k) "Normal operation" means that performance of each component as well as of the entire assembly of the methane-monitoring system is in conformance the functions for which it was designed and for which it was tested by the Bureau.

(l) "Flame arrester" means a device so constructed that it will prevent propagation of flame or explosion from within the unit of which it is part to a surrounding flammable mixture.

(m) "Intrinsically safe equipment and circuitry" means equipment and circuitry that are incapable of releasing enough electrical or thermal energy under normal or abnormal conditions to cause ignition of a flammable mixture of the most easily ignitable composition.

(n) "Fail safe" means that the circuitry of a methane-monitoring system shall be so designed that electrical failure of a component which is critical in the Bureau's opinion will result in de-energizing the methane-monitoring system and the machine or equipment of which it is a part.

§ 27.3 Consultation.

By appointment, applicants or their representatives may visit the Bureau's Health and Safety Research and Testing Center, 4800 Forbes Avenue, Pittsburgh, Pa., 15213, to discuss with qualified Bureau personnel proposed methane-monitoring systems to be submitted in accordance with the regulations of this part. No charge is made for such consultation and no written report thereof will be made to the applicant.

§ 27.4 Applications.

(a) No investigation or testing for certification will be undertaken by the Bureau except pursuant to a written application, in duplicate, accompanied by all drawings, specifications, descriptions, and related materials and also a check, bank draft, or money order, payable to the Bureau of Mines, to cover the fees. The application and all related matters and correspondence concerning it shall be addressed to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa., 15213, Attention: Electrical-Mechanical Testing.

(b) Drawings, specifications, and descriptions shall be adequate in detail to identify fully all components and subassemblies that are submitted for investigation, and shall include wiring and block diagrams. All drawings shall include title, number, and date; any revision dates and the purpose of each revision shall also be shown on the drawing.

(c) For a complete investigation leading to certification, the applicant shall furnish all necessary components and material to the Bureau. The Bureau reserves the right to require more than one of each component, subassembly, or assembly for the investigation. Spare parts and expendable components, subject to wear in normal operation, shall be supplied by the applicant to permit continuous operation during test periods. The applicant shall furnish special tools necessary to assemble or disassemble any component or subassembly for inspection or test.

(d) The applicant shall submit a plan of inspection of components at the place of manufacture or assembly. The applicant shall furnish to the Bureau a copy of any factory-inspection form or equivalent with the application. The form shall direct attention to the points that must be checked to make certain that all components or subassemblies of the complete assembly are in proper condition, complete in all respects, and in agreement with the drawings, specifications, and descriptions filed with the Bureau.

(e) The applicant shall furnish to the Bureau complete instructions for operating the assembly and servicing components. After completion of the Bureau's investigation, and before certification, if any revision of the instructions is required, a revised copy thereof shall be submitted to the Bureau for inclusion with the drawings and specifications.

§ 27.5 Letter of certification.

(a) Upon completion of investigation of a methane-monitoring system, or component or subassembly thereof, the Bureau will issue to the applicant either a letter of certification or a written notice of disapproval, as the case may require. If a letter of certification is issued, no test data or detailed results of tests will accompany it. If a notice of disapproval is issued, it will be accompanied by details of the defects, with a view to possible correction. The Bureau will not disclose, except to the applicant or his authorized representative, any information because of which a notice of disapproval has been issued.

(b) A letter of certification will be accompanied by an appropriate cautionary statement specifying the conditions to be observed for operating and maintaining the device(s) and to preserve its certified status.

§ 27.6 Certification of components.

In accordance with § 27.4, manufacturers of components may apply to the Bureau to issue a letter of certification. To qualify for certification, electrical components shall conform to the prescribed inspection and test requirements and the construction thereof shall be adequately covered by specifications officially recorded and filed with the Bureau. Letters of certification may be cited to fabricators of equipment intended for use in a certified methane-monitoring system as evidence that further inspection and test of the components will not be required.

§ 27.7 Certification plate or label.

A certified methane-monitoring system or component thereof shall be identified with a certification plate or label which is attached to the system or component in a manner acceptable to the Bureau. The method of attachment shall not impair the explosion-proof characteristics of any enclosure. The plate or label shall be of serviceable material, acceptable to the Bureau, and shall contain the following inscription with spaces for appropriate identification of the system or component and assigned certificate number:

Manufacturer's Name_____
Description _____
(Name)
Model or Type No_____
Certified as complying with the applicable requirements of Schedule 32A.
Certificate No_____

§ 27.8 Fees.

(a) Detailed inspection—each assembled component	$60
(b) Explosion testing—each explosion-proof enclosure	70
(c) Each series of tests to determine adequacy of design, materials, and/or construction	105
(d) Tests to determine safe operation and performance of a complete methane-monitoring system	200
(e) Tests to determine intrinsic safety	105
(f) Final examination and recording of drawings and specifications requisite to issuing a letter of certification	110
(g) Examining and recording drawings and specifications requisite to issuing an extension of certification, each 4 hours or fraction thereof	35
(h) Tests to assist an applicant in evaluating equipment intended for certification may be made at the discretion of the Bureau. Written requests for such tests shall be directed to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pennsylvania, 15213, Attention: Electrical-Mechanical Testing. A deposit of $200 shall be paid in advance when such tests have been authorized. The fees charged shall depend on the work performed based on normal charges. Any surplus will be refunded at the completion of the work, or applied to future work, on the same device, as directed by the applicant	

If an applicant is unable to determine the exact fee that should be submitted with his application, the information will be provided upon request addressed to the Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, Pa., 15213, Attention: Electrical - Mechanical Testing. Any surplus from a fee submitted in excess of requirements will be refunded to the applicant upon completion or termination of the investigation or tests.

§ 27.9 Date for conducting tests.

The application, payment of necessary fees, and submission of required material will determine the order of precedence for testing when more than one application is pending. The applicant will be notified of the date on which tests will begin.

NOTE: If an assembly, subassembly, or component fails to meet any of the requirements, testing of it may be suspended and other items may be tested. However, if the

[1] Explosion-proof components or subassemblies shall be constructed in accordance with the requirements of Part 18 of this subchapter.

cause of failure is corrected, testing will be resumed after completing such other test work as may be in progress.

§ 27.10 Conduct of investigations, tests, and demonstrations.

The Bureau shall hold as confidential and shall not disclose principles or patentable features, nor shall it disclose any details of drawings, specifications, or related materials. The conduct of all investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau, and any other persons shall be present only as observers, except as noted in paragraph (b) of this section.

(a) Prior to the issuance of a letter of certification, only Bureau personnel, representatives of the applicant, and such other persons as are mutually agreed upon may observe the investigations or tests.

(b) When requested by the Bureau, the applicant shall provide assistance in assembling or disassembling components, subassemblies, or assemblies for testing, preparing components, subassemblies, or assemblies for testing, and operating the system during the tests.

(c) After the issuance of a letter of certification, the Bureau may conduct such public demonstrations and tests of the certified methane-monitoring system or components as it deems appropriate.

§ 27.11 Extension of certification.

If an applicant desires to change any feature of a certified system or component, he shall first obtain the Bureau's approval of the change, pursuant to the following procedure:

(a) Application shall be made as for an original certification, requesting that the existing certification be extended to cover the proposed changes. The application shall include complete drawings, specifications, and related data, showing the changes in detail.

(b) The application will be examined by the Bureau to determine whether inspection and testing of the modified system or component or of a part will be required. The Bureau will inform the applicant whether testing is required; the component or components and related material to be submitted for that purpose; and the fee for testing.

(c) If the proposed modification meets the requirements of this part, a formal extension of certification will be issued, accompanied by a list of revised drawings and specifications which the Bureau has added to those already on file.

§ 27.12 Withdrawal of certification.

The Bureau reserves the right to rescind for cause any certification issued under this part.

Subpart B—Construction and Design Requirements

§ 27.20 Quality of material, workmanship, and design.

(a) The Bureau will test only equipment that, in its opinion, is constructed of suitable materials, is of good workmanship, is based on sound engineering principles, and is safe for its intended use. Since all possible designs, arrangements, or combinations of components cannot be foreseen, the Bureau reserves the right to modify the construction and design requirements of components or subassemblies and the tests to obtain the degree of protection intended by the tests described in Subpart C of this part.

(b) Unless otherwise noted, the requirements stated in this part shall apply to explosion-proof enclosures and intrinsically safe circuits.

(c) All components, subassemblies, and assemblies shall be designed and constructed in a manner that will not create an explosion or fire hazard.

(d) All assemblies or enclosures—explosion-proof or intrinsically safe—shall be so designed that the temperatures of the external surfaces, during continuous operation, do not exceed 150° C. (302° F.) at any point.

(e) Lenses or globes shall be protected against damage by guards or by location.

(f) If the Bureau determines that an explosion hazard can be created by breakage of a bulb having an incandescent filament, the bulb mounting shall be so constructed that the bulb will be ejected if the bulb glass enclosing the filament is broken.

NOTE: Other methods that provide equivalent protection against explosion hazards from incandescent filaments may be considered satisfactory at the discretion of the Bureau.

§ 27.21 Methane-monitoring system.

(a) A methane-monitoring system shall be so designed that any machine or equipment, which is controlled by the system, cannot be operated unless the electrical components of the methane-monitoring system are functioning normally.

(b) A methane-monitoring system shall be rugged in construction so that its operation will not be affected by vibration or physical shock, such as normally encountered in mining operations.

(c) Insulating materials that give off flammable or explosive gases when decomposed shall not be used within enclosures where they might be subjected to destructive electrical action.

(d) An enclosure shall be equipped with a lock, seal, or acceptable equivalent when the Bureau deems such protection necessary for safety.

(e) A component or subassembly of a methane-monitoring system shall be constructed as a package unit or otherwise in a manner acceptable to the Bureau. Such components or subassemblies shall be readily replaceable or removable without creating an ignition hazard.

(f) The complete system shall "fail safe" in a manner acceptable to the Bureau.

§ 27.22 Methane detector component.

(a) A methane detector component shall be suitably constructed for incorporation in or with permissible and approved equipment that is operated in gassy mines and tunnels.

(b) A methane detector shall include:

(1) A method of continuous sampling of the atmosphere in which it functions.

(2) A method for actuating a warning device which shall function automatically at a methane content of the mine atmosphere between 1.0 to 1.5 volume percent. The warning device shall also function automatically at all higher concentrations of methane in the mine atmosphere.

(3) A method for actuating a power-shutoff component, which shall function automatically when the methane content of the mine atmosphere is 2.0 volume percent and at all higher concentrations of methane.

(4) A suitable filter on the sampling intake to prevent dust and moisture from entering and interfering with normal operation.

NOTE: This requirement for the methane detector may be waived if the design is such as to preclude the need of a filter.

(c) A methane detector may provide means for sampling at more than one point; provided, the methane detector shall separately detect the methane in the atmosphere at each sampling point with, in the Bureau's opinion, sufficient frequency.

§ 27.23 Automatic warning device.

(a) An automatic warning device shall be suitably constructed for incorporation in or with permissible and approved equipment that is operated in gassy mines and tunnels.

(b) An automatic warning device shall include an alarm signal (audible or colored light), which shall be made to function automatically at a methane content of the mine atmosphere between 1.0 to 1.5 volume percent and at all higher concentrations of methane.

(c) It is recommended that the automatic warning device be supplemented by a meter calibrated in volume percent of methane.

§ 27.24 Power-shutoff component.

(a) A power-shutoff component shall be suitably constructed for incorporation in or with permissible and approved equipment that is operated in gassy mines and tunnels.

(b) The power-shutoff component shall include:

(1) A means which shall be made to function automatically to deenergize the machine or equipment when actuated by the methane detector at a methane concentration of 2.0 volume percent and at all higher concentrations in the mine atmosphere.

(i) For an electric-powered machine or equipment energized by means of a trailing cable, the power-shutoff component shall, when actuated by the methane detector, cause a control circuit to shut down the machine or equipment on which it is installed; or it shall cause a control circuit to deenergize both the machine or equipment and the trailing cable.

NOTE: It is not necessary that power be controlled both at the machine and at the outby end of the trailing cable.

(ii) For a battery-powered machine or equipment, the methane-monitor power-shutoff component shall, when actuated by the methane detector, cause a control circuit to deenergize the machine or equipment as near as possible to the battery terminals.

(iii) For a diesel-powered machine or equipment, the power-shutoff component, when actuated by the methane detector, shall shut down the prime mover and deenergize all electrical components of the machine or equipment. Batteries are to be disconnected as near as possible to the battery terminals. Headlights which are approved under part 20 of this subchapter (Schedule 10, or any revision thereof) are specifically exempted from this requirement.

(2) An arrangement for testing the power-shutoff characteristic to determine whether the power-shutoff component is functioning properly.

Subpart C—Test Requirements

§ 27.30 Inspection.

A detailed inspection shall be made by the Bureau of the equipment and all components and functions related to safety in operation, which shall include:

(a) Examining materials, workmanship, and design to determine conformance with paragraph (a) of § 27.20.

(b) Comparing components and subassemblies with the drawings and specifications to verify conformance with the requirements of this part.

§ 27.31 Testing methods.

A methane-monitoring system shall be tested by the Bureau to determine its functional performance, and its explosion-proof and other safety characteristics. Since all possible designs, arrangements, or combinations cannot be foreseen, the Bureau reserves the right to make any tests or to place any limitations on equipment, or components or subassemblies thereof, not specifically covered herein, to determine and assure the safety of such equipment with regard to explosion and fire hazards.

§ 27.32 Tests to determine performance of the system.

(a) *Laboratory tests for reliability and durability.* Five hundred successful consecutive tests[2] for gas detection, alarm action, and power shutoff in natural gas-air mixtures[3] shall be conducted to demonstrate acceptable performance as to reliability and durability of a methane-monitoring system. The tests shall be conducted as follows:

(1) The methane detector component shall be placed in a test gallery into which natural gas shall be made to enter at various rates with sufficient turbulence for proper mixing with the air in the gallery. To comply with the requirements of this test, the detector shall provide an impulse to actuate an alarm at a predetermined percentage of gas and also provide an impulse to actuate a power shutoff at a second predetermined percentage of gas. (See §§ 27.21, 27.22, 27.23, and 27.24.) [4]

(b) *Field tests.* The Bureau reserves the right to conduct tests, similar to those stated in paragraph (a) of this section, in underground workings to verify reliability and durability of a methane-monitoring system installed in connection with a piece of mining equipment.

§ 27.33 Tests to determine explosion-proof construction.

Any assembly, subassembly, or component which, in the opinion of the Bureau, requires explosion-proof construction shall be tested in accordance with the procedures stated in Part 18 of this subchapter.

§ 27.34 Test for intrinsic safety.

Assemblies, subassemblies, or components that are designed for intrinsic safety shall be tested by introducing into the circuit(s) thereof a circuit-interrupting device which produces an electric spark from the current in the circuit. The circuit-interrupting device shall be placed in a gallery containing various flammable natural gas-air mixtures. To meet the requirements of this test, the spark shall not ignite the flammable mixture. For this test the circuit-interrupting device shall be operated not less than 100 times at 125 percent of the normal operating voltage of the particular circuit.

§ 27.35 Tests to determine life of critical components and subassemblies.

Replaceable components may be subjected to appropriate life tests at the discretion of the Bureau.

§ 27.36 Test for adequacy of electrical insulation and clearances.

The Bureau shall examine, and test in a manner it deems suitable, electrical insulation and clearances between electrical conductors to determine adequacy for the intended service.

§ 27.37 Tests to determine adequacy of safety devices for bulbs.

The glass envelope of bulbs with the filament incandescent at normal operating voltage shall be broken in flammable methane-air or natural gas-air mixtures in a gallery to determine that the safety device will prevent ignition of the flammable mixtures.

§ 27.38 Tests to determine adequacy of windows and lenses.

Impact tests. A 4-pound cylindrical weight with a one-inch diameter hemispherical striking surface will be dropped (free fall) to strike the window or lens in its mounting or the equivalent thereof at or near the center. At least three out of four samples shall withstand the impact according to the following table:

Overall lens diameter (inches)	*Height of fall (inches)*
Less than 4	6
4 to 5	9
5 to 6	15
Greater than 6	24

Lenses or windows of smaller diameter than 1 inch may be tested by alternate methods at the discretion of the Bureau.

§ 27.39 Tests to determine resistance to vibration.

(a) *Laboratory tests for reliability and durability.* Components, subassemblies, or assemblies that are to be mounted on permissible and approved equipment shall be subjected to two separate vibration tests, each of one-hour duration. The first test shall be conducted at a frequency of 30 cycles per second with a total movement per cycle of 1/16 inch. The second test shall be conducted at a frequency of 15 cycles per second with a total movement per cycle of 1/8 inch. Components, subassemblies, and assemblies shall be secured to the vibration testing equipment in their normal operating positions (with shock mounts, if regularly provided with shock mounts). Each component, subassembly and assembly shall function normally during and after each vibration test.

NOTE: The vibrating equipment is designed to impart a circular motion in a plane inclined 45° to the vertical or horizontal.

(b) *Field tests.* The Bureau reserves the right to conduct tests to determine resistance to vibration in underground workings to verify the reliability and durability of a methane-monitoring system or component(s) thereof where installed in connection with a piece of mining equipment.

§ 27.40 Test to determine resistance to dust.

Components, subassemblies, or assemblies, the normal functioning of which might be affected by dust, such as coal or rock dust, shall be tested in an atmosphere containing an average concentration (50 million minus 40 micron particles per cubic foot) of such dust(s) for a continuous period of 4 hours. The component, subassembly, or assembly shall function normally after being subjected to this test.

NOTE: Dust measurements, when necessary, shall be made by impinger sampling and light-field counting technique.

§ 27.41 Test to determine resistance to moisture.

Components, subassemblies, or assemblies, the normal functioning of which might be affected by moisture, shall be tested in atmospheres of high relative humidity (80 percent or more at 65°–75° F.) for continuous operating and idle periods of 4 hours each. The component or subassembly or assembly shall function normally after being subjected to those tests.

[F.R. Doc. 66-6764; Filed, June 21, 1966; 8:45 a.m.]

[2] Normal replacements and adjustments shall not constitute a failure.

[3] Investigation has shown that, for practical purposes, natural gas (containing a high percentage of methane) is a satisfactory substitute for pure methane in these tests.

[4] At the option of the Bureau, these tests will be conducted with dust or moisture added to the atmosphere within the gallery.

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 1032, 1050]

[Docket Nos. AO-355, AO-313-A8]

MILK IN CENTRAL ILLINOIS AND SUBURBAN ST. LOUIS MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Peoria and Springfield, Ill., on October 6–8 and 11–13, 1965, pursuant to notice thereof issued on September 10, 1965 (30 F.R. 11761).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs on April 26, 1966 (31 F.R. 6497; F.R. Doc. 66-4720), filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (31 F.R. 6497; F.R. Doc. 66-4720) are hereby approved and adopted and are set forth in full herein subject to the following modifications:

1. The first paragraph under issue 4—(a)(3)(ii) "Milk diverted to unregulated plants" is revised.

2. The 4th through the 8th paragraphs are deleted and a new paragraph is added thereafter.

3. The 9th paragraph is revised and three new paragraphs are added immediately thereafter.

4. The 10th through the 12th paragraphs are deleted.

5. The 14th through the 16th paragraphs are deleted.

The material issues of the record relate to:

1. Whether the handling of milk produced for sale in the proposed new area to be regulated is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk or its products.

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order for all or part of the proposed new area to be regulated which will tend to effectuate the declared policy of the Act.

3. If an order is issued for any or all of the proposed new area to be regulated, what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

4. With respect to the Suburban St. Louis order; revision of order provisions to properly reflect marketing conditions in the presently regulated territory and territory proposed to be added to the marketing area, and coordination with provisions of an order which may be issued for a Central Illinois marketing area, including:

(a) The scope of regulation:

(1) Marketing area;

(2) Pool plant provisions; and

(3) Producer milk, including:

(i) Milk received at pool plant;

(ii) Milk diverted to nonpool plants not regulated by another order;

(iii) Milk diverted to plants regulated by another order; and

(iv) Milk diverted to other pool plants.

(4) Other definitions, including handler, fluid milk product, and such definitions as necessary to conform with needed changes in other order provisions.

(b) The classification and allocation of milk, including:

(1) Revision of shrinkage provisions;

(2) Disposition of fluid milk products as animal feed and dumped; and

(3) Surplus disposal area.

(c) The determination and level of class prices and butterfat differentials.

(d) Application of location adjustments to:

(1) Milk received from producer farms at pool plants;

(2) Milk diverted to nonpool plants not regulated by any order;

(3) Milk diverted to plants regulated by another order;

(4) Milk diverted between pool plants; and

(5) Milk transferred between plants.

(e) Administrative provisions and conforming changes.

This decision deals only with the issues under the Suburban St. Louis order of milk diverted to nonpool plants not regulated by another order and the appropriate location pricing of such milk (Issues No. 4 (a)(3)(ii) and (d)(2)). All of the remaining material issues with respect to the proposed Central Illinois and Suburban St. Louis orders will be considered in a further decision on the record.

Findings and conclusions. The following findings and conclusions on material issues 4 (a)(3(ii) and (d)(2) are based on evidence presented at the hearing and the record thereof:

Milk diverted to unregulated plants. The order should be amended to provide that the milk of a producer may be diverted to an unregulated plant for not more than 8 days' production of producer milk by such producer during each of the months of July through April. For the months of May and June, diversion of a producer's milk to an unregulated plant should be permitted on any day during the month. For pricing purposes, milk diverted less than 50 miles from a pool plant to a plant not regulated by any order should be considered as received at the pool plant from which diverted. Milk diverted 50 miles or more should be priced as received at the unregulated plant.

The handling of the reserve milk of a pool plant may require diversion of producer milk to an unregulated plant for the purpose of manufacturing into Class II products. Such diversion of a producer's milk, pursuant to § 1032.14 (b), may now be made on any number of days in the months of February through August; and in any other month, for not more days of production by such producer than his milk is physically received at pool plants. Within these specified limits, milk diverted to an unregulated plant is treated as part of the regular supply for the market, and as such it qualifies for pooling.

Producer associations, however, expressed concern that considerable quantities of milk are sometimes qualified under the diversion provision merely for the advantage of receiving the uniform price, and do not represent regular milk supply for fluid needs. Also, concern was expressed that price advantage is enjoyed by certain groups of producers who receive the marketing area uniform price for milk diverted to distant plants. For example, a dairy farmer at some distance from the market may qualify as a producer by delivering for a few days to a base zone pool plant, and then continue to receive the base zone price while his milk is diverted to an unregulated plant closer to his farm.

The testimony of one handler showed that shifting of dairy farmers' deliveries between his pool and nonpool plants resulted at times in the pool carrying a greater burden of Class II use than the nonpool operation. While diverted to a nonpool plant for manufacturing, the milk of the dairy farmers nevertheless participated in the market pool utilization.

The various proposals on the record would provide limitation of diversion of producer milk either in terms of the number of days of production of a producer, or as a percentage of the total of producer milk received at a pool plant. Either of such methods of limiting diversion is practical and has been used in Federal milk orders. The recommended decision proposed that diversions be expressed in terms of percentages of producer milk physically received at a pool plant.

Exceptions filed by eight cooperative associations indicated that diversion based on a number of days of production of a producer's milk would be preferable to the percentage basis of diversion provided in the recommended decision. They stated that diversion of producer milk should be limited to eight days' production during ten months of the year with unlimited diversion being allowed during the months of May and June. A handler's exception likewise supported unlimited diversion during the months of May and June. This handler also took exception to the percentage method of expressing diversion limits and indicated a desire for a limit of 12 production days during other months.

After a review of the record and exceptions, it is concluded that diversion of eight days of production of a producer's milk should be permitted in all months except May and June and that diversions in May and June be unlimited. In May and June, peak milk production requires more diversion of producer milk than in other months.

Diversion of eight days of production closely approximates, on an individual producer basis, the higher of the two percentage limits in the recommended decision, which was 35 percent of producer milk physically received at pool plants. Diversion of eight days of production is approximately 36.4 percent of the milk which would be delivered for the remaining 22 days of a 30-day month to pool plants. The more liberal percentage limit of 40 percent suggested by the handler's exceptions is not adopted.

Additional flexibility in handling of reserve milk is afforded by present order provisions which allow diversion of milk between pool plants. This enables certain pool plant operators lacking manufacturing facilities to divert reserve milk to pool plants which do have such manufacturing facilities.

It is necessary that the order contain the above described limitations on the amount of milk which may be diverted temporarily while it is not needed in the market for Class I purposes. The provisions adopted herein will provide adequate opportunity to dispose of market reserves in an economical manner and yet not encourage the accumulation of unneeded reserves which would burden the market pool.

Location pricing of diverted milk. The order should be modified with respect to the location at which milk diverted to an unregulated plant is deemed to be received for purposes of pricing. The order now provides that the milk is deemed to be received at the pool plant from which diverted.

Cooperative association representatives claimed that inequitable advantage was being obtained by distant producers when their milk was diverted from a plant in the marketing area to an unregulated plant near the location of the producer. In such case, the producer receives the marketing area price although his milk is delivered to a plant which is at an appreciable distance from the market. The marketing area uniform price is intended to represent the value of milk delivered to plants in the market. The higher level of uniform price in this market at points distant from the market compensates for the cost of moving milk to the market.

A producer delivering his milk to an outlying pool plant at some distance from the market does not incur the cost of moving his milk to the marketing area, and the uniform price to this producer is adjusted accordingly by the location differentials. Similarly a producer in the same location whose milk is diverted to a nearby unregulated plant should receive a comparable price. Otherwise, if this producer received the marketing area price for this diverted milk the market pool would be in effect paying such producer for moving his milk to market when actually it is not so delivered.

To preclude this the order should provide that milk diverted more than 50 miles from a pool plant should be priced at the location of the plant to which diverted. When milk is moved for diversion to an unregulated plant more than 50 miles from the pool plant there are many instances where there could be an appreciable saving in transportation. On the other hand, such pricing is not necessary in the case of milk diverted shorter distances, since there would be little change, if any, in the hauling charge. It is concluded, therefore, that milk diverted less than 50 miles from the plant from which diverted should continue to be priced at the pool plant from which diverted.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order (Part 1032) and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Suburban St. Louis Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Suburban St. Louis Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

Determination of representative period. The month of February 1966 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Suburban St. Louis marketing area, is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on June 16, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Suburban St. Louis Marketing Area

§ 1032.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Suburban St. Louis marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Suburban St. Louis marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on April 26, 1966, and published in the FEDERAL REGISTER on April 29, 1966 (31 F.R. 6497; F.R. Doc. 66-4720), shall be and are the terms and provisions of this order, and are set forth in full herein subject to the following revisions:

Index of changes. 1. Changes are made in § 1032.14(b)(2).

2. In § 1032.14(b) redesignation of subparagraph (3) as (4), (4) as (5), (5) as (6) is rescinded.

3. In § 1032.14(6), the inclusion of a new subparagraph (3) is rescinded.

4. In § 1032.14(b), the new subparagraph (7) to be added is changed and redesignated (6).

Section 1032.14(b) (2), (4), and (5) are revised and a new subparagraph (6) is added to read as follows:

§ 1032.14 Producer milk.

* * * * *

(b) * * *

(2) Milk of a producer diverted from a pool plant to a nonpool plant(s) at which the handling of milk is not fully subject to the pricing and pooling provisions of another order issued pursuant to the Act on any day during the months of May and June and in any other month for not more than eight days of production of producer milk by such producer;

* * * * *

(4) Milk diverted for the account of a handler in his capacity as operator of a pool plant shall be deemed to have been received at the pool plant from which diverted, except as provided in subparagraph (6) of this paragraph;

(5) Milk diverted for the account of a cooperative association shall be deemed to have been received by the cooperative association at a pool plant at the location of the pool plant from which diverted, except as provided in subparagraph (6) of this paragraph; and

(6) For pricing purposes milk diverted pursuant to subparagraph (2) of this paragraph, to a plant located more than 50 miles (by the shortest highway distance as determined by the market administrator) from the pool plant from which diverted, shall be deemed to be received by the diverting handler at the location of the plant to which diverted.

[F.R. Doc. 66-6780; Filed, June 21, 1966; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 71]

[Airspace Docket No. 65-PC-6]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations that would alter the controlled airspace in the vicinity of Johnston Island AFB, Johnston Atoll as follows:

1. The Johnston Island control zone would be designated within a 5-mile radius of the Johnston Island AFB, Johnston Atoll (latitude 16°44'19" N., longitude 169°31'12" W.); within 2 miles each side of the extended centerline of runway 05, extending from the 5-mile radius zone to 6.5 miles northeast of the Johnston Island radio beacon, and within 2 miles each side of the 241° True bearing from the Johnston Island radio beacon, extending from the 5-mile radius zone to 12 miles southwest of the radio beacon.

2. The Johnston Island transition area would be designated as that airspace extending upward from 1,200 feet above the surface within a 100 nmi radius of the Johnston Island radio beacon.

The proposed control zone and transition area would provide controlled airspace for aircraft executing prescribed holding patterns, and instrument approach and departure procedures at Johnston Island AFB. Additionally, the transition area would provide controlled airspace for the orderly transition of aircraft arriving and departing under instrument flight rules conditions on random routes between the terminal and the oceanic control area.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Pacific Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 4009, Honolulu, Hawaii, 96812. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510, and Executive Order 10854; 24 F.R. 9565).

Issued in Washington, D.C., on June 16, 1966.

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

[F.R. Doc. 66-6806; Filed, June 21, 1966; 8:49 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 63-SO-57]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration and Designation

The Federal Aviation Agency is considering amendments to Part 71 of the Federal Aviation Regulations which would alter controlled airspace in the vicinity of Fort Myers, Fla.

To implement the provisions of CAR Amendments 60-21/60-29 in the Fort Myers, Fla., terminal area, the Federal Aviation Agency has under consideration the following amendments to Part 71:

1. The Fort Myers control zone would be redesignated as that airspace within a 5-mile radius of Page Field, Fort Myers, Fla. (latitude 26°35'10" N., longitude 81°51'50" W.); within 2 miles each side of the Fort Myers VORTAC 215° True radial, extending from the 5-mile radius zone to 8 miles southwest of the VORTAC; and within 2 miles each side of the 042° and 222° True bearings from the Fort Myers RBN, extending from the 5-mile radius zone to 8 miles southwest of the RBN.

2. The Fort Myers transition area would be designated as that airspace extending upward from 700 feet above the surface within an 8-mile radius of Page Field, Fort Myers, Fla.; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the Fort Myers VORTAC; the airspace northeast of Fort Myers extending from the 20-mile radius area bounded on the west by V-7, on the northeast by V-97, and on the southeast by V-225; and that airspace east of Fort Myers extending from the 20-mile radius area bounded on the northwest by V-225, on the east by V-157W, and on the southwest by V-7.

The amended control zone and proposed transition area would provide controlled airspace for aircraft executing prescribed instrument approches, missed approaches, holding and departure procedures.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Agency, Post Office Box 20636, Atlanta, Ga., 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on June 16, 1966.

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

[F.R. Doc. 66-6807; Filed, June 21, 1966; 8:49 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 16222; FCC 66-520]

STANDARD BROADCAST SERVICE

Proposed Standard Method for Calculating Radiation for Use in Evaluating Interference, Coverage and Overlap of Mutually Prohibited Contours

Memorandum opinion and order. In the matter of amendment of Part 73 of the Commission rules to specify, in lieu of the existing MEOV concept, a standard method for calculating radiation for use in evaluating interference, coverage, and overlap of mutually prohibited contours in the Standard Broadcast Service.

1. The Commission released a notice of proposed rule making in this proceeding on October 8, 1965 (FCC 65-908), published October 14, 1965, in the FEDERAL REGISTER (30 F.R. 13079), on a proposal looking toward revision of § 73.150 of the standard (AM) broadcast rules to require the calculation of proposed radiation patterns for directional antenna systems by a standardized method. As stated in the notice, the Commission's proposal would apply only to applications tendered for filing after implementing rules become effective. Comments were invited on the proposal by January 14, 1966, and by January 31, 1966, for reply comments. In response to requests of parties, the Commission ordered an extension of time for filing comments on January 13, 1966, so that comments are now due by July 14, 1966, and by August 15, 1966, for reply comments.

2. Before the Commission for consideration is a "Petition for Modification of Notice of Proposed Rule Making and for Interim Suspension of Consideration of Pending Applications for Class II-A Standard Broadcast Facilities," filed by Columbia Broadcasting System (CBS) on October 29, 1965, herein.[1] The petition requests modification of our proposal to standardize a method for predicting directional antenna performance to the extent of extending its proposed application to pending Class II-A standard broadcast applications. Suspension of all hearings and action on such applica-

[1] The petition was also filed by CBS in Docket Nos. 15812-15813, 15998-16000, and 16109-16115. Hearings are in progress in these proceedings on conflicting applications for Class II-A stations on Class I-A frequencies upon which CBS operates Class I-A stations, in each of which CBS has been designated a party.

tions is also requested pending the conclusion of this proceeding and revision of the rules for calculating radiation patterns along the lines we have proposed herein. Alternatively, CBS requests that all construction permits granted for Class II–A stations be conditioned on showings that the directional antennas proposed will afford the required interference protection to cochannel Class I–A stations when determined in accordance with the new rules adopted in this proceeding for predicting directional antenna performance.

3. A supporting statement was filed by WGN, Inc., which operates a Class I–A station (WGN) on 720 kc, Chicago, Ill., and has also been made a party to the proceeding in Docket Nos. 16109–16115, wherein conflicting applications for Class II–A stations on 720 kc have been consolidated for hearing with others seeking to operate on 780 kc, upon which CBS operates a Class I–A station (WBBM), Chicago. Opposing statements were filed by six applicants for Class II–A stations on Class I–A frequencies occupied by CBS and WGN. The Class II–A opponents include: Nebraska Rural Radio Association, Lexington, Nebr., and Town & Farm Co., Inc., Grand Island, Nebr., whose conflicting applications for Class II–A stations on 880 kc, upon which CBS operates a Class I–A station (WCBS), New York, N.Y., are under consideration in Docket Nos. 15812–15813; Emerald Broadcasting Corp., Eugene, Oreg., one of the Class II–A applicants for 1120 kc in Docket Nos. 15998–16000, upon which CBS operates a Class I–A station (KMOX), St. Louis, Mo.; and Circle L, Inc., Reno, Nev., and 780, Inc., Las Vegas, Nev., whose conflicting applications for Class II–A stations on 780 kc are among those consolidated for hearing in Docket Nos. 16109–16115.

4. We have considered the CBS petition and related pleadings and remain of the view that our proposal for calculating performance of directional antenna proposals by a uniform method (comments were invited on alternative methods) should not be made more extensive in application than proposed. Neither CBS nor WGN in its supporting pleading persuade us that justifiable reason exists for recasting our proposal to apply to Class II–A applications filed or granted before a decision is reached on the proposal and new rules in the matter become effective.

5. The filing of applications for one Class II–A station on 13 of the 25 I–A clear channels was made possible by our actions of 1961 and 1962 in the Clear Channel proceeding in Docket No. 6741.[2] On reconsideration in the noted 1962 decision, paragraphs 78 and 79, we gave consideration to whether directional antenna performance of proposed Class II–A facilities should be determined by existing rules and procedures or by other methods, such as those put forward in a 1957 Report of our Office of Chief Engineer on "Suppression Performance of Directional Antenna Systems in the Standard Broadcast Band," cited as T.R.R. 1.2.7., and from which CBS and WGN now state our proposal herein stems. It was then our decision that, based on the limited data available, there was no assurance that any significant increase in accuracy would result from the use of other theories, such as advanced in T.R.R. 1.2.7., for calculating directional antenna patterns, and that the data acquired and conclusions reached in that report did not form a sufficient basis for changing the rules.

6. Having now proposed a standardized basis for the calculation of radiation patterns, it is apparent from the CBS and WGN pleadings that they construe such action to mean that we have had a change in view since considering the matter in our 1962 decision and that we now anticipate that some standardized method of calculation will result in a more accurate determination of interference or the absence thereof. The main thrust of their argument for applying a standardized method of calculation of radiation patterns to pending Class II–A applications also centers on such claim. It is an error to so construe our Notice of Proposed Rule Making. Since we are not proposing to change Figures I, I–A, II, 6 or 6–A, and considering the fact that proof-of-performances will still be necessary, it is obvious that the degree of accuracy in predicting the nighttime signal strength at any distant point will not be changed. Nor should our proposed rule making be construed as reflecting our view that an authorized nighttime operation, designed, adjusted and maintained in conformance with our present rules, results in interference according to our rules.

7. We view our proposal as another measure designed to improve the efficiency and orderliness of the administration of our application processing rules and procedures for standard broadcast stations. At present, no uniform method for calculating proposed directional antenna patterns is required, necessitating ad hoc determination by the Commission as to the reasonableness of the method used for each directional antenna proposal. If a standard, "reasonable," theoretical method for calculating such patterns along the alternative lines proposed should be found feasible and made part of the rules, it would have value, in our view, in (1) increasing the probability that proposals which come before us are susceptible to licensing without the necessity of modification; (2) eliminating the necessity in some cases of conducting an adjudicatory proceeding to determine whether the proposed limits of radiation can be achieved; and (3) enabling the Commission to calculate nighttime limitations more expeditiously by electronic computer.

8. These objectives constitute worthy reasons, in our view, for considering the proposal in rule making and in making it applicable to standard broadcast applications tendered for filing after such time as new rules for calculating directional antenna patterns become effective. We cannot agree, however, that retroactive application of any adopted standardized method of calculating directional antenna radiation patterns is necessary in order to protect the interests of existing stations or the public from injury. Further, we believe it would be most inequitable to applicants having applications on file, and in hearing in some cases, to change existing ground rules and procedures upon which they have relied in the preparation of their directional antenna proposals as a consequence of our 1962 decision in the clear channel proceeding, Docket No. 6741.

9. Even more important, we believe it would disserve the public interest by delaying unnecessarily the disposition of processing and hearings on Class II–A applications and the establishment of additional broadcast outlets and nighttime primary service to the public in areas presently without it. Our proposal has not yet been given extensive study, and it will be several months before we will have an opportunity to evaluate it in light of the comments, data and alternative technical proposals which appear likely to be submitted for consideration. It may well be that, after full consideration of the matter, we may adopt a standard method for calculating radiation patterns which is substantially different from those upon which we have invited comment or, in light of other considerations, make no changes whatsoever in existing rules and procedures for calculating radiation patterns.

10. In view of the above, we believe limitation of the applicability of our proposal, as proposed in the notice of rule making, is appropriate and clearly warranted in the public interest, and that the alternative requests of CBS to include pending Class II–A applications within the scope of the proposal's application and to require them to comply with any new rules which may be adopted for calculating directional antenna patterns must be denied.

11. *Accordingly, it is ordered,* This 14th day of June 1966, that the petition of Columbia Broadcasting System, insofar as it relates to the above-entitled rule making proceeding is denied.

Released: June 15, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[3]

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

[F.R. Doc. 66–6788; Filed, June 21, 1966; 8:47 a.m.]

[2] Report and order adopted Sept. 13, 1961, FCC 61–1106, 31 FCC 565, 21 R.R. 1801; and memorandum opinion and order, adopted Nov. 21, 1962, FCC 62–1214, 24 R.R. 1595.

[3] Commissioner Lee dissenting.

[47 CFR Part 73]

[Docket No. 16714; FCC 66–540]

FM BROADCAST STATIONS

Table of Assignments; Glens Falls, N.Y.

In the matter of amendment of § 73.202, *Table of Assignments,* FM

Broadcast Stations (Glens Falls, N.Y.); Docket No. 16714, RM-963.

1. Notice is hereby given on proposed rule making in the above-entitled matter.

2. On April 15, 1966, the Commission released a report and order in Docket No. 16331, FCC 66-326 (31 F.R. 6053), which, among other things, assigned Channel 240A to Glens Falls, N.Y., in response to a petition for rule making filed by Normandy Broadcasting Co., licensee of Station WWSC (AM), Glens Falls, N.Y. At that time two applications were on file for Channel 272A (assigned to Saratoga Springs and available to Glens Falls under the "25 mile rule"), one from Normandy and the second from Olean Broadcasting Corp., licensee of Station WBZA (AM), Glens Falls, N.Y.[1] The stated purpose of the petition was to eliminate the need for a comparative hearing for Channel 272A. In its decision of April 15, 1966, the Commission assigned Channel 240A to Glens Falls as requested and pointed out that since Glens Falls would now be listed in the Table of Assignments, Channel 272A would no longer be available for use at Glens Falls under § 73.203(b). We stated that we believed it more important to provide each of these communities (Glens Falls and Saratoga Springs) with an FM assignment than to eliminate the required comparative hearing. Since then, both applicants have amended their applications (BPH-4804 and 4838) to specify Channel 240A, now available at Glens Falls.

3. On May 18, 1966, Olean Broadcasting Corp., one of the applicants for Channel 240A at Glens Falls, filed a petition for reconsideration of the report and order in Docket No. 16331, insofar as RM-861 is concerned, requesting the addition of Channel 296A to Glens Falls. Since this is a new request and was not part of the Docket 16331 proceeding, it will be considered as a new petition for rule making herein. Olean urges that the objectives of the former rule making to eliminate the burden of a comparative hearing and to provide FM service to the Glens Falls area at an early date were not achieved. It points out that Glens Falls has a population of 18,580 and that its county (Warren) has a population of 44,002. Olean submits that there are a number of other sizeable communities within a 3-mile radius of Glens Falls, which together with Glens Falls, have a combined population of 36,000 people. At the present time there are no FM stations serving the area and only one nighttime aural service. As to the technical feasibility of Channel 296A, Olean states that this assignment meets all the required spacings to assignments and stations and that sites are available from which the required separation can be met to the proposed sites in pending applications for Channel 293 at Albany, N.Y. On May 27, 1966, Normandy Broadcasting Corp. filed a statement in support of the Olean request.

4. We are of the view that the subject proposal merits the institution of rule making in order that all interested parties may submit their views and relevant data. Comments are therefore invited on the following.

City	Channel No.	
	Present	Proposed
Glens Falls, N.Y.	240A	240A, 296A

5. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rule, interested parties may file comments on or before July 15, 1966, and reply comments on or before July 25, 1966. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: June 15, 1966.

Released: June 16, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-6789; Filed, June 21, 1966; 8:47 a.m.]

[47 CFR Part 73]

[Docket No. 16715; FCC 66-541]

FM BROADCAST STATIONS

Table of Assignments; Rochester, Minn.

In the matter of amendment of § 73.202, *Table of Assignments*, FM Broadcast Stations (Rochester, Minn.); Docket No. 16715, RM-965.

1. The Commission has before it for consideration a joint petition requesting rule making filed on May 19, 1966, by Olmsted County Broadcasting Co., licensee of Station KOLM(AM), Rochester, Minn., and North Central Video, Inc., licensee of Station KWEB(AM), Rochester, Minn., to add Channel 269A to Rochester by amending § 73.202 of the rules as follows:

City	Channel No.	
	Present	Proposed
Rochester, Minn.	244A, 248, 295	244A, 248, 269A, 295

2. Rochester has a population of 40,663 (1960 U.S. Census) and its county has a population of 65,532. It has three AM stations, two of which are daytime-only stations and the third is a Class IV station. The two Class C FM assignments are in operation. Two applications have been filed by the petitioners for the remaining Class A channel (244A). These applications, BPH-5145 and 5192, are mutually exclusive and must be designated for comparative hearing, unless an additional assignment is made to the city as requested by petitioners. Petitioners state that the two remaining AM stations without an FM outlet would like "to contribute to the general diversity of program sources for their community," that they are anxious to avoid a lengthy and expensive comparative hearing, and that the proposed additional assignment will meet all the minimum mileage requirements of the rules. With respect to the city of Rochester, petitioners submit that its population has increased 17.5 percent in the last 5 years, that approximately 450,000 persons visit it each year, a large portion of this number attributable to Mayo Clinic, and that it is a very important industrial, medical, educational, and cultural center. For the above stated reasons, petitioner urges that the addition of another FM channel to the city of Rochester would serve the public interest.[1]

3. We believe that petitioners have made a sufficient showing to support the issuance of a notice of proposed rule making on their request. Comments are therefore invited on the proposal set forth in paragraph 1, above, which would add Channel 269A to Rochester, Minn. Interested parties are invited to comment on the extent to which the proposed assignment would affect possible alternative uses of this and adjacent channels in this general area.

4. Authority for the adoption of the amendments proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

5. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before July 22, 1966, and reply comments on or before August 5, 1966. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

6. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all written comments, replies, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: June 15, 1966.

Released: June 16, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-6790; Filed, June 21, 1966; 8:48 a.m.]

[1] WWSC (Class IV) and WBZA (daytime) are the only radio stations in Glens Falls.

[2] Commissioner Cox absent.

[1] In a supplement to their petition filed June 13, 1966, petitioners assert that a special 1965 census showed Rochester to have a population of nearly 48,000, and that its growth is continuing.

[2] Commissioner Cox absent.

[47 CFR Parts 89, 91, 93]

[FCC 66-529]

TEST OF MOBILE SECONDARY FREQUENCY SHARING

Final Action Deferred

JUNE 16, 1966.

As one possible means of affording relief to the ever increasing demands for radiocommunication by the land mobile radio services, the Commission entertained the idea that expanding the concept of inter-service sharing of frequencies by the principle of secondary assignment might offer great promise in relieving the acute problem of frequency congestion. To explore the feasibility of this idea, the Commission, on May 10, 1965, adopted rules in Docket 15399 to conduct, in the State of California, an experiment to test the concept of sharing land mobile frequencies which might not be heavily used in particular geographical areas by certain services other than those to which the frequencies are allocated on a primary basis. However, no applications for participation in the test were filed.

The Commission's staff informally conferred with representatives of land mobile radio users to ascertain the cause of the negative response. Information received indicated that some of the conditions governing the test program were too restrictive. The Commission concluded that some changes were warranted to make the test more attractive to prospective participants and issued a notice of proposed rule making (Docket 16259) to relax certain of the limitations and requirements governing operation under the secondary frequency assignment plan. The major changes were as follows:

1. Applicants would be permitted to use both the primary and secondary frequencies, instead of being limited to use of the secondary frequency only.

2. Removal of the present restriction of only one secondary frequency assignment per applicant, to permit an applicant as many secondary assignments as he has primary ones.

3. The present requirement of 90 days operation on the primary frequency would be dropped.

4. For the first time, applicants in Texas and a 100-mile area around Chicago, Illinois, would be eligible to participate.

The comments filed have been reviewed. Although most of them supported the proposed relaxations, only one or two of those who commented indicated clear willingness to participate in the test. On the other hand, it was suggested that the test not be initiated until after the Advisory Committee for the Land Mobile Radio Services, which is considering various possible alternative sharing plans, completes its work.

The Frequency Utilization and Administration Standing Committee of the ACLMRS is charged, in part, with the responsibility of studying and recommending alternative plans for allocation of frequencies in the land mobile radio services. Information received from the ACLMRS indicates that the report of the Standing Committee is near completion and will be available for informal preliminary study within the next several months. The final report is expected to be submitted to the Commission by the Executive Committee of the ACLMRS prior to the scheduled expiration of the Advisory Committee in March 1967. As soon as the final report on this matter is received from the Executive Committee, further action in the pending proceeding will be resumed.

In view of the foregoing, the Commission has decided to defer final action concerning a possible test in Docket 16259 until after the ACLMRS submits its report and recommendations on the subject of sharing frequencies allocated to the land mobile services.

Adopted: June 15, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-6823; Filed, June 21, 1966; 8:50 a.m.]

[1] Commissioner Cox absent.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[Antidumping—ATS 643.3–G]

THIOUREA FROM WEST GERMANY

Antidumping Proceeding Notice

JUNE 16, 1966.

On May 11, 1966, the Commissioner of Customs received information in proper form pursuant to the provisions of § 14.6 (b) of the Customs Regulations indicating a possibility that thiourea imported from West Germany, manufactured by Degussa, A.G., Frankfurt/Main, West Germany, is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Thiourea is a chemical intermediate used in the manufacture of photographic chemicals, pharmaceuticals, textile chemicals, etc.

Ordinarily, merchandise is considered to be sold at less than fair value when the net, f.o.b. factory price for exportation to the United States is less than the net, f.o.b. factory price to purchasers in the home market, or, where appropriate, to purchasers in other countries, after due allowance is made for differences in quantity and circumstances of sale.

A summary of the information received is as follows:

Based on documentation furnished by the complainant the alleged price for home consumption in West Germany is about 60 percent higher than the price for export to the United States.

In order to establish the validity of the information, the Bureau of Customs is instituting an inquiry pursuant to the provisions of § 14.6(d) (1) (ii), (2), and (3) of the Customs Regulations.

The information was submitted by the Elco Corp., Cleveland, Ohio.

This notice is published pursuant to § 14.6(d) (1) (i) of the Customs Regulations (19 CFR 14.6(d) (1) (i)).

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

[F.R. Doc. 66–6796; Filed, June 21, 1966; 8:48 a.m.]

Internal Revenue Service

[Order 97 (Rev. 2)]

ASSISTANT COMMISSIONER (COMPLIANCE) ET AL.

Delegation of Authority With Respect to Closing Agreements Concerning Internal Revenue Tax Liability

Pursuant to authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7121–1(a):

1. The Assistant Commissioner (Compliance) is hereby authorized to enter into a written agreement with any person relating to the internal revenue tax liability for alcohol, tobacco, and firearms taxes, other than the manufacturers excise tax on firearms arising from application of sections 4181 and 4182 of the Internal Revenue Code, of such person (or of the person or estate for whom he acts) in respect of any prospective transactions or completed transactions affecting returns to be filed.

2. The Assistant Commissioner (Technical) is hereby authorized to enter into a written agreement with any person relating to the internal revenue tax liability, other than for those taxes covered by delegation to the Assistant Commissioner (Compliance) in paragraph 1, of such person (or of the person or estate for whom he acts) in respect of any prospective transactions or completed transactions affecting returns to be filed.

3. The Assistant Commissioner (Compliance) is hereby authorized to enter into a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) for a taxable period or periods ended prior to the date of agreement and related specific issues affecting other taxable periods.

4. Regional Commissioners, Assistant Regional Commissioners (Appellate), Chiefs, and Associate Chiefs, Appellate Branch Offices, are hereby authorized in cases under their jurisdiction and in cases in which a closing agreement has been recommended for approval by the office of a District Director (but excluding cases docketed before the Tax Court of the United States) to enter into a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods.

5. Regional Commissioners, Assistant Regional Commissioners (Appellate), Chiefs, and Associate Chiefs, Appellate Branch Offices, are hereby authorized in cases under their jurisdiction docketed in the Tax Court of the United States to enter into written agreements but only in respect to related specific items affecting other taxable periods.

6. The Director of International Operations is hereby authorized to enter into a written agreement with any person relating to the internal revenue tax liability of such person (or of the person or estate for whom he acts) to provide for the mitigation of economic double taxation under section 3 of Revenue Procedure 64–54, C.B. 1964–2, 1008.

7. District Directors of Internal Revenue are hereby authorized in cases under their jurisdiction to enter into a written agreement with any person to provide that the internal revenue tax liability of such person (or of the person or estate for whom he acts) with respect to the taxability of earnings from a deposit or account of the type described in Revenue Procedure 64–24, C.B. 1964–1 (Part 1), 693, opened prior to November 15, 1962, will be determined on the basis that earnings on such deposits or accounts are not includible in gross income until maturity or termination, whichever occurs earlier, and that the full amount of earnings on the deposit or account will constitute gross income in the year the plan matures, is assigned, or is terminated, whichever occurs first.

8. Authority delegated in this order may not be redelegated.

9. Delegation Order No. 97 (Rev. 1), issued August 23, 1965, is hereby superseded.

Date of issue: June 15, 1966.

Effective date: July 1, 1966.

[SEAL] SHELDON S. COHEN,
Commissioner.

[F.R. Doc. 66–6797; Filed, June 21, 1966; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

The U.S. Forest Service of the Department of Agriculture has filed an application, Serial Number Colorado 0128263, for the withdrawal from location and entry under the General Mining Laws, subject to existing valid claims, certain public lands in the sections and townships described below.

The applicant desires the land to develop a public recreation area in the Uncompahgre National Forest .

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 Land Office Manager, Bureau of Land Management, Department of the Interior, Colorado Land Office, Room 15019, Federal Building, 1961 Stout Street, Denver, Colorado, 80202.

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

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.

The lands affected are:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

UNCOMPAHGRE NATIONAL FOREST

T. 42 N., R. 9 W.,
In sections 22 and 23.

Lands proposed to be withdrawn in the above-designated areas aggregate approximately 148 acres.

W. F. MEEK,
Manager, Land Office,
Denver, Colo.

[F.R. Doc. 66-6762; Filed, June 21, 1966; 8:45 a.m.]

[Oregon 018617]

OREGON

Notice of Proposed Classification of Public Lands

Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411–18) and to the regulations in 43 CFR, Parts 2410 and 2411, it is proposed to classify the public lands within the area described below, together with any lands therein that may become public lands in the future, for retention for multiple use management. Publication of this notice segregates the described public lands from appropriation under homestead and allotment laws (43 U.S.C. Ch. 7 and 25 U.S.C. 331) and from sale under sec. 2455 of the Revised Statutes (43 U.S.C. 1171), except that the authorized officer may on his own motion classify lands and offer them for sale under this section.

Publication will not alter the applicability of the public land laws governing the use of lands under lease, license or permit, or governing the disposal of their mineral or vegetative resources.

For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the District Manager, Bureau of Land Management, 4th and Park, Post Office Box 1139, Coos Bay, Oreg., 97420.

The public lands proposed for classification are located within the following described area and are shown on maps on file in the Coos Bay District Office, Bureau of Land Management, Fourth and Park, Coos Bay, Oreg., and the Land Office, Bureau of Land Management, 729 Northeast Oregon, Portland, Oreg.

WILLAMETTE MERIDIAN, OREGON

DOUGLAS COUNTY

T. 20 S., R. 9 W.,
Secs. 22, 26, 28, 30, and 34.
T. 20 S., R. 10 W.,
Secs. 3 and 34.
T. 20 S., R. 11 W.,
Secs. 1, 2, and 3.
T. 21 S., R. 7 W.,
Sec. 30.
T. 21 S., R. 9 W.,
Secs. 2, 4, and 6.
T. 21 S., R. 11 W.,
Secs. 1, 2, 14, 15, 20, 22, 29, 30, 31, and 32.
T. 22 S., R. 8 W.,
Secs. 24 and 28.
T. 22 S., R. 9 W.,
Secs. 6, 8, 22, 28, and 34.
T. 23 S., R. 8 W.,
Secs. 14 and 22.
T. 23 S., R. 9 W.,
Secs. 2 and 18.
T. 25 S., R. 9 W.,
Sec. 34.
T. 26 S., R. 8 W.,
Secs. 10, 20, 22, 30, 32 and 34.
T. 26 S., R. 9 W.,
Secs. 2, 10, 12 and 14.
T. 27 S., R. 8 W.,
Secs. 2 and 4.

COOS COUNTY

T. 25 S., R. 12 W.,
Secs. 34 and 35.
T. 26 S., R. 9 W.,
Sec. 32.
T. 26 S., R. 10 W.,
Secs. 20 and 32.
T. 26 S., R. 11 W.,
Secs. 6 and 8.
T. 26 S., R. 12 W.,
Secs. 2 and 4.
T. 26 S., R. 14 W.,
Sec. 28.
T. 27 S., R. 9 W.,
Secs. 4, 6, 8 and 18.
T. 27 S., R. 10 W.,
Secs. 12, 30, 32 and 34.
T. 27 S., R. 11 W.,
Secs. 24 and 26.
T. 28 S., R. 9 W.,
Sec. 4.
T. 28 S., R. 10 W.,
Secs. 4, 6, 12, 14 and 24.
T. 28 S., R. 11 W.,
Secs. 18, 32 and 34.
T. 28 S., R. 12 W.,
Sec. 36.
T. 29 S., R. 10 W.,
Secs. 8, 18, 24, and 28.
T. 29 S., R. 11 W.,
Secs. 4, 6, 8, 18, and 22.
T. 29 S., R. 12 W.,
Secs. 12, 24, 26, and 35.
T. 29 S., R. 13 W.,
Sec. 27.
T. 30 S., R. 11 W.,
Secs. 4, 6, 8, 12, 14, 24, and 26.
T. 30 S., R. 12 W.,
Secs. 5, 6, and 12.
T. 30 S., R. 13 W.,
Secs. 1, 7, 10, 17, 18, 20, 21, 23, 26, and 35.
T. 30 S., R. 14 W.,
Sec. 12.
T. 30 S., R. 15 W.,
Sec. 12.
T. 31 S., R. 13 W.,
Sec. 2.

The public lands in the areas described aggregate 14,902 acres.

A public hearing on the proposed classification will be held on September 6, 1966, at 10:30 a.m. at the Bureau of Land Management District Office, 4th and Park, Coos Bay, Oreg.

B. T. VLADIMIROFF,
Acting State Director.

[F.R. Doc. 66-6763; Filed, June 21, 1966; 8:45 a.m.]

National Park Service

SIGNAL MOUNTAIN LODGE, INC.; GRAND TETON NATIONAL PARK

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, Public Law 89–249, public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Signal Mountain Lodge, Inc., authorizing it to provide concession facilities and services for the public in Grand Teton National Park for a period from date of execution of the contract through December 31, 1971, with the proviso that if the construction and improvement program called for in the contract is satisfactorily completed within the prescribed time, the contract shall automatically be extended for a further period of 5 years. Before doing so, however, and before granting a new contract, pursuant to the Act cited above, the Secretary hereby gives public notice of his intention in the matter and will consider and evaluate all proposals received as a result of this notice.

Interested parties should contact the Director of the National Park Service, Washington, D.C., 20240, for information as to the requirements of the proposed contract.

Dated: June 16, 1966.

THOMAS FLYNN,
Acting Assistant Director,
National Park Service.

[F.R. Doc. 66-6765; Filed, June 21, 1966; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1965-CROP LOAN COTTON

Notice of Acquisition by CCC

All outstanding loans on cotton under Commodity Credit Corporation's 1965 Cotton Loan Program mature on August 1, 1966, unless Commodity Credit Corporation makes demand for payment at an earlier date. Notice is hereby given that if the borrower or a purchaser of his equity does not redeem the cotton securing any such outstanding loan before the close of business on August 1, 1966, and if Commodity Credit Corporation has not made demand for payment at an earlier date, Commodity Credit Corporation will, pursuant to the provisions of the loan agreement covering such loan, acquire title to such cotton at the close of business on August 1, 1966, and title thereto shall, without a sale thereof, vest in Commodity Credit Corporation at such time. As provided in the loan agreement, Commodity Credit Corporation will not pay for any market value which such cotton may have in excess of the loan value of the cotton plus applicable charges and interest. If the warehouse receipts representing any such cotton are sent to a local bank at the request of the producer or a purchaser of his equity, the loan value of the cotton, plus charges and interest, must be paid at the local bank not later than the close of business on August 1, 1966. Any repayment made by mail must be received by Commodity Credit Corporation or by the local bank not later than the close of business on August 1, 1966.

Notwithstanding the foregoing provisions, Commodity Credit Corporation does not elect to acquire any cotton on

which there is a basis for a claim against the borrower under the terms of the loan agreement, and in all such cases title to the cotton shall not so vest in Commodity Credit Corporation.

Signed at Washington, D.C., on June 16, 1966.

ROLAND F. BALLOU,
Acting Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 66-6776; Filed, June 21, 1966; 8:45 a.m.]

SALES OF CERTAIN COMMODITIES

June 1966 CCC Monthly Sales List

Notice to buyers. Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669), and subject to the conditions stated therein as well as herein, the commodities listed below are available for sale and, where noted, for redemption of payment-in-kind certificates on the price basis set forth.

The prices at which Commodity Credit Corporation commodity holdings are available for sale during June 1966 are as announced by the U.S. Department of Agriculture. The following commodities are available: Cotton (upland and extra long staple), wheat, corn, oats, barley, rye, rice, grain sorghum, dry beans, peanuts, flax, and linseed oil.

Pea, red kidney and pink beans are being added to the Sales List for June. As in past years, the minimum sales price will be not less than 105 percent of the current support price plus reasonable carrying charges. Any beans remaining unsold after a reasonable period will be made available for domestic donation outlets.

Export Commodity Certificates (Form CCC-341) issued after May 31 in connection with exports of private stocks of upland cotton under the CCC Export Credit Sales Program may also be exchanged for rights in the CCC upland cotton certificate pools. The cotton obtained from the pools need not be exported.

Cheddar cheese, butter, and nonfat dry milk are withdrawn from sale because supplies are temporarily exhausted. If supplies become available during the month, they will be offered for domestic and export sale as indicated under the Dairy Products section of the list.

Corn, oats, barley, or grain sorghum, as determined by CCC, will be sold for unrestricted use for "Dealers' Certificates" issued under the emergency livestock feed program. Grain delivered against such certificates will be sold at the applicable current market price, determined by CCC.

In the following listing of commodities and sales prices or method of sales, "unrestricted use" applies to sales which permit either domestic or export use and "export" applies to sales which require export only. CCC reserves the right to determine the class, grade, quality, and available quantity of commodities listed for sale.

The CCC Monthly Sales List, which varies from month to month as additional commodities become available or commodities formerly available are dropped, is designed to aid in moving CCC's inventories into domestic or export use through regular commercial channels.

If it becomes necessary during the month to amend this list in any material way—such as by the removal or addition of a commodity in which there is general interest or by a significant change in price or method of sale—an announcement of the change will be sent to all persons currently receiving the list by mail from Washington. To be put on this mailing list, address: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C., 20250.

Interest rates per annum under the CCC Export Credit Sales Program (Announcement GSM-3) for June 1966 are 5 percent for U.S. bank obligations and 6 percent for foreign bank obligations, without regard to credit periods involved up to a maximum of 36 months. Commodities currently offered for sale by CCC, plus tobacco from CCC loan stocks, are available for export sale under the CCC Export Credit Sales Program as provided under specific commodity listings. Commodities from private stocks now eligible for financing under the CCC Export Credit Sales Program include wheat, wheat flour, bulgur, corn, corn meal, grain sorghum, upland and extra long staple cotton, tobacco, milled and brown rice, cottonseed oil, soybean oil, and dairy products.

Information on commodities available under Title IV, P.L. 480, private trade agreements, and current information on interest rates and other phases of the program may be obtained from the Office of the General Sales Manager, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C., 20250.

The following commodities are currently available for barter: Cotton (upland and extra long staple), tobacco, wheat, corn, and grain sorghum. (In addition, free market stocks of cottonseed and soybean oils are eligible for barter programing.) This list is subject to change from time to time.

The CCC will entertain offers from responsible buyers for the purchase of any commodity on the current list. Offers accepted by CCC will be subject to the terms and conditions prescribed by the Corporation. These terms include payment by cash or irrevocable letter of credit before delivery of the commodity, and the conditions require removal of the commodity from CCC stocks within a reasonable period of time. Where sales are for export, proof of exportation is also required, and the buyer is responsible for obtaining any required U.S. Government export permit or license. Purchases from CCC shall not constitute any assurance that any such permit or license will be granted by the issuing authority.

Applicable announcements containing all terms and conditions of sale will be furnished upon request. For easy reference a number of these announcements are identified by code number in the following list. Interested persons are invited to communicate with the Agricultural Stabilization and Conservation Service, USDA, Washington, D.C., 20250, with respect to all commodities or—for specified commodities—within the designated ASCS Commodity Office.

Commodity Credit Corporation reserves the right to amend from time to time, any of its announcements. Such amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

CCC reserves the right to refuse to consider an offer, if CCC does not have adequate information of financial responsibility of the offerer to meet contract obligations of the type contemplated in this announcement. If a prospective offerer is in doubt as to whether CCC has adequate information with respect to his financial responsibility, he should either submit a financial statement to the office named in the invitation prior to making an offer, or communicate with such office to determine whether such a statement is desired in his case. When satisfactory financial responsibility has not been established, CCC reserves the right to consider an offer only upon submission by offerer of a certified or cashier's check, a bid bond, or other security, acceptable to CCC, assuring that if the offer is accepted, the offerer will comply with any provisions of the contract with respect to payment for the commodity and the furnishing of performance bond or other security acceptable to CCC.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered by the appropriate ASCS office promptly upon appearance and therefore, generally, they do not appear in the Monthly Sales List.

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions and have a person, principal or resident agent upon whom service of judicial process may be had.

Prospective buyers for export should note that generally, sales to U.S. Government agencies, with only minor exceptions will constitute domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sales, to define or limit export areas.

The Department of Commerce, Bureau of International Commerce, pursuant to regulations under the Export Control Act of 1949, prohibits the exportation or reexportation by anyone of any commodities under this program to Cuba, the Soviet Bloc or Communist-controlled areas of the Far East including Com-

munist China, North Korea and the Communist-controlled area of Viet Nam, except under validated license issued by the U.S. Department of Commerce, Bureau of International Commerce.

For all exportations, one of the destination control statements specified in Commerce Department Regulations (Comprehensive Export Schedule Section 379.10(c)) is required to be placed on all copies of the shipper's export declaration, all copies of the bill of lading, and all copies of the commercial invoices. For additional information as to which destination control statement to use, the exporter should communicate with the Bureau of International Commerce or one of the field offices of the Department of Commerce.

Exporters should consult the applicable Commerce Department regulations for more detailed information if desired and for any changes that may be made therein.

SALES PRICE OR METHOD OF SALE

WHEAT, BULK

Unrestricted use.

A. *Storable.* All classes of wheat in CCC inventory are available for sale at market price but not below 108 percent of the 1965 support price for the class, grade, and protein of the wheat plus the markup shown in C below applicable to the type of carrier involved.

B. *Nonstorable.* At not less than market price, as determined by CCC.

C. *Markup and examples (dollars per bushel—in store).*

Markup in-store received by—		Examples—Agricultural Act of 1949; stat. minimum
Truck	Rail or barge	
$0.18½	$0.15¼	Minneapolis—No. 1 DNS ($1.58) 108 percent+$0.15¼; $1.86¼. Portland—No. 1 SW ($1.44) 108 percent+$0.15¼; $1.71¼. Kansas City—No. 1 HW ($1.43) 108 percent+$0.15¼; $1.70¼. Chicago—No. 1 RW ($1.49) 108 percent+$0.15¼; $1.76¼.

D. *Availability information.* For information on the disposition of nonstorable wheat, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices shown at the end of this sales list.

Export.

Sales will be made pursuant to the following announcements:

A. Announcement GR-345 (revised Aug. 25, 1964), as amended for export under the wheat export payment-in-kind program. When hard winter wheat is delivered on the west coast by CCC to cover sales under GR-345, evidence of export must show exportation from west coast ports. Hard Red Winter wheat exports through Pacific northwest ports will not be eligible for Title I, P.L. 480 sales. HRW wheat exports through California ports are eligible for Title I, P.L. 480 sales.

B. Announcement GR-346 (revised Sept. 8, 1964), as amended for export as flour.

C. Announcement GR-261 (Revision 2, Jan. 9, 1961), as amended and supplemented for export as wheat and under Announcement GR-262 (Revision 2, Jan. 9, 1961, as amended), for export as flour for application under arrangements for barter and approved CCC credit sales only at prices determined daily. HW wheat will not be sold through west coast ports under Announcement GR-261 or GR-262.

D. *Available:* Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

CORN, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of corn as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The price at which corn shall be valued for such dispositions shall be the market price as determined by CCC, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1965 price-support loan rate for the class, grade, and quality of the corn plus the markup shown in C of this unrestricted use section.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable corn as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1965 price support rate [2] (published loan rate plus 20 cents per bushel) for the class, grade, and quality of the corn, plus the markup shown in C of this unrestricted use section.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store [1] basis No. 2 Yellow Corn 14 percent M.T. 2 percent F.M.).*

Markup in-store received by—	Examples
Truck	
$0.16¼	Feed grain program domestic PIK certificate minimums: McLean County, Ill. ($1.06+$0.03 +$0.16¼); $1.25¼. Agricultural Act of 1949 stat. minimums: McLean County, Ill. ($1.06+$0.20 +$0.03); 105 percent +$0.16¼; $1.52¼.

D. *Availability information.* For information on CCC corn sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of corn from other locations, contact the Evanston, Kansas City, Minneapolis, or Portland ASCS Grain Offices shown at the end of this sales list.

Export.

Sales for barter and credit are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for corn. Sales will be made pursuant to the following announcements:

A. Announcement GR-368 (revised Mar. 1, 1965), feed grain export payment-in-kind program.

B. Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to approved CCC barter and credit sales.

C. *Available.* Evanston, Kansas City, Minneapolis, and Portland ASCS Grain Offices.

GRAIN SORGHUM (BULK)

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of grain sorghum as CCC may designate will be in redemption of certificates or rights represented by pooled certificates under a feed grain program. The minimum price at which grain sorghum shall be valued for such dispositions shall be market price, as determined by CCC, but not less than the payment-in-kind formula price for such redemption. Such formula price shall be the applicable 1965 price-support loan rate for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable grain sorghum as CCC may designate as general sales will be made during the month at market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1965 price-support rate [2] (published loan rate plus 35 cents per hundredweight) for the class, grade, and quality of the grain sorghum, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per hundredweight in-store [1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.31½	$0.25¾	Feed grain program domestic PIK certificate minimums: Hale County, Tex. ($1.63+$0.31½); $1.94½. Kansas City, Mo. (ex-rail) ($1.93+ $0.25¾); $2.18¾. Agricultural Act of 1949; stat. minimums: Hale County, Tex. ($1.63+$0.35); 105 percent +$0.31½; $2.39½. Kansas City, Mo. (ex-rail) ($1.93+ $0.35); 105 percent and $0.25¾; $2.65¾.

D. *Availability information.* For information on CCC grain sorghum sales and payments-in-kind from bin sites, contact ASCS State or county offices. For information on the disposition of grain sorghum from other locations, contact the Kansas City, Evanston, Portland, or Minneapolis ASCS grain offices shown at the end of this sales list.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at barter and credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price support rate plus the markup referred to in C of the unrestricted use section for grain sorghum. Sales will be made pursuant to the following announcements:

A. Announcement GR-368 (revised Mar. 1, 1965), feed grain export payment-in-kind program.

B. Announcement GR-212 (Revision 2, Jan. 9, 1961), for application to arrangements for barter, approved CCC credit and other designated sales.

C. *Available.* Evanston, Kansas City, Minneapolis, and Portland ASCS grain offices.

BARLEY, BULK

Unrestricted use.

A. *Redemption of domestic payment-in-kind certificates.* Such CCC dispositions of barley as CCC may designate will be in redemption of certificates or rights represented

by pooled certificates under a feed grain program. The minimum price at which barley shall be valued for such dispositions shall be market price, as determined by CCC, but not less than the payment-in-kind formula price for such redemptions. Such formula price shall be the applicable 1965 price-support loan rate for the class, grade, and quality of the barley, plus the markup shown in C of this unrestricted use section applicable to the type of carrier involved.

B. *General sales.*

1. *Storable.* Such CCC dispositions of storable barley as CCC may designate as general sales will be made during the month at market price, but not less than the Agricultural Act of 1949 formula minimum price for such sales which is 105 percent of the applicable 1965 price-support rate [2] (published loan rate plus 16 cents per bushel) for the class, grade, and quality of the barley, plus the markup shown in C of this unrestricted use section, applicable to the type of carrier involved.

2. *Nonstorable.* At not less than market price as determined by CCC.

C. *Markups and examples (dollars per bushel in-store [1] No. 2 or better).*

Markup in-store received by—		Examples
Truck	Rail or barge	
$0.17¾	$0.15¼	Feed grain program domestic PIK certificate minimums: Cass County, N. Dak. ($0.76+$0.17¾); $0.93¾. Minneapolis, Minn. (ex-rail) ($0.99+$0.15¼); $1.14¼. Agricultural Act of 1949; statutory minimums: Cass County, N. Dak. ($0.76+$0.16); 105 percent +$0.17¾; $1.14¾. Minneapolis, Minn. (ex-rail) ($0.99+$0.16); 105 percent +$0.15¼; $1.36¾.

D. *Availability information.* For information on CCC barley sales from bin sites, contact ASCS State or county offices. For information on the disposition of barley from other locations, contact the Kansas City, Evanston, Minneapolis, or Portland ASCS grain offices shown at the end of this sales list.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in C of the unrestricted use section for barley. Sales will be made pursuant to the following announcements except that barley will not be sold for applications to Title I, or Title IV, P.L. 480 purchase authorizations or for barter.

A. Announcement GR–368 (revised Mar. 1, 1965), feed grain export payment-in-kind program.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to approved CCC credit sales.

C. *Available.* Kansas City, Evanston, and Minneapolis ASCS grain offices.

OATS, BULK

Unrestricted use.

A. Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent of the applicable 1965 price-support rate [2] for the class, grade, and quality of the oats plus the markup shown in B below.

B. *Markups and examples (dollars per bushel in-store [1] basis No. 2 XHWO).*

Markup in-store received by—	Examples—Agricultural Act of 1949; Stat. minimum
Truck	
$0.16¼	Redwood County, Minn. ($0.56+$0.03 quality differential); 105 percent +$0.16¼; $0.78¼.

C. *Nonstorable.* At not less than the market price as determined by CCC.

D. *Availability information.* Sales at bin sites are made through the ASCS county offices; at other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for oats. Sales will be made pursuant to the following announcements except that oats will not be sold for applications to Title I, or Title IV, P.L. 480 purchase authorizations or for barter.

A. Announcement GR–368 (revised Mar. 1, 1965), feed grain export payment-in-kind program.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961), for applications to approved CCC credit and other designated sales.

C. *Available.* Kansas City, Evanston, Minneapolis, and Portland ASCS grain offices.

RYE, BULK

Unrestricted use.

A. *Storable.* Market price, as determined by CCC, but not less than the Agricultural Act of 1949 formula price which is 105 percent [2] of the applicable 1965 price-support rate for the class, grade, and quality of the grain plus the markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store [1] No. 2 or better).*

Markup in-store received by—		Examples—Agricultural Act of 1949; Stat. minimum
Truck	Rail or barge	
$0.18½	$0.15¼	Rollete County, N. Dak. ($0.91); 105 percent +$0.18½; $1.14½. Minneapolis, Minn. (ex-rail) ($1.24); 105 percent +$0.15¼; $1.46¼.

C. *Nonstorable.* At not less than market price as determined by CCC.

D. *Availability information.* Sales at bin sites are made through ASCS county offices; at other locations through the Evanston, Kansas City, Minneapolis, or Portland ASCS grain offices.

Export.

Sales are made at the applicable export market price, as determined by CCC; export payment-in-kind rates, if any, are deducted in arriving at credit sales prices. The statutory minimum price referred to in the price adjustment provisions of the following export sales announcements is 105 percent of the applicable price-support rate plus the markup referred to in B of the unrestricted use section for rye. Sales will be made pursuant to the following announcements except that rye will not be sold for applications to Title I, or Title IV, P.L. 480 purchase authorizations or for barter.

A. Announcement GR–368 (revised Mar. 1, 1965), feed grain export payment-in-kind program.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to approved CCC credit and other designated sales.

C. *Available.* Evanston, Kansas City, Portland, and Minneapolis ASCS grain offices.

RICE, ROUGH

Unrestricted use.

Market price but not less than 1965 loan rate plus 5 percent plus 44 cents per hundredweight, basis in store.

Export.

As milled or brown under Announcement GR–369, Revision III, rice export program—payment-in-kind, and under GR–379, Revision I, for approved credit sales.

Prices, quantities, and varieties of rough rice available from Kansas City ASCS Commodity Office.

COTTON, UPLAND

Unrestricted use.

A. Competitive bid under the terms and conditions of Announcement NO–C–16, as amended (Sale of Upland Cotton for Unrestricted Use). Under this announcement, upland cotton acquired under price support programs will be sold at the highest price offered but in no event at less than the higher of (a) 105 percent of the current loan rate for such cotton, plus reasonable carrying charges, or (b) the market price for such cotton, as determined by CCC.

B. Competitive offers under the terms and conditions of Announcement NO–C–26 (Disposition of Upland Cotton—for Exchange of PIK Certificates or Rights in the Certificate Pool for Upland Cotton), as amended. Upland cotton may be acquired at its domestic market price which shall be the highest price offered but not less than the minimum price determined by CCC.

C. Competitive offers under the terms and conditions of Announcement NO–C–31 (Disposition of Upland Cotton—In Redemption of Payment-In-Kind Certificates or Rights in Certificate Pools, In Redemption of Export Commodity Certificates, Against the "Shortfall," and Under Barter Transactions), as amended. No cotton will be delivered prior to August 1, 1966. Cotton may be acquired at its current market price for delivery after August 1, 1966, which shall be the highest price offered but not less than the minimum determined by CCC, and in no event at less than the loan rate for such cotton at time of delivery.

Export.

A. *CCC sales for export.* Competitive bid under the terms and conditions of Announcements CN–EX–25 (Cotton Export Program—Sales—1964–66 Marketing Years) and NO–C–29 (Sale of Upland Cotton—Cotton Export Program—1964–66 Marketing Years), as amended.

B. *CCC credit sales and barter.* Competitive bid under the terms and conditions of Announcement CN–EX–23 (Purchase of Upland Cotton for Export under the Export Credit Sales Program), Announcement CN–EX–24 (Acquisition of Upland Cotton for Export under the Barter Program), and Announcement NO–C–28 (Sale of Upland Cotton CCC Credit and Barter Programs—1964–66 Marketing Years), as amended.

COTTON, EXTRA LONG STAPLE

Unrestricted use.

A. Competitive bid under the terms and conditions of Announcements NO–C–6 (revised July 22, 1960), as amended, and NO–C–10, as amended. Under these announcements extra long staple cotton (domestically grown) will be sold at the highest price offered but in no event at less than the higher of (a) 115 percent of the current support

price for such cotton plus reasonable carrying charges, or (b) the domestic market price as determined by CCC.

Export.

A. *CCC sales for export.* Competitive bid under the terms and conditions of Announcements CN–EX–20 (Foreign-Grown Extra Long Staple Cotton Export Program) and NO–C–23 (Sale of Foreign-Grown Extra Long Staple Cotton).

Competitive bid under the terms and conditions of Announcements CN–EX–22 (Extra Long Staple Cotton Export Program) and NO–C–27 (Sale of Extra Long Staple Cotton), as amended.

B. *CCC credit sales and barter.* Competitive bid under the terms and conditions of Announcement CN–EX–26 (Purchase of Extra Long Staple Cotton for Export under the Export Credit Sales Program), Announcement CN–EX–27 (Acquisition of Extra Long Staple Cotton for Export under the Barter Program), and Announcement NO–C–27 (Sale of Extra Long Staple Cotton), as amended.

Availability information. Sale of cotton will be made by the New Orleans ASCS Commodity Office and catalogs for upland cotton and extra long staple cotton showing quantities, qualities, and location may be obtained for a nominal fee from that office.

PEANUTS, SHELLED

A. *Domestic crushing or export.*

1. Shelled peanuts of less than U.S. No. 1 grades may be purchased for foreign or domestic crushing.

2. U.S. Medium—Virginia type—for export.

3. Terms and conditions of sales appear in CCC Peanut Announcement 1 (revised) January 4, 1962, Amendments 1 thru 4, Supplement 1 and in the lot list and Appendix 1 thereto.

B. When stocks of any of the above categories are available in their area of responsibility, weekly lot lists are issued by the following:

GFA Peanut Association, Camilla, Ga.
Peanut Growers Cooperative Marketing Association, Franklin, Va.
Southwestern Peanut Growers' Association, Gorman, Tex.

All sales are made on the basis of competitive bids each Wednesday, by the Producer Associations Division, Agricultural Stabilization and Conservation Service, Washington, D.C., to which all bids are submitted.

DRY EDIBLE BEANS (BAGGED)

Domestic market price but not less than the following minimum price per hundredweight for U.S. No. 1 f.o.b. indicated points of production. Amount of paid-in-freight to be added as applicable. For other grades and locations adjust by applicable 1966 price-support differentials.

Class	Price per hundredweight	Area of production
Pea	$7.40	Michigan.
Red Kidney	9.08	Do.
Pink	7.97	Do.

FLAXSEED, BULK

Unrestricted use.

A. *Storable.* Market price but not less than the applicable 1965 support price for the class, grade, and quality of flaxseed plus 14½ cents per bushel, and plus the respective markup shown in B below applicable to the type of carrier involved.

B. *Markups and examples (dollars per bushel in-store* [1]).

Markup per bushel received by—		Examples of minimum prices (ex-rail or barge)		
Truck	Rail or barge	Terminal	Class and grade	Price
Cents $0.20	*Cents* $0.15½	Minneapolis	No. 1	$3.45

C. *Nonstorable.* At not less than market price as determined by CCC.

D. *Available.* Through the Minneapolis Grain Merchandising ASCS Office.

Export.

A. Announcement PS–GR–4, Revision 1, dispositions of flaxseed, as designated by CCC, will be in redemption of export commodity certificates at the domestic market price as determined by CCC.

B. Announcement GR–212 (Revision 2, Jan. 9, 1961), for application to approved CCC credit sales. Such sales will be at the domestic market price as determined by CCC less the applicable export payment allowance. The flaxseed to be exported shall be No. 2 grade, or better.

C. *Available.* Through the Minneapolis Grain Merchandising ASCS Office.

LINSEED OIL, RAW (BULK)

Export.

Under Announcement PS–GR–4, Revision 1, dispositions of raw linseed oil, as designated by CCC, will be in redemption of export commodity certificates at the domestic market price as determined by CCC.

Available. Through the Minneapolis ASCS Commodity Office.

DAIRY PRODUCTS

Sales are in carlots only in-store at storage location of products.

Submission of offers.

Submit offers to the Minneapolis ASCS Commodity Office.

NONFAT DRY MILK

Unrestricted use.

Announced prices, under MP–14: Spray process, U.S. Extra Grade, 18.60 cents per pound.

Export.

Competitive bid, under MP–10, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Sales under this announcement may be made for application to barter and approved CCC credit.

Any nonfat dry milk offered but not sold under the invitation to bid issued pursuant to MP–10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

BUTTER

Unrestricted use.

Announced prices, under MP–14: 65.0 cents per pound—New York, Pennsylvania, New Jersey, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 64.25 cents per pound—Washington, Oregon, and California. All other States 64.0 cents per pound.

Export.

Competitive bid under Announcement MP–10, pursuant to invitations to bid to be issued by Minneapolis ASCS Commodity Office. Sales under this announcement may be made for application to barter and CCC credit.

Any butter offered but not sold under the invitation to bid issued pursuant to MP–10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

CHEDDAR CHEESE (STANDARD MOISTURE BASIS)

Unrestricted use.

Announced prices, under MP–14: 44.5 cents per pound—New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic Ocean and Pacific Ocean and the Gulf of Mexico. All other States 43.5 cents per pound.

Export.

Competitive bid under Announcement MP–10, pursuant to invitation to bid to be issued by Minneapolis ASCS Commodity Office. Announced prices under MP–10. Sales under this announcement may be made for application to CCC credit.

Any cheese offered but not sold under the invitation to bid issued pursuant to MP–10 will be offered for sale through the following Monday noon at prices announced by press release from the Minneapolis ASCS Commodity Office each Wednesday.

FOOTNOTES

[1] The formula price delivery basis for bin site sales will be f.o.b.

[2] To compute, multiply applicable support price by 1.05 round product up to nearest whole cent and add amount shown in the appropriate table and any applicable freight and handling charges.

USDA AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE OFFICES

GRAIN OFFICES

Kansas City ASCS Commodity Office, 8930 Ward Parkway (P.O. Box 205), Kansas City, Mo., 64141. Telephone: Emerson 1–0860.

Alabama, Alaska, Arkansas, Colorado, Florida, Georgia, Hawaii, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming.

Branch Office—Evanston ASCS Branch Office, 2201 Howard Street, Evanston, Ill., 60202. Telephone: Long Distance—University 9–0600 (Evanston Exchange). Local—Rogers Park 1–5000 (Chicago, Ill.).

Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Vermont, and West Virginia.

Branch Office—Minneapolis ASCS Branch Office, 310 Grain Exchange Building, Minneapolis, Minn., 55415. Telephone: 334–2051.

Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Branch Office—Portland ASCS Branch Office, 1218 Southwest Washington Street, Portland, Oreg., 97205. Telephone: 226–3361.

Idaho, Nevada, Oregon, Utah, and Washington (domestic and export sales), Arizona and California (export sales only).

Branch Office—Berkeley ASCS Branch Office, 2020 Milvia Street, Berkeley, Calif., 94704. Telephone: Thornwall 1–5121.

Arizona and California (domestic sales only).

PROCESSED COMMODITIES OFFICE—(ALL STATES)

Minneapolis ASCS Commodity Office, 6400 France Avenue South, Minneapolis, Minn., 55435. Telephone: 334–3200.

COTTON OFFICES—(ALL STATES)

New Orleans ASCS Commodity Office, Wirth Building, 120 Marais Street, New Orleans, La., 70112. Telephone: 527–7766.

GENERAL SALES MANAGER OFFICES

Representative of General Sales Manager, New York Area: Joseph Reidinger, 80 Lafayette Street, New York, N.Y., 10013. Telephone: 264–8439, 8440, 8441.

Representative of General Sales Manager, West Coast Area: Callan B. Duffy, Appraisers' Building, Room 802, 630 Sansome Street, San Francisco, Calif., 94111. Telephone: 556–6185.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply Sec. 407, 63 Stat. 1066; Sec. 105, 63 Stat. 1051, as amended by 76 Stat. 612; Secs. 303, 306, and 307, 76 Stat. 614–617; 7 U.S.C. 1441 (note))

Signed at Washington, D.C., on June 16, 1966.

ROLAND F. BALLOU,
Acting Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 66–6777; Filed, June 21, 1966; 8:46 a.m.]

Office of the Secretary

KANSAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Kansas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

KANSAS

Leavenworth.	Riley.
Pottawatomie.	Shawnee.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loans assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 16th day of June 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66–6781; Filed, June 21, 1966; 8:47 a.m.]

OHIO

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the State of Ohio a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

OHIO

Perry.	Morgan.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 16th day of June 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66–6782; Filed, June 21, 1966; 8:47 a.m.]

TEXAS

Designation and Extension of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named county in the State of Texas natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Orange.

It has also been determined that in the hereinafter-named counties in the State of Texas the above-mentioned natural disasters have caused a continuing need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Texas	*Original Designation*
Aransas	30 F.R. 11112
Delta	30 F.R. 11534
Hardin	30 F.R. 9498
Jefferson	30 F.R. 9498
Lamar	30 F.R. 13021
Matagorda	30 F.R. 9887
Nueces	30 F.R. 11112
San Patricio	30 F.R. 11112
Starr	30 F.R. 9498
Wharton	30 F.R. 11112
Willacy	30 F.R. 8861
Zapata	30 F.R. 9498

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1967, except to applicants who previously received emergency or special livestock loan assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 16th day of June 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66–6783; Filed, June 21, 1966; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–252]

UNIVERSITY OF NEW MEXICO

Notice of Proposed Issuance of Construction Permit

Please take notice that the Atomic Energy Commission ("the Commission") is considering the issuance of a construction permit substantially as set forth below to the University of New Mexico which would authorize the University to receive, possess, and construct the Model AGN–201, Serial No. 112, nuclear reactor which is covered by Facility License No. R–30 and presently located on the campus of the University of California at Berkeley, Calif. The reactor is to be disassembled by the University of California, transferred from its present location at Berkeley, Calif., to Albuquerque, N. Mex., and constructed on the campus of the University of New Mexico in Albuquerque, N. Mex.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this construction permit may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice," 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, a notice of hearing or an appropriate order will be issued. If no request for hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue the construction permit fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER.

For further details with respect to this proposed issuance, see (1) the application, dated April 4, 1966, and the amendments thereto, dated May 19, 1966, and June 9, 1966, and (2) a related Safety Evaluation prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the Safety Evaluation may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 17th day of June 1966.

For the Atomic Energy Commission.

R. L. DOAN,
Director, Division of Reactor Licensing.

PROPOSED CONSTRUCTION PERMIT

The Atomic Energy Commission (hereinafter "the Commission") having found that:

a. The application for license, dated April 4, 1966, as amended May 19, 1966, and June 9, 1966, complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter "the Act"), and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. There is reasonable assurance that the Model AGN-201, Serial No. 112, nuclear reactor can be constructed at the designated location without endangering the health and safety of the public;

c. The University of New Mexico is financially and technically qualified to receive, possess, and construct the reactor at the location as described in the application;

d. The University of New Mexico is a nonprofit educational institution and will use the reactor for the conduct of educational activities and is therefore exempt from the financial protection requirement of subsection 170a of the Act; and

e. Issuance of the proposed construction permit will not be inimical to the common defense and security or to the health and safety of the public. Construction Permit No. CPRR———, effective as of the date of issuance, is hereby issued as follows:

1. This license applies to the Model AGN-201, Serial No. 112, nuclear reactor (hereinafter "the reactor"), formerly owned and operated by the University of California on its campus at Berkeley, Calif., under Facility License No. R-30, Docket No. 50-84, which is described in the University of New Mexico application for license dated April 4, 1966, and the amendments thereto dated May 19, 1966, and June 9, 1966 (hereinafter "the application").

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses The University of New Mexico:

A. Pursuant to the Atomic Energy Act of 1954, as amended, and Title 10, Chapter 1, CFR, Part 50, "Licensing of Production and Utilization Facilities," to receive, possess, and construct, but not to operate, the reactor at the designated location on the University's campus in Albuquerque, N. Mex., in accordance with the procedures and limitations described in the application and this construction permit;

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material," to receive, possess, and store at the designated location, but not to separate, such byproduct material as may be contained in the reactor.

3. This permit shall be deemed to contain and be subject to the conditions specified in section 30.34 of Part 30, section 50.55 of Part 50, and section 70.32 of Part 70 of the Commission's regulations; is subject to all applicable provisions of the Act and rules, regulations, and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest date for the completion of the construction of the reactor is July 1, 1966, and the latest date for the completion of the construction of the reactor is September 1, 1966.

B. The construction of the reactor at the new location on the campus of The University of New Mexico shall be accomplished in accordance with the procedures described in the application.

C. This construction permit is contingent upon the execution of an indemnity agreement as required by section 170 of the Act.

4. Upon completion of the construction of the reactor at the designated location in accordance with the terms and conditions of this permit, and upon finding that the reactor will operate in conformity with the provisions of the Act and the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license to operate the reactor would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to The University of New Mexico pursuant to section 104c of the Act, which license shall expire twenty (20) years after the date of this construction permit.

For the Atomic Energy Commission.

Date of issuance:

R. L. DOAN,
Director,
Division of Reactor Licensing.

[F.R. Doc. 66-6873; Filed, June 21, 1966; 8:51 a.m.]

BUREAU OF THE BUDGET

REPORT ON UTILIZATION OF ADVISORY COMMITTEES BY BUREAU OF THE BUDGET DURING FISCAL YEAR 1965

Notice of Availability

In compliance with the provisions of Executive Order No. 11007, dated February 26, 1962,[1] the Bureau of the Budget has prepared a report containing a list of all advisory committees utilized by the Bureau during the fiscal year 1965, including the names and affiliations of their members, a description of the function of each committee, and a statement of the dates of its meetings.

This report is available at the Office of the Administrative Assistant to the Director, Bureau of the Budget, Executive Office Building, Washington, D.C.

WILLIAM D. CAREY,
Assistant Director.

[F.R. Doc. 66-6828; Filed, June 21, 1966; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 15353; Order E-23831]

INTERNATIONAL AIR TRANSPORT ASSN.

Agreement Relating to Fare Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of June 1966.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 1-2 of the International Air Transport Association (IATA), and adopted by mail votes. The agreements have been assigned the above designated C.A.B. agreement numbers.

The agreements would permit the common-rating of certain fares between (1) Salonika and the United States with the present applicable fares between Athens and the United States, and (2) Butare and the United States with the present applicable fares between Bujumbura and the United States. The agreements are consistent with the present practice of common-rating other fares within these areas.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find Resolution JT12(Mail 454)001m incorporated in Agreement C.A.B. 18898 and Resolution JT12(Mail 457)001m incorporated in Agreement C.A.B. 18959 to be adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Agreements C.A.B. 18898 and 18959 are approved.

Any air carrier party to the agreements, or any interested persons, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and nineteen copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66-6809; Filed, June 21, 1966; 8:49 a.m.]

[Docket 16987]

WESTERN MONTANA SERVICE INVESTIGATION

Notice of Postponement of Prehearing Conference

Notice is given herewith that the prehearing conference in the above-entitled proceeding, heretofore assigned to be held on June 30, 1966, is hereby postponed and will now be held before the undersigned Examiner on July 6, 1966, at 10 a.m. (e.d.s.t.) in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., June 15, 1966.

[SEAL] RICHARD A. WALSH,
Hearing Examiner.

[F.R. Doc. 66-6810; Filed, June 21, 1966; 8:49 a.m.]

CIVIL SERVICE COMMISSION

DEPUTY COMMISSIONER OF EDUCATION

Manpower Shortage

Under the provisions of section 7(b) of the Administrative Expenses Act of 1946, as amended, relating to the payment of travel and transportation expenses of appointees, the Civil Service Commission has found, effective June 10, 1966, that there is a manpower shortage for the

[1] 3 CFR, 1959-1963 Comp., p. 573; 27 F.R. 1875.

position of Deputy Commissioner of Education, GS–1720–18, in the Office of Education.

This finding terminates when the position is filled.

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

[F.R. Doc. 66–6831; Filed, June 21, 1966; 8:51 a.m.]

FEDERAL AVIATION AGENCY

MANILA, REPUBLIC OF THE PHILIPPINES

Notice of Consolidation, Closing, and Establishment

Notice is hereby given that on or about June 30, 1966, the Flight Inspection District Office at Manila, Republic of the Philippines, and the Secondary Aircraft Maintenance Base at Manila, Republic of the Philippines, will be closed and consolidated with the Tokyo Flight Inspection Group at Tokyo, Japan. Services to the aviation public of Taiwan, Hong Kong, and Southeast Asia other than the Republic of the Philippines, will be rendered by the Tokyo Flight Inspection Group. The aviation public of the Republic of the Philippines will be served by the Honolulu Flight Inspection Group. On or about July 1, 1966, the Avionics Maintenance and Calibration Unit at Manila, Republic of the Philippines, will be established to perform the avionics maintenance services formerly rendered by the Secondary Aircraft Maintenance Base at Manila, Republic of the Philippines.

PHILLIP M. SWATEK,
Director, Pacific Region.

[F.R. Doc. 66–6756; Filed, June 21, 1966; 8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16258; FCC 66M–833]

AMERICAN TELEPHONE & TELEGRAPH CO. ET AL.

Order Scheduling Hearing

In the matter of American Telephone & Telegraph Co. and the Associated Bell System Cos., Docket No. 16258; charges for interstate and foreign communication service.

The Telephone Committee having under consideration the matter of notifying all participants in this proceeding of the proposed schedule for cross-examination at the hearings beginning July 18, 1966; and

It appearing that counsel for the Respondents has proposed a convenient order of presentation of witnesses;

It is ordered, This 13th day of June 1966 that, barring unforeseen contingencies which may require rearrangement of the schedule, it is expected that the Respondents' witnesses will be called in the following order for cross-examination at the hearings beginning July 18, 1966:

Name	Bell exhibit No.	Oral testimony (transcript pages)
J. H. Moller	14	338–350
Paul W. McCracken	10	156A–178
C. W. Buek	12	179–208
Robert R. Nathan	16	209–232
F. J. McDiarmid	11	236–244
G. L. Levy	13	245–257
A. M. Massie	15	258–273
Irwin Friend	18	274–290
Walter A. Morton	17	291–318
Alexander Sachs	22	319–335
Albert J. Bergfeld	19	
J. J. Scanlon	20	351–392
William O. Baker	21	135–156
Ben S. Gilmer	31	110–134
Robert F. Wentworth	3	
D. A. Dobbie	4	
A. M. Walker	2	
Knut Sandbeck	1, 1A	
G. L. Bach	5	
George Terborgh	6	
Richard Walker	7	
Arthur R. Tebbutt	8	
John I. Boggs	9	

It is further ordered, That the parties to this proceeding shall notify Commission counsel and counsel for the Respondents, on or before July 13, of the identity of the witnesses that they intend to cross-examine and the estimated time which will be required for such examination.[1]

Released: June 13, 1966.

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

[F.R. Doc. 66–6791; Filed, June 21, 1966; 8:48 a.m.]

[Docket No. 16663; FCC 66M–844]

LAMAR LIFE BROADCASTING CO.

Order Continuing Prehearing Conference

In re applications of Lamar Life Broadcasting Co., Docket No. 16663, File No. BRCT–326; for renewal of license of television station WLBT and auxiliary services, Jackson, Miss.

Because of a conflict in the Hearing Examiner's schedule: *It is ordered*, This 15th day of June 1966, that the prehearing conference heretofore scheduled for June 29, 1966, be and the same is hereby rescheduled for July 6, 1966, 9 a.m., in the Commission's offices, Washington, D.C.

Released: June 15, 1966.

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

[F.R. Doc. 66–6792; Filed, June 21, 1966; 8:48 a.m.]

[Docket No. 16533; FCC 66M–835]

WASHINGTON BROADCASTING CO. AND WOL, INC.

Order Scheduling Hearing

In re application of Washington Broadcasting Co. (Assignor) and WOL, Inc. (Assignee), Docket No. 16533, File Nos. BAL–5418, BALH–780, BALRE–1237; for assignment of licenses of stations WOL AM and FM, Washington, D.C.

Pursuant to a hearing conference on June 13, 1966: *It is ordered*, This 14th day of June 1966, that the hearing herein will convene on July 7, 1966, 10 a.m., in the Commission's offices, Washington, D.C., and continue through and including July 8, July 11 and 12, and when the hearing recesses on the latter date, it will be resumed on July 25, 1966, 10 a.m.;

It is further ordered, that WOL, Inc., will exchange its exhibits relating to the new added issue No. 4 (programing) on or before July 18, 1966.

Released: June 14, 1966.

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

[F.R. Doc. 66–6793; Filed, June 21, 1966; 8:48 a.m.]

[Docket Nos. 16706–16708; FCC 66–526]

WUST, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of WUST, Inc. (WUST), Bethesda, Md., Docket No. 16706, File No. BP–14357; has: 1120kc, 250w, Day; requests: 1120kc, 5kw, 1kw (CH), Day; for construction permit; Atlantic Broadcasting Co. (WUST), Bethesda, Md., Docket No. 16707, File No. BR–1513; has: 1120kc, 250w, Day; for renewal of license; Bethesda-Chevy Chase Broadcasters, Inc., Bethesda, Md., Docket No. 16708, File No. BP–16319; requests: 1120kc, 250w, Day; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 14th day of June 1966;

1. The Commission has before it the above-captioned and described applications. The application of Bethesda-Chevy Chase Broadcasters, Inc. (Broadcasters), requests authority to construct and operate on the frequency assigned to Station WUST and is therefore mutually exclusive with the applications for

[1] It is expected that, during the course of the proceeding, each of the parties will delete from its cross-examination such matters as have been covered by any preceding cross-examination, so as to eliminate duplication of effort.

At the commencement of the hearing, Commission counsel will have available a list indicating the order in which counsel for the parties will undertake cross-examination.

renewal of the WUST license and for an increase in power of WUST.

2. The application to increase power of WUST (BP–14357) was filed in 1960 prior to a change in name of the corporate licensee to the Atlantic Broadcasting Co. Action was withheld on the application pending the conclusion of the Clear Channel proceeding (Docket No. 6741), 31 FCC 545, 21 R.R. 1801 (1961). Section 73.25(a)(5)(ii) of the Commission's rules adopted at the conclusion of that proceeding provides for the operation of daytime-only stations on 1120 kilocycles within the continental United States where the station would operate with facilities authorized as of October 30, 1961. However, the Commission has determined that favorable action on the application to increase power of the Bethesda station would not prejudice future consideration of the use of the clear channel frequencies. Therefore, the Commission will, on its own motion, waive the provisions of § 73.25(a)(5)(ii) of the rules to permit consideration of the application in a hearing proceeding and will afford the Atlantic Broadcasting Co. an opportunity to amend the application to reflect the change in corporate name.

3. Examination of the WUST application indicates that the proposed 5 mv/m contour penetrates the geographic boundaries of Washington, D.C. Bethesda has a population of 56,527 (1960 Census) while the population of Washington, 763,959, is over twice that of Bethesda. Accordingly, pursuant to the Commission's policy statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, released on December 27, 1965, 2 FCC 2d 190, 6 R.R. 2d 1901, it is presumed that the proposal is intended to serve Washington. Therefore, appropriate issues will be specified to determine whether the proposal would realistically provide a local transmission service for Bethesda or for Washington and to determine whether, if the proposal is realistically a proposal for Washington, the proposal meets the technical provisions of the Rules for a station assigned to Washington.[1]

4. Station WUST is operated to serve the Negro population of Washington, D.C., and its environs while the program service proposed by Broadcasters does not appear to be similarly specialized. Therefore, evidence on programing will be received and considered under the standard comparative issue.

5. On the basis of the information on file, it cannot be determined that Broadcasters are financially qualified. Examination of the application indicates the following:

(a) Estimated initial expenditures will total a minimum of $115,736 comprised of the down payment on equipment, $7,096, miscellaneous, $8,640, and working capital (1 year), $100,000. The initial capital of $50,000 is not adequate to meet those commitments. Accordingly, it appears that Broadcasters must rely, in part, on revenues to meet fixed charges and operating expenses during the first year. Therefore, Broadcasters will be afforded an opportunity to show the basis for its estimate of annual revenue.

(b) James Douglas Bailey, John Elbridge Parker, Ralph L. Creel, Abraham W. Danish, Jerome E. Korpek, B. Francis Saul, and C. Thomas Clagett, Jr., indicate that they will purchase stock with funds secured through loans. However, the loan agreements submitted do not indicate the interest payable, the terms of repayment or the security.

6. It appears that, except as indicated in paragraph 5, above, the applicants are qualified to construct, own, and operate the facilities proposed. Upon due consideration of the above-captioned applications, the Commission finds that, pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary and that the said applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

7. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above captioned applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation of Bethesda-Chevy Chase Broadcasters, Inc., and the availability of other primary service to such areas and populations.

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

3. To determine, with respect to the application of Bethesda-Chevy Chase Broadcasters, Inc.:

(a) The basis for the applicant's estimated revenues for the first year of operation.

(b) The interest, terms of repayment and security in connection with the loans proposed to be secured by James Douglas Bailey, John Elbridge Parker, Ralph L. Creel, Abraham W. Danish, Jerome E. Korpek, B. Francis Saul, and C. Thomas Clagett, Jr.

(c) Whether, in view of the evidence adduced with respect to Items 3–a and 3–b, Bethesda-Chevy Chase Broadcasters, Inc., is financially qualified to construct and operate the proposed station in that it has or will have sufficient funds for the construction and operation of such station for at least one year.

4. To determine whether the proposed operation of Station WUST will realistically provide a local transmission facility for its specified station location or for another larger community, in the light of all the relevant evidence, including, but not necessarily limited to, the showing with respect to:

(a) The extent to which the specified station location has been ascertained by the applicant to have separate and distinct programing needs.

(b) The extent to which the needs of the specified station location are being met by existing standard broadcast stations.

(c) The extent to which the applicant's program proposal will meet the specific, unsatisfied programing needs of its specified station location.

(d) The extent to which the projected sources of the applicant's advertising revenues within its specified station location are adequate to support its proposal, as compared with its projected sources from all other areas.

5. To determine, in the event it is concluded pursuant to the foregoing issue (4) that the WUST proposal will not realistically provide a local transmission service for its specified station location, whether such proposal meets all of the technical provisions of the rules, including §§ 73.30, 73.31, and 73.188(b) (1) and (2), for standard broadcast stations assigned to the most populous community for which it is determined that the proposal will realistically provide a local transmission service.

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

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues and in the event it is determined any of the applications should be granted, whether either or both of the WUST applications should be granted or whether the application of Bethesda-Chevy Chase Broadcasters, Inc., should be granted.

8. *It is further ordered,* That the Atlantic Broadcasting Co. shall, on or before the date specified for the pre-hearing conference or such further time as the Examiner shall allow, amend the application for increase in power of WUST (File No. BP–14357) to reflect the change in corporate name.

9. *It is further ordered,* That the Examiner is hereby authorized to accept the amendment permitted by this order without requiring compliance with § 1.522(b) of the Commission's rules.

10. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

11. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise

[1] Charles W. Jobbins, et al., 2 FCC 2d 197, 6 R.R. 2d 574, Monroeville Broadcasting Co., et al., 2 FCC 2d 200, 6 R.R. 2d 697, Jupiter Associates, Inc., et al., 2 FCC 2d 203, 6 R.R. 2d 578.

the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: June 16, 1966.

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

[F.R. Doc. 66-6794; Filed, June 21, 1966; 8:48 a.m.]

[Docket No. 16258; FCC 66M-850]

AMERICAN TELEPHONE & TELEGRAPH CO. ET AL.

Memorandum Opinion and Order

In the matter of American Telephone & Telegraph Co. and the Associated Bell System Cos., Docket No. 16258; charges for interstate and foreign communication service.

1. The Commission's memorandum opinion and order of December 22, 1965 (FCC 65-1143, 2 FCC 2d 142), established a two-stage procedure specifying certain issues for hearing in this proceeding in Phase 1, and leaving all other matters for Phase 2. In that opinion and order, it was further provided, with respect to Phase 1, as follows:

> After opportunity for cross-examination and presentation of evidence by the parties and the Commission's staff pertinent to the foregoing matters, the Commission will consider what interim actions, if any, may be warranted in light of the record as it then stands, i.e., accepting for this purpose respondents' claimed net investment and expenses as derived from their books without adjustment, and, if the circumstances require, issuing such orders as it finds appropriate.

Respondents' initial presentation of evidence on this matter was originally to have been made by April 4, 1966.

2. Subsequently, the Telephone Committee, by its memorandum opinion and order following prehearing conference, February 11, 1966, established a series of procedural dates under which Respondents' direct presentation was to be filed and served by May 31, 1966, rather than April 4, 1966. At the request of Respondents, the date has now been further extended, by an order of May 31, 1966 (FCC 66M-756), to July 29, 1966, to allow additional time for them to prepare and submit evidence with respect to rate-making principles.

3. Paragraph 3 of the Commission's order of October 27, 1965 (FCC 65-959, 30 F.R. 13885), initiating this proceeding, called upon Respondents to justify the inclusion in its rate base of telephone plant under construction, cash working capital and material and supplies, and to justify the reasonableness of all other items of its claimed rate base, expenses, taxes and reserves, upon which it relies in determining its operating results. Respondents have included evidence with respect to rate base, including cash working capital, telephone plant under construction, and materials and supplies, in their submission of evidence in Phase 1 as of this date. However, it is not clear whether Respondents intend to offer any further evidence to justify the inclusion of those three items in the rate base, or net investment. In any event, the additional time provided by the extensions which have been granted will afford opportunity for filing of such additional submissions as Respondents may deem necessary and make it feasible for the Commission to deal with the entire matter of net investment in any interim orders it may issue, including appropriate adjustments.

Accordingly, it is ordered, This 17th day of June 1966, that, on or before July 29, 1966, Respondents shall submit their complete justification for inclusion in their rate base of claimed amounts of telephone plant under construction, cash working capital, and material and supplies, as well as the reasonableness of all other items of rate base claimed in their presentation with respect to Phase 1.

Released: June 17, 1966.

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

[F.R. Doc. 66-6819; Filed, June 21, 1966; 8:50 a.m.]

[Docket No. 16258; FCC 66M-851]

AMERICAN TELEPHONE & TELEGRAPH CO. ET AL.

Memorandum Opinion and Order

In the matter of American Telephone & Telegraph Co. and the Associated Bell System Cos., Docket No. 16258; charges for interstate and foreign communication service.

1. The initial hearing sessions were held June 7 through 9, 1966, for the receipt of oral testimony from certain of Respondents' witnesses. At the same time all of its extensive written presentation on Phase 1 of this proceeding was identified for the record.

2. A major portion of Respondents' presentation dealt with the claimed rate of return, an issue which we consider to be one of the most vital to this proceeding. The testimony offered by Respondents suggests that they share our view as to its importance and the desirability of completing the evidential record with respect thereto as soon as practicable. We have, therefore, considered procedural steps to take to bring this about.

3. Cross-examination on Respondents' rate of return witnesses begins July 18, 1966, and will continue at least until all rate of return witnesses have been examined. These include all who testified orally June 7 through 9, 1966, and, in addition, Albert J. Bergfeld on Bell Exhibit No. 19. Orderly and expeditious procedure dictates that, at the conclusion of such cross-examination, we receive, at an early date, all other evidence to be presented on rate of return.

4. In our judgment, cross-examination of Respondents' rate of return witnesses should be completed by mid-August, 1966. It would be desirable, therefore, that the testimony of all other witnesses on this subject be filed and distributed by September 15, 1966. Such testimony would be identified for the record at a session for cross-examination thereon beginning October 10, 1966.

Accordingly, it is ordered, This 17th day of June 1966, that, on or before September 15, 1966, all parties to this proceeding and the Commission Staff shall file with the Committee, the Hearing Examiner, and the Cooperating Commissioners, and serve on all other parties, in written form, all testimony and exhibits which they propose to introduce into the record on the issue of rate of return; and that all such witnesses shall be available and subject to cross-examination at hearing sessions to begin October 10, 1966.

It is further ordered, That, should any witness wish to present an oral summary of his direct testimony at the time of his cross-examination, he shall prepare the summary in writing and it shall be submitted with the written testimony to be filed and distributed on or before September 15, 1966.

Released: June 17, 1966.

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

[F.R. Doc. 66-6821; Filed, June 21, 1966; 8:50 a.m.]

[Docket Nos. 16465, 16466; FCC 66M-847]

BROWN BROADCASTING CO., INC., AND DIXIE BROADCASTING CORP.

Order Scheduling Conference

In re applications of Brown Broadcasting Co., Inc., Jacksonville, N.C., Docket No. 16465, File No. BP-16700; Dixie Broadcasting Corp., Aurora, N.C., Docket No. 16466, File No. BP-17036; for construction permits.

At the oral request of counsel for Dixie Broadcasting Corp. and with the agreement of counsel for all the other parties: *It is ordered,* This 15th day of June 1966, that a further prehearing conference herein will be held on June 22, 1966, at 2 p.m., at the Commission's offices, Washington, D.C.

Released: June 16, 1966.

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

[F.R. Doc. 66-6822; Filed, June 21, 1966; 8:50 a.m.]

[Docket No. 16709; FCC 66-527]

ISLAND BROADCASTING SYSTEM (WRIV), INC.

Order Designating Application for Hearing on Stated Issues

In re application of Island Broadcasting System (WRIV), Inc., Riverhead, N.Y., Docket No. 16709, File No. BPCT-3475.

At a session of the Federal Communications Commission, held at its offices in Washington, D.C., on the 14th day of June 1966.

1. The Commission has before it for consideration the above-captioned application, requesting a construction permit for a new television broadcast station to operate on Channel 55, Riverhead, N.Y.

2. With respect to the issues set forth below the following considerations are pertinent:

(a) Island Broadcasting System's application indicates that approximately $361,614[1] will be needed for the initial construction and first year's operating expenses of the proposed station. To meet the cash requirements, the applicant relies upon the availability of the following: A $150,000 bank loan from Bankers Trust Co. of New York; $201,750 in equipment credit; and $200,000 in first year's revenues. With respect to the bank loan, however, the letter from Bankers Trust Co. is not an unconditional commitment to lend funds. Also, on the basis of the information furnished it does not appear that the estimate of first year's revenues is reasonable. Moreover, even if the availability of the bank loan and revenues are conceded there would still be a deficiency of approximately $12,000. In view of the foregoing, it cannot be determined that the applicant has sufficient funds to construct the station as proposed and therefore financial issues are specified.

(b) On January 12, 1965, LIT Enterprises Corp. filed an objection to the grant of the original application which requested Channel 75, in Center Moriches, N.Y. LIT alleged that the applicant had no intent to serve Center Moriches and that its real interest was in serving Riverhead. On June 8, 1965, the Commission released the new table of assignments[2] for UHF channels, which deleted Channel 75 from Patchogue. As a result, the applicant on July 7, 1965, amended its application to specify Channel 55 in Riverhead, N.Y. Since no objection has been filed by LIT Enterprises, presumably it has no objection to the present application. In view of this, LIT Enterprises' "Objection to Application" will be dismissed as moot.

3. In view of the foregoing, it appears that, except as indicated above, the applicant is qualified to construct, own and operate the proposed new television broadcast station. Upon consideration of the above-captioned application, the Commission finds that, pursuant to section 309(e) of the Communications Act of 1934, as amended, a hearing is necessary and that this application must be designated for hearing on the issues set forth below.

[1] Down payment to RCA—$63,114; first year's payments to RCA—$51,000; building $15,000; other $32,500; and estimated cost of operation—$200,000 (this includes the cost of operation for its Standard Broadcast Station WRIV, Riverhead).

[2] Fourth report and order in Docket No. 14229, FCC 65-504.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned application of Island Broadcasting System (WRIV), Inc., is designated for hearing at a time and place to be specified in a subsequent order, upon the following issues:

(a) To determine whether the proposed bank loan from Bankers Trust Co. of New York will be available.

(b) To determine whether the applicant's estimate of revenues is reasonable, and if so, whether additional funds will be available to meet the first year cash requirement of $361,614.

(c) To determine whether in view of the evidence adduced pursuant to (a) and (b), the applicant is financially qualified.

(d) To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest.

It is further ordered, That LIT Enterprises Corp.'s "Objection to Application" is dismissed as moot.

It is further ordered, That, to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: June 17, 1966.

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

[F.R. Doc. 66-6824; Filed, June 21, 1966; 8:50 a.m.]

[Docket Nos. 16700, 16701; FCC 66-516]

KENTUCKY CENTRAL TELEVISION INC. AND WBLG-TV, INC.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing of Stated Issues

In re applications of Kentucky Central Television, Inc., Lexington, Ky., Docket No. 16700, File No. BPCT-3569; WBLG-TV, Inc., Lexington, Ky., Docket No. 16701, File No. BPCT-3642; for construction permit for new television broadcast station.

1. The Commission has before it for consideration: (a) The above-captioned application (BPCT-3569) of Kentucky Central Television, Inc. (Kentucky Central); (b) the above-captioned application (BPCT-3642) of WBLG-TV, Inc. (WBLG-TV); (c) a "Petition To Deny" filed January 14, 1966, by WBLG-TV, Inc., directed against (a) above;[1] (d) an "Opposition to Petition To Deny" filed January 27, 1966, by Kentucky Central, directed against (c) above; and (e) a "Reply to Opposition to Petition To Deny" filed February 11, 1966, by WBLG-TV, Inc., directed against (d) above.

2. On May 17, 1965, Kentucky Central filed Application BPCT-3569 for a construction permit for a new television broadcast station to operate on Channel 62, Lexington, Ky. On October 8, 1965, WBLG-TV, licensee of Standard Broadcast Station WBLG, Lexington, Ky., filed Application BPCT-3642 for the same facility. The following communications mass media services are within the predicted Grade B contours of the proposed television station. Television Stations: WKYT-TV, Channel 27, Lexington, Ky.; and WLEX-TV, Channel 18, Lexington. Aural Broadcast Stations: WBLG, Lexington, Ky.; WBKY, Lexington; WLAP-AM and FM, Lexington, WVLK-AM and FM, Lexington; WCYN, Cynthiana; WHIR, Danville; WSTL, Eminencee; WFKY, Frankfort; WAXU, Georgetown; WRVG-FM, Georgetown; WHBN, Harrodsburg; WIRV, Irvine; WLBN, Lebanon; WPHN, Liberty; WMST, Mount Sterling; WRVK, Mount Vernon; WNVL, Nicholasville; WEKY, Richmond; WCND, Shelbyville; WRSL, Stanford; and WWKY, Winchester. Daily Newspapers: Lexington Herald-Leader; Danville Advocate-Messenger; Frankfort State Journal; Paris Enterprise; Richmond Register; and Winchester Sun.[2]

3. On the merits, WBLG-TV's sole contention is that in view of the many business interests of Garvice D. Kincaid, Chairman of the Board of Kentucky Central, and his associates in the area, the Commission should either deny Kentucky Central's application or specify an "economic dominance" issue as to whether a grant of its application would be in the public interest.[3]

4. In support of its request that the Commission either deny or specify an issue on economic dominance, WBLG-TV alleges that Kentucky Central's principals have substantial interest throughout the State of Kentucky engaged in the insurance, banking, and small loan business, all interrelated, with substantial concentration in the area to be served by the proposed television station; that Kentucky Central's principals al-

[1] Although the petition to deny does not meet the filing requirements of § 1.580 of the Commission's rules, the Commission, on its own motion, is waiving this section.

[2] Editor and Publisher International Yearbook, 1965 edition.

[3] The economic dominance question was originally raised by WLEX-TV, Inc., which subsequently withdrew its petition. However, WBLG-TV, Inc., in its "Petition To Deny" stated that rather than burden the record with repetition, it would adopt the representations made in paragraphs 18-40 of WLEX-TV's petition, all of which are based upon matters of which official notice can be taken.

ready control two broadcast facilities in Lexington which devote substantial portions of their broadcast week to promoting the related interests of Kentucky Central; that these interests receive preferential treatment; and that the proposed television station will also be used to promote these interests. This allegedly will have the effect of enabling Kentucky Central to enhance its "* * * extensive and farflung empire of finance, banking, loans and insurance companies * * *" in Kentucky to the detriment of its competitors.

5. With respect to the alleged substantial interests of Garvice Kincaid and his associates in the area, it appears from the applicant's pleadings, which have not been rebutted, that Kentucky Central has the following insurance, bank, small loan, broadcast, and miscellaneous interests within its proposed predicted Grade B contour.

Insurance: Kentucky Central Life Insurance Co.—354 employees; it also controls four insurance agencies which employ 14 persons. Banks: Kentucky Central apparently has interests in 12 banks having deposits of $79,700,000 and which employ 216 persons. However, it also appears that there are 92 other banks in the area, which have total deposits of $678,100,000. Small Loan Companies: Kentucky Central appears to control 35 small loan companies in the area which employ 180 people, but there are 66 other small loan companies in the same area. Broadcast Interests: The principals of Kentucky Central have interests in aural Broadcast Station WVLK–AM and FM, Lexington, which hires 30 people. As indicated in paragraph two above, however, there are 21 other standard broadcast stations serving the same area. Other Business Interests: The pleadings disclose that Kentucky Central and its principals also have interests in five miscellaneous fields, employing a total of 201 persons. The largest of these is the Cardinal Corp. which operates the Phoenix Hotel in Lexington which has 180 employees.

6. On the basis of the above, we do not believe it has been shown, nor that it can be shown, that the interests of Kentucky Central and its principals represent such a substantial force in the economic life of Lexington that would require an issue on economic dominance. Although WBLG–TV relies upon "* * * well established Commission precedents such as Travelers Broadcasting Service Corp., 12 R.R. 689 (1956), and Midland Broadcasting Co., 3 R.R. 1961 (1948) * * *" in requesting an economic dominance issue, the facts of those cases were quite different from those present here.

7. In Midland Broadcasting Co. which involved the "company town" of Midland, Mich., the Commission preferred a newspaper owner over the Dow Manufacturing Co. which the Commission found would "* * * necessarily dominate the life of most of the inhabitants of the community." It is significant to note, however, that in Midland, the Dow Co. employed 90 percent of a population of 10,329. Also, that Midland had no broadcast station of its own and only one daytime primary service. Lexington, Ky., has a population of 73,000. Out of this Kentucky Central employs 995 persons. The area in question is also presently served by 2 television stations, 6 newspapers and 23 aural broadcast stations of which only 2 WVLK–AM and FM, are controlled by Garvice Kincaid. In Travelers, where the Commission added an issue on economic dominance, Travelers Insurance Co.'s individual assets were the largest of all of the Hartford insurance companies, i.e., 28.5 percent, but it was ultimately held that the evidence did not sustain the charge of economic dominance. Even though it is apparent that Kentucky Central is active in many different businesses in Lexington, nothing has been shown that would indicate a dominance, in any of them, to the extent evidenced in the Midland and Travelers cases.[4]

8. With respect to the time purchased by related business interests on Kincaid's broadcast stations in Lexington (WVLK–AM and FM), it appears that out of a combined total of 295 broadcast hours per week, 56 hours or 19 percent are purchased by Kentucky Central and its related interests.[5] Although WBLG–TV has alleged "preferential treatment" nothing has been shown to substantiate this contention. Moreover, Kentucky Central has submitted an affidavit from the General Manager of Station WVLK–AM and FM which indicates that "* * * the businesses in which Mr. Kincaid has an interest * * * pay the same rates as other advertisers"; that "* * * most of such advertising is placed in less attractive advertising availabilities"; and that "* * * these stations [WVLK–AM and FM] have never refused to carry advertising because a competitive business was involved". Although WBLG–TV alleges that the proposed television station will also be used to promote Mr. Kincaid's interests, Kentucky Central's application indicates that it estimates that five spot announcements per day will be devoted to their insurance business, and that it is aware of no specific plans to carry advertising of its other business interests on the proposed station. Even though WBLG–TV contends that these advertising plans will result in Kentucky Central's affording itself "preferential treatment vis-a-vis its competitors", we have not been shown how this could be accomplished on the basis of the advertising plans now proposed. Moreover, the past record of WVLK–AM and FM does not disclose such a practice. Therefore, we do not believe that an economic dominance issue is warranted and WBLG–TV's "Petition To Deny" will be denied. However, this matter can be explored under the standard comparative issue.[6]

9. With respect to WBLG–TV, Inc.'s, application, the following considerations are relevant:

(a) Its application indicates that $1,107,359[7] will be needed for the initial construction and first year's operating expenses. To meet the cash requirements, the applicant relies upon the availability of the following: A $500,000 loan from Reeves Broadcasting Corp.; $10,000 in existing capital; $190,000 in stock subscriptions from Reeves Broadcasting and Roy B. White, Jr.; and $500,000 in revenues. The applicant has established the availability of the loan and the $95,000 stock subscription from Reeves Broadcasting. With respect to the remaining $95,000 stock subscription of Roy B. White, Jr., however, since his balance sheet does not fully disclose the nature of his stocks and bonds, i.e., on what exchange they are listed, cash or market value, etc., we are unable to determine whether or not Mr. White will be able to meet his commitments. Furthermore, although the applicant estimates first year revenues to be $500,000, it has not submitted any evidentiary showing as to their availability. Therefore, the applicant has shown cash available in the amount of $605,000, to meet an estimated requirement of $1,107,359. Accordingly, financial issues are specified.

(b) It appears that WBLG–TV, Inc., proposes to locate its main studio outside of the corporate limits of Lexington, and therefore, it requests a waiver of § 73.613 of the Commission's rules. However, since no justification for waiver has been submitted, an issue is specified to determine whether circumstances exist that warrant a waiver of this section.

10. With respect to both applications, it should be noted that offset designators have not been provided. These will be furnished in a subsequent order by the Commission, and therefore, a grant of either of these applications will be made subject to the condition that operation of the station will be in accordance with offset designators which will be specified subsequently.

11. In view of the foregoing, it appears that no substantial or material questions of fact have been presented by the petitioner, and except as indicated by the issues set forth below, each of the applicants is qualified to construct, own and operate the proposed new television brodacast station. The applications are, however mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is, therefore, unable to make the statutory find-

[4] See also Hershey Broadcasting Co., Inc., FCC 62–222, 22 R.R. 1071. Reconsideration denied FCC 62–558, 22 R.R. 1072. In Hershey, the Commission also added an issue on economic dominance, but this case is also distinguishable. In Hershey, the Hershey Estate owned and operated the town of Hershey, providing recreation facilities, utilities and employing 3,605 persons from a total population of 6,815.

[5] BR 1953, granted July 15, 1964. BRH 1244, granted July 20, 1961.

[6] Policy statement on comparative broadcast hearings, 1 FCC 2d 393, 5 R.R. 2d 1901.

[7] Down payment to RCA—$192,000; first year's payments to RCA—$186,659; land acquisition—$6,600; building remodeling, etc.—$170,000; miscellaneous expenses—$125,000; and estimated cost of operation—$427,000.

ing that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Kentucky Central Television, Inc., and WBLG-TV, Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine with respect to WBLG-TV, Inc's. application.

(a) Whether Roy B. White, Jr., has sufficient liquid assets to meet his $95,000 stock commitment.

(b) Whether its $500,000 estimate of revenues is reasonable.

(c) Whether, in view of the evidence adduced pursuant to (a) and (b), the applicant is financially qualified.

(d) Whether circumstances exist which would warrant a waiver of section 73.613 of the Commission's rules.

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

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

It is further ordered, That WBLG-TV, Inc's. petition to deny is hereby denied.

It is further ordered, That a grant of either of the applications be made subject to the following condition:

That operation of the station be in accordance with offset designators to be specified in a subsequent order.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594(a) of the Commission's rules, give notice of the hearing, either individually or, if feasible, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: June 14, 1966.

Released: June 17, 1966.

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

[F.R. Doc. 66-6825; Filed, June 21, 1966; 8:50 a.m.]

[Docket No. 16666; FCC 66M-848]

TELESYSTEMS CORP.

Order After Prehearing Conference Continuing Hearing

In the matter of cease and desist order to be directed against TeleSystems Corp., owner and operator of a community antenna television system at Springfield Township, Pa., Docket No. 16666.

The Hearing Examiner having under consideration the record of the prehearing conference in the above-entitled proceeding held June 15, 1966, and a motion filed the same day by the respondent, TeleSystems Corp., to which the other parties have orally expressed their consent, requesting that the date for commencement of the hearing be changed from June 24 (as agreed upon tentatively during the prehearing conference) and from June 28 (the date scheduled in the order of the Chief Hearing Examiner) to July 1, 1966, so as to effect compliance with the provisions of section 312(c) of the Communications Act of 1934, as amended;[1]

It is ordered, This 16th day of June 1966, That the agreements, concessions and procedural arrangements established during the prehearing conference, except with regard to those matters pertaining to the date set therein for convening the hearing, are hereby approved and the transcript of the prehearing conference is incorporated by reference herein with the same force and effect as if set forth verbatim; and

It is ordered further, That the respondent's motion for the extension of the hearing date to July 1 is hereby granted and that the hearing will convene at 10 a.m., Friday, July 1, 1966, at the Commission's offices, Washington, D.C.

Released: June 16, 1966.

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

[F.R. Doc. 66-6826; Filed, June 21, 1966; 8:50 a.m.]

[Docket Nos. 16698, 16699; FCC 66-513]

TRI-STATE BROADCASTERS, INC., AND EMMET RADIO CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Tri-State Broadcasters, Inc., Sioux Center, Iowa, Docket No. 16698, File No. BP-16461, requests: 1070 kc, 500 w, day; Emmet Radio Corp., Estherville, Iowa, Docket No. 16699, File No. BP-16718, requests: 1070 kc, 250 w, DA, day; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 14th day of June 1966;

1. The Commission has before it for consideration the above-captioned applications which are mutually exclusive in that simultaneous operation of the proposals would result in mutually destructive interference.

2. Neither of the applicants have received approval of the Federal Aviation Agency for the construction of their radio towers. Thus, an issue will be included in this order to determine whether the tower height and location proposed by each of the applicants would constitute a menace to air navigation.

3. An examination of the Emmet Radio Corp. application indicates that a total of $95,456 is needed to construct and operate the proposed station for a period of 1 year without revenues. The applicant has available $8,000 from stock subscriptions; manufacturer's credit of $16,500; and a loan commitment of $40,000 for a total of $64,500. However, this amount falls short of the applicant's own estimate ($95,456) of the amount needed to construct ($43,456) and operate ($52,000) the proposed station for 1 year without revenues. Accordingly, a financial issue will be specified.

4. Tri-State has estimated that $50,868 will be needed to construct ($22,868) and operate ($28,000) its proposed station for a period of 1 year without revenues. The applicant proposes to raise $15,000 through the purchase of its capital stock, in equal amounts, by its three principals. However, only one of the subscribers, Russell Vande Brake, appears to have sufficient cash and/or liquid assets available to meet his commitment. In addition, the applicant relies on an equipment manufacturer's credit of $10,244 and a loan from Mr. Brake in the amount of $6,000. However, no firm letter from the manufacturer extending credit has been filed. These potential sources of capital total only $31,244, leaving the applicant at least $19,624 short of establishing basic financial qualification.

5. The Commission finds that, except as indicated by the issues specified below, the applicants are qualified to construct, own and operate as proposed, but in view of the foregoing, the Commission is unable to find that a grant of either of the aforementioned applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding upon the issues set forth below.

6. *It is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

[1] The statutory requirement is, in effect, that hearings on show cause orders are not to be convened before the expiration of 30 days from receipt of such orders by the respondents. In the present instance, the docket shows that respondent received the order on May 31. During the prehearing conference respondent tentatively waived this requirement and agreed to go to hearing on June 24. However, subsequently respondent determined to stand on its statutory right.

1. To determine the areas and populations which would receive primary service from each of the proposals and the availability of other primary service to such areas and populations.

2. To determine whether there is a reasonable possibility that either or both of the tower heights and locations proposed by the respective applicants would constitute a menace to air navigation.

3. To determine whether Emmet Radio Corp. has sufficient funds available in excess of $64,500 to construct and operate its proposed station for 1 year without revenues and thus demonstrate its financial qualification.

4. To determine, with respect to the application of Tri-State Broadcasters, Inc.:

(a) Whether Gerrit Vanden Bosch and Albert Vanden Bosch have sufficient cash and/or liquid assets available to meet their respective $5,000 stock purchase commitments.

(b) To determine whether a firm commitment of at least $10,244 credit is available to Tri-State Broadcasters, Inc., from its designated equipment manufacturer.

(c) To determine, assuming (a) and (b), above, are answered in the affirmative, whether Tri-State Broadcasters, Inc., has sufficient funds available in excess of $31,244 to construct and operate its proposed station for 1 year without revenues and thus demonstrate its financial qualification.

5. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

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

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

8. *It is further ordered,* That in the event of a grant of either of the above applications, the construction permit shall contain the following condition:

Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

9. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

10. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Released: June 16, 1966.

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

[F.R. Doc. 66-6827; Filed, June 21, 1966; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP66-208]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Petition To Amend Order

JUNE 15, 1966.

Take notice that on June 2, 1966, Michigan Wisconsin Pipe Line Co. (Petitioner), One Woodward Avenue, Detroit, Mich., filed in Docket No. CP66-208 a petition to amend the order of the Commission issued in said docket on May 24, 1966, which order authorized Petitioner, inter alia, to sell and deliver additional natural gas to certain existing customers. By the instant filing, Petitioner requests that the order issued in the instant docket be amended so as to authorize deliveries of revised volumes of gas to certain named customers under various rate schedules and that the Commission accept, concurrently, the corresponding service agreements for filing effective September 1, 1966, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that since the preparation of the application in the instant docket, all of its customers have reviewed their requirements in the light of their actual residential, commercial, and industrial growth and operations experience during this past winter. Petitioner further states that as a result of such review, certain of its customers have requested a modification in their Maximum Daily Quantity entitlement of gas and/or a change in rate schedule under which service will be rendered.

The petition to amend states that the requested MDQ modifications result in a net aggregate increase of 27,189 Mcf of gas per day which can be served from a portion of Petitioner's unallocated volume of 52,000 Mcf of gas per day.

The requested modifications in MDQ, together with the requested changes in rate schedule under which the service will be rendered, are stated to be:

Company	Rate schedule changes	Original nomination	Revised nomination	Increase or (decrease)
Allerton Gas Co.		625	680	55
City of Bloomfield, Iowa		1,550	1,600	50
Keokuk Gas Service Co.		10,900	11,500	600
Michigan Gas & Electric Co.		57,500	59,750	2,250
Michigan Gas Utilities Co.		68,000	75,000	7,000
Town of Morning Sun, Iowa		489	585	96
Town of Winfield, Iowa		613	800	187
Wisconsin Natural Gas Co.		178,000	188,000	10,000
Wisconsin Public Service Corp.		157,000	161,000	4,000
City of Bethany, Mo.	SGS-1	1,539		(49)
	ACQ-1		1,490	
Wisconsin Gas Co.	ACQ-1	460,000	454,000	3,000
	MDQ-1		9,000	
Wisconsin Fuel & Light Co.	ACQ-1	44,300	40,900	
	MDQ-1		3,400	
Wisconsin Michigan Power Co.	ACQ-1	44,000	42,000	
	MDQ-1		2,000	

Protests or petitioners 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 July 11, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-6759; Filed, June 21, 1966; 8:45 a.m.]

[Docket No. CP66-396]

TOWN OF PRESTON, IOWA AND NORTHERN NATURAL GAS CO.

Notice of Application

JUNE 15, 1966.

Take notice that on June 3, 1966, the town of Preston, Iowa (Applicant), filed in Docket No. CP66-396 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Northern Natural Gas 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 Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant is located approximately six miles south of Respondent's existing Savanna branchline in Jackson County, Iowa.

Applicant proposes that Respondent construct the necessary lateral branchline in accordance with the branchline extension policy fixed for Respondent in Opinion No. 324 issued July 31, 1959 (22 FPC 164). Applicant further proposes to construct a distribution system of intermediate pressure design to provide natural gas service to residential and commercial establishments, to schools, and to an interruptible industrial customer for cooking, water heating, space heating, and other associated uses.

The total estimated volumes of natural gas involved 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)	29,970	89,440	96,950
Peak day (Mcf)	224	293	358

The total estimated cost of Applicant's proposed distribution system is $136,030, which cost will be financed by means of gas revenue bonds.

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 July 11, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-6760; Filed, June 21, 1966; 8:45 a.m.]

[Docket No. CP66-397]

TOWN OF SABULA, IOWA AND NORTHERN NATURAL GAS CO.

Notice of Application

JUNE 15, 1966.

Take notice that on June 3, 1966, the the town of Sabula, Iowa (Applicant), filed in Docket No. CP66-397 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Northern Natural Gas 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 Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant is located on the eastern border of Iowa, approximately 1 mile south of the terminus of Respondent's existing Savanna branchline in Jackson County, Iowa.

Applicant proposes that Respondent construct the necessary lateral branchline in accordance with the branchline extension policy fixed for Respondent in Opinion No. 324 issued July 31, 1959 (22 FPC 164). Applicant further proposes to construct a distribution system of intermediate pressure design to provide natural gas service to residential and commercial establishments, to schools, and to an interruptible industrial customer, for cooking water heating, space-heating, and other associated uses.

The total estimated volumes of natural gas involved 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)	26,030	33,500	39,300
Peak day (Mcf)	197	261	313

The total estimated cost of Applicant's proposed distribution system is $117,640, which cost will be financed by means of Gas Revenue Bonds.

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 July 11, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-6761; Filed, June 21, 1966; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 14-1]

ELKTON CO.

Order Suspending Trading

JUNE 16, 1966.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 1 cent par value, of the Elkton Co. otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 17, 1966, through June 26, 1966, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-6766; Filed, June 21, 1966; 8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 579]

OKLAHOMA

Declaration of Disaster Area

Whereas, it has been reported that during the month of June 1966, because of the effects of certain disasters, damage resulted to residences and business property located in Garfield County in the State of Oklahoma;

Whereas, the small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid county and areas adjacent thereto, suffered damage or destruction resulting from a tornado and accompanying conditions occurring on or about June 5, 1966.

OFFICE

Small Business Administration Regional Office, Third and Robinson Streets, Oklahoma City, Okla., 73102.

2. A temporary office will be established in Enid, Okla., address to be announced locally.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to December 31, 1966.

Dated: June 7, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 66-6767; Filed, June 21, 1966; 8:45 a.m.]

[Declaration of Disaster Area 580]

KANSAS

Declaration of Disaster Area

Whereas, it has been reported that during the month of June 1966, because of the effects of certain disasters, damage resulted to residences and business property located in the State of Kansas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid State, suffered damage or destruction resulting from tornadoes and accompanying conditions occurring on or about June 8, 1966.

OFFICES

Small Business Administration, Regional Office, 911 Walnut Street, Kansas City, Mo., 64106.

Small Business Administration, Regional Office, 120 South Market Street, Wichita, Kans., 67202.

2. A temporary office will be established in Topeka, Kans., address to be announced locally.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to December 31, 1966.

Dated: June 9, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 66-6768; Filed, June 21, 1966; 8:46 a.m.]

[Declaration of Disaster Area 581]

FLORIDA

Declaration of Disaster Area

Whereas, it has been reported that during the month of June 1966, because of the effects of certain disasters, damage resulted to residences and business property located in the State of Florida;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid State, suffered damage or destruction resulting from Hurricane Alma, including winds and flooding caused by heavy rains and high tides, and accompanying conditions occurring on or about June 8, 1966.

OFFICES

Small Business Administration, Regional Office, 51 Southwest First Avenue, Miami, Fla., 33130.

Small Business Administration, Regional Office, 47 West Forsyth Street, Jacksonville, Fla., 32202.

2. A temporary office will be established in Pinellas County at the Pinellas Industrial Park, address to be announced locally.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to December 31, 1966.

Dated: June 10, 1966.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 66-6769; Filed, June 21, 1966; 8:46 a.m.]

[Delegation of Authority 30-6 (Rev. 1), Southwestern Area, Dallas, Tex., Disaster 7]

ASSISTANT REGIONAL DIRECTOR FOR DISASTER LOANS, NEW ORLEANS; DISASTER FIELD OFFICE, NEW ORLEANS, LA.

Delegation of Authority To Conduct Program Activities in Connection With Disaster Loans

I. Pursuant to the authority delegated to the Area Administrator by Delegation of Authority No. 30 (Rev. 10), 30 F.R. 972, dated January 29, 1965, Amendment 1, 30 F.R. 2742, dated March 3, 1965, Amendment 2, 30 F.R. 11984, dated September 18, 1965, Amendment 3, 30 F.R. 12434, dated September 29, 1965, and Amendment 4, the following authority is hereby redelegated to the Assistant Regional Director for Disaster Loans, State of Louisiana, New Orleans, La.:

A. *Financial assistance (disaster loans only).* 1. To approve disaster loans not exceeding $350,000. (SBA share.)

2. To decline disaster loans of any amount.

3. To disburse approved loans.

4. To enter into disaster loan participation agreement with banks.

5. To execute Loan Authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

(Name), *Administrator*
By ----------
(Name)
Assistant Regional Director.
(City)

6. To cancel, reinstate, modify, and amend authorizations for disaster loans.

7. To extend disbursement period on all loan authorizations or undisbursed portions of loans.

8. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

9. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.**

10. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all disaster loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain, and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

*c. To take final action on an offer of compromise of any claim provided such claim is in concurrence with the majority recommendation of the appropriate Field Office Claims Review Committee on claims not in excess of $5,000 (including CPC advances but excluding interest) or the unanimous recommendation of said committee on claims in excess of $5,000 but not exceeding $100,000 (including CPC advances but excluding interest).**

11. To approve or reject the request of an applicant to file for a disaster loan after the period for acceptance under the original disaster declaration, or extension thereof, has expired.

B. [Reserved.]

C. [Reserved.]

D. *Administration.* 1. To advertise regarding the public sale of (a) collateral in connection with the liquidation of loans, and (b) acquired property.**

2. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorneys in foreclosure cases.

3. To (a) purchase all office supplies and expendable equipment, including all desk top items, and rent regular office equipment; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

4. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

5. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

E. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the agency in accordance with Small Business Administration standards and policies.

II. The specific authority delegated in subsections I.A.9, I.A.10.c., and I.D.1., herein cannot be redelegated. These are indicated by asterisks (**). The specific authority in the remaining subsections may be redelegated to appropriate subordinate positions within Disaster Field Office.

III. All authority delegated herein may be exercised by any Small Business Administration employee designated as acting Assistant Regional Director.

IV. All authority previously delegated is hereby rescinded without prejudice to actions taken under such previous delegations of authority prior to the date hereof.

Effective date: June 1, 1966.

ROBERT E. WEST,
Area Administrator,
Southwestern Area.

[F.R. Doc. 66-6770; Filed, June 21, 1966; 8:46 a.m.]

CERTAIN LOAN SPECIALISTS ASSIGNED TO ALL FINANCIAL ASSISTANCE DIVISION PROGRAMS

[Delegation of Authority 30, Philadelphia, Pa., Region, Rev. 1, Amdt. 1]

Delegation of Authority To Conduct Program Activities

Pursuant to the authority delegated to the Regional Director by Delegation of Authority No. 30, Philadelphia, Pa., 30 F.R. 3254, as amended: Delegation of Authority No. 30, Revision I, 30 F.R. 13889 is hereby amended to add the following authority to Item I.G.:

G. *To Loan Specialists GS–9 and Above Assigned to All Financial Assistance Division Programs in All Offices of This Region.* Final authority to approve the following actions concerning current direct or participation loans:

1. Use of the cash surrender value of life insurance to pay the premium on the policy.
2. Release of dividends of life insurance or consent to application against premiums.
3. Minor modifications in the authorization.
4. Extension of disbursement period.
5. Extension of initial principal payments.
6. Adjustment of interest payment dates.
7. Release of hazard insurance checks not in excess of $200 and endorse such checks on behalf of the agency where SBA is named as joint loss payee.

Effective date: May 11, 1966.

WILLIAM T. GENNETTI,
Regional Director, Philadelphia Regional Office, Small Business Administration.

[F.R. Doc. 66–6771; Filed, June 21, 1966; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 17, 1966.

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

LONG-AND-SHORT HAUL

FSA No. 40549—*Sulphuric acid to points in southern territory.* Filed by O. W. South, Jr., agent (No. A4905), for interested rail carriers. Rates on sulphuric acid, in tank carloads, from LeMoyne, Ala., Copperhill and Tyner, Tenn., to specified points in southern territory.

Grounds for relief—Rate relationship.

Tariff—Supplement 151 to Southern Freight Association, agent, tariff ICC S–162.

FSA No. 40550—*Lumber and related articles to points in Kansas.* Filed by Southwestern Freight Bureau, agent (No. B–8869), for interested rail carriers. Rates on lumber and related articles, in carloads, from points in southwestern territory, also points in Kansas, Illinois, Indiana, Mississippi, Tennessee, and Old Rock, Mo.-Kans., to points in Kansas on the GCW Ry.

Grounds for relief—Carrier competition.

Tariff—Supplement 19 to Southwestern Freight Bureau, agent, tariff ICC 4641.

FSA No. 40551—*Peat from points in Colorado.* Filed by Southwestern Freight Bureau, agent (No. B–8866), for interested rail carriers. Rates on peat, n.o.i.b.n., ground or unground, in carloads, from Kobe, Leadville, and Malta, Colo., to points in southwestern and western trunkline territories.

Grounds for relief—Market competition.

Tariffs—Supplement 5 to Southwestern Freight Bureau, agent, tariff ICC 4682 and supplement 18 to Western Trunk Line Committee, agent, tariff ICC A–4603.

FSA No. 40552—*Chlorine to New Orleans, La.* Filed by O. W. South, Jr., agent (No. A4906), for interested rail carriers. Rates on chlorine, in tank carloads, from McIntosh, Ala., to New Orleans, La.

Grounds for relief—Market competition.

Tariff—Supplement 26 to Southern Freight Association, agent, tariff ICC S–600.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–6812, Filed, June 21, 1966; 8:49 a.m.]

[Notice 400]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 17, 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 1187 (Deviation No. 5), CUSHMAN MOTOR DELIVERY COMPANY, INC., 1480 West Kinzie Street, Chicago, Ill., 60622, filed June 10, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Indianapolis, Ind., and junction U.S. Highway 52 and Interstate Highway 74, southeast of Miamitown, Ohio, over Interstate Highway 74, 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 Chicago, Ill., over U.S. Highway 41 to junction U.S. Highway 52, thence over U.S. Highway 52 to Cincinnati, Ohio, and return over the same route.

No. MC 10343 (Deviation No. 11), CHURCHILL TRUCK LINES, INC., U.S. Highway 36 West, Chillicothe, Mo., 64601, filed June 13, 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 Kansas City, Mo., over Interstate Highway 70 to junction Interstate Highway 270 (west of St. Louis, Mo.), thence over Interstate Highway 270 to junction Interstate Highway 55 (east of St. Louis, Mo.), thence over Interstate Highway 55 to Chicago, Ill., 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 Kansas City, Mo., over U.S. Highway 69 to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 24, thence over U.S. Highway 24 to Quincy, Ill., (2) from Quincy, Ill., over U.S. Highway 24 to junction U.S. Highway 61, thence over U.S. Highway 61 to Burlington, Iowa, (3) from Quincy, Ill., over Illinois Highway 61 to junction Illinois Highway 94, thence over Illinois Highway 94 to junction Illinois Highway 9, thence over Illinois Highway 9 to Dallas City, Ill., thence over unnumbered highway via Lomax and Carman, Ill., to Gulfport, Ill., thence over U.S. Highway 34 to Burlington, Iowa, and (4) from Burlington, Iowa, over U.S. Highway 34 to Chicago, Ill., and return over the same routes.

No. MC 22278 (Deviation No. 11), TAKIN BROS. FREIGHT LINE, INC., 2125 Commercial Street, Waterloo, Iowa, 50704, filed June 10, 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 Fairfield, Iowa, over U.S. Highway 34 to junction U.S. Highway 63, thence over U.S. Highway 63 to Waterloo, 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 Fairfield, Iowa, over U.S. Highway 34 to junction U.S. Highway 218, thence over U.S. Highway 218 to Waterloo, Iowa, and return over the same route.

No. MC 29250 (Deviation No. 5), NEW ENGLAND TRANSPORTATION COMPANY, 402 Congress Street, Boston, Mass., filed June 13, 1966. Carrier's representative: George E. Gill, 54 Meadow Street, New Haven, Conn., 06506. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From the northern terminus of Interstate Highway 91 at Springfield, Mass., over Interstate Highway 91 to the southern terminus at New Haven, Conn., and (2) from the northern terminus of Interstate Highway 95 at Boston, Mass., over Interstate Highway 95 to junction U.S. Highway 1, at Groton, Conn., 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 follows: (1) From Boston, Mass., over Massachusetts Highway 9 to Worcester, Mass., thence over Massachusetts Highway 12 to junction U.S. Highway 20, at Auburn, Mass., thence over U.S. Highway 20 via Sturbridge and Palmer, Mass., to Springfield, Mass., thence over U.S. Highway 5 via Hartford, Conn., to New Haven, Conn., thence over U.S. Highway 1 via Milford, Conn., and Port Chester, N.Y., to New York, N.Y., (2) from Springfield, Mass., over Alternate U.S. Highway 5 to Hartford, Conn., (3) from Boston, Mass., over U.S. Highway 1 via Dedham and North Attleboro, Mass., to Providence and Wickford, R.I., and Pawcatuck, Groton, Waterford, and Old Saybrook, Conn., to New Haven, Conn., (4) from junction U.S. Highway 1 and Alternate U.S. Highway 1, at Wickford, R.I., over Alternate U.S. Highway 1 to junction U.S. Highway 1 at Wakefield, R.I., (5) from junction U.S. Highway 1 and Rhode Island Highway 3 at Providence, R.I., over Rhode Island Highway 3 via West Warwick, Coventry, and Hopkinton, R.I., to junction U.S. Highway 1 at Westerly, R.I., (6) from junction Rhode Island Highways 2 and 3, at West Warwick, R.I., over Rhode Island Highway 2 to junction U.S. Highway 1 at Charlestown, R.I., (7) from junction U.S. Highway 1 and Connecticut Highway 2, at Pawcatuck, Conn., over Connecticut Highway 2 to junction Connecticut Highway 95 (formerly Connecticut Highway 84), and (8) from junction Rhode Island Highway 3 and Rhode Island Highway 95 (formerly Rhode Island Highway 84), at Hopkinton, R.I., over Rhode Island Highway 95 to the Rhode Island-Connecticut State line, thence over Connecticut Highway 95 (formerly Connecticut Highway 84) to Groton, Conn., and return over the same routes.

No. MC 30204 (Deviation No. 12), HEMINGWAY TRANSPORT, INC., 438 Dartmouth Street, New Bedford, Mass., 02740, filed June 9, 1966. Carrier's representative: C. B. Jackson, 1301 North Boulevard, Richmond, Va., 23230. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between the Delaware Memorial Bridge Interchange No. 1 and the George Washington Bridge Interchange No. 18, over the New Jersey Turnpike, utilizing all necessary interchanges as follows: (1) Between Interchange No. 1 and Interchange No. 2, (2) between Interchange No. 2 and Interchange No. 3, (3) between Interchange No. 3 and Interchange No. 4, (4) between Interchange No. 4 and Interchange No. 5, (5) between Interchange No. 5 and Interchange No. 6, (6) between Interchange No. 6 and Interchange No. 7, (7) between Interchange No. 7 and Interchange No. 8, (8) between Interchange No. 8 and Interchange No. 9, (9) between Interchange No. 9 and Interchange No. 10, (10) between Interchange No. 10 and Interchange No. 11, (11) between Interchange No. 11 and Interchange No. 12, (12) between Interchange No. 12 and Interchange No. 13, (13) between Interchange No. 13 and Interchange No. 14, (14) between Interchange No. 14 and Interchange No. 15, (15) between Interchange No. 15 and Interchange No. 16, (16) between Interchange No. 16 and Interchange No. 17, and (17) between Interchange No. 17 and Interchange No. 18, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Richmond, Va., over U.S. Highway 1 via Baltimore, Md., to New York, N.Y. (also from Baltimore, Md., over U.S. Highway 40 to junction U.S. Highway 13, thence over U.S. Highway 13 to Philadelphia, Pa., thence over U.S. Highway 1 to New York) (also from Baltimore, Md., over U.S. Highway 40 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y.), and return over the same routes.

No. MC 32838 (Deviation No. 1), SCHERFF'S TRUCK LINE, INC., 305 East Main Street, California, Mo. 65018, filed June 6, 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 National City, Ill., over Interstate Highway 70 to Kansas City, Kans., and return over the same route, for operating convenience only. The notice indicates that that carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Rosebud, Mo., over Missouri Highway 28 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction U.S. Highway 50, thence over U.S. Highway 50 to Kansas City, Kans., and (2) from Jefferson City, Mo., over U.S. Highway 50 via Rosebud, Mo., to junction U.S. Highway 66 at or near Gray Summit, Mo., thence over U.S. Highway 66 to East St. Louis, Ill., and thence over city streets to National City, Ill., and return over the same routes.

No. MC 105120 (Deviation No. 1), M.A.T. LINES, INC., Crompton Road, Osceola, Ark., 72370, filed June 6, 1966. Carrier's representative: James N. Clay III, 340 Sterick Building, Memphis, Tenn. 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 55 and unnumbered highway (formerly U.S. Highway 61) over Interstate Highway 55 to junction combined U.S. Highways 61 and 63, 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 Memphis, Tenn., over U.S. Highway 70 to West Memphis, Ark., thence over U.S. Highway 61 to junction unnumbered highway (formerly U.S. Highway 61), thence over unnumbered highway via Jerico and Clarkedale, to Turrell, Ark., thence over unnumbered highway (formerly U.S. Highway 63) to junction U.S. Highway 63, thence over U.S. Highway 63 to Marked Tree, Ark., and return over the same route.

No. MC 108298 (Deviation No. 7), ELLIS TRUCKING CO., INC., 1600 Oliver Avenue, Indianapolis, Ind., 46207, filed June 6, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Marshall, Mich., and Detroit, Mich., over Interstate Highway 94, 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 Detroit, Mich., over U.S. Highway 12 (formerly U.S. Highway 112) to Ypsilanti, Mich., thence over Michigan Highway 17 to Ann Arbor, Mich., thence over unnumbered highway (formerly U.S. Highway 12) to Battle Creek, Mich., and return over the same route.

MOTOR CARRIER OF PASSENGERS

No. MC 113430 (Sub-No. 1) (Deviation No. 1), PROVIDENCE ARROW LINE, INC., 625 Eighth Avenue, New York, N.Y., 14301, filed June 13, 1966. Carrier's representative: John R. Sims, Jr., 1750 Pennsylvania Avenue NW., Washington, D.C., 20006. 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 deviation routes as follows: (1) From junction U.S. Highway 6 and Interstate Highway 84 at or near Southbury, Conn., over Interstate Highway 84 to Waterbury, Conn., (2) from Waterbury, Conn., over Interstate Highway 84 to New Britain, Conn., (3) from New Britain, Conn., over Interstate Highway 84 to Hartford, Conn., and (4) from Hartford, Conn., over Interstate Highway 84 to junction U.S. Highways 6 and 44, and return over the same routes, 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 junction combined U.S.

Highways 6 and 202 and Interstate Highway 84 over combined U.S. Highways 6 and 202 to junction Alternate U.S. Highway 6, thence over Alternate U.S. Highway 6 to Waterbury, Conn., thence over Alternate U.S. Highway 6 to junction Connecticut Highway 10 at Milldale, Conn., thence over Connecticut Highway 10 to junction Connecticut Highway 72, thence over Connecticut Highway 72 to New Britain, Conn., thence over Connecticut Highway 175 to Newington, Conn., thence over Connecticut Highway 176 to Hartford, Conn., thence over U.S. Highway 44 to junction Interstate Highway 84, and return over the same route.

By the Commission.

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

[F.R. Doc. 66-6813; Filed, June 21, 1966; 8:49 a.m.]

[Notice 936]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 17, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

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 111401 (Sub-No. 184) (Amendment), filed December 1, 1965, published in FEDERAL REGISTER, issue of December 23, 1965, amended January 17, 1966, further amended June 9, 1966, and republished as amended, this issue. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, Okla., 73701. Applicant's representative: Alvin J. Meiklejohn, Jr., 526 Denham Building, Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, petroleum, and petroleum products*, in bulk, from Beaumont, Orange, and Port Neches, Tex., and points within 10 miles thereof, to points in the United States (except Alaska and Hawaii). NOTE: The purpose of this republication is to more clearly set forth the proposed operation.

HEARING: Remains as assigned, July 5, 1966, at the Federal Building and U.S. Courthouse, 515 Rusk Avenue, Houston, Tex., before Examiner Charles B. Heinemann.

No. MC 107286 (Sub-No. 18) (Republication), filed January 5, 1966, published FEDERAL REGISTER issues of January 27, 1966, and February 25, 1966, respectively, and republished this issue. Applicant: M. PASCALE TRUCKING, INC., 8–10 Rice Street, South Attleboro, Mass., 02774. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, R.I., 02905. By application filed January 5, 1966, and amended February 2, 1966, 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 brick and tile, in vehicles equipped with mechanical loading and unloading devices, between Attleboro, Mass., and points in Massachusetts and Rhode Island. An order of the Commission, Operating Rights Board No. 1, dated May 26, 1966, and served June 8, 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 brick and tile, between Attleboro, Mass., on the one hand, and, on the other, points in Massachusetts and Rhode Island, except Providence, R.I., and points within 12 miles thereof, 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 certificate 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 112617 (Sub-No. 205) (Republication), filed September 27, 1965, published FEDERAL REGISTER issue of Octobe 14, 1965, and republished, this issue. Applicant: LIQUID TRANSPORTERS, INC., Post Office Box 5135, Cherokee Station, Louisville, Ky. Applicant's representative: Leonard A. Jaskiewicz, 600 Madison Building, 1155 15th Street NW., Washington, D.C. By application filed September 27, 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 starch and blends, mixtures, and products thereof, in bulk, from Louisville, Ky., to the destinations and subject to the restriction indicated below, and except coloring syrup from Louisville to Chicago, Ill., Indianapolis, Ind., New Orleans, La., Atlanta, Ga., and Chattanooga and Humboldt, Tenn. An order of the Commission, Operating Rights Board No. 1, dated May 31, 1966, and served June 15, 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 *adhesive products*, in bulk, from the plantsite of Findley Adhesives, Inc., at Louisville, Ky., to points in Arkansas, Illinois, Indiana, Kentucky, Mississippi, Ohio, Tennessee, Virginia, and West Virginia (except dry adhesive products, to points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone); 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 certificate 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 126628 (Republication), filed October 5, 1964, published FEDERAL REGISTER issue of October 21, 1964, and republished, this issue. Applicant: CONNOLLY TRANSPORTS LIMITED, Rural Route No. 5, London, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. By application filed October 5, 1964, as amended, applicant seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of face and decorative brick and ceramic tile, except refractory brick and refractory tile from points and places in Ohio, except those points and places within the commercial zone of Portsmouth and Ironton, including Portsmouth and Ironton, and those points in Michigan bounded by Michigan Highway No. 59 on the north, U.S. Highway No. 23 on the west, and Interstate Highway No. 94 on the south, including points and places on this indicated highway, to points of entry on the international boundary line between the United States and Canada located on the St. Clair and Detroit Rivers and at the Niagara frontier; restricted to the transportation of shipments from points in the United States to points in Canada. The application was referred to Examiner James O'D. Moran for hearing and the recommendation of an appropriate order thereon. Hearing was held on January 24, 1966, at Detroit, Mich. A report and order of the Commission, served May 6, 1966, which became effective June 6, 1966, finds the proposed operations to be those of a common carrier by motor vehicle and that the present and future public convenience and necessity require operation by applicant, in foreign commerce, as a common carrier by motor vehicle, over

irregular routes, of *face and decorative* brick (except refractory brick), from Dearborn, Mich., to ports of entry on or adjacent to the international boundary line between the United States and Canada located on or near the St. Clair and Detroit Rivers, restricted to traffic destined to points in the Province of Ontario, Canada, 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. The examiner further finds that an appropriate certificate should be issued after the lapse of 30 days from the date of republication in the FEDERAL REGISTER, provided no protests or petitions for further proceedings are received during such period; and further subject to the condition that there be received from applicant a sworn statement showing that it has obtained complementary authority from the Canadian authorities, subject, however, to the right of the Commission, to give further consideration (1) to the designation of specific ports of entry if such action is required, or (2) to the entry of an order denying the application, in the event that complementary authority is not issued within a reasonable time.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATION UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 30464 (Sub-No. 1) filed June 9, 1966. Applicant: RAPID TRANSIT CO., INC., Route 12, Plainfield, Conn. Applicant's representative: Thomas W. Murrett, 410 Asylum Street, Hartford, Conn., 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Connecticut. NOTE: Applicant states the tacking points will be Hartford and New Haven, Conn., and service will be performed through these points to all points in the western one-half of the State of Connecticut. This application is directly related to Docket MC–F–9449, published in the FEDERAL REGISTER issue of June 15, 1966. If a hearing is deemed necessary, applicant requests it be held at Hartford or New Haven, Conn.

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 proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC–F–9452. Authority sought for purchase by WESTERN LINES, INC., Post Office Box 1145, Houston 1, Tex., of the operating rights of ROY FRANK DANCE, doing business as DANCE'S TRUCK LINE, Arcadia, La., and for acquisition by J. L. LINKENHOGER, also of Houston 1, Tex., of control of such rights through the purchase. Applicants' attorney: William P. Sullivan, 1825 Jefferson Place NW., Washington, D.C., 20036. Operating rights sought to be transferred: *Rough and dressed lumber*, as a *contract carrier*, over irregular routes, from certain specified points in Texas, Arkansas, and Mississippi, to Arcadia, La., with restriction; *finished lumber*, from Ada and Heflin, La., to certain specified points in Texas, Arkansas, and Mississippi, with restriction; from Danville and Hunt, La., to certain specified points in Texas, Arkansas, Shelby County, Tenn., and certain specified points in Mississippi, with restriction; *rough or dressed lumber*, from Ada and Heflin, La., to certain specified points in Texas, with restriction; from Danville and Hunt, La., to certain specified points in Texas, with restriction; and *wooden farm implement parts*, from Arcadia, La., to Memphis, Tenn., with restriction. Vendee is authorized to operate as a *common carrier* in Texas, Arkansas, Louisiana, Oklahoma, and New Mexico; and as a *contract carrier* in Arkansas, Kansas, Oklahoma, New Mexico, Texas, Louisiana, Missouri, Iowa, and Nebraska. Application has been filed for temporary authority under section 210a(b).

By the Commission.

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

[F.R. Doc. 66–6814; Filed, June 21, 1966; 8:49 a.m.]

[Notice 938]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 17, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

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 118196 (Sub-No. 66), filed March 28, 1966. Applicant: RAYE & COMPANY TRANSPORTS, INC., U.S. Highway 71 North, Post Office Box 613, Carthage, Mo., 64836. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Frozen foods, from Kansas City, Kans., to points in Colorado, Utah, and Wyoming.

HEARING: July 18, 1966, at the Pickwick Motor Inn, McGee and 10th, Kansas City, Mo., before Examiner Henry A. Cockrum.

No. MC 123639 (Sub-No. 89), filed May 18, 1966. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, Colo. Applicant's representative: Charles W. Singer, 33 North La Salle Street, Chicago, Ill., 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Kansas City, Kans., to points in Colorado, Utah, and Wyoming.

HEARING: July 18, 1966, at the Pickwick Motor Inn, McGee and 10th, Kansas City, Mo., before Examiner Henry A. Cockrum.

By the Commission.

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

[F.R. Doc. 66–6815; Filed, June 21, 1966; 8:50 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JUNE 17, 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 No. C–160, Case No. 3, filed April 29, 1966. Applicant: ALVAN MOTOR FREIGHT, INC., 1015 West Paterson Street, Kalamazoo, Mich. Applicant's representative: Walter N. Bieneman, Suite 1700, 1 Woodward Avenue, Detroit, Mich., 48226. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting *general commodities*, as follows: (1) Between Kalamazoo and New Buffalo via Red Arrow Highway (formerly designated U.S. 12) to junction with Business Route I–94 near Benton Harbor, thence via Business Route I–94 to junction with Red Arrow Highway south of St. Joseph and thence via Red Arrow Highway to New Buffalo; (2) between Kalamazoo and Sturgis via U.S. 131 and Business Route U.S. 131 to junction U.S. 12 near White Pigeon (formerly designated U.S. 112) and thence via U.S. 12 to Sturgis. (This described route presently authorized as alternate route only with no intermediate points.) (3) Between junction U.S. 12 and U.S. 131 near White Pigeon and Michiana via U.S. 12 and Business Route U.S. 12; (4) between Mendon and Niles via M–80; (5) between junction M–40 with M–43 (near Paw Paw) and Niles via M–40; (6) between Paw Paw and junction M–119 with U.S. 12 via M–119; (7) between Marcellus and junction M–216 with U.S. 131 via M–216; (8) between South Haven and Niles via M–140; (9) between junction M–140 with M–62 and Edwardsburg via M–62; (10) between South Haven and junction U.S. 31 with U.S. 33 via Blue Star Highway to junction U.S. 33 (near Benton Harbor) and thence via U.S. 33 to junction U.S. 31; (11) between South Haven and Bertrand near Niles via U.S. 31; (12) between Kalamazoo and junction I–94 with U.S. 12 via I–94; (13) between Three Rivers and Centreville via M–86; (14) between Constantine and Centreville via St. Joseph County Road 124; (15) between Centreville and junction St. Joseph County Road 133 with U.S. 12 via St. Joseph County Road 133; (16) Authority is sought to serve all intermediate points and the following described off-route points: (a) Off-route points in Berrien County—Bainbridge Center, Naomi, Eau Claire, Millburg, Spinks Corner, Pearl Grange, Hinchman, Derby, Riverside, Sodus, Vineland, Sawyer, Jericho, Baroda, Snow, Glendora, New Troy, Buchanan, and Dayton, (b) off-route points in Van Buren County—Sister Lakes, Almena, McDonald, Toquin, Mattawan, and Keeler; (c) off-route points in Cass County—Glenwood, Nicholsville, Wakelee, Volinia, Penn, Dailey, Brownsville, Williamsville, and Calvin Center; (d) off-route points in St. Joseph County—Flowerfield, Chamberlain, Parkville, and Florence.

HEARING: July 18, 19, 20, 21, 22, 1966, 10 a.m., Offices of the Commission, Lewis Cass Building, South Walnut Street, Lansing, Mich. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich., 48913, and should not be directed to the Interstate Commerce Commission.

State Docket No. L–3404, Case No. 3, filed May 13, 1966. Applicant: BOUMA CARTAGE COMPANY, 146 Pleasant Street, SW., Grand Rapids, Mich. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, Mich. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting *household goods, store fixtures, and office furniture*, between all points in the State of Michigan.

HEARING: July 15, 1966, 9:30 a.m., Offices of the Commission, Michigan Public Service Commission, Lewis Cass Building, South Walnut Street, Lansing, Mich. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Michigan Public Service Commission, Lewis Cass Building, Lansing, Mich., 48913, and should not be directed to the Interstate Commerce Commission.

State Docket No. 9838, filed May 31, 1966. Applicant: KAVANAUGH MOTOR FREIGHT, West California Avenue, Ruston, La. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting *general commodities*, along Louisiana Highway No. 15, between Monroe, La., and Winnsboro, La., serving no intermediate points. Along Louisiana Highway No. 3 to intersection with Louisiana Highway No. 157, between Shreveport, La., and Springhill, La., serving no intermediate points.

HEARING: Not set. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Louisiana Public Service Commission, Baton Rouge, La., and should not be directed to the Interstate Commerce Commission.

State Docket No. M–11679, filed April 26, 1966. Applicant: EUGENE E. WASKOWIAK, doing business as GENE'S TRANSFER, Ravenna, Nebr., 68869. Applicant's representative: Moller R. Johnson, 110 West Genoa Street, Ravenna, Nebr., 68869. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting *commodities generally*, except those requiring special equipment. Route or territory authorized: Route No. 1: Between Ravenna and Grand Island, Nebr., via Nebr.–2, serving the intermediate point of Cairo, Nebr. Route No. 2: Between Pleasanton and Ravenna, Nebr., via Nebr.–10 to its junction with Nebr.–2, thence Nebr.–2 to Ravenna, serving the off-route point of Poole. Interstate commerce operation arises out of interline arrangements at Grand Island, Nebr.

HEARING: To be determined after publication in the FEDERAL REGISTER. Hearing had been set, but continued after applicant advised of this action. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Nebraska State Railroad Commission, Motor Transportation Department, State Capitol Building, Lincoln 9, Nebr., and should not be directed to the Interstate Commerce Commission.

State Docket No. M—11683, filed May 18, 1966. Applicant: WAVERLY TRANSFER, INC., Waverly, Nebr. Applicant's representative: Donald E. Leonard Box 2028, 605 South 14th, Lincoln, Nebr. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting *commodities generally*, except those requiring special equipment, between points within a 50-mile radius of Waverly, Nebr.; and between points within said radial area, on the one hand, and, on the other, all points in Nebraska, over irregular routes.

HEARING: To be assigned after publication in FEDERAL REGISTER. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Nebraska State Railway Commission, Motor Transportation Department, State Capitol Building, Lincoln 9, Nebr.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–6817; Filed, June 21, 1966; 8:50 a.m.]

[Notice 1369]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 17, 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–67974. By order of June 16, 1966, the Transfer Board approved the transfer to Marc Blackburn, doing business as Blackburn Trucking Service,

Bowling Green, Ky., of the certificate in No. MC–117208, issued October 24, 1958, to James Aubrey Breedlove, doing business as Breedlove Trucking Service, Bowling Green, Ky., authorizing the transportation of building brick, from Nashville, Tenn., to Bowling Green, Ky., serving intermediate points on U.S. Highway 31W. Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky., attorney for applicants.

No. MC–FC–68491. By order of June 15, 1966, the Transfer Board approved the transfer to Eggleston Transportation, Inc., Corinth, N.Y., of the operating rights in certificates Nos. MC–270 and MC–270 (Sub-No. 1), and certificate of registration No. MC–270 (Sub-No. 3), issued to Lester Eggleston, doing business as Eggleston Transportation, Corinth, N.Y., covering the transportation of general commodities, between points in New York. Loren N. Brown, 215 Main Street, Corinth, N.Y., attorney for applicants.

No. MC–FC–68730. By order of June 15, 1966, the Transfer Board approved the transfer to Vola Moving & Trucking Co., a corporation, Atlantic City, N.J., of certificate in No. MC–15102, issued April 8, 1943, to Eldredge Storage, a corporation, Atlantic City, N.J., authorizing the transportation of: Household goods as defined by the Commission in 17 M.C.C. 467, over irregular routes, between Atlantic City, N.J., and points and places within 15 miles of Atlantic City on the one hand, and, on the other, points and places in Delaware, Maryland, New York, Pennsylvania, and the District of Columbia. Morris J. Winokur, 1920 Two Penn Center Plaza, Philadelphia, Pa., 19102, attorney for applicants.

No. MC–FC–68776. By order of June 15, 1966, the Transfer Board approved the transfer to Lloyd Schoenheit Truck & Tractor Service, Inc., a Delaware corporation, Grayville, Ill., of the operating rights in certificates Nos. MC–112837 and MC–112837 (Sub-No. 2), issued August 4, 1955, and November 29, 1960, respectively, to Lloyd Schoenheit Truck & Tractor Service, Inc., an Illinois corporation, Grayville, Ill., authorizing the transportation, over irregular routes, of oil field machinery and certain related items between points in Illinois, Indiana, Kentucky, Missouri, Iowa, and Kansas. Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill., 62707, attorney for applicants.

No. MC–FC–68825. By order of June 15, 1966, the Transfer Board approved the transfer to Cecil Stanton, doing business as Millard & Gray Transfer, Des Moines, Iowa, of the operating rights of Mrs. Dora Millard, doing business as Millard & Gray Transfer, Des Moines, Iowa, in certificate No. MC–61515, issued October 3, 1940, authorizing the transfer of household goods, over irregular routes, between points in Iowa, on the one hand, and, on the other, points in Nebraska, Minnesota, Illinois, and Kansas. Robert E. Dreher, 212 Equitable Building, Des Moines, Iowa, 50309, attorney for applicants.

No. MC–FC–68828. By order of June 16, 1966, the Transfer Board approved the transfer to Harold Johansen, Milford, Conn., of that portion of the operating rights of Stratford Bus Line, Inc., Stratford, Conn., in certificate No. MC–23558, issued August 13, 1956, authorizing the transportation, over regular routes, of passengers and their baggage, and newspapers, express, and mail in the same vehicle with passengers, between Bridgeport, Conn., and Rye Beach, N.Y. Thomas W. Murrett, 410 Asylum Street, Hartford, Conn., 06103, and Ronald M. Stark, 75 Broad Street, Milford, Conn., 06460, attorneys for applicants.

No. MC–FC–68830. By order of June 15, 1966, the Transfer Board approved the transfer to Margolies Van Co., Inc., New York, N.Y., of the operating rights in certificate No. MC–46384 (Sub-No. 1), issued September 10, 1959, to Frances Margolies, doing business as Margolies Van Co., New York, N.Y., authorizing the transportation of: Baggage, in seasonal operations between June 1 and September 30, inclusive of each, between New York, N.Y., points in Nassau County, N.Y., points in Union, Essex, and Hudson Counties, N.J., points in Bergen County, N.J., on and south of Bergen County Highway 502, and points in Passaic County, N.J., west of Pompton Lake and the Ramapo and Pompton Rivers, on the one hand, and, on the other, Camp Kennebrook, Camp Ta-Go-La, and Camp Roosevelt in or near Monticello, N.Y., Camp Sequoia in or near Rock Hill, N.Y., Camp Delmont in or near Livingston Manor, N.Y., and Camp Lake-Vu in or near New Brunswick, N.J. William D. Traub, 10 East 40th Street, New York, N.Y., 10016, representative for applicants.

No. MC–FC–68831. By order of June 15, 1966, the Transfer Board approved the transfer to Ben H. Schuster and Adolph Konrath, doing business as Schuster & Konrath, Menomonee Falls, Wis., of the operating rights in permit No. MC–17702, issued July 24, 1952, to Howard C. Reingruber, doing business as Howard's Cartage, Germantown, Wis., authorizing the transportation of: Processed milk, orange juice, and dairy machinery and parts, between Germantown, Wis., and Chicago, Ill. William C. Dineen, 710 North Plankinton Avenue, Milwaukee, Wis., 53203, attorney for applicants.

No. MC–FC–68838. By order of June 15, 1966, the Transfer Board approved the transfer to Joseph F. Perrotti, doing business as Exchange Transportation Co., 200 Exchange Street, Malden, Mass., of certificate of registration No. MC–121165 (Sub-No. 1), issued January 28, 1964, to David A. Perrotti, doing business as Exchange Transportation Co., Malden, Mass., corresponding to the grant of intrastate authority to transferor in Common Carrier Certificate No. 6108, dated December 5, 1961, issued by the Department of Public Utilities of the Commonwealth of Massachusetts.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66–6818; Filed, June 21, 1966; 8:50 a.m.]

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FEDERAL REGISTER

VOLUME 31 • NUMBER 120

Wednesday, June 22, 1966 • Washington, D.C.

PART II

Department of Health, Education, and Welfare
Social Security Administration

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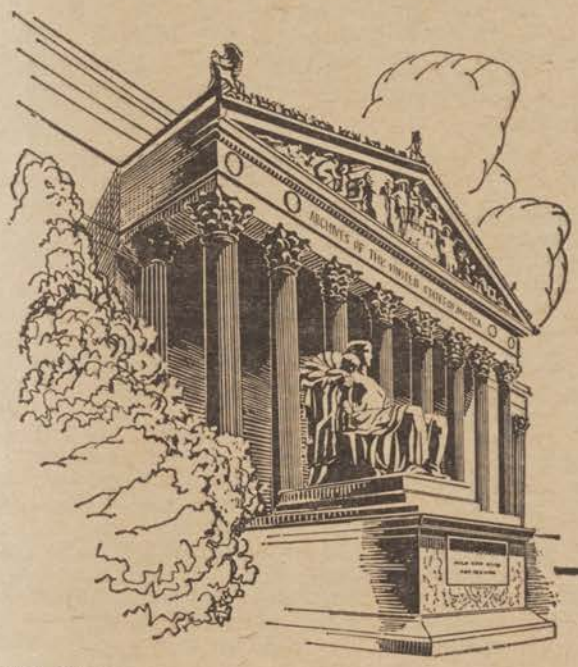
Conditions for Coverage of Services of Independent Laboratories

Notice of Proposed Rule Making



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

CONDITIONS FOR COVERAGE OF SERVICES OF INDEPENDENT LABORATORIES

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations (§ 405.1301 et seq.) relate to conditions which independent laboratories are required to meet in order for the services of such laboratories to be reimbursable under Title XVIII—Health Insurance for the Aged, of the Social Security Act. These conditions are intended to provide assurance of the quality and adequacy of the services and facilities of participating independent laboratories.

Prior to the final adoption of the proposed regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C., 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed Federal Health Insurance for the Aged regulations are to be issued under the authority contained in section 1102, 1861(s) (10) and (11), 1864, and 1871, 49 Stat. 647, as amended, 79 Stat. 314–316, 79 Stat. 326; 42 U.S.C. 1302, 1395 et seq.

Dated: June 13, 1966.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: June 16, 1966.

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

Chapter III, Title 20, is amended by adding thereto Subpart M of new Part 405 (Regulations 5) to read as follows:

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965– ——)

Subpart M—Conditions for Coverage of Services of Independent Laboratories

§ 405.1301 Conditions for coverage of services of independent laboratories; general.

(a) *Introduction.* The Conditions for Coverage of Services of Independent Laboratories and related policies set forth herein, state the specific requirements that must be met by an independent laboratory in order for its services to qualify for reimbursement under the supplementary medical insurance part of the Health Insurance for the Aged program.

(b) *Definition of independent laboratory.* An independent laboratory performing diagnostic tests is one which is independent both of the attending physician's office and of a hospital which meets the conditions of participation in the program. Services furnished by out-of-hospital laboratories under the direction of a physician, such as a pathologist or radiologist, are considered to be subject to the conditions where the physician holds himself out to the general public and/or other physicians as being available primarily for the performance of diagnostic X-ray and/or other laboratory services. Section 1861(s) of the Act, which includes the provision for the coverage in the medical insurance program of diagnostic tests performed in an independent laboratory, provides that, as a condition for coverage of such tests, an independent laboratory, in any State in which State or local law provides for licensing laboratories, is licensed pursuant to such law or be approved by the agency of the State or locality responsible for such licensure as meeting the standards established for licensing. As a further condition, the statute requires that the independent laboratory meet such standards as the Secretary finds necessary to assure the health and safety of individuals with respect to whom these tests are performed.

(c) *State agency certification.* The law makes provision for the designation of State health agencies, or other State agencies, to assist the Secretary in determining whether there is compliance with the conditions for coverage of services of independent laboratories. The designated State agencies will certify to the Secretary those laboratories which meet the conditions. Services provided in a laboratory that is found to be in substantial compliance with the conditions relating to health and safety and which meet the statutory licensure requirement would be reimbursable under the medical insurance program.

§ 405.1302 Conditions for coverage of services; general.

The services of an independent laboratory will be reimbursable under the program only if the laboratory meets the statutory requirement of section 1861 (s) (10) of the Act and there has been a finding of substantial compliance on the part of the laboratory with all the other conditions. These additional conditions (established in the interest of health and safety) are requirements which are essential to the maintenance of quality of care and the adequacy of the services and facilities which the laboratory provides. Variation in the type and size of laboratories and the nature and scope of services offered will be reflected in differences in the details of organization, staffing, and facilities. However, the test will be whether there is substantial compliance with each of the conditions.

§ 405.1303 Standards; general.

As a basis for a determination as to whether or not there is substantial compliance with the prescribed conditions in the case of any particular independent laboratory, a series of standards, almost all interpreted by explanatory factors, is listed under each condition. Reference to these standards will enable the State agency surveying a facility to document the activities of the laboratory, to establish the nature and extent of its deficiencies, if any, and to assess the facility's need for improvement in relation to the prescribed conditions. In substance, the application of the standards, together with the explanatory factors, will indicate the extent and degree to which an independent laboratory is complying with each condition.

§ 405.1304 State agencies.

(a) Under the Health Insurance for the Aged Act, State agencies, operating under an agreement with the Secretary, will be used by the Secretary in determining whether independent laboratories meet the conditions. Pursuant to this agreement, State agencies will certify to the Secretary findings as to whether independent laboratories are in substantial compliance with the conditions. Such certifications will include findings as to whether each of the conditions is substantially met. The Secretary, on the basis of such certification from the State agency, will determine whether or not the level of facilities and services of the laboratory represent the required achievement of substantial compliance with the conditions.

(b) Any payment for diagnostic tests of the type described in section 1861(s) (3) of the Act performed in a laboratory which is independent of a physician's office or a hospital, if made prior to a determination that the laboratory is in compliance with the conditions set forth in this subpart, is not to be considered as establishing the compliance of such laboratory with such conditions.

§ 405.1305 Principles for the evaluation of independent laboratories to determine whether they are in substantial compliance with the conditions.

Independent laboratories will be considered in substantial compliance with the conditions upon acceptance by the Secretary of findings, adequately documented and certified to by the State agency, showing that:

(a) The laboratory meets the specific statutory requirement of section 1861 (s) (10) of the Act and is found to be operating in accordance with all the conditions with no significant deficiencies, or

(b) The laboratory meets the specific statutory requirements of section 1861 (s) (10) of the Act but is found to have deficiences with respect to one or more conditions, but

(1) It is making reasonable plans and efforts to correct the deficiencies, and

(2) Notwithstanding the deficiences, it is rendering adequate service without hazard to the health and safety of in-

dividuals being served, taking into account special procedures or precautionary measures which have been or are being instituted.

§ 405.1306 Time limitations on certification of substantial compliance.

(a) All initial certifications by the State agency to the effect that an independent laboratory is in substantial compliance with the conditions will be for a period of 1 year, beginning with July 1, 1966, or, if later, with the date on which the laboratory is first found to be in substantial compliance with the conditions. State agencies may visit or resurvey laboratories where necessary to ascertain continued compliance or to accommodate to periodic or cyclical survey programs. A State may, at any time, find and certify to the Secretary that a laboratory is no longer in compliance.

(b) If a laboratory is certified by the State agency as in substantial compliance under the provisions of § 405.1305(b), the following information will be incorporated into the finding and into the notice to the laboratory of the coverage of its services under the medical insurance program:

(1) A statement of the deficiencies which were found, and

(2) A description of progress which has been made and further action which is being taken to remove the deficiencies, and

(3) A scheduled time for a resurvey of the laboratory to be conducted not later than the ninth month (or earlier, depending on the nature of the deficiencies) of the period of certification.

§ 405.1307 Certification of noncompliance.

The State agency will certify that a laboratory is not in compliance with the conditions or, where a determination of compliance has been made, that a laboratory is no longer in compliance where:

(a) The laboratory is not in compliance with the statutory requirement of section 1861(s)(10) of the Act; or

(b) The laboratory has deficiencies of such character as to seriously limit the capacity of the laboratory to render adequate service or to place health and safety of individuals in jeopardy, and the State agency concludes after discussion with the laboratory that there is no early prospect of such significant improvement as to establish substantial compliance, or

(c) After a previous period or part thereof for which the laboratory was certified with a finding of significant deficiencies, there is a lack of progress toward a removal of deficiencies which the State agency finds are adverse to the health and safety of individuals being served.

§ 405.1308 Criteria for determining substantial compliance.

Findings made by a State agency as to whether an independent laboratory is in substantial compliance with the conditions require a thorough evaluation of the laboratory. The State evaluation will take into consideration:

(a) The degree to which each standard, as well as the total set of standards relating to a condition, is met;

(b) When there is a deficiency, whether the deficiency creates a serious hazard to health and safety; and

(c) Whether the laboratory is making reasonable plans and efforts to correct the deficiency within a reasonable period.

§ 405.1309 Documentation of findings.

The findings of the State agency with respect to each of the conditions should be adequately documented. Where the State agency certifies to the Secretary that a laboratory is not in compliance with the conditions, such documentation should include a report of any discussions concerning the deficiencies, a report of the laboratory's responses with respect to such discussions, and the State agency's assessment of the prospects for such improvements as to enable the laboratory to achieve substantial compliance with the conditions.

§ 405.1310 Condition—compliance with State and local laws.

The laboratory is in conformity with all applicable State and local laws.

(a) *Standard. Licensure.* The laboratory, in any State in which State or applicable local law provides for the licensing of laboratories (1) is licensed pursuant to such law, or (2) is approved, by the agency of the State or locality responsible for licensing laboratories, as meeting the standards established for such licensing.

(b) *Standard. Licensed staff.* The director and the staff of the laboratory are licensed or registered in accordance with applicable laws.

(c) *Standard. Fire and safety.* The laboratory is in conformity with laws relating to fire and safety, and to other relevant matters.

§ 405.1311 Clinical laboratory; defined.

A clinical laboratory is an independent laboratory (as previously defined, see § 405.1301) where microbiological, serological, chemical, hematological, biophysical, cytological, immunohematology or pathological examinations are performed on materials derived from the human body, to provide information for the diagnosis, prevention or treatment of a disease or assessment of a medical condition.

§ 405.1312 Condition—clinical laboratory; laboratory director.

The clinical laboratory is under the direction of a qualified person.

(a) *Standard. Administration.* The laboratory has a director who administers the technical and scientific operation of the laboratory including the reporting of findings of laboratory tests. The factors explaining the standard are as follows:

(1) The director serves the laboratory full-time, or on a regular part-time basis. If he serves on a regular part-time basis, (i) he does not individually serve as director of more than two laboratories (hospital or independent) or, (ii) he provides an associate, qualified under the standard in paragraph (b) of this section to serve as assistant director in each laboratory. Such assistant director does not serve more than two laboratories.

(2) Commensurate with the laboratory workload, the director spends an adequate amount of time daily in the laboratory to direct and supervise the technical performance of the staff.

(3) The director is responsible for the proper performance of all tests made in the laboratory.

(4) The director is responsible for the employment of qualified laboratory personnel and their in-service training.

(5) If the director is to be continuously absent for more than 1 month, arrangements are made for a qualified substitute director.

(b) *Standard Laboratory director—qualification.* The laboratory director meets one of the following requirements:

(1) He is a physician certified in anatomical and/or clinical pathology by the American Board of Pathology or the American Osteopathic Board of Pathology or possesses qualifications which are equivalent to those required for such certification.

(2) He is a physician who (i) is certified by the American Board of Pathology or the American Osteopathic Board of Pathology in at least one of the laboratory specialties, or (ii) is certified by the American Board of Microbiology, the American Board of Clinical Chemistry, or other national accrediting board acceptable to the Secretary in one of the laboratory specialties, or (iii) subsequent to graduation has had 4 or more years of general laboratory training and experience of which at least two were spent acquiring proficiency in one of the laboratory specialties in a clinical laboratory—with a director at the doctoral level—of a hospital, a health department, university, or medical research institution, or in the case of a State which regulates clinical laboratory personnel, in a clinical laboratory acceptable to that State.

(3) He holds an earned degree of doctor of science or doctor of philosophy from an accredited institution with a chemical, physical, or biological science as his major subject ("accredited," as used herein, refers to accreditation by a nationally recognized accrediting agency or association, as determined by the U.S. Commissioner of Education) and (i) is certified by the American Board of Microbiology, the American Board of Clinical Chemistry, or other national accrediting board acceptable to the Secretary in one of the laboratory specialties, or (ii) subsequent to graduation, has had 4 or more years of general clinical laboratory training and experience, of which at least 2 years were spent acquiring proficiency in one of the laboratory specialties in a clinical laboratory—with a director at the doctoral level—of a hospital, a health department, university, or medical research institution, or in the case of a State which regulates clinical

laboratory personnel, in a clinical laboratory acceptable to that State.

(4) For the period ending June 30, 1971, an exception to the requirements in subparagraphs (1), (2), or (3) of this paragraph may be made if (i) the director was responsible for the direction of a clinical laboratory on January 1, 1966, and (ii) the State agency has evidence of successful participation of the laboratory which he directs, in a State or State approved proficiency testing program covering the specialties or subspecialties in which the laboratory performs tests, and (iii) the director holds at least a bachelor's degree from an accredited institution with a chemical, physical, or biological science as his major subject and subsequent to graduation has had at least 6 years of pertinent clinical laboratory experience.

§ 405.1313 Condition—clinical laboratory; supervision.

The clinical laboratory is supervised by qualified personnel.

(a) *Standard. Supervision.* The laboratory has one or more supervisors who, under the general direction of the laboratory director, supervise technical personnel and reporting of findings, perform tests requiring special scientific skills, and, in the absence of the director, are held responsible for the proper performance of all laboratory procedures. The factors explaining the standard are as follows:

(1) Depending upon the size and functions of the laboratory, the laboratory director may also serve as the laboratory supervisor.

(2) The supervisor serves the laboratory on a regular full-time basis.

(3) The supervisor supervises and performs tests only in those laboratory specialties or subspecialties in which he is qualified by education, training, and experience.

(b) *Standard. Supervisor—qualification.* The laboratory supervisor meets one of the following requirements:

(1) He (i) is a physician or has earned a doctoral degree from an accredited institution with a chemical, physical, or biological science as his major subject, and (ii) subsequent to graduation has had at least 2 years' experience in one of the laboratory specialties in a clinical laboratory—with a director at the doctoral level—of a hospital, a health department, university, or medical research institution, or in the case of a State which regulates clinical laboratory personnel, in a clinical laboratory acceptable to that State.

(2) He holds a degree of master of arts or master of science from an accredited institution with a major in one of the chemical, physical, or biological sciences and subsequent to graduation, has had at least 4 years of pertinent laboratory experience of which not less than 2 years has been spent working in the designated laboratory specialty in a clinical laboratory—with a director at the doctoral level—of a hospital, a health department, university, or medical research institution, or in the case of a State which regulates clinical laboratory personnel, in a clinical laboratory acceptable to that State.

(3) He holds a degree of bachelor of arts or bachelor of science from an accredited institution with a major in one of the chemical, physical, or biological sciences, and, subsequent to graduation (i) has had at least 6 years of pertinent laboratory experience of which not less than 2 years has been spent working in the designated laboratory specialty in a clinical laboratory—with a director at the doctoral level—of a hospital, a health department, university, or medical research institution, or in the case of a State which regulates clinical laboratory personnel, in a clinical laboratory acceptable to that State; and (ii) has successfully completed pertinent courses in an accredited college or university which, when combined with the foregoing experience, will provide technical and professional knowledge comparable to that of subparagraph (2) of this paragraph.

(4) He is registered as a clinical laboratory technologist by the American Society of Clinical Pathologists, MT (ASCP), the National Registry of Microbiologists, or other professionally sponsored national registry acceptable to the Secretary which maintains standards equivalent to the foregoing, and (i) has had at least 6 years of pertinent laboratory experience of which not less than 2 years has been spent working in the designated laboratory specialty in a clinical laboratory—with a director at the doctoral level—of a hospital, university, health department, or medical research institution, or in the case of a State which regulates clinical laboratory personnel, in a clinical laboratory acceptable to that State; and (ii) has successfully completed pertinent courses in an accredited college or university which, when combined with the foregoing experience, will provide a technical and professional knowledge comparable to that of subparagraph (2) of this paragraph.

§ 405.1314 Condition—clinical laboratory; tests performed.

The clinical laboratory performs only those laboratory tests and procedures that are within the specialties in which the laboratory director or supervisors are qualified.

(a) *Standard. Procedures and tests—competency.* The laboratory performs only those laboratory procedures and tests that are within the specialties or subspecialties in which the laboratory director or supervisors are qualified. The factors explaining the standard are as follows:

(1) If the laboratory director or supervisor is a pathologist certified in both anatomical and clinical pathology by the American Board of Pathology or the American Osteopathic Board of Pathology or possesses qualifications which are equivalent to those required for certification, the laboratory may perform laboratory procedures and tests in all specialties.

(2) If neither the director nor supervisor has the qualifications described in subparagraph (1) of this paragraph and the laboratory performs tests in the specialty of microbiology, including the subspecialties of bacteriology, serology, virology, mycology and parasitology, the laboratory engages the services of a qualified director or supervisor, as defined previously, who (i) holds an earned doctoral or master's degree in microbiology from an accredited institution or is a physician and (ii) subsequent to graduation has had at least 4 years' experience in clinical microbiology.

(3) If the factor in subparagraph (1) of this paragraph is not met and the laboratory performs tests in the specialty of immunohematology, including the subspecialties of blood groupings and RH typing, it engages the services of a qualified director or supervisor, as defined previously, who is a physician with at least 2 years' experience in clinical hematology subsequent to graduation.

(4) If the factor in subparagraph (1) of this paragraph is not met and the laboratory performs tests in the specialty of hematology, including gross and microscopic examination of the blood, it employs a qualified director or supervisor, as defined previously, who holds a master's or bachelor's degree in biology, immunology, or microbiology from an accredited institution and subsequent to graduation has had at least 4 years' experience in hematology.

(5) If the factor in subparagraph (1) of this paragraph is not met and the laboratory performs tests in the specialty of clinical chemistry, it engages the services of a qualified director or supervisor, as defined previously, who (i) holds an earned doctoral or master's degree in chemistry or biochemistry from an accredited institution or is a physician, and (ii) subsequent to graduation has had at least 4 years' experience in clinical chemistry.

(6) If the factor in subparagraph (1) of this paragraph is not met and the laboratory performs tests in the specialty of tissue pathology, it engages the services of a pathologist who is certified in anatomical pathology by the American Board of Pathology or the American Osteopathic Board of Pathology or possesses qualifications which are equivalent to those required for certification.

(7) If the factor in subparagraph (1) of this paragraph is not met and the laboratory performs tests in the specialty of exfoliative cytology, it engages the services of a physician who: (i) is certified by the American Board of Pathology or the American Osteopathic Board of Pathology, or possesses qualifications which are equivalent to those required for certification or (ii) is a member of the American Society of Cytology.

(8) The laboratory whose director qualifies under § 405.1312(b)(4), may perform tests in the laboratory specialties in which such director is specifically qualified by training and experience. It performs tests in other laboratory specialties only if the director or supervisor meets the appropriate requirements of subparagraphs (1)–(7) of this paragraph.

§ 405.1315 Condition—clinical laboratory; technical personnel.

The clinical laboratory has a sufficient number of properly qualified technical personnel for the volume and diversity of tests performed.

(a) *Standard. Technologist—duties.* The laboratory employs a sufficient number of clinical laboratory technologists to proficiently perform under general supervision the clinical laboratory tests which require the exercise of independent judgment. The factors explaining the standard are as follows:

(1) The clinical laboratory technologists perform tests which require the exercise of independent judgment and responsibility, with minimal supervision by the director or supervisors, in only those specialties or subspecialties in which they are qualified by education, training, and experience.

(2) With respect to specialties in which the clinical laboratory technologist is not qualified by education, training, or experience, he functions only under direct supervision and performs only tests which require limited technical skill and responsibility.

(3) Clinical laboratory technologists are in sufficient number to adequately supervise the work of technicians and trainees.

(b) *Standard. Technologists—qualifications.* Each clinical laboratory technologist possesses a current license as a clinical laboratory technologist issued by the State, if such licensing exists, and meets one of the following requirements:

(1) He holds a degree of bachelor of arts or bachelor of science from an accredited institution with a major in one of the chemical, physical, or biological sciences and (i) has been employed for at least 1 year as a clinical laboratory technician or trainee in a clinical laboratory—with a director at the doctoral level—of a hospital, health department, university, or medical research institution, or in the case of a State which regulates clinical laboratory personnel, in a clinical laboratory acceptable to that State; or (ii) has successfully completed at least 1 year of clinical laboratory internship as part of his college curriculum.

(2) He is registered by (i) the American Society of Clinical Pathologists as a medical technologist, MT(ASCP), or as a clinical laboratory specialist or, (ii) the National Registry of Microbiologists or, (iii) other professionally sponsored national registry acceptable to the Secretary which maintains standards equivalent to (i) and (ii) above.

(c) *Standard. Technician—duties.* Clinical laboratory technicians are employed in sufficient number to meet the workload demands of the laboratory and they function only under direct supervision of a clinical laboratory technologist. The factors explaining the standard are as follows:

(1) Each clinical laboratory technician performs only those laboratory procedures which require limited technical skill and responsibility and a minimal exercise of independent judgment.

(2) No one with lesser qualifications than a clinical laboratory technician performs laboratory procedures, although manual and clerical supplemental services may be rendered by others.

(3) No clinical laboratory technician performs tests in the absence of a clinical laboratory technologist.

(d) *Standard. Technician—qualifications.* Each clinical laboratory technician possesses a current license as a clinical laboratory technician issued by the State, if such licensing exists, and meets one of the following requirements:

(1) He has successfully completed 60 semester hours in an accredited college including the following courses: general chemistry, 1 year; biology or microbiology, 1 year.

(2) He is a high school graduate and subsequent to graduation has served 2 years as a technician trainee in a clinical laboratory with a director at the doctoral level or in the case of a State which regulates clinical laboratory personnel, in a clinical laboratory acceptable to that State.

(e) *Standard. Collection of specimens.* No person other than a licensed physician or one otherwise authorized by law manipulates a patient for the collection of specimens except that qualified technical personnel of the laboratory may collect blood or remove stomach contents and collect material for smears and culture under the direction or upon the written request of a licensed physician.

(f) *Standard. Personnel policies.* There are written personnel policies, practices, and procedures that adequately support sound laboratory practice. The factors explaining the standard are as follows:

(1) Current employee records are maintained and include a résumé of each employee's training and experience.

(2) Files contain evidence of adequate health supervision of employees, such as results of preemployment and periodic physical examinations, including chest X-rays, and records of all illnesses and accidents occurring on duty.

(3) Work assignments are consistent with qualifications.

(4) There is a program for employee orientation.

§ 405.1316 Condition—clinical laboratory; records, equipment, and facilities.

The clinical laboratory maintains records, equipment, and facilities which are adequate and appropriate for the services offered.

(a) *Standard. Laboratory management.* Space, facilities, and equipment are adequate to properly perform the services offered by the laboratory. The factors explaining the standard are as follows:

(1) There is an adequate quality control program in effect including the use, where applicable, of reference or control sera and other biological samples, concurrent calibrating standards, and control charts recording standard readings.

(2) All equipment is in good working order, routinely checked and precise in terms of calibration.

(3) Workbench space is ample, well-lighted and convenient to sink, water, gas, suction and electrical outlets as necessary.

(4) The laboratory is properly ventilated.

(5) Notebooks of appropriate current laboratory methods are available.

(6) Adequate fire precautions are observed.

(7) There is freedom from unnecessary physical, chemical, and biological hazards.

(b) *Standard. Sterilization.* Syringes, needles, lancets or other blood letting devices capable of transmitting infection from one person to another are not reused unless they are sterilized prior to each use after first having been wrapped or covered in a manner which will insure that they remain sterile until the next use. The factor explaining the standard is as follows:

Each sterilizing cycle contains an indicator device which assures proper sterilization.

(c) *Standard. Examination and reports.* The laboratory examines specimens only at the request of a licensed physician, dentist, or other person authorized by law to use the findings of laboratory examinations and reports only to those authorized by law to receive such results. The factors explaining the standard are as follows:

(1) If the patient is sent to the laboratory, a written request for the desired laboratory procedures is obtained from a person authorized by law to use findings of laboratory examinations.

(2) If only a specimen is sent, it is accompanied by a written request.

(3) If the laboratory receives reference specimens from another laboratory, it may report back to the laboratory submitting the specimens.

(d) *Standard. Specimens — records.* The laboratory maintains a record indicating the daily accession of specimens each of which is numbered or otherwise appropriately identified. The factor explaining the standard is as follows:

Records contain the following information:

(1) The laboratory number or other identification of the specimen.

(2) The name and other identification of the person from whom the specimen was taken.

(3) The name of the licensed physician or other authorized person or clinical laboratory who submitted the specimen.

(4) The date the specimen was collected by the physician or other authorized person.

(5) The date the specimen was received in the laboratory.

(6) The condition of unsatisfactory specimens when received (e.g., broken, leaked, hemolyzed or turbid, etc.).

(7) The type of test performed.

(8) The result of the laboratory test or cross reference to results and the date of reporting.

(e) *Standard. Laboratory report and record.* The original laboratory report is sent promptly to the licensed physician or other authorized person who requested the test and a suitable record of each test result is preserved by the laboratory in accordance with the State's statutes of limitations. The factors explaining the standard are as follows:

(1) The laboratory director is responsible for the laboratory report.

(2) Duplicate copies or a suitable record of laboratory reports are filed in the laboratory in a manner which permits ready identification and accessibility.

(3) Tissue pathology reports utilize acceptable terminology of a recognized system of disease nomenclature.

(4) The results of laboratory tests or procedures or transcript thereof are not sent to the patient concerned except with the written consent of the physician or other authorized person who requested the test.

§ 405.1317 Radiology and/or nuclear medical isotope laboratories; defined.

A radiology and/or nuclear medical isotope laboratory is any independent laboratory (as previously defined, see § 405.1301) where ionizing radiation is used for diagnostic purposes. The term nuclear medical isotope laboratory refers to laboratories in which radioactive isotopes are applied to, injected in, or ingested by patients for diagnostic purposes.

§ 405.1318 Condition—radiology and/or nuclear medical isotope laboratory; direction of laboratory and interpretation of procedures.

The radiology and/or nuclear medical isotope laboratory is directed by a qualified physician and provides for the interpretation of procedure results.

(a) *Standard. Administration.* The laboratory has a director who administers the technical and scientific operation of the laboratory. The factors explaining the standard are as follows:

(1) The director serves the laboratory fulltime, or he may serve the laboratory on a regular part-time basis. If he serves on a regular part-time basis, (i) he does not individually serve as director of more than two laboratories or, (ii) he provides a qualified associate to serve as assistant director in each laboratory. Such assistant director does not serve more than two laboratories.

(2) The director is responsible for assuring that all roentgenologic and/or radioisotope procedures are properly performed and that the operation of radiographic equipment and use of radioactive materials are limited to qualified personnel.

(3) The director spends an adequate amount of time each week in the laboratory to direct and supervise the technical performance of the staff.

(4) If the director is not fulltime, or if the size of staff makes it necessary, the director designates a supervisor whom he deems qualified for this position to supervise laboratory personnel and perform procedures requiring special skills. The supervisor works under the general direction of the director.

(5) The director is ultimately responsible for the employment of personnel who are qualified for the positions for which they are hired and for assuring that they comply with applicable Federal and State standards pertaining to personnel who conduct procedures involving the use of ionizing radiation for diagnostic purposes.

(6) If the director is to be continuously absent for more than 1 month, arrangements are made for a qualified substitute director.

(b) *Standard. Director — qualification.* The director is a physician licensed to practice medicine in the State and is qualified by training and experience in the use of X-rays and/or radioactive materials for diagnostic purposes.

(c) *Standard. Technologists and associated personnel.* The number of radiologic and/or nuclear medical technologists and associated personnel employed as well as their training and experience, is adequate for the workload, considering the complexities of the radiologic procedures and the amount of time necessary for their execution. The factor explaining the standard is as follows:

Technologists employed by the laboratory are certified by the American Registry of Radiologic Technologists, or registered by the Registry of Medical Technologists (ASCP) as nuclear medical technologists, or meet equivalent requirements.

(d) *Standard. Interpretation of procedures.* The laboratory provides for the interpretation of the results of each roentgenological and/or radioisotope procedure. This interpretation is made by a physician qualified in the field. The factor explaining the standard is as follows:

The interpretation of the results of each procedure is made only by a physician who is licensed to practice medicine in that State and has the appropriate specialized knowledge needed to arrive at the interpretation.

(e) *Standard. Fluoroscopic examinations.* Fluoroscopic examinations of patients are performed only by physicians whose training and experience are adequate to interpret the findings of the procedure. The factor explaining the standard is as follows:

Fluoroscopic procedures are not conducted by technologists.

(f) *Standard. Report of diagnostic procedure.* A signed report is made by a physician qualified in the field for each diagnostic roentgenologic and/or isotope procedure, and is transmitted to the referring physician. Records are maintained of all such reports. The factors explaining the standard are as follows:

(1) Records contain a concise statement of the referring physician's reason for requesting the procedure.

(2) Copies of reports and radiographs are preserved or microfilmed in accordance with the State's statutes of limitations.

(g) *Standard. Personnel policies.* There are written personnel policies, practices, and procedures that adequately support sound laboratory practice. The factors explaining the standard are as follows:

(1) Current employee records are maintained and include a résumé of each employee's training and experience.

(2) Files contain evidence of adequate health supervision of employees such as results of preemployment and periodic physical examinations, including chest X-rays, and records of all illnesses and accidents occurring on duty.

(3) Work assignments are consistent with qualifications.

(4) There is a program for employee orientation.

§ 405.1319 Condition—radiology and/or nuclear medical isotope laboratory; standards for safety.

The laboratory meets professionally approved standards for safety.

Standard. Safety program. There is in effect a strict control program to reduce radiation and other hazards associated with the technical operations of the laboratory. The factors explaining the standards are as follows:

(a) Proper safety precautions are maintained against fire and explosion hazards, electrical hazards, and radiation hazards.

(b) Periodic inspections are made by local or State health authorities, or by other qualified individuals, and hazards so identified are promptly corrected. Records are maintained of such current inspections.

(c) Personnel monitoring is used for those radiation workers whose exposures are likely to exceed 25 mR per week.

(d) Radiation barriers and shielding are adequate to limit radiation exposures of personnel and the environs within acceptable limits.

(e) Restrictions of X-ray beam size is attained through proper and regular use of the appropriate limiting cone or the proper setting of the variable aperture collimator in radiographic procedures.

(f) Appropriate filtration of the X-ray beam is used.

(g) Only shockproof equipment is used.

(h) All electrical equipment is grounded.

(i) With fluoroscopes, attention is paid to modern safety design and good operating procedures; records are maintained of the exposure rate at the panel or table top of all fluoroscopes.

(j) Radioactive materials are stored and used in accordance with the provisions of applicable Federal or State standards and conditions of licensure.

(k) The space and equipment are adequate for the volume and diversity of procedures done by the laboratory.

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