FEDERAL REGISTER

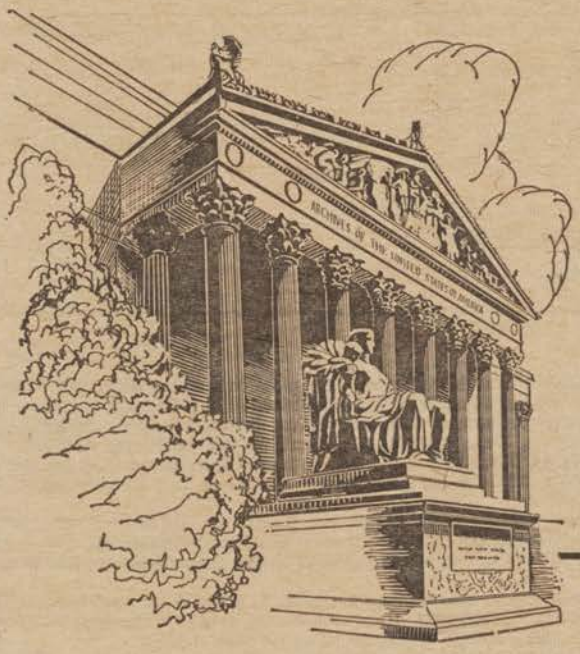
VOLUME 31 • NUMBER 147

Saturday, July 30, 1966 • Washington, D.C.

Pages 10307–10350

Agencies in this issue—

Detailed list of Contents appears inside.



Just Released

LIST OF CFR SECTIONS AFFECTED

January–June 1966

(Codification Guide)

The List of CFR Sections Affected is published monthly on a cumulative basis. It lists by number the titles, parts, and sections of the Code of Federal Regulations amended or otherwise affected by documents published in the FEDERAL REGISTER during 1966. Entries indicate the exact nature of all changes effected. This cumulative list of CFR sections affected is supplemented by the current lists of CFR parts affected which are carried in each daily FEDERAL REGISTER.

Individually priced: 15 cents a copy

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

**Order from Superintendent of Documents,
United States Government Printing Office,
Washington, D.C. 20402**

Note to subscribers: The January–June 1966 List of CFR Sections Affected was mailed free of charge to FR subscribers on July 28, 1966.

FEDERAL REGISTER
Area Code 202 Phone 963-3261

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

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

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

Contents

(Continued on next page)

List of CFR Parts Affected

(Codification Guide)

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

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

5 CFR

511_____ 10311
534_____ 10311

7 CFR

81_____ 10311
354_____ 10311
401 (3 documents)_____ 10312
908_____ 10312
910_____ 10313
1074_____ 10313

9 CFR

76_____ 10313
97_____ 10314

PROPOSED RULES:

201_____ 10325

12 CFR

217_____ 10315
531_____ 10315

14 CFR

214_____ 10316

18 CFR

PROPOSED RULES:

2_____ 10326
14_____ 10326

22 CFR

42_____ 10316

24 CFR

207_____ 10317
213_____ 10317
220_____ 10317
221_____ 10317
232_____ 10317
1000_____ 10318

32 CFR

47_____ 10318

33 CFR

66_____ 10320
80_____ 10322
82_____ 10322
90_____ 10323
92_____ 10323
95_____ 10323
124_____ 10324

41 CFR

9–7_____ 10324
9–12_____ 10324
9–16_____ 10324

49 CFR

PROPOSED RULES:

193_____ 10326

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 511—POSITION CLASSIFICATION UNDER THE CLASSIFICATION ACT SYSTEM

PART 534—PAY UNDER OTHER SYSTEMS

Miscellaneous Amendments

Section 511.201(b) is amended to show the exclusion from Part 511 and the Classification Act of 1949, as amended, of certain medical records students, Department of Health, Education, and Welfare. Section 534.202(b) is amended to show exclusion from the Federal Employees Pay Act and the Classification Act, and the maximum stipends prescribed for, certain medical record students and student nurses, Department of Health, Education, and Welfare. Sections 511.201(b) and 534.202(b) are amended as follows:

1. Effective July 20, 1966, the following item is added to paragraph (b) of § 511.201 as set out below.

§ 511.201 Coverage of and exclusions from the Classifications Act.

* * * * *

(b) *Exclusions.* * * *

Medcal record students, Department of Health, Education, and Welfare, approved training during the first year of college level training, and, approved training after a minimum of 1 year college level training.

* * * * *

(Sec. 2, 61 Stat. 727 and sec. 1101, 63 Stat. 971; 5 U.S.C. 1052, 1072)

2. Effective July 20, 1966, the following items are added to paragraph (b) of § 534.202 as set out below.

§ 534.202 Maximum stipends.

* * * * *

(b) * * *

Medical record students, Department of, Health, Education, and Welfare:
Approved training during the first year college level training---------- L–1
Approved training after a minimum of 1 year college level training--- L–2
Students nurses, Department of Health, Education, and Welfare:
Approved training after a minimum of 1 year college level training----- L–2

(Secs. 1, 2, 3, 61 Stat. 727; 5 U.S.C. 902, 1051, 1052)

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

[F.R. Doc. 66-8396; Filed, July 29, 1966; 8:49 a.m.]

Title 7—AGRICULTURE

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

SUBCHAPTER D—REGULATIONS UNDER THE POULTRY PRODUCTS INSPECTION ACT

PART 81—INSPECTION OF POULTRY AND POULTRY PRODUCTS

Poultry Soups; Postponement of Effective Date of Certain Amendments

On July 7, 1964, there were published in the FEDERAL REGISTER (29 F.R. 8456) certain amendments of §§ 81.134 and 81.208 of the regulations under the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.) to become effective on January 1, 1965.

In a lawsuit instituted in the U.S. District Court for the District of New Jersey challenging the validity of the amendments with respect to soups containing poultry ingredients, on behalf of one processor of dehydrated soups, a preliminary injunction was issued restraining enforcement of such amendments against that processor with respect to dehydrated soup mixes. In order to afford equitable treatment to all poultry soup processors in view of this preliminary injunction, the effective date of the amendments insofar as they relate to all types of soups containing poultry ingredients, was postponed on a month-to-month basis until July 1, 1966 (31 F.R. 7553).

The U.S. District Court on June 10, 1966, issued an opinion upholding the validity of the amendments but no final order has been entered by the Court.

It is contemplated by this Department that the amendments will ultimately be made effective with respect to such soups on January 1, 1967. Such a postponement in the effective date is necessary in order to afford affected processors reasonable time in which to obtain labels for their products or otherwise adjust their operations in compliance with the amendments.

Meanwhile, pending action by the District Court, it was necessary, in order to avoid disruption of orderly operations in the affected industry, to postpone temporarily the effective date of the amendments with respect to soups containing poultry ingredients beyond July 1, 1966, the date on which the amendments otherwise would have become effective. The effective date was postponed until August 1, 1966, by an order of June 28, 1966 (31 F.R. 9043). Since no final order has yet been entered by the Court, it is necessary to extend such postponement beyond that date. Therefore, the effective date of the amendments with respect to such soups is hereby postponed until September 1, 1966. In order to accomplish its purpose this action must be made effective on August 1, 1966, when the prior order of postponement of effective date expires.

Therefore under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found for good cause that notice of rule making and other public procedure with respect to this action are impracticable and good cause is found for making it effective less than 30 days after publication hereof in the FEDERAL REGISTER.

(Sec. 14, 71 Stat. 447, 21 U.S.C. 463; 29 F.R. 16210, as amended; 30 F.R. 1260, as amended; 30 F.R. 2160)

This action shall become effective on August 1, 1966.

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

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

[F.R. Doc. 66-8329; Filed, July 29, 1966; 8:46 a.m.]

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime Work at Border Ports, Seaports, and Airports

Section 354.1 of Part 354, Title 7, Code of Federal Regulations, is further amended to read as follows:

§ 354.1 Overtime work at border ports, seaports, and airports.

(a) Any person, firm, or corporation having ownership, custody, or control of plants, plant products, or other commodities or articles subject to inspection, certification, or quarantine under this chapter, who requires the services of an employee of the Plant Quarantine Division on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday service request the Division inspector in charge to furnish inspection, quarantine, or certification service during such overtime or holiday period, and shall pay the Government therefor at the rate of $7.20 per man-hour per employee. A minimum charge of 2 hours shall be made for any holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning at least 1 hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each period of unschedule overtime or holi-

day work to which the 2-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted travel time period the amount of which shall be prescribed in administrative instructions to be issued by the Director of the Plant Quarantine Division for the areas in which the holiday or overtime work is performed and such period shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty if such travel is performed solely on account of such overtime or holiday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed 3 hours. When inspection, quarantine or certification services are performed at locations outside the metropolitan area in which the employee's headquarters is located, one-half of the commuted travel period applicable to the point at which the services are performed shall be charged when duties involve overtime that begins less than 1 hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty. It will be administratively determined from time to time which days constitute holidays.

(b) The Division inspector in charge in honoring a request to furnish inspection, quarantine or certification service, shall assign employees to such holiday or overtime duty with due regard to the work program and availability of employees for duty.

(64 Stat. 561; 5 U.S.C. 576)

The foregoing amendment shall become effective July 31, 1966, when it shall supersede 7 CFR 354.1, effective November 7, 1965.

The purpose of this amendment is to increase the hourly rate for overtime or holiday services from $6.84 to $7.20 commensurate with salary increases provided in the Federal Employees Salary Act of 1966 (Public Law 89–504). Determination of the hourly rate for overtime services and of the commuted travel time allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this amendment effective less than 30 days after publication.

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

[SEAL] R. J. ANDERSON,
Deputy Administrator,
Agricultural Research Service.

[F.R. Doc. 66–8347; Filed, July 29, 1966; 8:47 a.m.]

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR WHEAT CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the lists of counties published February 25, 1966 (31 F.R. 3113) and May 26, 1966 (31 F.R. 7553), which were designated for wheat crop insurance for the 1967 crop year.

INDIANA

Gibson.	Knox.
Hendricks.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 66–8332; Filed, July 29, 1966; 8:46 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—PARISHES DESIGNATED FOR SUGARCANE CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, the following parishes have been designated for sugarcane crop insurance for the 1967 crop year.

LOUISIANA

Iberia.	St. Mary.
St. James.	Terrebonne.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 66–8333; Filed, July 29, 1966; 8:46 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the lists of counties published February 25, 1966 (31 F.R. 3113) and May 26, 1966 (31 F.R. 7553), which were designated for barley crop insurance for the 1967 crop year.

MONTANA

Carbon.	Rosebud.
Prairie.	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 66–8334; Filed, July 29, 1966; 8:46 a.m.]

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

[Valencia Orange Reg. 172]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.472 Valencia Orange Regulation 172.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among

handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 27, 1966.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., July 31, 1966, and ending at 12:01 a.m., P.s.t., August 7, 1966, are hereby fixed as follows:

(i) District 1: 225,000 cartons;

(ii) District 2: 350,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used is this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: July 28, 1966.

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

[F.R. Doc. 66-8398; Filed, July 29, 1966; 8:49 a.m.]

[Lemon Reg. 225]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.525 Lemon Regulation 225.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 1001–1011) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 27, 1966.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., July 31, 1966, and ending at 12:01 a.m., P.s.t., August 7, 1966, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 279,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "Carton" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: July 28, 1966.

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

[F.R. Doc. 66-8397; Filed, July 29, 1966; 8:49 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 74]

PART 1074—MILK IN SOUTHWEST KANSAS MARKETING AREA

Order Suspending Certain Provisions

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Southwest Kansas marketing area (7 CFR Part 1074), it is hereby found and determined that:

(a) The following provisions of the order no longer tend to effectuate the declared policy of the Act for the month of August 1966: § 1074.51(a)(3) (ii) and (iii).

(b) Notice of proposed rule making, public procedure thereon, and 30 days' notice of the effective date hereof are impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension action was requested by a cooperative association and a handler with own production representing all producers and by other major handlers regulated by the order. This action will decrease the Class I milk price for August 1966 by 14 cents per hundredweight. This will maintain prices in a more nearly normal relationship between this market and the nearby and larger Wichita, Kans., market by establishing the difference in Class I milk prices between these two markets at 20 cents per hundredweight instead of 34 cents. The intermarket relationship will be nearly the same as the 17 and 18 cents differences established for June and July 1966 by suspension actions (31 F.R. 8000; 31 F.R. 9113). The normal difference is not more than 10 cents per hundredweight. A recommended decision issued June 29, 1966 (31 F.R. 9218) would merge the Wichita and Southwest Kansas orders into a single regulation with Class I milk prices aligned in the two sections of the combined market to a difference of 5 cents between the western (now Southwest Kansas) zone and the Wichita area. Wichita handlers distribute approximately one-third of the fluid milk products in the Southwest Kansas marketing area. It is therefore necessary that Class I milk prices between the two markets be in reasonable alignment.

Therefore, good cause exists for making this order effective August 1, 1966.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the month of August 1966.

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

Effective date: August 1, 1966.

Signed at Washington, D.C., on: July 26, 1966.

GEORGE L. MEHREN,
Asisstant Secretary.

[F.R. Doc. 66-8331; Filed, July 29, 1966; 8:46 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Miscellaneous Amendments

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of

February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126; 134–134h), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine because of hog cholera and other communicable swine diseases, is hereby further amended in the following respects:

1. Sections 76.2 (f) and (g) are amended to read:

§ 76.2 Notice relating to existence of hog cholera, prohibition of movement of virulent virus; spread of disease through raw garbage; regulations; quarantines; eradication States; and free States.

* * * * *

(f) Notice is hereby given that there is no clinical evidence that the virus of hog cholera exists in swine in the following States, that systematic procedures are in effect to detect and eradicate the disease should it appear within any of such States, and that such States are hereby designated as hog cholera eradication States: Idaho, Michigan, Oregon, Washington, Wisconsin, and Wyoming.

(g) Notice is hereby given that a period of more than 1 year has passed since there has been clinical evidence that the virus of hog cholera exists in the following States, that more than 1 year has passed since systematic procedures were placed in effect to exclude the virus of hog cholera and to detect and eradicate the disease should it appear within any of such States, and that the virus of hog cholera has been eradicated from such States and such States are hereby designated as hog cholera free States: Alaska, Montana, Nevada, Utah, and Vermont.

2. The introductory language of § 76.10 and of paragraphs (a), (b), and (c) of such section is amended to read:

§ 76.10 Other movements for feeding, breeding, or exhibition purposes or for sale for such purposes.

Swine which have never been treated with anti-hog-cholera serum alone or antibody concentrate alone and which are not known to be affected with or exposed to hog cholera or any other contagious, infectious, or communicable disease may be moved interstate to any destination for feeding, breeding, or exhibition purposes or for sale for such purposes in accordance with the provisions of this section.

(a) *Movement from any point of origin.* Swine which otherwise qualify for interstate shipment under the provisions of this section may be moved interstate to any destination for feeding, breeding, or exhibition purposes or for sale for such purposes if such swine have been officially vaccinated either with:

* * * * *

(b) *Movement from any farm of origin.* Notwithstanding paragraph (a) of this section, swine which otherwise qualify for interstate shipment under the provisions of this section may be moved interstate directly from any farm of origin to any destination for feeding, breeding, or exhibition purposes or for sale for such purposes if interstate movement is continuous and is accomplished in the same vehicle in which movement of such swine commenced, and

* * * * *

(c) *Movement from a farm of origin located in a State identified in § 76.2 (f) or (g).* Notwithstanding paragraphs (a) and (b) of this section, swine which otherwise qualify for interstate movement under this section may be moved directly from a farm of origin in a State identified in § 76.2 (f) or (g) to any destination for feeding, breeding, or exhibition purposes or for sale for such purposes if the interstate movement is continuous and is accomplished in the same vehicle in which movement of such swine commenced, and

* * * * *

3. Section 76.16(b) is amended to read:

§ 76.16 Approval of stockyards and livestock markets.

* * * * *

(b) The Director of Division is authorized to specifically approve stockyards and livestock markets for the purposes of the regulations in this part and to promulgate notices listing such stockyards in accordance with § 76.16(a) when he determines that the inspection and handling of livestock at such stockyards and livestock markets are adequate to effectuate the purposes of the regulations and the Division and the State in which such stockyards or livestock markets are located have entered into a memorandum of understanding setting forth certain standards for such stockyards and livestock markets. The Director may withdraw approval and remove any stockyard or livestock market from the said list when he finds that the inspection or handling of livestock at such stockyard or livestock market is no longer adequate to effectuate the purposes of such regulations, or when he determines that there is not full compliance with all provisions of the standards involved, or when such memorandum of understanding between the Division and the State within which such stockyard or livestock market is located has been terminated.

The foregoing amendments to (1) § 76.2(f) add the States of Michigan and Wisconsin and remove the States of Alaska, Montana, and Utah from the list of designated hog cholera eradication States; (2) § 76.2(g) add the States of Alaska, Montana, and Utah to the list of designated hog cholera free States: (3) § 76.10 permit swine moved interstate under an authorized movement for feeding, breeding, or exhibition purposes to be sold for such purposes when moved; and (4) § 76.16(b) require that a memorandum of understanding be entered into by the Division and the State in which stockyards requesting approval are located and authorize the Director to remove stockyards when said memorandum of understanding has been terminated.

The amendments relieve certain restrictions presently imposed and also impose certain additional restrictions under the regulations on the interstate movement of swine. To the extent that the amendments relieve restrictions they should be made effective as soon as possible so as to be of the greatest benefit to the persons affected thereby. To the extent that the amendments impose restrictions such restrictions are deemed necessary to prevent the dissemination of hog cholera and to facilitate the hog cholera eradication program and therefore, such amendments should be made effective promptly in order to fully accomplish their purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. These amendments shall become effective upon publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of July 1966.

R. J. ANDERSON,
Deputy Administrator,
Agricultural Research Service.

[F.R. Doc. 66–8328; Filed, July 29, 1966; 8:46 a.m.]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime, Night and Holiday Inspection and Quarantine Activities at Border, Coastal and Air Ports

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 5 U.S.C. 576), § 97.1 of Part 97, Title 9 of the Code of Federal Regulations is further amended to read as follows:

§ 97.1 Overtime work at border ports, ocean ports and airports.[1]

Any person, firm, or corporation having ownership, custody or control of animals, animal byproducts, or other commodities subject to inspection, certification, or quarantine under this subchapter and Subchapter G of this chapter, and who requires the services of an employee of the Animal Health Division on a holiday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday service request the Division inspector in charge to furnish inspection, certification or quarantine service during such overtime or holiday period and shall pay the Ad-

[1] For designated ports of entry for certain animals, animal semen, poultry, and hatching eggs see 9 CFR 92.1 through 92.3; and for designated ports of entry for certain purebred animals see 9 CFR 151.1 through 151.3.

ministrator of the Agricultural Research Service at the rate of $7.20 per man hour per employee as follows: A minimum charge of two hours shall be made for any holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least 1 hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of unscheduled overtime or holiday work to which the 2-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted travel time period the amount of which shall be prescribed in administrative instructions to be issued by the Director of the Animal Health Division for the ports, stations, and areas in which the employees are located and shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from such overtime or holiday duty if such travel is performed solely on account of such overtime or holiday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed three hours. When inspection, quarantine or certification services are performed at locations outside the metropolitan area in which the employee's headquarters are located, one-half of the commuted travel time period applicable to the point at which the services are performed shall be charged when duties involve overtime that either begins less than 1 hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty. It shall be administratively determined from time to time which days constitute holidays.

The foregoing amendment shall become effective July 31, 1966, when it shall supersede 9 CFR 97.1, effective November 7, 1965.

The purpose of this amendment is to increase the hourly rate for overtime services from $6.84 to $7.20 commensurate with salary increases provided in the Federal Employees Salary Act of 1966 (Public Law 89–504). It is to the benefit of those who require such overtime services, as well as the public generally, that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238), it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication.

(64 Stat. 561; 5 U.S.C. 576)

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

R. J. ANDERSON,
Deputy Administrator,
Agricultural Research Service.

[F.R. Doc. 66–8348; Filed, July 29, 1966; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

Maximum Interest Rates

§ 217.141 Maximum interest rates on multiple maturity time deposits.

The Board has considered the following questions regarding the interpretation of § 217.6 (the Supplement to Regulation Q), as revised July 20, 1966, relating to maximum rates of interest payable to member banks on time and saving deposits:

(a) Under § 217.6, a member bank may pay interest at a rate not exceeding 5 percent on a multiple maturity time deposit made on or after July 20 which is payable only 90 days or more after the date of deposit or 90 days or more after the last preceding date on which it might have been paid; and it may pay interest at a rate not exceeding 4 percent on a multiple maturity deposit which is payable less than 90 days after the date of deposit or less than 90 days after the last preceding date on which it might have been paid. Accordingly, if a deposit is payable, at the depositor's option, either after 90 days' notice or after 30 days' notice, the maximum interest rate permitted under § 217.6 is 4 percent, whether the deposit is paid after 90 days' or 30 days' notice. In this respect, revised § 217.6 makes inapplicable previous interpretations of the Board (e.g., § 217.105) to the effect that, if a deposit has alternative maturities, the maximum interest rate depends upon the alternative actually elected by the depositor.

(b) Question has been raised as to the applicability of revised § 217.6 to time deposits, open account, under contracts entered into prior to July 20, 1966. As stated in revised § 217.6, the 5 percent and 4 percent maximum rates apply to multiple maturity time deposits received on or after July 20, 1966. If, as is usually the case, a contract evidencing a time deposit, open account, provides that the contract may be canceled or terminated by the bank or that the rate of interest is subject to change by the bank on its own initiative or in order to comply with regulations of the Board, the bank must take action as soon as possible to bring the contract within the requirements of revised § 217.6 with respect to deposits received on or after July 20, 1966. In this connection, attention is called to § 217.3(b), which provides that "every member bank shall take such action as may be necessary, as soon as possible consistently with its contractual obligations, to bring all of its outstanding certificates of deposit or other contracts into conformity with the provisions" of this Part 217. Only in the rare case in which a contract entered into prior to July 20, 1966, obligates the bank to accept deposits in the account and pay a specified rate of interest thereon, without any right to modify such obligations, may the bank pay the contract rate of interest on deposits received after that date if such rate is higher than the maximum rate prescribed by § 217.6 for the particular type of multiple maturity deposit.

(c) Question has been raised as to whether a certificate of deposit issued prior to July 20, 1966, providing for automatic renewal every 90 days and specifying a 5 percent interest rate, may be amended after that date to provide for an interest rate in excess of 5 percent. With respect to deposits received before July 20, 1966, § 217.6 permits continued payment of interest at the rate being paid on that date, but it precludes any increase in the rate on such deposits above the maximum prescribed for deposits received on or after that date. Accordingly, the bank could not, under revised § 217.6, pay interest at a rate in excess of 5 percent on or after July 20. (This principle applies also to time deposits, open account.)

(d) Interest credited after July 20, 1966, on multiple maturity time deposits received before that date need not be regarded as a "deposit" received on or after that date but may be assimilated into the underlying pre-July 20 deposits on which the bank may continue to pay the rate of interest specified in the contract.

(12 U.S.C. 248(i). Interprets and applies 12 U.S.C. 371b)

Dated at Washington, D.C., this 22d day of July 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 66–8313; Filed, July 29, 1966; 8:45 a.m.]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 20,093]

PART 531—STATEMENTS OF POLICY

Interest Rates on Advances

JULY 28, 1966.

Resolved that the Federal Home Loan Bank Board, upon the basis of consideration by it of the advisability of stating and codifying the terms and conditions under which the Federal home loan banks may make advances to their members and for the purpose of effecting such codification, hereby amends part 531 of the regulations for the Federal Home Loan Bank System (12 CFR Part 531) by adding, immediately after § 531.8, a new section, § 531.9, to read as follows:

§ 531.9 Interest rates on advances.

Except as may otherwise be provided from time to time by the Federal Home Loan Bank Board, the following provisions shall apply to advances by the Federal home loan banks to their members:

(a) Notes or other obligations evidencing such advances shall, except as provided in paragraphs (b) and (d) of this section, be written at an interest rate not exceeding 7 percent per annum, calculated on the unpaid principal balance from time to time outstanding, and interest shall not, except as provided in paragraphs (c) and (d) of this section, be collected by such banks on such advances at a rate exceeding 7 percent per annum, calculated as aforesaid;

(b) Notes or other obligations evidencing such advances made for periods of more than 6 months shall include, and notes or other obligations evidencing such advances made for periods of 6 months or less may include, a provision that the holder of the note or obligation may from time to time decrease the interest rate thereon and may from time to time, on giving to the member, or to the principal obligor at the time such notice is given, a notice for a period which shall be specified in the note or obligation and shall not exceed 30 days, increase the interest rate thereon to a rate not in excess of the maximum rate from time to time permitted by the Federal Home Loan Bank Board to be collected;

(c) Notes or other obligations evidencing such advances shall include a provision for an increase of 1 percent per annum in the then current interest rate on past-due principal and interest;

(d) Notes or other obligations evidencing the refinancing of delinquent advances shall be made under such conditions and written at such interest rates as may from time to time be prescribed by the Federal Home Loan Bank Board; and

(e) Interest shall be collected by such banks on all advances made or outstanding on and after September 1, 1966, at a rate not less than 5¾ percent per annum.

All forms of notes or other obligations used to evidence such advances shall be submitted to the Federal Home Loan Bank Board for approval with the opinion of Bank counsel as to their validity in the jurisdiction or jurisdictions where they are to be used.

Resolved further, that Federal Home Loan Bank Board Resolution No. 13,775 of August 18, 1960, is hereby repealed.

(Sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1947 Supp.)

Resolved further that, the Board hereby finds that notice and public procedure on said amendment are contrary to the public interest under the provisions of § 508.12 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 508.12) and section 4(a) of the Administrative Procedure Act since such notice and public procedure would prevent the action from becoming effective as promptly as necessary in the public interest, would unreasonably interfere with necessary actions of the Board and would otherwise serve no useful purpose and, for the same reasons, the Board hereby finds that postponement of the effective date under the provisions of § 508.14 of the general regulations of the Federal Home Loan Bank Board (12 CFR 508.14) and section 4(c) of the Administrative Procedure Act is contrary to the public interest and the Board hereby provides that the aforesaid amendment shall be effective upon publication in the FEDERAL REGISTER.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F.R. Doc. 66-8399; Filed, July 29, 1966; 8:49 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-470]

PART 214—TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

Deletion of Charterers' Names From Annual Report

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of July 1966.

British Eagle International Airlines, Ltd. (Eagle), filed a petition for rule making on April 13, 1966, Docket 17223, to amend § 214.5 by deleting paragraph (d) thereof, which requires that charterers be named in the annual report filed by foreign charter carriers.

Eagle's petition is directed against inclusion of the charterers' names in the report. The carrier asserts that the availability of the report for public inspection creates an adverse competitive impact in that it results in the raiding of its charterers by other carriers. It also alleges that since the Board does not require U.S.-flag supplemental carriers to make public the names of their actual customers, it is unfair to impose such a requirement on foreign charter carriers. Eagle does not object either to maintaining a list of its charterers for Board inspection, or to filing with the Board a public report identifying its charterers by general type.

In our view Eagle's contentions are valid. The primary purpose of the information required in the annual report is to provide a means for checking operations of foreign charter carriers in order to assure conformance with numerical and geographical limitations in their permits. For this purpose the inclusion of the charterers' names is unnecessary, since this information is available to the Board because of § 214.6(a)[1] dealing with retention of the foreign charter carriers' records, including their charter contracts.

Since this amendment relieves a restriction and will not adversely affect any person, we find that notice and public procedure herein are not required and that the amendment should be made effective immediately.

Accordingly, the Board hereby amends Part 214 of the Economic Regulations (14 CFR Part 214), effective July 27, 1966, as follows:

* * * * *

Section 214.5(d) is deleted:

§ 214.5 **Reporting.**

* * * * *

(d) [Deleted]

(Secs. 204(a), 402, Federal Aviation Act of 1958, as amended; 72 Stat. 743, 757; 49 U.S.C. 1324, 1372)

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 66-8343; Filed, July 29, 1966; 8:47 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.536]

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Aliens Entering To Perform Skilled or Unskilled Labor

Part 42, Chapter I, Title 22 of the Code of Federal Regulations is being amended to describe certain categories of persons who do not require labor certifications.

Subparagraph (14) of § 42.91(a) is amended to read as follows:

§ 42.91 **Aliens ineligible to receive visas.**

(a) *Aliens ineligible under the provisions of section 212(a) of the Act.* * * *

(14) *Aliens entering to perform skilled or unskilled labor.* (i) An alien within one of the classes specified in this subparagraph who is seeking to enter the United States for the purpose of engaging in gainful employment shall be ineligible to receive a visa under the provisions of section 212(a)(14) of the Act unless the Secretary of Labor shall have certified to the Attorney General and the Secretary of State, or to a consular officer for the

[1] § 214.6 *Record retention.* (a) Every foreign air carrier operating pursuant to this part shall retain true copies of the following documents for a period of 2 years at its principal or general office and shall make them available in the United States upon request at any proper time by an authorized representative of the Board or the Federal Aviation Agency: Every charter contract, all passenger manifests including those filed by charterers, and proof of the commission paid to any travel agent by the carrier.

Secretary of State, that (*a*) there are not sufficient workers in the United States who are able, willing, qualified and available at the time of application for a visa and admission to the United States and at the place to which the alien is destined to perform such skilled or unskilled labor, and (*b*) the employment of such alien will not adversely affect the wages and working conditions of the workers in the United States similarly employed. The provisions of section 212(a)(14) shall apply only to the following classes of aliens: (*c*) Aliens who are preference immigrants described in section 203(a)(3) or (6); (*d*) aliens who are nonpreference immigrants as described in section 203(a)(8), and (*e*) aliens who are special immigrants under section 101(a)(27)(A) of the Act (except the parents, spouses, or children of U.S. citizens or of aliens lawfully admitted for permanent residence).

(ii) The following persons are not considered to be within the purview of section 212(a)(14) and do not require a labor certification: (*a*) An alien who establishes to the satisfaction of the consular officer that he does not intend to seek employment in the United States; (*b*) a spouse or child accompanying or following to join an alien spouse or parent who either has a labor certification or is a nondependent alien who does not require such a certification; (*c*) a woman applicant who intends to marry a U.S. citizen or alien resident and who does not intend to seek employment in the United States and whose U.S. citizen or alien resident fiancé has guaranteed her support; (*d*) a person who is seeking to enter the United States for the purpose of engaging in a commercial or agricultural enterprise in which he has invested, or is actively in the process of investing, a substantial amount of capital; (*e*) a member of the Armed Forces of the United States; (*f*) a person coming to the United States solely for the purpose of study who has been accepted by an institution of learning in the United States and who will be pursuing a full course of study in the United States for at least two full consecutive academic years, if the alien has sufficient financial resources to support himself and any dependent members of his household during the period of proposed study in the United States and will not seek employment during that period.

* * * * *

Effective date. The amendments to the regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States.

PHILIP B. HEYMANN,
Acting Administrator, Bureau of Security and Consular Affairs.

JULY 19, 1966.

[F.R. Doc. 66-8362; Filed, July 29, 1966; 8:49 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following miscellaneous amendments have been made to this chapter:

SUBCHAPTER D—RENTAL HOUSING INSURANCE

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

1. In Part 207 in the Table of Contents the appropriate section heading is amended to read as follows:

Sec.
207.2 Maximum fees and charges by mortgagee.

2. Section 207.2 is amended to read as follows:

§ 207.2 Maximum fees and charges by mortgagee.

The mortgagee may collect from the mortgagor the amount of the fees provided for in this subpart. The mortgagee may also collect from the mortgagor an initial service charge in an amount not to exceed 2 percent of the original principal amount of the mortgage, to reimburse the mortgagee for the cost of closing the transaction. Any additional charges or fees collected from the mortgagor shall be subject to prior approval of the Commissioner.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 207, 52 Stat. 16, as amended; 12 U.S.C. 1713)

SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

1. In Part 213 in the Table of Contents the appropriate section heading is amended to read as follows:

Sec.
213.4 Maximum fees and charges by mortgagee.

2. Section 213.4 is amended to read as follows:

§ 213.4 Maximum fees and charges by mortgagee.

The mortgagee may collect from the mortgagor the amount of the fees provided for in this subpart. The mortgagee may also collect from the mortgagor an initial service charge in an amount not to exceed 2 percent of the original principal amount of the mortgage, to reimburse the mortgagee for the cost of closing the transaction. Any additional charges or fees collected from the mortgagor shall be subject to prior approval of the Commissioner.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U.S.C. 1715e)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

Section 220.562 is amended to read as follows:

§ 220.562 Charges by lender.

The lender may collect from the borrower the amount of the fees provided for in §§ 220.550 et seq. The lender may also collect from the borrower an initial service charge in an amount not to exceed 2 percent of the original principal amount of the loan to reimburse the lender for the cost of closing the transaction. Any additional charges shall be subject to prior approval of the Commissioner.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interprets or applies sec. 220, 68 Stat. 596, as amended; 12 U.S.C. 1715k)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

1. In Part 221 in the Table of Contents the appropriate section heading is amended to read as follows:

Sec.
221.508 Maximum fees and charges by mortgagee.

2. Section 221.508 is amended to read as follows:

§ 221.508 Maximum fees and charges by mortgagee.

The mortgagee may collect from the mortgagor the amount of the fees provided for in this subpart. The mortgagee may also collect from the mortgagor an initial service charge in an amount not to exceed 2 percent of the original principal amount of the mortgage, to reimburse the mortgagee for the cost of closing the transaction. Any additional charges or fees collected from the mortgagor shall be subject to prior approval of the Commissioner.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U.S.C. 1715l)

SUBCHAPTER J—MORTGAGE INSURANCE FOR NURSING HOMES

PART 232—NURSING HOMES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

1. In Part 232 in the Table of Contents the appropriate section heading is amended to read as follows:

Sec.
232.15 Maximum fees and charges by mortgagee.

2. Section 232.15 is amended to read as follows:

§ 232.15 Maximum fees and charges by mortgagee.

The mortgagee may collect from the mortgagor the amount of the fees provided for in this subpart. The mortgagee may also collect from the mortgagor an initial service charge in an amount not to exceed 2 percent of the original principal amount of the mortgage, to reimburse the mortgagee for the cost of closing the transaction. Any additional charges or fees collected from the mortgagor shall be subject to prior approval of the Commissioner.

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 232, 73 Stat. 663; 12 U.S.C. 1715w)

SUBCHAPTER V—LAND DEVELOPMENT INSURANCE

PART 1000—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

Subpart A—Eligibility Requirements

1. In Part 1000 in the Table of Contents the appropriate section heading is amended to read as follows:

Sec.
1000.25 Maximum fees and charges by mortgagee.

2. Section 1000.25 is amended to read as follows:

§ 1000.25 Maximum fees and charges by mortgagee.

The mortgagee may collect from the mortgagor the amount of the fees provided for in this subpart. The mortgagee may also collect from the mortgagor an initial service charge in an amount not to exceed 2 percent of the original principal amount of the mortgage, to reimburse the mortgagee for the cost of closing the transaction. Any additional charges or fees collected from the mortgagor shall be subject to prior approval of the Commissioner.

(Sec. 1010, 79 Stat. 464; 12 U.S.C. 1749jj)

Issued at Washington, D.C., July 25, 1966.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 66-8338; Filed, July 29, 1966; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 47—REPUBLIC OF VIETNAM CAMPAIGN MEDAL AND DEVICE (1960–)

The Assistant Secretary of Defense (Manpower) approved the following on June 20, 1966:

Sec.
47.1 Purpose.
47.2 Applicability.
47.3 Authority.
47.4 Policy.
47.5 Excerpts from Republic of Vietnam Armed Forces Order Number 48, Directive HT 655–430, and Memorandum No. 2655.

AUTHORITY: The provisions of this Part 47 issued under sec. 161, Revised Statutes (5 U.S.C. 22).

§ 47.1 Purpose.

This part furnishes Department of Defense policy guidance concerning the Republic of Vietnam Campaign Medal with device (1960–), approved by the Secretary of Defense in accordance with the provisions of section III.B. of DoD Directive 1348.16, "Foreign Awards to U.S. Military Personnel for Service in Vietnam," January 22, 1966, on February 7, 1966, and formally awarded to members of the U.S. Armed Forces supporting operations in Vietnam by the Government of the Republic of Vietnam on March 24, 1966.

§ 47.2 Applicability.

The provisions of this part apply to the Departments of the Army, Navy, and Air Force; and to the U.S. Coast Guard when operating as a service in the Navy.

§ 47.3 Authority.

The Government of the Republic of Vietnam formally awarded the Republic of Vietnam Campaign Medal with device (1960–), which is awarded to members of the Republic of Vietnam Armed Forces for wartime service, to members of the U.S. Armed Forces supporting operations in Vietnam by Republic of Vietnam Armed Forces Order Number 48, dated March 24, 1966. Pertinent articles of RVNAF Order Number 48; RVNAF Directive HT–655,430, as amended March 22, 1966; and RVNAF Memorandum Number 2655, October 8, 1965, applicable to U.S. personnel are quoted in § 47.5 as authorities for the award.

§ 47.4 Policy.

The Secretary of each Military Department shall prescribe, in the manner best suited to the needs of that Department, regulations governing the procedures for the administrative processing, awarding, and wearing of the Republic of Vietnam Campaign Medal with device (1960–), miniature medal, and ribbon bar with device (60–), subject to the provisions of section VI. of DoD Directive 1005.3, "Decorations, Awards and Gifts from Foreign Governments," January 22, 1966, and the following:

(a) The procedures outlined in DoD Directive 1005.3, "Decorations, Awards and Gifts from Foreign Governments," January 22, 1966, apply to members of the U.S. Armed Forces eligible for this award solely by virtue of service performed prior to March 1, 1961.

(b) That part of Article 3 (new), RVNAF Directive HT–655–430, which states that "* * * those serving outside the geographical limits of South Vietnam and contributing direct combat support * * * will also be eligible for the award * * *" shall be interpreted so as to require such members of the U.S. Armed Forces to meet the criteria established for the U.S. Armed Forces Expeditionary Medal (Vietnam), DoD Instruction 1348.11, "Armed Forces Expeditionary Medal," July 14, 1965, or the U.S. Vietnam Service Medal, DoD Instruction 1348.15, "Vietnam Service Medal," October 1, 1965, during the period of service required to qualify for the Republic of Vietnam Campaign Medal.

(c) Republic of Vietnam Campaign Medal ribbons with device (60–) shall be requested from Commander, U.S. Military Assistance Command, Vietnam, attention Adjutant General, for issue to eligible personnel. The Republic of Vietnam Medal with device (1960–) and the miniature medal will remain items of individual acquisition in accordance with Article 20, RVNAF Directive HT 655–430.

(d) The Republic of Vietnam Campaign Medal with device and the miniature medal may be authorized for wear by U.S. military personnel, when appropriate, at the option of the individual.

(e) In order to provide a source of supply for individual procurement of the medal and miniature medal, particularly for personnel who have departed Vietnam and those requiring replacement medals and ribbon bars:

(1) The Republic of Vietnam Campaign Medal ribbon bar may be modified, maintaining identical colors and proportions, to be compatible with U.S. ribbon bars and manufacturing standards, and the description disseminated to U.S. manufacturers under appropriate quality control procedures;

(2) The Republic of Vietnam Campaign Medal and miniature medal suspension ribbons may be modified, maintaining identical colors and proportions, to be compatible with U.S. medal suspension ribbons. The description of the medal and miniature medal may then be disseminated to U.S. manufacturers without a formal quality control program.

(3) The description of the devices (1960–) and (60–) may be disseminated to U.S. manufacturers without placing the devices in a quality control program.

§ 47.5 Excerpts from Republic of Vietnam Armed Forces Order Number 48, Directive HT 655–430, and Memorandum No. 2655.

(a) Republic of Vietnam Armed Forces Order Number 48:

Article 1. The "Vietnam Campaign Medal" with device (1960–) is awarded to all U.S. military personnel eligible as prescribed in Republic of Vietnam Armed Forces Directive Nr. HT–655–430 dated September 1, 1965, as changed by amendment dated March 22, 1966, and Republic of Vietnam Armed Forces Memorandum Nr. 2655/TTM/VP/PCP/3 dated October 8, 1965, Joint General Staff, Republic of Vietnam Armed Forces.

Article 2. Eligibility of individuals for the award will be determined by U.S. authorities and will be recorded in the personnel record of eligible personnel in accordance with procedures currently being applied by U.S. Forces. No action is required by RVNAF

authorities other than that outlined in Article 4 of this order.

Article 3. The precedence and manner of wearing the 'Vietnam Campaign Medal' by U.S. military personnel will be determined by U.S. authorities.

Article 4. The Joint General Staff, RVNAF, is responsible for providing the ribbons of the Vietnam Campaign Medal for U.S. personnel who are awarded this medal. A bulk allocation of ribbons will be furnished the U.S. Military Assistance Command, Vietnam, on a quarterly basis for this purpose. U.S. authorities will determine quarterly requirements and advise the Joint General Staff, RVNAF, of their needs.

(b) Republic of Vietnam Armed Forces Directive HT 655–430 (amended):

Article 2. Military personnel who do not have the length of service required in Article 1 of this Directive but fall in one of the following conditions are also eligible for a Campaign Medal award:

Wounded by the enemy (military actions connected wound).

Captured by the enemy during actions or in line of duty, but later rescued or released.

Killed in action or in line of duty.

The conditions specified in this Article must have come to pass in wartime.

Article 3 (new). Foreign military personnel serving in South Vietnam for 6 months during wartime and those serving outside the geographic limits of South Vietnam and contributing direct combat support to the RVNAF for 6 months in their struggle against an armed enemy, will also be eligible for the award of the Campaign Medal. Foreign authorities will detremine eligibility of their personnel for this award. Foreign military personnel are also entitled to the award under the special conditions provided for in Article 2 of this Directive.

Article 20. The award receiver will be issued a bar of the Campaign Medal. The complete medal will be procured by the receiver from the market.

(c) Republic of Vietnam Armed Forces Memorandum Number 2655:

IV. WARTIME

Wartime is not absolutely considered and based from the date since the war situation has been announced throughout the country. But the period of war can be counted from the date that military action has taken place to fight armed enemies over the country.

From the formation of the Armed Forces to the present, the struggle against Communism is divided into two periods which are temporarily considered as Period 1 and Period 2.

Period 1: Mar. 8, 1949–July 20, 1954.

Period 2: Jan. 1, 1960–the end of war.

Because of the reasons mentioned above, personnel who are awarded the Campaign Medal for the first period, will have a device as (1949–54) pinned on the ribbon of the medal. Those who are eligible for the second period will have a device as (1960–) pinned on the suspension ribbon of the medal or (60–) pinned on the ribbon bar of the medal (the last year of period 2 will be determined when the war is over).

Those who are credited for both periods 1 and 2 will have both devices pinned on the ribbon or suspension ribbon of the medal.

ANNEX I

DESCRIPTION

The Campaign Medal consists of:

I. *The Medal.* Gold plated, 1½ m/m thick, w/2 stars, one overlaid on the other; each star is composed of 6 points. The star above has a diameter of 42 m/m, the points are white-enamelled in relief, 14 m/m long w/gold border which is 1 m/m wide. The star underneath has a diameter of 37 m/m; the points are carved in relief, gold plated, 7 m/m long with many small brass angles directed toward the center of the medal. In the center of the medal a round frame is shown with a diameter of 18 m/m with a gold border which is 2 m/m wide. The inside of this frame is green with the outline of the Vietnamese country of gold plated and a red flame w/3 rays upright in the center.

On the reverse of the medal, 2 words VIET-NAM and 2 words CAMPAIGN MEDAL have been carved in.

The medal is connected with the suspension by 2 trapezoidal rings and a small cylindrical ring.

II. *The Suspension.* 37 m/m large, 50 m/m long with 7 stripes; the two stripes near the borders (each side) of this suspension are green with 2 m/m of width, then two white stripes (one at each side) of 5½ m/m wide, closed to these white stripes are 2 green stripes of 8 m/m of width and a white stripe of 6 m/m wide in the center.

III. *The Device*—a. *On the Suspension.* Metal, silver plated, ½ m/m thick, rectangular, 20 m/m long, 5 m/m wide and at the two extremities of this device are the outline of the two small arrows' bottoms. The border of this device is carved in relief denoting the period of war. For example: "1949–54".

b. *On the Ribbon.* Similar to that of pinned on the suspension but smaller, 10 m/m of length, 3½ m/m of width. The device just denotes 4 digits: "49–54," or "60– ".

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

[F.R. Doc. 66-8349; Filed, July 29, 1966; 8:48 a.m.]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 66-32]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Pursuant to the notices of proposed rule making published in the FEDERAL REGISTER of February 10 and 25, 1966 (31 F.R. 2602–2614, and 3122–3124), and the Merchant Marine Council Public Hearing Agenda dated March 21, 1966 (CG–249), the Merchant Marine Council held a Public Hearing on March 21, 1966, for the purpose of receiving comments, views and data. The proposals considered were identified as Items I to XII, inclusive.

This document is the fourth of a series regarding the regulations and actions considered at the 1966 Public Hearing and Annual Session of the Merchant Marine Council. This document contains the actions taken with respect to the following:

Item I—Recreational boating. Ia. Uniform State Waterway Marker System; private aids to navigation.

Item IX—Rules of the road. IXa. Marina del Rey, Calif., line of demarcation between Inland waters and International waters.

IXb. Posting pilot rules on Great Lakes vessels.

IXe. Distinctive blue lights authorized for use by law enforcement vessels.

Commandant's actions. The proposals designated IXa, IXb, and IXe, in the above list, are approved as published in the Agenda (CG–249) and the regulations are set forth in this document. The proposals designated Ia, as revised, are approved and set forth in this document. The actions of the Merchant Marine Council with respect to comments received regarding these proposals are approved.

The proposals regarding the Uniform State Waterway Marker System (Item Ia) were revised to clarify application or intent as suggested in some of the comments received. Where appropriate, changes have been incorporated into the regulations. The significant revisions are as follows:

A. With respect to Coast Guard-State agreements, the text of 33 CFR 66.05–20 was revised to agree with current policies followed and to reflect several changes set forth in comments received. When a waterway is located within the area of jurisdiction of more than one Coast Guard District, the District Commander in whose district the State capital is located will execute the agreement on behalf of the Coast Guard.

B. With respect to the proposed requirement for uniformity of size, shape, material and construction of markers or for the numbers, letters or words on markers to be uniform within a State, it was not adopted and has been deleted (33 CFR 66.10–20(a) and 66.10–25(a)).

C. The use of reflector materials on buoys was changed to permit use of reflectors or retroreflective material (33 CFR 66.05–20(c)(4) and 66.10–30(a)).

D. Regarding mooring (anchor) buoys and the regulatory markers, the proposed minimum requirements of 3 inch bands were deleted (33 CFR 66.10–45(a) and 66.10–5 (b) and (d)).

Other changes in regulations. The other amendments in this document to the rules and regulations in 33 CFR Chapter I which were not described in the FEDERAL REGISTER of February 10 and 25, 1966 (31 F.R. 2602, 2611, 3122, and 3123), are considered to be interpretations of law, editorial corrections or revised requirements so that the rules and regulations in the Code of Federal Regulations will be in agreement with regulations published in Coast Guard pamphlets, and it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedure thereon, and effective date requirements thereof) is unnecessary with respect to such changes.

By virtue of the authority vested in me as Commandant, U.S. Coast Guard, by section 632 of Title 14, U.S. Code and Treasury Department Order 120, dated July 31, 1950 (15 F.R. 6521) and others

specifically listed with the various rules and regulations below, the following actions are ordered:

1. The rules and regulations in 33 CFR Chapter I shall be amended in accordance with the changes in this document.

2. The amendments to the regulations shall be effective October 1, 1966, unless another date is specifically provided in this document.

3. The rules and regulations in this document may be complied with during the period prior to the effective date specified in lieu of existing requirements.

SUBCHAPTER C—AIDS TO NAVIGATION

PART 66—PRIVATE AIDS TO NAVIGATION

1. The authority for Part 66 is amended to read as follows:

AUTHORITY: The provisions of this Part 66 issued under sec. 92, 63 Stat. 503; 14 U.S.C. 92. Interpret or apply secs. 83, 85, 633, 63 Stat. 500, 501, as amended, 633, 43 U.S.C. 1333. Treasury Dept. Orders 167-15, Jan. 3, 1955, 20 F.R. 840; 167-17, June 29, 1955, 20 F.R. 4976. Other statutory provisions interpreted or applied are cited to text in parentheses.

2. Part 66 is amended by adding after § 66.01–55 Subpart 66.05, consisting of §§ 66.05–1 to 66.05–40, inclusive and Subpart 66.10, consisting of §§ 66.10–1 to 66.10–45, inculsive, which read as follows:

Subpart 66.05—State Aids to Navigation

Sec.

Subpart 66.10—Uniform State Waterway Marking System

Subpart 66.05—State Aids to Navigation

§ 66.05–1 Purpose.

(a) The purpose of the regulations in this subpart and Subpart 66.10 of this part is to prescribe the conditions under which State governments may regulate aids to marine navigation, including regulatory markers, owned by State or local governments or private parties, in navigable waters of the United States not marked with aids by the Federal government; and to prescribe a uniform system of marine aids to navigation compatible with the United States lateral system of buoyage to which all aids to navigation regulated by a State government shall conform, except when they conform to the lateral system. The United States lateral system is described in Part 62 of this subchapter.

§ 66.05–5 Definition of terms used in this subpart and Subpart 66.10.

(a) The term "State waters for private aids to navigation" means those navigable waters of the United States which the Commandant, upon request of a State Administrator, has designated as waters within which a State government may regulate the establishment, operation, and maintenance of marine aids to navigation, including regulatory markers. The Commandant will entertain requests to make such designations with respect to navigable waters of the United States not marked by the Federal government. These designations when approved will be set forth in separate sections by States in this subpart and will briefly describe or identify waters so designated.

(b) The term "Uniform State Waterway Marking System" (USWMS) means the system of private aids to navigation, including regulatory markers, which may be operated in State waters for private aids to navigation. Subpart 66.10 of this part describes the Uniform State Waterway Marking System.

(c) The term "State Administrator" means the official of a State having power under the law of the State to regulate, establish, operate or maintain maritime aids to navigation on waters over which the State has jurisdiction.

(d) The term "State aids to navigation" means all private marine aids to navigation operated in State waters for private aids to navigation, whether owned by a State, political subdivisions thereof or by individuals, corporations, or organizations.

(e) The term "regulate State maritime aids to navigation" means to control the establishment, disestablishment, operation and maintenance of State aids to navigation.

§ 66.05–10 State waters for private aids to navigation; designations, revisions, and revocations.

(a) A State Administrator who desires to regulate State maritime aids to navigation in the navigable waters of the United States not marked by the Federal Government, shall request the Commandant to designate the specific bodies of water involved as State waters for private aids to navigation.

(b) The request shall be forwarded to the District Commander in whose district the bodies of water are located. The request shall give the name and description of the waterway; the extent of use being made of the waterway for marine navigation, in general terms; an appropriate chart or sketch of the area; and a general outline of the nature and extent of the State aids to navigation which the Administrator plans to establish in the waterway.

(c) The District Commander shall review the request and consult with the State Administrator concerning the terms of an initial agreement to be entered into under provisions of § 66.05–20. When they have arrived at terms of an agreement satisfactory to both, the District Commander shall forward the request to the Commandant with his recommendations and the terms of agreement mutually settled upon. If they cannot reach such agreement, the District Commander shall forward the request with his recommendations and a statement of the points agreed upon and the points remaining at issue.

(d) Upon receipt of the request, the Commandant will determine whether or not approval of the request is in the public interest and will inform the State Administrator and the District Commander of the Coast Guard's decision. If the request is approved, the designation by the Commandant of the waters in question as State waters for private aids to navigation will be also defined and described in this subpart.

(e) The Commandant may, upon his own initiative or upon request, revoke or revise any designations of State waters for private aids to navigation previously made by him. Written notice shall be given the State Administrator of the action contemplated by the Commandant. The State Administrator will be afforded a period of not less than 30 days from the date of the notice in which to inform the Commandant of the State's views in the matter before final action is completed to revoke or revise such designation.

§ 66.05–20 Coast Guard-State agreements.

(a) The District Commander in whose District a waterway is located may enter into agreements with State Administrators permitting a State to regulate aids to navigation, including regulatory markers, in State waters for private aids to navigation, as, in the opinion of the District Commander, the State is able to do in a manner to improve the safety of navigation. When a waterway is located within the area of jurisdiction of more than one Coast Guard District, the District Commander in whose District the State capital is located shall execute the agreement in behalf of the Coast Guard. All such agreements shall reserve to the District Commander the right to inspect the State aids to navigation at any time without prior notice to the State. They shall stipulate that State aids to navigation will conform to the Uniform State Waterway Marking System or to the lateral system of buoyage and that the State Administrator will modify or remove State aids to navigation without expense to the United States when so directed by the District Commander, subject to the right of appeal on the part of the State Administrator to the Commandant.

(b) A Coast Guard-State agreement shall become effective when both parties have signed the agreement. In lieu of the procedure prescribed in § 66.01–5, the agreement shall constitute blanket approval by the Commandant of the State aids to navigation, including regulatory markers, established or to be established in State waters for private aids to navigation designated or to be designated by the Commandant.

(c) In addition to the matters set forth in paragraph (a) of this section, Coast Guard-State agreements shall cover the following points, together with such other matters as the parties find it desirable to include:

(1) A description, in sufficient detail for publication in Notices to Mariners, of all aids to navigation under State jurisdiction in navigable waters of the United States in existence prior to the effective date of the agreement which have not been previously approved under the procedures of § 66.01–5.

(2) Procedures for use by the State Administrator to notify the District Commander of changes made in State aids to navigation, as required by § 66.05–25.

(3) Specification of the marking system to be used, whether the lateral system or the Uniform State Waterway Marking System, or both.

(4) Specification of standards as to minimum size and shape of markers, the use of identifying letters, the use of reflectors or retroreflective materials, and any other similar standards so as to enable Coast Guard inspectors to determine compliance with Statewide standards.

§ 66.05–25 Change and modification of State aids to navigation.

(a) Wherever a State Administrator shall determine the need for change in State aids to navigation, he shall inform the District Commander of the nature and extent of the changes as soon as possible, preferably not less than 30 days in advance of making the changes.

§ 66.05–30 Notice to Mariners.

(a) The District Commander may publish information concerning State aids to navigation, including regulatory markers, in the Coast Guard Local Notices to Mariners as he deems necessary in the interest of public safety.

(b) Notices to Mariners which concern the establishment, disestablishment, or change of State aids to navigation, including regulatory markers, may be published whenever the aids to navigation concerned are covered by navigational charts or maps issued by the U.S. Coast and Geodetic Survey, the U.S. Army Corps of Engineers, or the U.S. Lake Survey, Corps of Engineers.

§ 66.05–35 Private aids to navigation other than State owned.

(a) No person, public body or other instrumentality not under control of the Commandant or the State Administrator, exclusive of the Armed Forces of the United States, shall establish, erect or maintain in State waters for private aids to navigation any aid to navigation without first obtaining permission to do so from the State Administrator. Discontinuance of any State aids to navigation may be effected by order of the State Administrator.

§ 66.05–40 Corps of Engineers' approval.

(a) In each instance where a regulatory marker is to be established in navigable waters of the United States which have been designated by the Commandant as State waters for private aids to navigation, the State Administrator is responsible for obtaining prior permission from the District Engineer, U.S. Army Corps of Engineers concerned, authorizing the State to regulate the water area involved, or a statement that there is no objection to the proposed regulation of the water area. A copy of the Corps of Engineers permit or letter of authority shall be provided by the Administrator to the District Commander upon request.

(b) Similarly, where an aid to navigation is to be placed on a fixed structure or a mooring buoy is to be established in State waters for private aids to navigation, the State Administrator shall assure that prior permission or a statement of no objection to the structures or mooring buoys proposed is obtained from the District Engineer concerned. A copy of the permit or letter is not required by the District Commander.

Subpart 66.10—Uniform State Waterway Marking System

§ 66.10–1 General.

(a) In the navigable waters of the United States, marking to assist navigation is accomplished by a lateral system of buoyage for use with nautical charts. The Uniform State Waterway Marking System (USWMS) has been developed to provide a means to convey to the small vessel operator, in particular, adequate guidance to indicate safe boating channels by indicating the presence of either natural or artificial obstructions or hazards, marking restricted or controlled areas, and providing directions. The USWMS is suited to use in all water areas and designed to satisfy the needs of all types of small vessels. It supplements and is generally compatible with the Coast Guard lateral system aids to navigation.

(b) The lateral system is used by the Coast Guard in marking of navigable waters of the United States and may be also used by a State Administrator for private aids to navigation.

(c) The USWMS consists of two categories of aids to navigation.

(1) A system of regulatory markers to indicate to a vessel operator the existence of dangerous areas as well as those which are restricted or controlled, such as speed zones and areas dedicated to a particular use, or to provide general information and directions.

(2) A system of aids to navigation to supplement the Federal lateral system of buoyage.

§ 66.10–5 Regulatory markers.

(a) Each regulatory marker shall be colored white with international orange geometric shapes.

(b) When a buoy is used as a regulatory marker it shall be white with horizontal bands of international orange placed completely around the buoy circumference. One band shall be at the top of the buoy body, with a second band placed just above the waterline of the buoy so that both international orange bands are clearly visible to approaching vessels. The area of buoy body visible between the two bands shall be white.

(c) Geometric shapes shall be placed on the white portion of the buoy body and shall be colored international orange. The authorized geometric shapes and meanings associated with them are as follows:

(1) A vertical open faced diamond shape to mean danger.

(2) A vertical open faced diamond shape having a cross centered in the diamond to mean that a vessel is excluded from the marked area.

(3) A circular shape to mean that a vessel operated in the marked area is subject to certain operating restrictions.

(4) A square or rectangular shape with directions or information lettered on the inside.

(d) Where a regulatory marker consists of a square or rectangular shaped sign displayed from a structure, the sign shall be white, with an international orange border. When a diamond or circular geometric shape associated with meaning of the marker is included it shall be centered on the signboard.

§ 66.10–10 Geometric shapes and wording on regulatory markers.

(a) The geometric shape displayed on a regulatory marker is intended to convey specific meaning to a vessel whether or not it should stay well clear of the marker or may safely approach the marker in order to read any wording on the marker.

§ 66.10–15 Aids to navigation.

(a) The second category of marker in the USWMS is the aid to navigation having lateral or cardinal meaning.

(b) On a well defined channel including a river or other relatively narrow natural or improved waterway, an aid to navigation shall normally be a solid colored buoy. A buoy which marks the left side of the channel viewed looking upstream or toward the head of navigation shall be colored all black. A buoy which marks the right side of the channel viewed looking upstream or toward the head of navigation shall be colored all red. On a well defined channel, solid colored buoys shall be established in pairs, one on each side of the navigable channel which they mark, and opposite each other to inform the user that the channel lies between the buoys and that he should pass between the buoys.

(c) On an irregularly defined channel, solid colored buoys may be used singly in staggered fashion on alternate sides of the channel provided they are

spaced at sufficiently close intervals to inform the user that the channel lies between the buoys and that he should pass between the buoys.

(d) Where there is no well-defined channel or when a body of water is obstructed by objects whose nature or location is such that the obstruction can be approached by a vessel from more than one direction, supplemental aids to navigation having cardinal meaning (i.e., pertaining to the cardinal points of the compass, north, east, south, and west) may be used. The use of an aid to navigation having cardinal meaning is discretionary provided that the use of such a marker is limited to wholly State owned waters and the State waters for private aids to navigation as defined and described in this part.

(e) Aids to navigation conforming to the cardinal system shall consist of three distinctly colored buoys.

(1) A white buoy with a red top may be used to indicate to a vessel operator that he must pass to the south or west of the buoy.

(2) A white buoy with a black top may be used to indicate to a vessel operator that he must pass to the north or east of the buoy.

(3) In addition, a buoy showing alternate vertical red and white stripes may be used to indicate to a vessel operator that an obstruction to navigation extends from the nearest shore to the buoy and that he must not pass between the buoy and shore. The number of white and red stripes is discretionary, provided that the white stripes are twice the width of the red stripes.

§ 66.10–20 Size, shape, material and construction of markers.

(a) The size, shape, material, and construction of all markers, both fixed and floating, shall be such as to be observable under normal conditions of visibility at a distance such that the significance of the marker or aid will be recognizable before the observer stands into danger.

§ 66.10–25 Numbers, letters or words on markers.

(a) Numbers, letters or words on an aid to navigation or regulatory marker shall be placed in a manner to enable them to be clearly visible to an approaching and passing vessel. They shall be block style, well proportioned and as large as the available space permits. Numbers and letters on red or black backgrounds shall be white; numbers and letters on white backgrounds shall be black.

(b) Odd numbers shall be used to identify solid colored black buoys or black topped buoys; even numbers shall be used to identify solid colored red buoys or red topped buoys. All numbers shall increase in an upstream direction or toward the head of navigation. The use of numbers to identify buoys is discretionary.

(c) Letters only may be used to identify regulatory and the white and red vertically stripped obstruction markers. When used the letters shall follow alphabetical sequence in an upstream direction or toward the head of navigation. The letters I and O shall be omitted to preclude confusion with numbers. The use of letters to identify regulatory markers and obstruction markers is discretionary.

§ 66.10–30 Reflectors or retroreflective materials.

(a) The use of reflectors or retroreflective materials shall be discretionary.

(b) When used on buoys having lateral significance, red reflectors or retroreflective materials shall be used on solid colored red buoys; green reflectors or retroreflective materials shall be used on solid colored black buoys; white reflectors or retroreflective materials only shall be used for all other buoys including regulatory markers, except that orange reflectors or retroreflective materials may be used on the orange portions of regulatory markers.

§ 66.10–35 Navigational lights.

(a) The use of navigational lights on State aids to navigation, including regulatory markers, is discretionary. When used, lights on solid colored buoys shall be regularly flashing, regularly occulting, or equal interval lights. For ordinary purposes the frequency of flashes may not be more than 30 flashes per minute (slow flashing). When it is desired that lights have a distinct cautionary significance, as at sharp turns or sudden constrictions in the channel or to mark wrecks or other artificial or natural obstructions, the frequency of flashes may not be less than 60 flashes per minute (quick flashing). When a light is used on a cardinal system buoy or a vertically striped white and red buoy it shall always be quick flashing. The colors of the lights shall be the same as for reflectors; a red light only on a solid colored red buoy; a green light on solid colored black buoy; white light only for all other buoys including regulatory markers.

§ 66.10–40 Ownership identification.

(a) The use and placement of ownership identification is discretionary, provided that ownership identification is worded and placed in a manner which will avoid detracting from the meaning intended to be conveyed by a navigational aid or regulatory marker.

§ 66.10–45 Mooring (anchor) buoys.

(a) Mooring buoys in State waters for private aids to navigation shall be colored white and shall have a horizontal blue band around the circumference of the buoy centered midway between the top of the buoy and the waterline.

(b) A lighted, mooring buoy shall normally display a slow flashing white light. When its location in a waterway is such that it constitutes an obstruction to a vessel operated during hours of darkness, it shall display a quick flashing white light.

(c) A mooring buoy may bear ownership identification provided that the manner and placement of the identification does not detract from the meaning intended to be conveyed by the color scheme or identification letter when assigned.

SUBCHAPTER D—NAVIGATION REQUIREMENTS FOR CERTAIN INLAND WATERS

PART 80—PILOT RULES FOR INLAND WATERS

MISCELLANEOUS

Part 80 is amended by adding after § 80.40 a new section reading as follows:

§ 80.45 Distinctive blue light authorized for use by law enforcement vessels.

(a) The use of a distinctive light described in paragraph (b) of this section is authorized for law enforcement vessels, and may be displayed during the day or night, whenever the vessel may be engaged in direct law enforcement activities where identification of the law enforcement vessel is desirable or where necessary for safety reasons. This light when used would be in addition to prescribed lights and day signals required by law or regulations in this part.

(b) The distinctive light prescribed is a blue colored, revolving horizontal beam, low intensity light, rotating or appearing to rotate because of a pulsating effect gained by means of a rotating reflector which causes a flashing or periodic peak intensity effect. The light shall be located at any effective point on the forward exterior of the vessel. A shield or other device, fixed or movable, to restrict the arc of visibility may be used if desired.

(c) The distinctive blue light described in this section may be displayed by law enforcement vessels of the United States, a State, or its political subdivisions, including municipalities, having administrative control over use of navigable waters, duly authorized by a controlling Federal or State governmental agency.

(Sec. 2, 30 Stat. 102, as amended; 33 U.S.C. 157. Treasury Dept. Order 167–33, Sept. 23, 1958, 23 F.R. 7592)

PART 82—BOUNDARY LINES OF INLAND WATERS

PACIFIC COAST

1. Section 82.151 is amended to read as follows:

§ 82.151 Marina del Rey.

A line from Marina del Rey Detached Breakwater Light 1 to shore, in the direction 060° true; a line from Marina del Rey Detached Breakwater North Light 2 to shore, in the direction 060° true.

PUERTO RICO AND VIRGIN ISLANDS

2. Section 82.210 is amended to read as follows:

§ 82.210 Bahia de Mayaguez.

A line drawn from the southernmost extremity of Punta Algarrobo through Manchas Interiores Lighted Buoy 3; thence to Manchas Grandes Lighted Buoy 2; thence to the northwesternmost extremity of Punta Guanajibo.

3. Section 82.215 is amended to read as follows:

§ 82.215 Bahia de Guanica.

A line drawn from the easternmost extremity of Punta Brea through Bahia de Guanica Lighted Buoy 6; thence to the westernmost extremity of Punta Jacinto.

4. Section 82.235 is amended to read as follows:

§ 82.235 St. Thomas Harbor, St. Thomas.

A line drawn from the southernmost extremity of Red Point through West Gregerie Channel Buoy 1; thence to West Gregerie Channel Lighted Buoy 2; thence to the southernmost extremity of Flamingo Point; thence to St. Thomas Harbor Entrance Lighted Buoy 2; thence to the Green Cay.

5. Section 82.245 is amended to read as follows:

§ 82.245 Sonda de Vieques.

A line drawn from the easternmost extremity of Punta Yeguas, Puerto Rico, to a point 1 mile due south of Puerto Ferro Light; thence eastward in a straight line to a point 1 mile southeast of Punta Este Light, Isla de Vieques; thence in a straight line to the easternmost extremity of Punta del Este, Isla Culebrita. A line from the northernmost extremity of Cayo Norte to Piedra Stevens Lighted Buoy 1; thence to Las Cucarachas Light; thence to Cabo San Juan Light.

ALASKA

6. Section 82.275 is amended by changing the name from "Karagunut Island" to "Kanagunut Island" so that this section reads as follows:

§ 82.275 Bays, sounds, straits and inlets on the coast of southeastern Alaska between Cape Spencer Light and Sitklan Island.

A line drawn from Cape Spencer Light due south to a point of intersection which is due west of the southernmost extremity of Cape Cross; thence to Cape Edgecumbe Light; thence through Cape Bartolome Light and extended to a point of intersection which is due west of Cape Muzon Light; thence due east to Cape Muzon Light; thence to a point which is 1 mile, 180° true, from Cape Chacon Light; thence to Barren Island Light; thence to Lord Rock Light; thence to the southernmost extremity of Garnet Point, Kanagunut Island, thence to the southeasternmost extremity of Island Point, Sitklan Island. A line drawn from the northeasternmost extremity of Point Mansfield, Sitklan Island, 040° true, to where it intersects the mainland.

(Sec. 2, 28 Stat. 672, as amended; 33 U.S.C. 151. Treasury Dept. Order 120, July 31, 1950, 15 F.R. 6521)

SUBCHAPTER E—NAVIGATION REQUIREMENTS FOR THE GREAT LAKES AND ST. MARYS RIVER

PART 90—PILOT RULES FOR THE GREAT LAKES

SIGNALS AND RULES OF THE ROAD

§ 90.5 [Amended]

1. Section 90.5 *Vessels approaching each other "head and head"* is amended by changing in the first sentence the phrase from "pilot of either steam vessel shall be first" to "pilot of either steam vessel may be first"; and by changing in the proviso at end of section the name from "St. Mary" to "St. Marys". (These changes are made so that the Code will agree with wording of the regulations in the Coast Guard pamphlet CG–172, Rules of the Road-Great Lakes.)

§ 90.8 [Amended]

2. Section 90.8 *Vessels running in the same direction; signals for overtaking* is amended by changing in the first sentence of paragraph (a) the phrase from "it can be safely done, and the steam vessel ahead" to "as a signal of such desire and, if the vessel ahead". (This change is made so that the Code will agree with the wording of the regulations in the Coast Guard pamphlet CG–172, Rules of the Road-Great Lakes.)

3. Section 90.15(b)(1) is amended to read as follows:

§ 90.15 Distress signals; posting of rules; diagrams; starting, stopping, and backing signals.

* * * * *

(b) *Posting of pilot rules.* (1) On every vessel, two copies of the pamphlet containing the Pilot Rules for the Great Lakes (CG–172) or two copies of a placard containing these Rules shall be kept posted, wherever practicable, in conspicuous places, one copy of which shall be in the pilothouse. When the pamphlet is secured in plain sight in such a manner that it can be used as a reference, it is considered to be posted.

* * * * *

MISCELLANEOUS

4. The centerheading preceding § 90.22 is amended to read "Miscellaneous" and the centerheading preceding § 90.25 is deleted.

5. Part 90 is amended by adding after § 90.25 a new section reading as follows:

§ 90.30 Distinctive blue light authorized for use by law enforcement vessels.

(a) The use of a distinctive light described in paragraph (b) of this section is authorized for law enforcement vessels, and may be displayed during the day or night, whenever the vessel may be engaged in direct law enforcement activities where identification of the law enforcement vessel is desirable or where necessary for safety reasons. This light when used would be in addition to prescribed lights and day signals required by law or regulations in this part.

(b) The distinctive light prescribed is a blue colored, revolving horizontal beam, low intensity light, rotating or appearing to rotate because of a pulsating effect gained by means of a rotating reflector which causes a flashing or periodic peak intensity effect. The light shall be located at any effective point on the forward exterior of the vessel. A shield or other device, fixed or movable, to restrict the arc of visibility may be used if desired.

(c) The distinctive blue light described in this section may be displayed by law enforcement vessels of the United States, a State, or its political subdivisions, including municipalities, having administrative control over use of navigable waters, duly authorized by a controlling Federal or State governmental agency.

(Sec. 3, 28 Stat. 649, as amended; 33 U.S.C. 243. Treasury Dept. Order 120, July 31, 1950, 15 F.R. 6521)

PART 92—ANCHORAGE AND NAVIGATION REGULATIONS; ST. MARY'S RIVER, MICHIGAN

§ 92.26 [Amended]

Section 92.26 *Reporting procedures for vessels transisting the St. Mary's River* is amended by changing in the first sentence of paragraph (b) the name from "Coast Control Office" to "Coast Guard Control Office".

(Secs. 1–3, 29 Stat. 54–55, as amended; 33 U.S.C. 474. Treasury Dept. Order 120, July 31, 1950, 15 F.R. 6521)

SUBCHAPTER F—NAVIGATION REQUIREMENTS FOR WESTERN RIVERS

PART 95—PILOT RULES FOR WESTERN RIVERS

DISTRESS SIGNALS

§ 95.39 [Amended]

1. Section 95.39 *Distress signals* is amended in paragraph (a)(3) by changing the phrase from "distant signal" to "distress signal".

MISCELLANEOUS

2. Part 95 is amended by adding after § 95.75 a new section reading as follows:

§ 95.80 Distinctive blue light authorized for use by law enforcement vessels.

(a) The use of a distinctive light described in paragraph (b) of this section is authorized for law enforcement vessels, and may be displayed during the day or night, whenever the vessel may be engaged in direct law enforcement activities where identification of the law enforcement vessel is desirable or where necessary for safety reasons. This light when used would be in addition to prescribed lights and day signals required by law or regulations in this part.

(b) The distinctive light prescribed is a blue colored, revolving horizontal beam, low intensity light, rotating or appearing to rotate because of a pulsating effect gained by means of a rotating reflector which causes a flashing or periodic peak intensity effect. The light shall be located at any effective point on the for-

ward exterior of the vessel. A shield or other device, fixed or movable, to restrict the arc of visibility may be used if desired.

(c) The distinctive blue light described in this section may be displayed by law enforcement vessels of the United States, a State, or its political subdivisions, including municipalities, having administrative control over use of navigable waters, duly authorized by a controlling Federal or State governmental agency.

(R.S. 4233A, as amended; 33 U.S.C. 353. Treasury Dept. Order 167-33, Sept. 23, 1958, 23 F.R. 7592)

SUBCHAPTER K—SECURITY OF VESSELS

PART 124—CONTROL OVER MOVEMENT OF VESSELS

§ 124.10 [Amended]

Section 124.10 *Advance notice of vessel's time of arrival to Captain of the Port* is amended by changing in paragraph (a) (6) the phrase from "Atlantic Merchant Vessel Report (AMVER) System" to "Automated Merchant Vessel Report (AMVER) System"; and in paragraph (b) (4) the phrase from "Atlantic Merchant Vessel Report (AMVER) System" to "Automated Merchant Vessel Report (AMVER) System". (This change in name is made to show that the AMVER system was expanded to include merchant vessels plying waters worldwide).

(Sec. 1, 40 Stat. 220, as amended; 50 U.S.C. 191; E.O. 10173, as amended, 15 F.R. 7005, 3 CFR, 1950 Supp.)

Dated: July 26, 1966.

[SEAL] W. J. SMITH,
Admiral, U.S. Coast Guard,
Commandant.

[F.R. Doc. 66-8363; Filed, July 29, 1966; 8:49 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

PART 9-7—CONTRACT CLAUSES

Subpart 9-7.50—Use of Standard Clauses

PART 9-12—LABOR

Subpart 9-12.54—Conduct of Employees and Consultants of AEC Cost-Type Contractors and Certain Other Contractors

PART 9-16—PROCUREMENT FORMS

Subpart 9-16.50—Contract Outlines

MISCELLANEOUS AMENDMENTS

The following section is added to § 9-7.5006:

§ 9-7.5006-55 Avoidance of conflicts of interest (contracts with universities where AEC has major investments in facilities but does not own or lease the land).

The parties agree that the university has adopted policies and procedures, designed to avoid conflict-of-interest situations, which are in substantial conformance with the Joint Statement of the Council of American Association of University Professors and the American Council on Education of December 1964, entitled "On Preventing Conflicts of Interest in Government-Sponsored Research at Universities," which policies and procedures will be applied in connection with this contract.

Section 9-12.5400, *Scope of subpart,* is revised to read as follows:

§ 9-12.5400 Scope of subpart.

This subpart establishes the policies of the Atomic Energy Commission concerned with maintaining satisfactory standards of conduct on the part of employees and consultants employed on AEC contract work by its cost-type contractors and certain other contractors specified in § 9-12.5401. Contracts with colleges and universities which do not involve the operation of Government-owned facilities on Government-owned or -leased land are governed by the "Policy of the Federal Council for Science and Technology Relating to Conflicts of Interest by Staff Members of Colleges and Universities" (adopted Mar. 29, 1966) and are not subject to this subpart.

Section 9-16.5002-9, *Outline of cost-type contract for research and development with educational institutions,* a footnote is added to Article B-41—Conduct of Employees, as follows:

§ 9-16.5002-9 Outline of cost-type contract for research and development with educational institutions.

* * * * *

ARTICLE B-41—CONDUCT OF EMPLOYEES [2]

* * * * *

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER.

Dated at Germantown, Md., this 25th day of July 1966.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[F.R. Doc. 66-8321; Filed, July 29, 1966; 8:45 a.m.]

[2] This article is included only in contracts within the scope of AECPR 9-12.54. In the case of contracts not within the scope of AECPR 9-12.54 but where AEC has major investments in facilities, see the clause set forth in AECPR 9-7.5006-55.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[9 CFR Part 201]

PACKERS AND STOCKYARDS

Schedules of Rates and Charges

Notice is hereby given that pursuant to sections 306 and 407 of the Packers and Stockyards Act (7 U.S.C. 207, 228), the Consumer and Marketing Service proposes to amend §§ 201.22, 201.23, 201.25, and 201.26 (9 CFR 201.22, 201.23, 201.25, 201.26) of the regulations under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.).

Statement of considerations. The Packers and Stockyards Act was amended September 2, 1958, by Public Law 85-909 so as to broaden the scope of the Act and make it applicable to all "stockyards" and livestock transactions in commerce as defined in the Act. Prior to that time, the Act applied only at stockyards of over 20,000 square feet exclusive of runs, alleys, or passageways. Under the Act stockyard owners, market agencies and licensees are required to give the Department and the public 10 days' notice when changes are proposed in rates and charges. Tariffs providing for increases or other changes are usually submitted to the Washington office of the Packers and Stockyards Division through that Division's area offices. Each such proposal is reviewed for discriminatory or ambiguous provisions and for reasonableness, based upon the income, expense, and other supporting data submitted. Due to the number and variety of rate proposals now requiring review, it has been difficult to handle them within such 10-day notice period. In order to effect more efficient administration of the rates and tariff provisions of the Act and regulations, and more expeditious handling of tariffs, it is proposed to transfer the initial responsibility for handling and processing such tariffs and amendments to the area offices instead of retaining this activity in Washington. The Washington office of the Division could then concentrate its activity with respect to rates and charges and tariffs on the elimination of discriminatory and ambiguous provisions from tariffs and on reviewing rates and charges of those markets where bona fide complaints are received concerning the rates or charges or the reasonableness or adequacy of the services and facilities furnished. The proposed amendments would establish a procedure under which the public affected by proposed increases in rates or charges may receive notice of such changes prior to their being filed with the Department, through the publication of such changes in a newspaper of general circulation in the affected trade area by the stockyard owner or market agency proposing such changes. In the event such stockyard owner or market agency does not so publish the proposed increase in rates or charges, the Division could do so in its discretion.

It is believed that under this proposed procedure, if the rate payers affected by proposed increases in existing rates or charges are adequately informed and complaints are not received, the customary review for reasonableness conducted by the Division could be dispensed with in most instances, thereby permitting the Division to give more thorough and careful attention to those rate matters of particular concern to rate payers. Such procedure would not eliminate the basic protection provided the rate payers in the event complaints were received at a later date or if the rates or charges should become unjust or unreasonable at some future time.

§§ 201.22, 201.23 [Amended]

1. It is proposed, therefore, to amend § 201.22 (9 CFR 201.22) by deleting the present wording of the third sentence thereof and substituting the following: "Unless the requirement as to filing and notice is specifically waived, as provided for in section 306(c) of the Act, all amendments to schedules or rules or regulations changing a rate or charge shall be filed with the Area Supervisor for the area in which the stockyard, market agency or licensee is located, and shall be posted at the stockyard at which such change is to be effective, or in the case of a licensee at the place of business of such licensee, not less than ten (10) days before the effective date thereof."

2. It is proposed to amend § 201.23 (9 CFR 201.23) by deleting the words "Director at Washington, D.C." and substituting therefor the words "Area Supervisor for the area in which the stockyard, or each market agency or licensee is located".

3. It is proposed to amend § 201.25 (9 CFR 201.25) by deleting the present wording and substituting the following:

§ 201.25 Information to be furnished by stockyard owners and market agencies with proposed increases in existing rates or charges.

(a) Each stockyard owner or market agency proposing an increase in existing rates or charges, either by supplement or amendment to a filed tariff or by submission of a new tariff, shall forward with such amendment, supplement or tariff information as to the date it was posted at the stockyard, the reasons for the proposed increase, and specific and detailed data on which the proposed increase is based, and shall furnish such additional information as the Director may require.

(b) If the stockyard owner or market agency also forwards with such amendment, supplement or tariff a copy of a notice of such proposed increase which has been published in a newspaper of general circulation in the trade territory served by the stockyard owner or market agency specifying the name and business address of the stockyard or market agency, the affected rates or charges, the proposed increase, the effective date thereof, and the name and address of the Area Supervisor to whom complaints, if any, should be addressed, such amendment, supplement or tariff may then be accepted for filing without approval, review or determination as to reasonableness: *Provided, however,* That if the rates or charges specified in such amendment, supplement or tariff are not clear, are ambiguous, or appear to be discriminatory; or if a bona fide complaint has been received concerning the level of the rates or charges or the reasonableness or adequacy of the services or facilities furnished by the stockyard owner or market agency, the operation of such amendment, supplement or tariff may be suspended in order to provide time prior to such document becoming effective to obtain necessary information, clarification or other revision, or to permit other appropriate administrative action to be taken with respect thereto.

(c) If the stockyard owner or market agency does not forward a copy of such a notice which has been so published, or if the requirements of paragraph (a) of this section are not complied with, or if the rates or charges specified in such amendment, supplement, or tariff are not clear, are ambiguous, or appear to be unreasonable or discriminatory, the amendment, supplement or tariff may be suspended, notice of the proposal may be published by the Division, and other appropriate administrative action may be taken in connection therewith.

§ 201.26 [Amended]

4. It is proposed to amend § 201.26 (9 CFR 201.26) by deleting the words "Washington Office" and substituting the words "area office".

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. on or before August 31, 1966.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

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

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 66-8365; Filed, July 29, 1966; 8:49 a.m.]

FEDERAL POWER COMMISSION

[18 CFR Parts 2, 14]

[Docket No. R-297]

HYDROELECTRIC PROJECT LICENSES

Notice of Further Extension of Time

JULY 25, 1966.

Hydroelectric project licenses: Calculation of "net investment" under section 3(13) of the Federal Power Act; Docket No. R-297.

Upon consideration of the various requests filed in the subject proceeding for a further extension of time within which to file data, views, and comments in writing concerning the proposals set forth in the notice of proposed rulemaking issued in the above-designated matter on January 20, 1966;

Notice is hereby given that the time is further extended from August 1, 1966, to and including September 30, 1966, within which interested persons may file data, views, and comments in writing concerning the proposals set forth in the notice of proposed rulemaking issued January 20, 1966.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-8315; Filed, July 29, 1966; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 193]

[Ex parte No. MC-69]

SEAT BELTS IN BUSES

Proposed Safety Regulations; Extension of Time

JULY 26, 1966.

Notice to the parties. Seat belts in buses—regulations governing the installation, provision, and use of seat belts in the operations of interstate motor carriers of passengers.

At the request of the National Association of Motor Bus Owners, the time for filing verified statements by parties to the above-entitled rulemaking proceeding (31 F.R. 7911) is extended to October 3, 1966.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-8358; Filed, July 29, 1966; 8:48 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Antidumping—ATS 643.3–B]

WHITE PORTLAND CEMENT FROM JAPAN

Notice of Tentative Determination

JULY 22, 1966.

Information was received on August 27, 1965, that white portland cement imported from Japan, manufactured by Onoda Cement Co., Tokyo, Japan, was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. This information was the subject of an "Antidumping Proceeding Notice" which was published pursuant to § 14.6(d), Customs Regulations, in the FEDERAL REGISTER of September 25, 1965, on page 12307 thereof.

White cement is used instead of gray cement where the purity of color is a paramount consideration.

I hereby make a tentative determination that white portland cement imported from Japan, manufactured by Onoda Cement Co., Tokyo, Japan, is not being, nor likely to be, sold at less than fair value within the meaning of section 201 (a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. The information received disclosed that all importations were pursuant to arm's-length transactions between firms not related to each other within the purview of section 207 of the Antidumping Act. The quantity sold in the home market was adequate to furnish a basis of comparison for fair value purposes. It was determined, therefore, that the appropriate fair value comparison was between purchase price and adjusted home market price.

The purchase price was computed on the basis of the c.i.f. U.S. port price per metric ton, from which ocean freight, insurance, inland freight, handling and brokerage charges were deducted.

The adjusted home market price was computed by deducting from the weighted-average delivered price per metric ton for home consumption in Japan a quantity discount in an amount representing bonuses paid on purchases over a minimum requirement; graduated bonuses thereafter based on purchases by each customer in excess of the basic quantity calculated with regard to purchases by such customer during the 3-year period preceding the bonus period under consideration; inland freight and insurance; an amount representing the difference in credit terms for home consumption and for exportation to the United States; amounts for the cost of technical services and advertising on behalf of home market customers and for handling charges. Further adjustment was made for the greater packing costs per metric ton in home market sales due to the use of smaller bags required by many customers.

Purchase price was found to be not lower than adjusted home market price.

Such written submissions as interested parties may care to make with respect to the contemplated action will be given appropriate consideration by the Secretary of the Treasury.

If any person believes that any information obtained by the Bureau of Customs in the course of this antidumping proceeding is inaccurate or that for any other reason the tentative determination is in error, he may request in writing that the Secretary of the Treasury afford him an opportunity to present his views in this regard.

Any such written submissions or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20226, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This tentative determination and the statement of reasons therefor are published pursuant to § 14.8(a) of the Customs Regulations (19 CFR 14.8(a)).

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

[F.R. Doc. 66–8342; Filed, July 29, 1966; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Order Directing that a Referendum be Conducted Among Producers; and Designating an Agent To Conduct Such Referendum

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among lettuce producers to determine whether they favor continuation or termination of Marketing Order 971 (7 CFR Part 971) which authorizes regulation of the handling of lettuce grown in south Texas. Eligible producers for voting in the referendum are those persons who, during the period from June 30, 1965, to July 1, 1966 (which is hereby determined to be a representative period for the purpose of such referendum), were engaged in the production for market of lettuce grown in the production area, as defined in § 971.4 (7 CFR Part 971).

W. J. Cremins of the Fruit and Vegetable Division, Consumer and Marketing Service, McAllen, Tex. 78501, and Thomas D. Longbrake, Area Vegetable Specialist, Federal Extension Service, Weslaco, Tex. 78596, are hereby designated as agents of the Secretary of Agriculture to conduct such referendum.

The procedure applicable to the referendum shall be the procedure for the "Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts" (30 F.R. 15414).

Ballots to be cast in the referendum and instructions herefor may be obtained from the referendum agent appointed hereunder.

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

Dated: July 26, 1966.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 66–8330; Filed, July 29, 1966; 8:46 a.m.]

Office of the Secretary

NEBRASKA

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 Nebraska a natural disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

NEBRASKA

Cheyenne.	Gage.
Deuel.	Kimball.

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 26th day of July 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66–8335; Filed, July 29, 1966; 8:47 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case No. 360]

MANFRED KAUSCH, ET AL.

Default Order Denying Export Privileges

In the matter of Manfred Kausch, Fackelstrasse 8, Kaiserslautern, Federal

Republic of Germany, and Boulevard Heuvelink 111, Arnhem, The Netherlands; Manfred Kausch, doing business as Radio-Meteor, Wekeromse-Weg 5, Ede, The Netherlands, respondent; and Television & Elektronik K.G., Teltronik Buchert & Co., Kaiserslautern, Federal Republic of Germany, and Teltronik, Arnhem, The Netherlands, related parties; Case No. 360.

By charging letter dated March 30, 1966, the Director, Investigations Division, Office of Export Control, Bureau of International Commerce, charged Manfred Kausch and Radio-Meteor, the firm name under which he did business, with violations of the Export Control Act of 1949 and regulations thereunder and with violations of the indefinite denial order which had been entered against Kausch and other parties on June 20, 1964. It was charged in substance that said indefinite denial order was duly served on Kausch and published in the FEDERAL REGISTER on July 7, 1964 (29 F.R. 8495); that under said order Kausch was prohibited from ordering, buying, or receiving commodities from the United States; that notwithstanding the provisions of said denial order, Kausch, using the name of Radio-Meteor, ordered, bought and received from a U.S. supplier various electronic tubes valued at approximately $966. It was charged that this conduct violated the U.S. Export Regulations and the provisions of the denial order of June 20, 1964.

The charging letter was duly served on the respondent and he has not responded or filed an answer. In accordance with § 382.4 of the Export Regulations he is held to be in default. In accordance with the usual practice the case was referred to the Compliance Commissioner and he held an informal hearing at which time counsel for the Investigations Division presented evidence in support of the charges.

The Compliance Commissioner has reported the Findings of Fact and findings that violations have occurred and has recommended that the respondent be denied export privileges for the duration of export controls.

After considering the record in the case and the recommendation of the Compliance Commissioner, I hereby make the following findings of fact:

1. The respondent, Manfred Kausch, is a dealer in electronic equipment in Kaiserslautern, Federal Republic of Germany. He has a substantial interest in and manages the firm Television & Elektronik, K.G. of said Kaiserslautern. He is also part owner of the firm Teltronik Buchert & Co., also of Kaiserslautern. He also operates the firm known as Teltronik, Arnhem, The Netherlands. In the transaction in question the respondent did business under the name of Radio-Meteor and gave the address of the firm as Wekeromse-Weg 5, Ede, The Netherlands.

2. On June 20, 1964, effective as of July 2, 1964, the Director, Office of Export Control, Bureau of International Commerce, Department of Commerce, issued an order against Manfred Kausch denying export privileges for an indefinite period (29 F.R. 8495). The firm Television & Elektronik, K.G. was also named as a respondent in said order. The firms Teltronik Buchert & Co., Kaiserslautern and Teltronik, Arnhem, were named in said order as related parties to Manfred Kausch. Said order was duly served on Manfred Kausch and the related parties. The order has been in effect continuously from the effective date thereof to the present time.

3. The said denial order, among other things, prohibited the respondents and the related parties from participating, directly or indirectly, in any manner or capacity in any transaction involving commodities exported or to be exported from the United States. The activities which were prohibited included participation in ordering, buying and receiving commodities exported or to be exported from the United States.

4. Notwithstanding the provisions of the denial order of June 20, 1964, the respondent Manfred Kausch, using the trade name Radio-Meteor, purporting to be located at Wekeromse-Weg 5, Ede, The Netherlands, on four occasions durin the period from October 26, 1964, through February 18, 1965, ordered and bought from a U.S. supplier electronic tubes having an aggregate value of $966. The said U.S. supplier exported the tubes to Radio-Meteor between November 19, 1964, and April 8, 1965, and the tubes were received by the respondent.

Based on the foregoing it is concluded that the respondent, Manfred Kausch, doing busines as Radio-Meteor, violated § 381.4 of the U.S. Export Regulations in that he ordered, bought, and received commodities exported from the United States with knowledge that such conduct was in violation of the denial order of June 20, 1964, and of the U.S. Export Regulations.

By reason of the ownership, control, and position of responsibility that Manfred Kausch has in the following firms, it is hereby determined that said firms are related parties to said Manfred Kausch and all of the terms, restrictions and prohibitions of the following order shall apply to said parties as though they were named as respondents therein: Television & Elektronik, K.G., and Teltronik Buchert & Co., both of Kaiserslautern, Federal Republic of Germany, and Teltronik, Arnheim, The Netherlands.

Now after considering the record in the case and the recommendation of the Compliance Commissioner, and being of the opinion that his recommendation as to the sanction that should be imposed is fair and just and calculated to achieve effective enforcement of the law: *It is hereby ordered:*

I. The prohibitions and restrictions of the indefinite denial order entered against Manfred Kausch and other parties on June 20, 1964 (29 F.R. 8495), are hereby continued in full force and effect.

II. So long as export controls are in effect the respondent and the related parties are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction either in the United States or abroad shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his agents, employees, representatives, and partners, and to any person, firm, corporation, or other business organization with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith, including Television & Elektronik, K.G., Teltronik Buchert & Co., Kaiserslautern, Federal Republic of Germany, and Teltronik, Arnhem, The Netherlands.

IV. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with said respondent or other person denied export privileges within the scope of this order, or whereby such respondent or such other person may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or other person denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data ex-

ported or to be exported from the United States.

Dated: July 22, 1966.

SHERMAN R. ABRAHAMSON,
Acting Director,
Office of Export Control.

[F.R. Doc. 66-8337; Filed, July 29, 1966; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

DIRECTOR, DIVISION OF MILITARY APPLICATION, ET AL.

Notice of Basic Compensation

Pursuant to the provisions of section 309 of the Government Employees Salary Reform Act of 1964 (Public Law 88-426, approved August 14, 1964), the salaries of the following positions, established by the Atomic Energy Act of 1954, as amended, were adjusted from $25,382 to $25,890 per annum, effective July 3, 1966:

Title of position	*Authorizing section of Atomic Energy Act of 1954, as amended*
Director, Division of Military Application, and Program Division Directors.	Sec. 25a.
Director, Division of Inspection	Sec. 25c.
Executive Management Positions	Sec. 25d.

Dated: July 26, 1966.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 66-8322; Filed, July 29, 1966; 8:45 a.m.]

[Docket No. 27-2]

ALLIED-CROSSROADS NUCLEAR CORP.

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

Please take notice that the Atomic Energy Commission has issued Amendment No. 11 to License No. 20-685-2 which provides for a change in the membership of the licensee's Radiological Safety Committee and an increase in the quantity of byproduct material, other than Hydrogen 3 and Carbon 14, which the licensee may possess from 1,000 curies to 10,000 curies.

The Radiological Safety Committee will consist of Mr. Laurence W. Crevoiserat, Mr. Charles K. Spalding, and Mr. J. L. Swiger. Mr. Crevoiserat and Mr. Spalding have been members of the Committee. Mr. Swiger has had several years experience as a health physicist and has been associated with the license since August 1, 1965. On the basis of the training and experience of Mr. Swiger, the Commission has found that he is qualified to serve on the licensee's Radiological Safety Committee. The Commission has previously found, on the basis of training and experience, that Mr. Crevoiserat and Mr. Spalding are qualified to serve on the licensee's Radiological Safety Committee.

The license does not authorize the storage of waste material. The license authorizes the receipt of waste radioactive material in sealed packages which may not be opened by the licensee. Accordingly, the increase in the total quantity of waste radioactive material which the licensee may receive at any one time under this license does not represent any significanct increase in hazard.

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

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

The text of the amendment is set forth below.

Dated at Bethesda, Md., July 25, 1966.

For the Atomic Energy Commission.

LYALL JOHNSON,
Acting Director,
Division of Materials Licensing.

[License No. 20-685-2; Amdt. 11]

The Atomic Energy Commission having found that:

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

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

C. The applications for license amendment dated February 14, 1966, and April 28, 1966, comply with the requirements of the Atomic Energy Act of 1954, as amended, and are for a purpose authorized by that Act.

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

Byproduct, Source, and Special Nuclear Material License No. 20-685-2 is hereby amended as follows:

Condition No. 1 is amended to read:

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

A. 10,000 curies of byproduct material other than Hydrogen 3 or Carbon 14.

B. 5,000 curies each of Hydrogen 3 and Carbon 14.

C. 50,000 pounds of source material.

D. 350 grams of special nuclear material.

Condition No. 7 is amended to read:

7. Except as specifically provided otherwise by this license, the licensee shall receive and possess byproduct, source, and special nuclear material in accordance with the radiological safety procedures and limitations contained in the application dated December 29, 1961, and amendments thereto dated January 8, 1962, January 27, 1962, September 4, 1964, October 9, 1964, June 3, 1965, June 23, 1965, July 8, 1965, February 14, 1966, and April 28, 1966.

This amendment is effective as of the date of issuance.

Date of issuance: July 25, 1966.

For the Atomic Energy Commission.

LYALL JOHNSON,
Acting Director,
Division of Materials Licensing.

[F.R. Doc. 66-8323; Filed, July 29, 1966; 8:46 a.m.]

[Docket No. 50-243]

OREGON STATE UNIVERSITY

Notice of Proposed Issuance of Construction Permit and Facility License

Please take notice that the Atomic Energy Commission ("the Commission") is considering the issuance of a construction permit substantially in the form annexed to Oregon State University which would authorize the construction of a TRIGA Mark II nuclear research reactor on the University's campus at Corvallis, Oreg.

Notice is also hereby given that if the Commission issues the construction permit, the Commission may without further prior public notice convert the construction permit to a Class 104 license in the form annexed authorizing operation of the reactor by Oregon State University if it is found that construction of the reactor has been completed in compliance with the terms and conditions contained in the construction permit and that the reactor will operate in conformity with the application and the provisions of the Atomic Energy Act of 1954, as amended, and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of such license would not be in accordance with the provision of the Act.

Prior to issuance of the license, Oregon State University will be required to execute an amended indemnity agreement as required by section 170 of the Atomic Energy Act of 1954, as amended, and 10 CFR Part 140.

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.

For further details with respect to these proposed licenses, see (1) the application and amendments thereto, and (2) a related Safety Evaluation prepared by the Test and Power Reactor Safety Branch of the Division of Reactor Licensing, all of which are available for public inspection in 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 28th day of July 1966.

For the Atomic Energy Commission.

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

[Construction Permit No.]

1. By application dated September 14, 1965, and amendments thereto dated October 28, 1965, April 1, 1966, April 4, 1966, May 18, 1966, and June 29, 1966 (hereinafter referred to "the application"), Oregon State University requested a Class 104 license authorizing construction and operation on the University's campus at Corvallis, Oreg., of a TRIGA Mark II nuclear research reactor facility (hereinafter referred to as "the facility").

2. The Atomic Energy Commission ("the Commission") has found that:

A. The application complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

B. The facility will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter 1, CFR, Part 50, "Licensing of Production and Utilization Facilities";

C. The facility will be used in the conduct of research and development activities of the types specified in section 31 of the Act;

D. Oregon State University is financially qualified to construct the facility in accordance with the Commission's regulations, and to assume financial responsibility for the payment of Commission charges for special nuclear material;

E. Oregon State University and its contractor, General Atomic Division of General Dynamics Corp., are technically qualified to design and construct the facility;

F. Oregon State University has submitted sufficient technical information concerning the proposed facility to provide reasonable assurance that the proposed facility can be constructed and operated at the proposed location without endangering the health and safety of the public;

G. The issuance of the proposed construction permit and facility license will not be inimical to the common defense and security or to the health and safety of the public.

3. Pursuant to the Act and Title 10, CFR, Part 50, "Licensing of Production and Utilization Facilities," the Commission hereby issues a construction permit to Oregon State University to construct the facility in accordance with the application. This permit should be deemed to contain and be subject to the conditions specified in sections 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereinafter in effect, and is subject to the additional conditions specified below:

A. The earliest completion date of the facility is October 1, 1966. The latest completion date of the facility is April 1, 1967. The term "completion date," as used herein, means the date on which construction of the facility is completed except for the introduction of the fuel material.

B. The facility shall be constructed and located at the location on the University's campus at Corvallis, Oreg., specified in the application.

C. Oregon State University is authorized in the construction of the facility to insert into the reactor for testing purposes two fueled follower control rods and one instrumented fuel element.

4. Upon completion of the construction of the facility in accordance with the terms and conditions of this permit, upon finding that the facility authorized has been constructed and will operate in conformity with the application and the provisions of the Act and of the rules and regulations of the Commission, upon execution of the indemnity agreement as required by section 170 of the Act, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to Oregon State University pursuant to section 104c of the Act, which license shall expire forty (40) years from the date of issuance of this construction permit, unless sooner terminated.

For the Atomic Energy Commission.

Date of Issuance: ——

Director,
Division of Reactor Licensing.

[License No. R-]

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

a. The application for license complies with the requirements of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act"), and the Commission's regulations set forth in Title 10, Chapter 1, CFR;

b. The reactor has been constructed in conformity with Construction Permit No. CPRR- and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

c. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

d. Oregon State University at Corvallis, Oreg., is technically and financially qualified to engage in the proposed activities in accordance with the Commission's regulations, and to assume financial responsibility for the payment of Commission charges for special nuclear material;

e. The possession and operation of the reactor, and the receipt, possession and use of the special nuclear material, in the manner proposed in the application, will not be inimical to the common defense and security or to the health and safety of the public;

f. Oregon State University is a nonprofit educational institution and will use the reactor for the conduct of educational activities. Oregon State University is therefore exempt from the financial protection requirement of subsection 170a of the Act, and will execute an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140.

Facility License No. R- , effective as of the date of issuance, is issued as follows:

1. This license applies to the Oregon State University, TRIGA Mark II type nuclear reactor (hereinafter, "the reactor"), owned by Oregon State University at Corvallis, Oreg. (hereinafter, "the licensee") and located at Corvallis, Oreg., and is described in the licensee's application for license dated September 14, 1965, and amendments thereto dated October 28, 1965, April 1, 1966, April 4, 1966, May 18, 1966, and June 29, 1966 (herein referred to as "the application").

2. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses Oregon State University at Corvallis, Oreg.:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities" to possess, use, and operate the reactor in accordance with the procedures and limitations described in the application;

B. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material" to receive, possess, and use up to 4 kilograms of contained uranium-235 in connection with operation of the reactor; and

C. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Rules of General Applicability to Licensing of Byproduct Material," to receive, possess, and use a 7 curie sealed polonium 210-beryllium neutron source for reactor start-up; and to possess, but not to separate such byproduct material as may be produced by operation of the reactor.

3. This license shall be deemed to contain and be subject to the conditions specified in 10 CFR Part 20, section 30.34 of 10 CFR Part 30, sections 50.54 and 50.59 of 10 CFR Part 50 and section 70.32 of 10 CFR Part 70, and 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 or incorporated below:

A. *Maximum Power Level*

The licensee may operate the reactor at steady state power levels up to a maximum of 250 kilowatts (thermal).

B. *Technical Specifications*

The Technical Specifications contained in Appendix A hereto [1] are hereby incorporated in this license. Except as otherwise permitted by the Act and the rules, regulations and orders of the Commission, the licensee shall operate the reactor in accordance with the Technical Specifications. No changes shall be made in the Technical Specifications unless authorized by the Commission as provided in section 50.59 of 10 CFR Part 50.

C. *Records*

In addition to those otherwise required under this license and applicable regulations, the licensee shall keep the following records:

(1) Reactor Operating records, including power levels and periods of operation at each power level.

(2) Records showing radioactivity released or discharged into the air or water beyond the effective control of the licensee as measured at or prior to the point of such release or discharge.

(3) Records of emergency shutdowns and inadvertent scrams, including reasons for emergency shutdowns.

(4) Records of maintenance operations involving substitution or replacement of reactor equipment or components.

(5) Records of experiments installed including description, reactivity worths, locations, exposure time, total irradiation and any unusual events involved in their performance and in their handling.

(6) Records of tests and measurements performed pursuant to the Technical Specifications.

D. *Reports.*

In addition to reports otherwise required under this license and applicable regulations:

(1) The licensee shall inform the Commission of any incident or condition relating to the operation of the reactor which prevented or could have prevented a nuclear system from performing its safety function as described in the Technical Specifications. For each such occurrence, Oregon State University, shall promptly notify by telephone or telegraph, the Director of the appropriate Atomic Energy Commission Regional Com-

[1] This item was not filed with the Office of the Federal Register but is available for inspection in the public document room of the Atomic Energy Commission.

pliance Office listed in Appendix D of 10 CFR 20 and shall submit within ten (10) days a report in writing to the Director, Division of Reactor Licensing (hereinafter, Director, DRL) with a copy to the Regional Compliance Office.

(2) The licensee shall report to the Director, DRL, in writing within thirty (30) days of its observed occurrence any substantial variance disclosed by operation of the reactor from performance specifications contained in the Hazards Summary Report or the Technical Specifications.

(3) The licensee shall report to the Director, DRL, in writing within thirty (30) days of its occurrence any significant changes in transient or accident analysis as described in the Hazards Summary Report.

4. This license shall expire at midnight, August 15, 2006.

For the Atomic Energy Commission.

Date of Issuance:

Director,
Division of Reactor Licensing.

[F.R. Doc. 66-8387; Filed, July 29, 1966; 8:49 a.m.]

[Docket No. 50-247]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Notice of Hearing on Application for Provisional Construction Permit

In the Matter of Consolidated Edison Co. of New York, Inc., Docket No. 50-247 (Indian Point Station Unit No. 2).

Pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at 10 a.m., local time, on August 31, 1966, in Buchanan Engine Co., No. 1, Inc., Albany Post Road, Buchanan, N.Y., to consider the application filed under § 104b, of the Act by Consolidated Edison Co. of New York, Inc., New York, N.Y., for a provisional construction permit for a pressurized water reactor designed to operate at approximately 2758 megawatts (thermal) to be located at the applicant's site in the village of Buchanan, Westchester County, N.Y.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission, consisting of Dr. David B. Hall, Los Alamos, N. Mex.; Dr. John C. Geyer, Baltimore, Md.; and Samuel W. Jensch, Esq., Chairman, Washington, D.C.; Dr. Thomas H. Pigford, Berkeley, Calif., has been designated as a technically qualified alternate.

A prehearing conference will be held by the Board at 10 a.m., local time, on August 17, 1966, in Buchanan Engine Co., No. 1, Inc., Albany Post Road, Buchanan, N.Y., to consider the matters provided for consideration by § 2.752 of 10 CFR Part 2 and those matters set forth in section II, paragraph (a) of the proposed Statement of General Policy (Appendix A to 10 CFR Part 2) which was published for public comment and interim guidance in the FEDERAL REGISTER (30 F.R. 832) on January 21, 1966.

The following issues will be considered at the hearing:

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(1) The applicant has described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components on which further technical information is required;

(2) The omitted technical information will be supplied;

(3) The applicant has proposed, and there will be conducted, a research and development program reasonably designed to resolve the safety questions, if any, with respect to those features or components which require research and development; and

(4) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility and (ii) taking into consideration the site criteria contained in Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public;

2. Whether the applicant is technically qualified to design and construct the proposed facility;

3. Whether the applicant is financially qualified to design and construct the proposed facility;

4. Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

As they become available, the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS) and the Safety Evaluation by the Commission's regulatory staff will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public. Copies of the ACRS report and the regulatory staff's Safety Evaluation may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Petitions for leave to intervene, pursuant to the provisions of § 2.714 of the Commission's "Rules of Practice," must be received in the Office of the Secretary, U.S. Atomic Energy Commission, Germantown, Md., or in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., not later than August 17, 1966, or, in the event of a postponement of the hearing date specified, at such time as the Board may specify.

Any person who wishes to make an oral or written statement setting forth his position on the issues specified, but who does not wish to file a petition to intervene, may request permission to make a limited appearance pursuant to the provisions of § 2.715 of the Commission's "Rules of Practice." Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, by August 17, 1966.

The answer to this notice, pursuant to the provisions of § 2.705 of the Commission's "Rules of Practice," must be filed by the applicants on or before August 17, 1966.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, or may be filed by delivery to the Office of the Secretary, U.S. Atomic Energy Commission, Germantown, Md., or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of § 2.708 of the Commission's "Rules of Practice," an original and 20 conformed copies of each such paper with the Commission.

Dated at Washington, D.C., this 29th day of July, 1966.

UNITED STATES ATOMIC ENERGY COMMISSION,
W. B. MCCOOL,
Secretary.

[F.R. Doc. 66-8418; Filed, July 29, 1966; 10:33 a.m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 17523, 17525; Order E-23951]

FLYING TIGER LINE, INC., AND SEABOARD WORLD AIRWAYS, INC.

Order Granting Exemptions During Strike Emergency

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of July 1966.

Emergency exemption applications of Flying Tiger Line, Inc., Docket 17523; and Seaboard World Airways, Inc., Docket 17525; for exemption pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended.

By telegraphic applications, Flying Tiger Line, Inc. (Tiger), and Seaboard World Airways, Inc. (Seaboard), request exemptions during the emergency created by the current airline strike from section 401 of the Act, and the terms, limitations and conditions of their certificates in order to provide additional air transportation services.

Tiger requests authority to carry passengers on its regularly scheduled transcontinental flights. These flights are operated with CL-44 cargo aircraft which it is anticipated can accommodate up to five passengers per flight. Tiger proposes to offer these seats to the public on a space available basis. The carrier states that this service will not be announced and only those requesting transportation will be carried.

Seaboard desires authority to carry individually waybilled cargo and mail from Japan to the United States and from the west coast to the east coast. The carrier asserts that it currently is operating a number of empty flights as part of return and repositioning legs of MAC transpacific charters. Seaboard desires to use these flights to ease the strike-caused air transportation shortage in these markets.

Pan American World Airways, Inc. (Pan American) has advised the Board that it objects to the granting of an exemption to Seaboard with regard to the proposed services from Japan to the United States. Pan American asserts that its loads are light on its regularly scheduled flights in these markets and it has space available to satisfy the needs of the public.

In view of Pan American's allegations, the Board cannot find that the current emergency requires the granting of the additional authority Seaboard seeks for its eastbound flights from Japan to the United States. Accordingly, this portion of its request will be denied.

However, in view of the carriers' requests, we have concluded that the public interest would best be served if the certificated cargo carriers were given broad exemptions similar to those previously granted to the other certificated carriers. See Order E–23928, July 9, 1966.[1] Thus, the domestic cargo carriers will be authorized to provide passenger service on their cargo flights, on a space available basis. Under the conditions specified below, all the certificated cargo carriers will have additional authority with regard to individually-waybilled cargo. Finally, the cargo carriers will be permitted to perform the existing charter contracts of the struck carriers at the price of the existing contract or the operating carrier's established tariff.

The issuance of these exemptions is warranted by the same type of considerations which warranted the broad exemption authorizations granted by the Board in Order E–23928, July 9, 1966.

On the basis of the foregoing, the Board finds that enforcement of Title IV of the Act, the applicable Board regulations thereunder and terms, limitations and conditions of the carriers' certificates insofar as they would prevent provision of the services described herein would be an undue burden upon the all-cargo carriers by reason of the limited extent of and the unusual circumstances affecting their operations and is not in the public interest.

Accordingly, it is ordered, That:

1. The certificated cargo carriers be and they hereby are exempted from Title IV of the Federal Aviation Act, the applicable Board regulations, and the terms, conditions and limitations of their certificates to the extent necessary to permit them to:

(a) Provide passenger service, on a space available basis, on their regularly scheduled domestic all-cargo flights, provided that the rates or fares to be charged are equal to those currently in effect for the combination route air carriers for the same type of service; and

(b) Utilize available space on off-route commercial charters and flights for the Military Establishments (including return or repositioning legs of such flights) for individually waybilled cargo services, provided that the cargo involved has been waybilled by a certificated combination route air carrier for authorized transportation over its route, at the rates presently in effect pursuant to the tariff of any such route air carrier or competing carriers for the same type of service and under specific arrangements with such route air carriers.

(c) Utilize available space on charters operated over their route systems for their own individually waybilled freight.[2]

2. The certificated cargo carriers are exempted from the provisions of Title IV of the Act and the applicable Board regulations to the extent necessary to permit such carriers to fulfill existing charter contracts of any one of the struck carriers at the contract price or the operating carrier's established tariff;

3. To the extent not granted by this order, the applications of the carriers be and they hereby are denied.

4. The authority granted herein shall be effective on the date of issuance of this order and shall continue in effect until further order of the Board; and

5. Petitions for review of this order will not stay the effective date of this order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66–8344; Filed, July 29, 1966; 8:47 a.m.]

[1] Additional authority was not granted to the all-cargo carriers since they had not advised the Board of any capability to provide additional service during the strike emergency.

[2] By allowing some individually waybilled cargo to be transferred to charter flights, more space will be made available to the shipping public on the carriers' regularly scheduled flights.

[Docket No. 17529; Order E–23952]

GREATER ALBUQUERQUE CHAMBER OF COMMERCE

Order Granting Exemption During Strike Emergency

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of July 1966.

Emergency exemption application of Greater Albuquerque Chamber of Commerce, Docket 17529, pursuant to § 302.410 of the Board's rules and section 416(b) of the Federal Aviation Act of 1958, as amended.

By telegraphic filing Greater Albuquerque Chamber of Commerce (Albuquerque) requests that Frontier Airlines, Inc. (Frontier), be granted an immediate emergency exemption pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended (Act), and § 302.410 of the Board's rules, to provide service between Albuquerque, N. Mex., and Las Vegas, Nev.

The civic applicant alleges that such authority would provide a large number of government employees at Sandia, N. Mex., and the Atomic Energy Commission (AEC) installation with needed service during the strike emergency. The strike has resulted in the cancellation of the only single-carrier service authorized between Las Vegas and Albuquerque, the center of a government installation (AEC) important to the national defense.

We shall grant the exemption during the period of the strike emergency. The same type of considerations which warranted the Board's July 9, 1966 broad exemption authorization apply here and warrant the specific authority requested. See Order E–23928.

On the basis of the foregoing, the Board concludes that the enforcement of section 401 of the Act and the terms, conditions and limitations of Frontier's certificate to the extent that they would otherwise prevent the service authorized herein would be an undue burden on Frontier by virtue of the limited extent of and unusual circumstances affecting its operations and is not in the public interest.

Accordingly, it is ordered:

1. That Frontier be, and it hereby is, exempted from section 401 of the Act and the terms, conditions, and limitations of its certificate of public convenience and necessity for its Route 73 to the extent necessary to permit the carrier to provide service between Las Vegas, Nev. and Albuquerque, N. Mex.;

2. Services conducted pursuant to the exemption granted herein shall not be subsidized and mail payments therefor, if any, shall be limited to the service mail pay rate to be paid entirely by the Postmaster General under section 406(c) of the Act;

3. The authority granted herein shall be effective on the date of issuance of this order and shall continue in effect until further order of the Board; and

4. Petitions for review of this order will not stay the effective date of this order.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 66–8345; Filed, July 29, 1966; 8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations; Temp. Reg. F-9]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* To delegate to the Secretary of Defense authority to represent the customer interest of the civilian agencies of the Federal Government in a transportation rate proceeding.

2. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4), 205(d), and 205(e), authority is hereby delegated to the Secretary of Defense to represent the interests of the civilian executive agencies of the Federal Government before the Interstate Commerce Commission in proceedings concerning the absorption of New Orleans Public Belt Railroad switching charges at New Orleans, La.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees of the General Services Administration.

3. *Effective date.* This delegation of authority is effective immediately.

Dated: July 25, 1966.

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

[F.R. Doc. 66-8324; Filed, July 29, 1966; 8:46 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Informal Mexican List 235]

MEXICAN BROADCAST STATIONS

Changes, Proposed Changes, and Corrections in Assignments

JULY 22, 1966.[1]

Notifications under the provision of part III, section 2 of the North American Regional Broadcasting Agreement; list of changes, proposed changes, and corrections in Assignments of Mexican Broadcast Stations Modifying the Appendix containing assignments of Mexican Broadcast Stations (Mimeograph No. 4721-6) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

[1] Mexican Change List No. 235 was received undated with a transmittal letter from the Mexican Administration dated July 8, 1966. As of this issue date Change List No. 235 has not been received through official channels.

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
XEYO (assignment of call letters).	Huatabampo, Sonora	*560 kilocycles* 1 kwD/0.5 kwN	ND	U	III	
XEYG (new)	Matias Romero, Oaxaca	*660 kilocycles* 0.250 kw	ND	D	II	
XERPM (correction of an omission: modify characteristics of proposed operation in List No. 172; present operation with 10 kwD, 5 kwN, DA-N, with notified directional system).	Mexico, D.F	*660 kilocycles* 50 kwD/5 kwN	DA-N	U	II	
XETRA (now in operation with daytime directional antenna system—change nighttime directional antenna pattern).	Tijuana, B.C	*690 kilocycles* 50 kw	DA-2	U	I-B	
XEGO (assignment of call letters).	Cozumel, Quintana Roo	*810 kilocycles* 1 kwD/0.5 kwN	DA-2	U	II	
XEZR (presently in operation with 1 kw, ND, D—increase in hours).	Zaragoza, Coahuila	*850 kilocycles* 1 kw	DA-N	U	II	
XEIN (delete assignment).	Tepic, Nayarit	*860 kilocycles* 1 kwD/0.175 kwN.	ND	U	II	
XERK (now in operation on new frequency).	Tepic, Nayarit	*860 kilocycles* 1 kwD/0.175 kwN.	ND	U	II	
XEEM (change in frequency—notified previously on 660 kc/s).	Rio Verde, San Luis Potosi.	*880 kilocycles* 1 kw	ND	D	II	
XEQD (presently in operation with 1 kwD—increase in hours).	Chihuahua, Chihuahua	*920 kilocycles* 1 kwD/0.1 kwN.	ND	U	III-D IV-N	
XEVV (presently in operation on 1400 kc/s with 1 kwD, 0.150N, ND, U—change in frequency).	Chiapa de Corzo, Chiapas.	*920 kilocycles* 5 kwD/0.250 kwN.	ND	U	III-D IV-N	
XERN (PO: 1320 kc/s, XEOJ, 1 kwD/0.1 kwN. ND).	Montemorelos, Nuevo Leon.	*950 kilocycles* 1 kw	ND	D	III	
(New)	San Luis Potosi, San Luis Potosi.	*960 kilocycles* 0.5 kwD/0.250 kwN.	ND	U	III-D IV-N	
XEQO (new)	Cosamaloapan, Veracruz.	*980 kilocycles* 5 kw	DA-N	U	III	
XECN (change in call letters, previously XEGO—PO: 0.5 kw, ND, D).	Irapuato, Guanajuato	*1080 kilocycles* 1 kw	ND	D	II	
XEZL (change in call letters, previously XEJW).	Jalapa, Veracruz	*1130 kilocycles* 10 kw	DA-N	U	II	
XERM (change in call letters, previously XEGE).	Mexicali, B.C	*1150 kilocycles* 1 kwD/0.5 kwN	DA-N	U	III	
XEWY (new)	Alamo, Veracruz	*1150 kilocycles* 1 kw	ND	D	III	
XEXP (presently in operation on 1200 kc/s with 0.25 kw, ND, D—change in frequency).	Tuxtepec, Oaxaca	*1150 kilocycles* 0.5 kw	ND	D	III	
XEGR (delete assignment).	Coatepec, Veracruz	*1160 kilocycles* 0.250 kw	ND	U	II	
XEZS (previously notified with 0.5 kwD/0.25 kwN, ND).	Coatzacoalcos, Veracruz	*1170 kilocycles* 1 kw	DA-2	U	II	
XEYV (new)	Huatusco, Veracruz	*1180 kilocycles* 0.250 kw	ND	D	II	

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of commencement of operation
XEHU (presently in operation with 0.5 kwD/0.1 kwN, ND—increase in daytime power).	Martinez de la Torre, Veracruz.	*1300 kilocycles* 5 kwD/0.1 kwN.	DA-D	U	III-D IV-N	
XEHT (new) Operation to replace XETE, Tehuacan, Puebla, to 1140 kc/s).	Puebla, Puebla	*1310 kilocycles* 0.250 kwD/0.1 kwN.	ND	U	III-D IV-N	
XETAP (change in call letters, previously XEXS).	Tapachula, Chiapas	*1310 kilocycles* 1 kw	ND	D	III	
XENP (change in call letters, previously XERN).	Ocotlan, Jalisco	*1320 kilocycles* 0.5 kwD/0.2 kwN.	ND	U	IV	
XERN (change in call letters and class of daytime service; previously XEOJ, Class IV day and night).	Montemorelos, Nuevo Leon	*1320 kilocycles* 1 kwD/0.1 kwN.	ND	U	III-D IV-N	
XEGR (previously notified in order to operate on 1160 kc/s with 1 kw, DA-N—in operation immediately).	Coatepec, Veracruz	*1340 kilocycles* 0.250 kw	ND	U	IV-N	
XECR (PO: 0.250 kwD, 0.1 kwN).	Morelia, Michoacan	*1340 kilocycles* 0.250 kw	ND	U	IV	
XEZE (new)	Santiago, Ixcuintla, Nayarit.	*1340 kilocycles* 0.250 kwD/0.200 kwN.	ND	U	IV	
XEDQ (now in operation on new frequency).	San Andres Tuxtla, Veracruz.	*1360 kilocycles* 1 kwD/0.1 kwN.	ND	U	III-D IV-N	
XERM (delete assignment).	San Andres Tuxtla, Veracruz.	*1370 kilocycles* 0.5 kwD/0.1 kwN.	ND	U	IV	
XERUY (change in location and call letters, previously notified for Progreso, Yucatan, with XEGO).	Merida, Yucatan	*1400 kilocycles* 0.250 kw	ND	U	IV	
XEDQ (delete assignment—vide 1360 kc/s).	San Andres Tuxtla, Veracruz.	*1400 kilocycles* 0.250 kw	ND	U	IV	
XEYL (delete assignment).	Chiapa de Corzo, Chiapas.	*1400 kilocycles* 1 kwD/0.150 kwN.	ND	U	IV	
XEUP (now in operation with 0.25 kw, ND, U—increase in daytime power).	Tizimin, Yucatan	*1420 kilocycles* 0.5 kwD/0.250 kwN	ND	U	IV	
XEUP (delete assignment).	Puerto Juarez, Quintana Roo.	*1420 kilocycles* 0.250 kw	ND	U	IV	
XEOJ (change in call letters; previously XENP).	Salamanca, Guanajuato	*1430 kilocycles* 0.250 kw	ND	D	IV	
XEBBC (change in call letters, previously XEAU).	Tijuana, B.C.	*1470 kilocycles* 5 kw	ND	U	III	
XEYT (new)	Teocelo, Veracruz	*1490 kilocycles* 0.250 kwD/0.1 kwN.	ND	U	IV	
XEJJ (change in call letters, previously XEZL).	Jalapa, Veracruz	*1550 kilocycles* 10 kw	ND	U	I-B	

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-8299; Filed, July 29, 1966; 8:45 a.m.]

[Docket No. 16058]

COMMUNICATIONS SATELLITE CORP.

Memorandum Opinion and Statement of Policy; Correction

In the matter of authorized entities and authorized users under the Communications Satellite Act of 1962, Docket No. 16058.

In the Commission's memorandum opinion and statement of policy adopted July 20, 1966, and released July 21, 1966 (FCC 66-677), the following information should be noted:

At page 13, paragraph 23, line 4, the omission of a paragraph reference should read "(see par. 32),".

At page 16, paragraph 29, line 6, the total figure in dollars should read "$222,700,000."

Released: July 27, 1966.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-8350; Filed, July 29, 1966; 8:48 a.m.]

[Docket No. 16258; FCC 66M-1032]

AMERICAN TELEPHONE AND TELEGRAPH CO. ET AL.

Memorandum Opinion and Order

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

1. The Telephone Committee has under consideration a petition filed on July 12, 1966, by the National Association of Broadcasters requesting permission to intervene herein. No responsive pleadings, either in support or opposition, have been received.

2. Under the Commission's rules relating to interventions (47 CFR 1.223), timely petitions to intervene herein should have been filed on or before December 2, 1965, which was 30 days after the issues were published in the FEDERAL REGISTER.[1] Otherwise, the rules provide that late petitions to intervene shall set forth the interest of petitioner in the proceedings, show how the petitioner's participation will assist the Commission in the determination of the issues, and set forth reasons why it was not possible to file a timely petition.

3. The petition alleges, in substance, that, in its early stages, it was difficult to ascertain the direction the investigation would take and its possible effect on the broadcasting industry, and that it was not until May 31, 1966, when the bulk of respondents' testimony was filed with the Commission, that the necessity of having a spokesman for the entire broadcasting industry became apparent.

[1] 30 F.R. 13885, Nov. 2, 1965.

In this connection, the petition points to certain statements in respondents' testimony directly referring to their program transmission services and indicating that increases in the rates for such services would probably be required. The petition further states that, while some broadcast interests have intervened,[2] none of them speaks for the entire industry, and that it is imperative that all elements of broadcasting have the opportunity to present their views. However, there is no clear showing as to how the Commission will be assisted by a showing on behalf of the National Association of Broadcasters.

4. According to the petition, the Association's Board of Directors, on June 24, 1966, instructed the staff to seek to enter the proceedings. There is no explanation of the apparent lack of diligence in moving promptly, after May 31, to seek authority to intervene, or why there was a delay from June 24 until the instant pleading was filed on July 12.

5. We note that petitioner proposes only to make a showing as to the proper rate for the program transmission service. This being so, we would assume that any intervention in this proceeding should be limited to the consideration of that matter.

6. In view of the foregoing, *it is ordered*, This 27th day of July 1966, that the "Petition for Leave to Intervene" filed by The National Association of Broadcasters is denied without prejudice to the filing and consideration of a new petition comporting with the views herein expressed.

Released: July 27, 1966.

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

[F.R. Doc. 66-8351; Filed, July 29, 1966; 8:48 a.m.]

[Docket Nos. 16787, 16788; FCC 66M-1027]

HARRISCOPE, INC. (KTWO) AND FAMILY BROADCASTING, INC.

Order Scheduling Hearing

In re applications of Harriscope, Inc. (KTWO), Casper, Wyo., Docket No. 16787, File No. BP-16713; Family Broadcasting, Inc., La Grange, Wyo., Docket No. 16788, File No. BP-17204; for construction permits.

It is ordered, This 25th day of July 1966, that Jay A. Kyle shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 4, 1966, at 10 a.m.; and that a prehearing conference shall be held on September 1, 1966, commencing at 9 a.m. *And, it is further ordered*, That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: July 27, 1966.

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

[F.R. Doc. 66-8352; Filed, July 29, 1966; 8:48 a.m.]

[Docket No. 16786; FCC 66-683]

MIDWEST TELEVISION, INC. (KFMB-TV) ET AL.

Memorandum Opinion and Order Designating Proceeding for Hearing

In the matter of the petition of Midwest Television, Inc. (KFMB-TV), San Diego, Calif., for immediate temporary and for permanent relief against extensions of service of CATV systems carrying signals of Los Angeles stations into the San Diego, area; Petitioner; Mission Cable TV, Inc., El Cajon, Calif.; Southwestern Cable Co., San Diego, Calif.; Pacific Video Cable Co., Inc., El Cajon, Calif.; Trans-Video Corp., El Cajon, Calif.; Rancho Bernardo Antenna Systems, Inc., La Jolla, Calif.; and Poway Cable TV, Poway, Calif.; Respondents; Docket No. 16786.

1. The Commission has before it for consideration a petition filed on March 17, 1966, by Midwest Television, Inc. (Midwest) licensee of KFMB-TV, San Diego, Calif., a supplement thereto filed on April 4, 1966, and responsive pleadings in connection therewith.[1] The petition was filed pursuant to § 74.1107 and 74.1109 of the Commission's rules, adopted March 8, 1966, effective March 17, 1966 (31 F.R. 4540),[2] and requests basically that the Commission immediately order respondents, pending final disposition of the petition, to cease and desist from extending service to additional subscribers served by their respective systems within the Grade A contours of the San Diego stations and, after any necessary hearing, issue a final order appropriately confining carriage of Los Angeles television signals by respondents' San Diego area systems. In its later pleadings, Midwest modified its initial request for temporary relief to a request that respondents be directed not to extend the Los Angeles television signals to subscribers beyond the specific geographic boundaries of areas in which subscribers were being served on February 15, 1966.

2. In support of its requests for relief, Midwest states that respondents are the holders of franchises to operate CATV systems issued by the cities of San Diego, Chula Vista, National City, La Mesa, Imperial Beach, El Cajon, and San Diego County.[3]

The City of San Diego has a population of approximately 648,500 occupying 208,631 housing units and the county of San Diego has a population of approximately 1,213,000 occupying 379,483 housing units; nearly all of the county population lies within the Grade A contour of KFMB-TV and San Diego is ranked by the American Research Bureau as the 54th market based on net weekly circulation. San Diego is presently served by five television stations, a construction permit has been issued for Channel 51 (KJOG), an application is pending for Channel 15, and the assignment of an additional UHF commercial channel to San Diego is under consideration in Docket No. 14229. Midwest alleges that respondents' CATV systems carry the signals of between six and nine Los Angeles television stations none of which stations provide measured or calculated Grade B service to more than the northern portion of the city of San Diego nor to any parts of six other separate communities adjacent to the city; that all of Mission's systems except Poway supply regularly eight Los Angeles stations beyond their calculated Grade B contours (Mission's Poway system carries three beyond Grade B signals and the independent Poway system carries two);

---

[2] Broadcast industry entities intervening herein include National Broadcasting Co., Inc.; Columbia Broadcasting System, Inc.; American Broadcasting Cos., Inc.; NBC Television Affiliates; and Sports Network, Inc.

[1] The following responsive pleadings have also been filed and considered: Comments of Jack O. Gross, (Gross) permittee of Station KJOG-TV, San Diego, filed on Apr. 15, 1966; Opposition to petition and supplement filed by Mission Cable TV, Inc., Pacific Video Cable Co., and Trans-Video Corp. (hereafter collectively referred to as Mission) on Apr. 18, 1966; Opposition to petition and supplement filed by Southwestern Cable Co. (Southwestern) on Apr. 18, 1966; a Statement of Position filed by Southwestern on Apr. 18, 1966; a Motion to Sever filed by Southwestern on Apr. 18, 1966; A motion to Dismiss filed by Southwestern on Apr. 18, 1966; an Opposition and Petition to be Dismissed filed by Rancho Bernardo Antenna System (Rancho) on Apr. 18, 1966; a Reply of Petitioner to Opposition to petition for immediate temporary relief and Answer to Motion to Dismiss petition for immediate temporary relief filed by Midwest on Apr. 25, 1966; an Answer to Motion to Sever filed by Midwest on Apr. 25, 1966; a Reply of Petitioner to Oppositions to petition for permanent relief and Answer to Motions to Dismiss petition for permanent relief filed by Midwest on May 2, 1966; and a Reply to Answers of Midwest to Motions to Sever and Dismiss filed by Southwestern on May 5, 1966. Additional interlocutory pleadings concerning extensions of time were filed and have been acted upon, pursuant to delegated authority. On Apr. 6, 1966, Poway Cable TV filed a motion asking that it be dismissed as a party respondent; Midwest filed an answer stating that in view of the agreement reached, it would be appropriate to dismiss Poway as a party. We will grant this request.

[2] Section 74.1107 of the Commission's rules relates to CATV systems operating or proposing to operate in one of the top 100 television markets and carrying distant television stations' signals. Section 74.1109 of the rules relates to the filing of petitions for waiver of the rules, additional or different requirements and rulings on complaints or disputes.

[3] Trans-Video is 100 percent owner of Pacific Video, majority owner of Mission Cable and has a minority interest in Southwestern. It has no franchises and is a management company. Trans-Video operates under contract the CATV systems owned by and franchised to Mission, Southwestern and Pacific.

that neither Poway nor Rancho Bernardo receive actual Grade B service from any Los Angeles stations; and that Southwestern supplies regularly to all of its subscribers at least three Los Angeles stations beyond their calculated Grade B contours.

3. Midwest goes on to allege that within the past year, and increasingly in recent months and weeks, there has been "widespread and intensive CATV activity within KFMB–TV's Grade A contour" and that service to Poway, Chula Vista, and Pacific Beach was instituted only 2 to 4 months prior to the filing of the petition. It is alleged that the other systems have greatly extended their lines and substantially increased the number of subscribers since April of 1965; that the systems have increasingly emphasized the laying of lines, far outstripping the solicitation and hooking up of new subscribers, with cables being strung in some areas for miles with very few drops and in some cases none; and in those communities where the systems are operational or wired, only portions of such communities are involved. Midwest estimates that as of February 15, 1966, there were 17,000 homes in the county and within the station's Grade A contour connected to cable systems, of which approximately 6,500 were located in the city; that while this constitutes only 4.6 percent of the county homes within the station's Grade A contour, there are at present approximately 294,000 homes in the communities within this contour in which CATV systems carrying Los Angeles signals have begun to operate and this figure represents approximately 78 percent of all homes in the county within the Grade A contour. Approximately 90 percent of all homes in the county within the station's Grade A contour are alleged to be in areas covered by CATV franchises. Because of the alleged emphasis on line extensions rather than on hookups, Midwest contends that a large number of new subscribers could be wired up in a relatively short time even if there were no further cable expansion.

4. Midwest contends that the importation of a multiplicity of distant signals will, if allowed to expand, fragment and drastically reduce the local stations' viewing audience notwithstanding the nonduplication rules. Midwest points out that in its case, 44 percent of its programing is nonnetwork and will be subject to duplication and that, with respect to the San Diego independent stations, nearly 100 percent of their programing will be subject to duplication; that virtually all of the nonnetwork recorded programs now under contract to the San Diego stations are also under contract or available to the Los Angeles stations; that the importation of such programs impairs their value to the San Diego stations and causes audience losses, eventually resulting in reduced advertising revenues and curtailed local and quality programing; that over 94 percent of the Los Angeles programs carried on the respondents' systems in a given week have been, are being, or will be duplicated on San Diego stations in the same form or by way of San Diego equivalents; and analysis of the remaining 6 percent indicates that the same public interest is or would be served in an alternate way by the San Diego stations.

5. Midwest also alleges that respondents' systems, with the exception of Poway Cable TV, carry the signal of KFMB–TV on channel but materially degrade the quality of the signal broadcast, particularly the color signals; that the signal of the local UHF station, KAAR, is markedly worse on the cable than those of the VHF stations; that the signals of the Los Angeles stations appear better on the cable than those of the local stations despite the fact that the Los Angeles stations generally do not place a Grade B signal over San Diego; and that the effect of degradation has been not only to damage the local station's reputations but has placed the distant signals on a higher competitive level than the local signals.[4] Finally, Midwest contends that in addition to the foregoing considerations, the CATV situation in San Diego falls squarely within the principle enunciated in the Second Report in footnote 69, where the Commission pointed out that, although, in general, CATV activity which does not involve extension of a signal beyond its Grade B contour may continue, an important exception exists where two major markets fall within one another's Grade B contours. In such a situation, the carriage by a CATV system in Baltimore, for instance, of the Washington signals might equalize the quality of the distant signals, change the viewing habits of the local population and affect the development of local television stations. Midwest contends that the San Diego-Los Angeles situation is a classic illustration of this problem and that relief should be afforded on this basis as well as the basis previously set forth.

6. In view of the above, Midwest requests, essentially, that the Commission issue a final order appropriately confining carriage of Los Angeles signals by respondents' systems and that, if a hearing is necessary, the respondent be ordered to confiine delivery of the Los Angeles signals to subscribers located within the specific geographic boundaries inside of the general geographic areas where the systems were operating on February 15, 1966.[5] In a document filed on April 15, 1966, Jack O. Gross, holder of a construction permit for UHF station KJOG–TV, Channel 51, San Diego, supports the Midwest petition and states that a grant of the requested relief would materially contribute to the success of UHF in San Diego generally and KJOG in particular.

7. Mission's opposition, filed on behalf of Mission, Pacific and Trans-Video, contends that the Commission can only issue temporary relief in accordance with the provision of section 312 of the Communications Act (47 U.S.C. 312(c)) and that there is no statutory authority for the type of relief requested. Mission contends that such relief is analogous to a motion for stay and that, as such, it is inadequate because Midwest has failed to show irreparable injury to itself (Mission contends that Midwest's allegations in this regard are only conclusionary and not supported by material facts); has failed to demonstrate injury to the public (Mission contends that allegations in this regard are also conclusionary and highly speculative and denies that there is any degradation of the San Diego stations' signals by the CATV systems); and has not demonstrated that there is a likelihood that it will succeed on the merits (Mission contends that Midwest's allegations relating to a "pell-mell" extension of cable lines are completely unsupported by facts, is untrue, and that respondents have merely continued their normal wiring activity).

8. Mission alleges further that there is nothing in the rules which prohibits the actions of respondents which Midwest seeks to prevent since the rules speak of extension of signals to "new geographic areas" and Midwest has not factually supported its allegation that there has been such an extension. Further, Mission contends, Midwest has failed to show that the signals extended are beyond predicted Grade B and it is Mission's position, in any event, that its Poway system is "grandfathered" under the rules since it was franchised under the San Diego County franchise; service had commenced prior to March 17, 1966, and the county-wide franchise authorized CATV at any place in San Diego County out-

[4] Midwest states that because of degradation, the Pacific Beach system carries KFMB–TV on Channels 8 and 2, but that this dual carriage confuses the public, weakens its station indentification and causes possible ratings losses.

[5] In support of its request for temporary relief pending the outcome of any hearing, and in an attempt to describe the extent of respondents' operations in San Diego and southwestern San Diego County as of Feb. 15, 1966, Midwest filed a supplement to its petition, to which it attached a map purporting to show that there were eight separate islands of CATV subscriber service as of Feb. 15, 1966, located in recognized geographical areas in San Diego which were further circumscribed by recognizable and known geographical limitations and boundaries within the larger geographical areas. In the supplement, Midwest alleges that since Feb. 15, 1966, the respondents have extended lines and service beyond the specific boundaries within the general areas and also into entirely new geographic areas.

side of corporate limits.[6] Mission states that the outside-of-corporate limits construction in San Diego has proceeded to the point where approximately 70 percent of the populated area adjacent to metropolitan San Diego has been wired and 30 percent of the homes in the wired area have subscribed. Finally, Mission alleges, with respect to the request for temporary relief, that the public will be irreparably injured since it ignores the need for expansion of television service, prevents expansion of educational television, deprives the public of improved color reception, municipalities of revenues from CATV and potential subscribers of the same choice of programs that their neighbors who have already subscribed have; that respondents will be irreparably injured since their franchises may be forfeited if construction is delayed, contract rights may be lost, and respondents' employees may lose their jobs; the Commission's rules are yet untested and are probably illegal; and the rights of Midwest or the public can be fully protected by a decision on the merits, after a hearing, if the Commission determines that any action is required.

9. As to Midwest's request for permanent relief, Mission incorporates its same arguments with respect to the request for temporary relief and contends further that its franchises were obtained before the Commission decided to exercise jurisdiction and that construction and installation of cable was started before February 15, 1966, or March 17, 1966. Additionally, Mission alleges that while CATV is a less expensive and more convenient type of antenna service for signals already present in San Diego, CATV is needed in certain areas in order to provide adequate reception of San Diego Channels 8 and 10 and that CATV expansion is necessary for the acceptance and viability of UHF stations. Mission points out that since the San Diego stations' programs can not be duplicated on the same day and surveys show that during prime time the San Diego stations have 84 percent of the viewing audience, it does not appear that fragmentation of the remaining 16 to 20 percent of the television audience, among the four or five Los Angeles independents and the San Diego UHF, could have any serious impact on the ability of the San Diego network stations to continue their operations. Finally, Mission contends that the addition of subscribers to its systems after February 15, 1966, does not constitute extensions to new geographical areas since, under its city franchises, the appropriate geographic boundaries are the city limits and, under its county franchises, the appropriate boundaries are the unincorporated areas of the county.[7] In view of all of the above, Mission requests that Midwest's petition, both as to temporary and permanent relief, be denied.

10. Southwestern filed an Opposition, a Motion To Sever, and a Motion To Dismiss.[8] In its pleadings, Southwestern alleges that the petition must fail since Midwest has failed to show that its system is carrying beyond Grade B signals and that Southwestern's engineering studies show that the commercial television signals which it is carrying are all of Grade B intensity. Southwestern further contends that its system is "grandfathered" since it began operating prior to February 15, 1966, is not expanding throughout the entire community or into new areas, and has only continued normal wiring operations. Moreover, Southwestern alleges that its system helps UHF and that while Midwest has submitted no probative data regarding impact, Southwestern's market study, a copy of which it attached as an exhibit to its opposition, shows that CATV helps UHF generally and Channel 39 specifically since carriage of the UHF station on the cable increases the station's audience, improves its picture quality, and provides greater penetration for, and viewing frequency of, the station. Southwestern also points out that Midwest's claim of signal degradation does not relate to its system since it has always carried Midwest's station on channels 8 and 2 of the cable. Southwestern also claims that its franchise area is unique since the residents and antennas in that area are oriented to the Los Angeles stations and since it is within the predicted or measured Grade B contours of the commercial signals of the stations carried on its system. Southwestern contends that Midwest's showing of fragmentation has no applicability to its system since the survey was conducted in a part of San Diego where the off-the-air reception of the Los Angeles stations is of less quality, the survey was conducted prior to the commencement of service by Southwestern and the various sections of San Diego vary significantly, and the audience survey findings relate to areas of San Diego where the CATV systems carry the full schedules of the Los Angeles CBS and NBC stations while Southwestern's system carries only the San Diego CBS and NBC stations. Finally, Southwestern alleges that while Midwest has failed to show that it would be irreparably injured by denial of the temporary relief, Southwestern would suffer irreparable injury since a grant of temporary relief would dry up Southwestern's financing and cause bankruptcy. As to the request for permanent relief, Southwestern contends that while Midwest has essentially requested the Commission to designate a "Carroll" type issue, it has completely failed to furnish detailed evidentiary material. Accordingly, Southwestern requests that it be severed from the other respondents and that the petition and supplement, insofar as they relate to it, be denied or dismissed.

11. Rancho Bernardo, in its opposition, states that it operates a system in northern San Diego under a franchise from the city of San Diego and that the system is part of a housing development of 5,400 acres, approximately 400 acres of which have been developed. The system is designed to serve only the residential community and there is no intention of extending beyond those boundaries. Rancho Bernardo states that there are now approximately 1,000 subscribers to the system or 99 percent of the occupied housing units and service is expanding in an orderly fashion to serve all the new residential units with the timing of service extension being determined solely by the sales of residential units. Rancho Bernardo contends that the area receives unsatisfactory off-the-air television reception, is not within the Grade A contour of KFMB–TV, and may be within the Grade B contours of some Los Angeles stations. Rancho Bernardo denies that it degrades the KFMB signal and alleges that a grant of temporary relief would irreparably injure it because it would impede the sales of homes and would not help KFMB since it would make its signal unavailable in the area. Rancho Bernardo requests denial of the temporary and permanent relief and asks that it be dismissed from the proceedings.

12. In its responsive pleadings, Midwest points out that there is no factual dispute as to Mission's and Southwestern's intentions to continue expansion throughout the various geographic areas covered by their franchises. Midwest contends that temporary relief is necessary to prevent this great expansion of these major market systems until resolution of the public interest questions presented. Midwest alleges that, similarly, with limited exceptions, there is no real dispute as to the regional and specific geographic areas described by it; that since respondents have not wired up all of the homes within the specific geographic areas designated, restriction to such areas, pendente lite, would not prevent normal wiring operations; and that, therefore, there is no showing by respondents that an interim stay would impair the ability of the systems to continue operations. Midwest alleges that Mission makes no claim that its viability would be impaired and that Southwestern's claim of irreparable injury assumes a total prohibition against new subscribers; Southwestern does not claim that if it were limited to new subscribers within the specific geographic areas des-

[6] Midwest had alleged, in its petition, that Mission's system in Poway had commenced operations after Feb. 15, 1966, in violation of section 74.1107 of the rules, and requested that the Commission issue a cease and desist order as to said system. On Apr. 6, 1966, after an independent inquiry, the Commission issued an order to show cause why a cease and desist order should not be issued with respect to the Poway operation. FCC 66–292, Apr. 6, 1966. On June 22, 1966, the Commission issued a cease and desist order as to Mission's Poway system. FCC 66–548.

[7] Mission submitted a map with its opposition showing the area of each franchise; the portion of each franchise receiving service prior to Feb. 15, 1966; the portion of each franchise receiving service after Feb. 15, 1966; and the portion of each franchise which was "fielded" and/or under construction as of Apr. 12, 1966.

[8] Southwestern also filed a Statement of Position which is being treated in connection with the petitions for reconsideration of the Second Report and Order.

ignated as of February 15, 1966, it would be irreparably injured.

13. Specifically, with respect to Mission, Midwest alleges that it has offered no factual information to refute the allegations of rapid line expansion; that Mission's map, in large part, confirms the boundaries specified by Midwest and, with one exception, Midwest will accept it as showing where Mission's systems were operating on February 15, 1966; that Mission's arguments regarding need for CATV service are invalid because (1) the entire public will lose if the local stations are forced off the air or required to curtail operations and (2) over 94 percent of the Los Angeles stations' programs have been, are, or will be essentially duplicated by the programing of the San Diego stations; and that irreparable injury to Mission's systems has not been demonstrated since (1) there has been no showing that Mission's systems were not viable as of February 15, 1966; (2) there has been no showing that its franchises or contracts will expire or be forfeited if interim relief is granted (Midwest points out that the franchises do not require carriage of the Los Angeles stations and that the systems could expand without restriction carrying only San Diego signals); and (3) employee layoff would occur only if respondents were ordered to halt all normal wiring and hookup of new subscribers, but this has not been requested. Mission's county-wide grandfathering argument, contends Midwest, completely ignores the meaning of paragraph 149 of the Second Report and Order.

14. Midwest alleges, in response, that Southwestern does not challenge Midwest's designation of appropriate geographic areas and that since there are thousands of residents in these areas not yet on the cable, a grant of temporary relief as to Southwestern would not halt its normal wiring activities (Southwestern claims about 900 subscribers at present). Further, Midwest alleges, Southwestern's argument as to being "grandfathered" in the entire franchised area, because it was serving 350 subscribers on February 15, 1966, completely ignores the import of the Second Report and Order; Southwestern's attempt to show that its franchised area receives Grade B signals from Los Angeles is completely inadequate from an engineering standpoint and its market survey techniques are defective and its conclusions unsupported.[9] Finally, Midwest contends that while Southwestern's allegations concerning impact relate to the short run benefits to UHF of carriage on CATV, these benefits decrease as penetration of all-channel receivers increases and that Southwestern has set forth no basis for being treated differently than the other respondents in this proceeding.[10] As to Rancho Bernardo, Midwest states that in light of the representations as to extension Midwest will not press its request for temporary relief. However, Midwest contends that no basis has been shown for dismissal of Rancho Bernardo from the proceeding; that dismissal of Rancho Bernardo would have the effect of grandfathering an area 1350 percent larger than the area in which service is presently being rendered; and that no allegation has been made that Rancho Bernardo's participation would constitute a hardship to it or cause it damage.

15. With respect to its request for permanent relief, Midwest states that the real issue is whether CATV should be allowed to import distant signals which would result in impairing the service capabilities of network stations and threaten the continued existence or commencement of UHF stations; that carriage provides only short-run benefits to UHF stations; and that same-day nonduplication is insufficient because it has little relevance to nonnetwork programs. In conclusion, Midwest requests that the Commission set the matter for hearing on the issues raised in the petition for permanent relief; that pending final disposition, the respondents be directed not to extend the Los Angeles stations' signals beyond the boundaries previously specified; and that Southwestern's motion to dismiss the petition for temporary relief and Rancho Bernardo's petition to be dismissed from the proceeding be denied.

16. We think Midwest has presented a classic case for a hearing with respect to the general issues of expansion of respondents' CATV systems throughout the San Diego market area. At paragraph 149 of the Second Report and Order (2 F.C.C. 2d 725), after stating our policy with respect to "grandfathering" the existing operations of CATV systems, we stated:

> We turn now to the question whether systems extending signals beyond their Grade B contour on February 15, 1966, into one of the top 100 markets, are to continue to add subscribers in new geographic areas. Such systems, which may recently have gone into operation without regard to the Commission's explicit notice of the pendency of the paragraph 50 proposal, may have relatively few subscribers. In view of the public interest considerations upon which our policy is based, we do not believe that such a system should be allowed to expand from a few thousand subscribers in one part or suburb of a community to the potential of hundreds of thousands throughout the entire community, until there has been resolution of the serious issues presented (in an evidentiary hearing). While there may be a disruptive factor in halting CATV growth in the particular circumstances which should, of course, be taken into account, we believe that if at all practicable, appropriate geographical areas should be delineated, with the CATV growth limited to such areas until resolution of the issues. The problem calls for case-by-case judgment in the particular community as to the feasibility of action along the foregoing lines and the appropriate geographical area or areas. Our judgment will therefore be made upon the petition, if any, of the local broadcaster(s) objecting to the geographical extension of the CATV system to new areas, and responses thereto. The petition may also request temporary relief in the event an evidentiary hearing is found to be appropriate; the Commission will determine, upon the basis of the showing and response in the particular case, whether such temporary relief is called for, and if so, its nature.

This case falls squarely within the terms of the policy stated above. There is considerable UHF activity currently under way in San Diego with KAAR(d.39) in operation until November 1965, with an application pending for educational Channel 15, with an outstanding construction permit for Channel 51 (KJOG–TV) and plans to commence operation in the near future. Several of Mission's systems, and Southwestern's system, commenced operations only some 2 to 4 months prior to the filing of the petition herein. In view of the size of the area involved (approximately 380,000 housing units in San Diego County), while the respondents' systems have relatively few subscribers, pursuant to their franchises, they have the potential for expanding throughout the entire county.

17. In this latter connection, Midwest has pointed out, and respondents have not denied, that there were on February 15, 1966, approximately 17,000 CATV subscribers in the county and within KFMB–TV's Grade A contour, of which approximately 6,500 were located in San Diego. It was further pointed out that while this constitutes only 4.6 percent of the county homes within the station's Grade A contour, there are approximately 294,000 homes in the communities within this contour in which CATV systems carrying Los Angeles signals have begun to operate and that this represents approximately 78 percent of all homes in the county within the station's Grade A contour. Approximately 90 percent of all homes in the county within the station's Grade A contour are located in areas covered by CATV franchises. Mission states that construction in unincorporated communities in San Diego County has proceeded to the point where approximately 70 percent of the populated area adjacent to metropolitan San Diego has been wired and 30 percent of the homes in the wired area have subscribed. Thus, it clearly appears that a hearing is required with respect to the overall question of whether such potential expansion in this major market is consistent with the public interest. Further, unless this expansion is appropriately limited pending resolution of the issues, within a very short period of time the systems could wire up thousands of new

[9] Midwest points out that while cable subscribers interviewed had two UHF stations available to them (Channel 28, Los Angeles, and 39, San Diego) the Los Angeles UHF is not available off the air, and the survey only proves, at most, that viewers with two available UHF stations to watch, will view UHF 1.77 times as much as viewers with one, and that, if UHF viewing by cable subscribers is divided equally between the two stations, Channel 39 is viewed 11 percent fewer times in cable homes than in noncable homes. Midwest also pointed out that the survey proved nothing as to reception quality on cable since no distinction was made between Channels 28 and 39 and it was not determined whether the noncable homes surveyed had UHF antennas.

[10] Southwestern, in its responsive pleadings, repeats its allegations that its franchise area does receive Grade B signals from Los Angeles and that its system does not degrade the signals of KFMB–TV. It also attached a supplementary economic report purporting to show that CATV carriage does help UHF generally and Channel 39 specifically.

subscribers. We have made clear in the Second Report the impracticability of withdrawing service, once established, because of its disruptive effect. We have also made clear the strong public interest considerations which should be resolved before the establishment or entrenchment of CATV substantially throughout an area such as San Diego is permitted. Accordingly, interim relief appropriately limiting further expansion until resolution of the public interest issues is called for.

18. A hearing is also appropriate here because of the number of unresolved issues present. For instance, there is disagreement as to whether some of respondents' systems are operating within the predicted Grade A contour of KFMB–TV; there is controversy as to whether some of the respondents' systems operate within the Grade B contour of some of the Los Angeles stations carried on the system (but in this respect, see also par. 19, infra.); there is a serious question as to whether respondents' systems degrade the San Diego signals carried and particularly the signals of KFMB–TV; the degree of CATV penetration of the market is contested; and, of course, there is controversy as to whether carriage on the systems will help or hurt new or prospective UHF stations in San Diego. These issues are all particularly appropriate for resolution in an evidentiary hearing. We wish to stress that, in view of the importance and novelty of the matters raised, we think considerable latitude should be afforded as to the introduction of evidence on all of these matters.

19. Some of the respondents have alleged that since their systems operate within the predicted or measured Grade B contours of the Los Angeles stations carried on their systems, the provisions of paragraph 149 of the Second Report, supra, which relate generally to extension of beyond Grade B signals, do not apply to their systems and that they may, therefore, continue to expand without hindrance. This contention, however, misconceives the main thrust of our major market policy. The Commission's primary concern with respect to CATV operations in the major markets importing distant television signals was whether such operation "may be of such nature or significance as to have an adverse economic impact upon the establishment or maintenance of UHF stations or to require these stations to face substantial competition of a patently unfair nature" (Second Report, paragraph 139). We defined "distant signals" as those signals extended or received beyond the Grade B contours of those stations. While this standard will generally encompass our main area of concern (i.e., the importation of signals not allocated to the area), it is by no means a fixed and immutable standard to which we will blindly adhere. As we pointed out in the Second Report, CATV activity which does not involve extension of a signal beyond the Grade B contour may continue, "* * * with possibly only the rarest exception * * *." (Second Report, paragraph 151). This exception involves a situation where, for instance, two major markets fall within one another's Grade B contours and the importation of signals of the stations in one market into the other would equalize the quality of the distant signals, possibly change the viewing habits of the latter community and affect the development of independent UHF stations there. Assuming, arguendo, as respondents contend, that their systems are within the predicted or measured Grade B contours of the Los Angeles stations, this is exactly the situation presented here. The Los Angeles stations are located more than 100 miles from the San Diego main Post Office and, while they may provide service to some parts of San Diego, the issue is what kind of service as compared to that of the local San Diego stations, and what is the effect on the latter of CATV which "equalizes" the technical quality of the local San Diego signals and the more than 100-mile distant Los Angeles stations. Thus, the problem is not resolved merely by a showing that the Los Angeles stations do provide Grade B signals to parts of San Diego County.

20. It is clear, therefore, that a hearing is necessary with respect to the overall question of CATV expansion in this major market and that some form of temporary relief is necessary and appropriate "before consequences possibly adverse to the public may develop." Before discussing the nature and form of the temporary relief to be prescribed, there are three matters raised by respondents which we will briefly discuss.

21. First, respondents Mission and Southwestern contend that the Commission lacks authority to furnish the temporary relief requested by Midwest, primarily on the ground that the cease and desist provisions of section 312 of the Communications Act constitute the only basis for any sort of interim action pending a hearing. However, we have determined in the Second Report that we have jurisdiction over CATV systems, and the statute gives us authority to perform "any and all acts, make such rules and regulations, and issue such orders, not inconsistent with [the] Act, as may be necessary in the execution of [our] functions." Section 4(i). See also sections 303 (f) and (r). The provisions for temporary relief in situations of this sort which are contained in §§ 74.1107 and 74.1109 of our rules constitute the exercise of such authority. Without this power to fashion our rules and orders to the practical necessities of the situation, we could not carry out the provisions of the Act. The only alternative would be to seek an immediate injunction in court in order to preserve our jurisdiction to enter an effective order after a hearing, see Federal Trade Commission v. Dean Foods Co., ____ U.S. ____, decided June 13, 1966. Such action would not permit the initial consideration of the matter by the Commission, followed by judicial review which is preferable to immediate resort to the courts on a subject warranting the primary exercise of jurisdiction by the Commission. We believe we have the authority for interim action contemplated by our rules, in view of the broad mandate of the Communications Act and the established principle that all authority of an agency need not be found in the explicit language of the statute where the agency is created to deal with a host of problems whose exact nature is unforeseen. See Public Service Commission v. Federal Power Commission, 327 F. 2d 893, 896–897 (C.A.D.C., 1964). Second, respondents Mission and Southwest contend that their systems are "grandfathered" to the limits of their franchises. We reject this position since it is totally inconsistent with the policy expressed in paragraph 149 of the Second Report (see, also, Letter to Telerama, Inc., 3 FCC 2d 585). Finally, respondents contend that a grant of temporary relief will cause them irreparable injury.[11] Mission's showing in this regard, however, is speculative, unsubstantiated, and proceeds on a mistaken understanding of the nature of the relief requested. Southwestern furnished an affidavit from a vice president of the bank which has financed, and is committed for further loans to finance, the continued operations of Southwestern's CATV system. The affidavit states, in essence, that additional loans will not be made, pendente lite, if temporary relief is granted. This statement, however, refers to a stay against extension of service to additional subscribers, and while the petition originally requested relief in those terms, Midwest subsequently revised its request for temporary relief. The affidavit also states that the bank will not advance the remainder of the funds committed unless Southwestern is legally free to continue to add subscribers in the area covered by its existing pole attachment agreements. But Southwestern has not alleged or shown that the temporary relief now requested would prevent it from adding subscribers in these areas. As Midwest pointed out, and Southwestern did not deny, since Southwestern claimed only 900 subscribers and there are thousands of residents in the specific geographical areas designated by Midwest, the temporary relief requested would not halt normal wiring activities and the addition of many new subscribers pending final disposition. This same observation also applies to Mission and, additionally, under the temporary relief requested, neither Mission nor Southwestern would be prevented from extending their systems throughout their franchise areas if they limited their operations to the carriage of the San Diego signals. Accordingly, we find that neither Mission nor Southwestern has demonstrated that they will be irreparably injured if some form of temporary relief is ordered.[12] We also specifically

[11] Midwest has withdrawn its request for temporary relief as to Rancho Bernardo.

[12] We have considered Mission's request for oral argument with respect to the issue of temporary relief and do not believe that it would serve any useful purpose. Accordingly, the request will be denied. Other arguments advanced by respondents have also been considered and rejected.

provide that if some form of irreparable injury not here shown or anticipated should develop during the pendency of the hearing, Mission and Southwestern may bring such new developments to our attention and we shall afford expedited consideration.

22. The question now is the nature and form of the temporary relief to be afforded. In its petition, and particularly the supplement thereto, Midwest specified with great particularity and precision "eight separate and discrete islands of CATV subscriber service as of February 15, 1966," alleging that these "islands" were located in recognized geographical areas in San Diego and that the islands were further circumscribed by recognizable and known geographical areas. These latter areas were also described with great precision and it was alleged that from the eight islands, as they existed on February 15, 1966, the respondents have extended and are continuing to extend their lines and service beyond the boundaries within the geographical areas which they partially occupied and, also, into new geographical areas. Midwest asks, essentially, that pending final disposition, respondents be ordered to confine delivery of Los Angeles signals to subscribers located within the geographical boundaries inside of the eight general areas which circumscribe the areas where the systems were operating on February 15, 1966.[13]

23. Neither Mission nor Southwestern has factually challenged Midwest's description and specification of the geographic areas and their boundaries. Rather, they take the position that their franchise areas constitute the appropriate geographic limitations. We have, however, rejected this contention (see par. 21, supra). Mission, with its opposition, submitted a detailed map which, in part, indicates for the entire area where systems were operating on February 15, 1966. Midwest states in its reply that the map, in large part, confirms the boundaries specified by it in its supplement and that, with one exception, Midwest will accept it as showing where Mission's systems were operating on February 15, 1966. We have also reviewed the map and compared it with the specific boundaries detailed in Midwest's supplement and it appears that, with the exception of the Chula Vista area, the parties are largely in agreement as to the boundaries of the areas where Mission was operating on February 15, 1966.

24. Accordingly, we will grant temporary relief, pending final disposition of this proceeding, in the form of an order requiring Mission to confine delivery of the Los Angeles signals carried on its systems to subscribers within those areas where Mission indicated in its map (appended as attachment G to its opposition) it was operating on February 15, 1966. We will also accept Mission's map designation with respect to the Chula Vista area: *Provided, however,* That our action with respect to Chula Vista is without prejudice to any further showing Midwest may present to support its position as to the geographic boundaries, as of February 15, 1966, of the area served by Mission's Chula Vista system. Upon an appropriate showing, we will give further consideration to Midwest's request to further restrict the Chula Vista system pending final disposition of this proceeding.

25. As to Southwestern, we have previously noted that it has not challenged Midwest's designation of the general and specific areas within which it was operating on February 15, 1966. Accordingly, we will grant temporary relief, pending final disposition of this proceeding, in the form of an order requiring Southwestern to confine delivery of the Los Angeles signals carried on its system to subscribers within those areas specified by Midwest in its supplemental petition (pars. (A)(1) and (B)(1), pp. 10 and 12, respectively, and affidavit, par. 5(1), pp. 2 and 3), appended thereto. This action will be subject to any further showing Southwestern may wish to present to show that the geographic boundaries of the area in which it was operating as of February 15, 1966, differ from these specified by Midwest. Upon an appropriate showing and request, we will give further consideration to the question of appropriate February 15, 1966, boundaries of Southwestern's systems.

26. It should be noted with respect to the temporary relief described above that both Mission and Southwestern are free to continue to construct lines and add new subscribers and to carry the Los Angeles signals within the specific geographic areas described above. As indicated, it would appear that there are substantial numbers of potential new subscribers located in those areas. Further, Mission and Southwestern may continue to expand their systems within their franchised areas so long as the expansion is confined to the carriage of the San Diego-Tijuana signals. And, finally, respondents may continue their present service to any persons who began receiving service, or who had signed and submitted an accepted subscription request, between February 15, 1966, and the date of this order. As indicated in the Second Report, we have no desire to cause disruption of existing service and we do not, in any event, believe that a roll back is either practical or necessary While we recognize that the temporary relief which we are ordering may, to some extent, discommode respondents' operations, we do not think that it will cause respondents either substantial hardship or irreparable injury. To the extent that there is some disruption of existing operations and future plans, we find that it is necessary in the public interest.

27. Accordingly, in view of the above, and pursuant to §§ 74.1109 and 74.1107 (a) and (d) of the Commission's rules:

It is ordered, That this proceeding is hereby designated for hearing, at a time and place to be specified in a further order, upon the following issues:

1. To determine the locations of trunk and feeder lines (both energized and unenergized) and the location and number of subscribers per half mile (or other comparable convenient unit of measure) of cable to respondents' respective CATV systems as of February 15, 1966, March 17, 1966, and the date of this order, and the locations of the predicted Grade A contours of the San Diego television stations and predicted Grade B contours of the Los Angeles television stations.

2. To determine whether the signals of any of the San Diego television stations are degraded on any of respondents' respective CATV systems and, if so, the cause, extent and nature thereof.

3. To determine the present actions and plans for the future of respondents with respect to the initiation of pay-TV operations based upon or in connection with their respective CATV operations.

4. To determine the present penetration of CATV service by CATV systems in the San Diego market area and the potential penetration of CATV service under conditions of unlimited expansion.

5. To determine the effects on the audiences of existing, proposed, and potential San Diego television stations of present penetration and of potential penetration under conditions of unlimited CATV expansion.

6. To determine the effects of present service and of unlimited expansion of service by CATV systems, generally, on off-the-air television service from the San Diego television stations and, particularly, on existing, proposed and potential UHF television service in the area.

7. To determine whether any conditions of future import should be placed on the present operations of respondents' CATV systems and, if so, the nature thereof.

8. To determine whether expansion of any of respondents' CATV systems should be limited and, if so, the appropriate conditions thereof.

9. To determine, in light of the foregoing, whether respondents' present or planned CATV operations are consistent with the public interest and what, if any, action should be taken by the Commission.

It is further ordered, That Midwest Television, Inc., the Chief, Broadcast Bureau, Mission Cable TV, Inc., Southwestern Cable Co., Pacific Video Cable Co., Inc., Trans-Video Corp., Rancho Bernardo Antenna Systems, Inc., and Jack O. Gross, are made parties to this proceeding.

It is further ordered, That respondents have the burden of proceeding and the burden of proof with respect to issue 1; that with respect to issue 2, petitioners have the burden of proceeding and the burden of proof; that respondents have the burden of proceeding and the burden of proof with respect to issue 3; that respondents have the burden of proceeding and the burden of proof with respect to issue 4 insofar as it relates to respond-

[13] Midwest has indicated in a subsequent pleading that it does not object to dismissing Poway Cable TV from the proceeding and that it is not pressing its request for temporary relief as to Rancho Bernardo. Accordingly, we are only concerned with framing temporary relief as to Mission's and Southwestern's systems.

ents' respective CATV systems, and that petitioner has the burden of proceeding and the burden of proof with respect to issue 4 insofar as it relates to CATV systems other than those of respondents; that petitioner has the burden of proceeding and the burden of proof with respect to issues 5 through 8.

It is further ordered, That pending the outcome of this proceeding, respondents Mission Cable Television, Inc., Southwestern Cable Co., Pacific Video Cable Co., Inc., and Trans-Video Corp. are directed to limit the operations of their respective CATV systems as set forth in paragraphs 24–26, supra.

It is further ordered, That the Motion to Dismiss filed by Poway Cable Television is granted and it is dismissed as a party to this proceeding.

It is further ordered, That the Motion to Sever and the Motion to Dismiss filed by Southwestern Cable Co. and the petition to be dismissed filed by Rancho Bernardo Antenna Systems, Inc., are denied.

It is further ordered, That the request for oral argument of Mission Cable Television, Inc., Pacific Video Cable Co., Inc., and Trans-Video Corp. is denied.

It is further ordered, That the petition filed by Midwest Television, Inc., and the supplement thereto, to the extent indicated above, is granted, and, in all other respects, is denied.

It is further ordered, That, to avail themselves of the opportunity to be heard, the parties herein, pursuant to § 1.221(e) 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 their intention to appear on the date set for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the ruling as to temporary relief shall be effective on the 3d day, not counting Saturdays, Sundays, and holidays, after the day of release of this opinion: *Provided,* That, the ruling on temporary relief shall not be effective until judicial determination of the motion for a stay in the case of any respondent which notifies the Commission within 2 days that it intends to seek judicial review and which seeks judicial review and a judicial stay within 14 days of the day of release of this opinion.

(This publication includes correction in Erratum of July 26, 1966.)

Adopted: July 20, 1966.

Released: July 25, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[14]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-8353; Filed, July 29, 1966; 8:48 a.m.]

[14] Commissioners Bartley and Loevinger dissenting and Commissioner Johnson not participating.

[Docket No. 16786; FCC 66M-1028]

MIDWEST TELEVISION, INC., ET AL.

Order Scheduling Hearing

In the matter of the petition of Midwest Television, Inc. (KFMB-TV), San Diego, Calif., for immediate temporary and for permanent relief against extensions of service of CATV systems carrying signals of Los Angeles stations into the San Diego area; Petitioner; Mission Cable TV, Inc., El Cajon, Calif.; Southwestern Cable Co., San Diego, Calif.; Pacific Video Cable Co., Inc., El Cajon, Calif.; Trans-Video Corp., El Cajon, Calif.; Rancho Bernardo Antenna Systems, Inc., La Jolla, Calif.; and Poway Cable TV, Poway, Calif.; Respondents; Docket No. 16786.

It is ordered, This 26th day of July 1966, that Chester F. Naumowicz, Jr., shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on September 27, 1966, at 10 a.m.; and that a prehearing conference shall be held on September 8, 1966, commencing at 10 a.m. *And, it is further ordered,* That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released July 27, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-8354; Filed, July 29, 1966; 8:48 a.m.]

[Docket No. 16785; FCC 66M-1031]

RICE CAPITAL BROADCASTING CO.

Order Scheduling Hearing

In re application of Barton W. Freeland, Sr., L. O. Fremaux, and Edmond M. Keim doing business as Rice Capital Broadcasting Co., Crowley, La.; Docket No. 16785, File No. BP-15130; for construction permit.

It is ordered, This 26th day of July 1966, that Charles J. Frederick shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 6, 1966, at 10 a.m.; and that a prehearing conference shall be held on September 6, 1966, commencing at 9 a.m.: *And, it is further ordered,* That all proceedings shall be held in the offices of the Commission, Washington, D.C.

Released: July 27, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-8355; Filed, July 29, 1966; 8:48 a.m.]

[Docket Nos. 16674, 16675; FCC 66M-1030]

SANTA ROSA BROADCASTING CO., INC.

Order Continuing Hearing

In the matter of revocation of license of Santa Rosa Broadcasting Co., Inc., for standard broadcasting station WSRA, Milton, Fla., Docket No. 16674; in re application of Santa Rosa Broadcasting Co., Inc., Docket No. 16675, File No. BPH-4640; for construction permit to build a new FM broadcast station at Pensacola, Fla.

Pursuant to agreement of counsel arrived at during the prehearing conference in the above-styled proceeding held on this date: *It is ordered,* This 26th day of July 1966, that the hearing previously scheduled for September 14, 1966, be and the same is hereby continued to a date to be fixed at a further prehearing conference to be held on September 14, 1966.

Released: July 27, 1966.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 66-8356; Filed, July 29, 1966; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Project 2594]

MONTANA LIGHT & POWER CO.

Notice of Application for License for Constructed Project

JULY 25, 1966.

Public notice is hereby given that application for license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by The Montana Light & Power Co. (correspondence to: Homer Crawford, Secretary, St. Regis Paper Co., 150 East 42d Street, New York, N.Y. 10017) for constructed Project No. 2594, known as Lake Creek project, located on Lake Creek, a tributary of the Kootenai River, in Lincoln County, Mont., in the region southeast of the city of Troy.

The existing project consists of: (1) A concrete gravity dam about 34 feet high and 268 feet long with (a) 5-foot high flashboards, (b) two 8-foot long spillway sections, crest about 5 feet below the top of the dam, with 27- by 8-foot sluice gates, (c) an intake structure with two 8-foot long gates; (2) a reservoir at elevation 1997.74 feet extending about three-quarters of a mile upstream with a surface area of about 52 acres, including several islands, and a usable storage of 40 acre-feet with 3 feet of drawdown; (3) woodstave flume (10-foot diameter) 1,694 feet long; (4) a forebay which connects the flume with the penstocks; (5) two steel penstocks, one of 60-inch diameter 297 feet long to powerhouse No. 1 and one of 102-inch diameter 440 feet long to powerhouse No. 2; (6) powerhouse No. 1, containing a horizontal turbine direct-connected to a 1,000 kw generator, and powerhouse No. 2, containing a vertical turbine direct-connected to a 3,500 kw generator; and (7) appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and

procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is September 14, 1966. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-8316; Filed, July 29, 1966; 8:45 a.m.]

[Docket No. CP67-12]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

JULY 25, 1966.

Take notice that on July 19, 1966, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP67-12 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of an additional daily contract quantity of 1,800 Mcf of gas to Iowa Electric Light & Power Co. (Iowa Electric), an existing customer of Applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Iowa Electric has requested of Applicant an additional daily contract quantity of 1,800 Mcf of gas commencing November 1, 1966, for resale by Iowa Electric to Monsanto Co. (Monsanto), Iowa Electric's largest industrial customer. Applicant states that Monsanto now uses natural gas, and will use the increased quantity as a raw material in the manufacture of agricultural fertilizers.

Applicant's existing service agreements with Iowa Electric on file with the Commission provide for a daily contract quantity of 40,496 Mcf of gas under Rate Schedule CD-1 and 15,793 Mcf of gas under Rate Schedule S-1. Upon the grant of the authorization herein requested, together with the increased quantities made available by order of the Commission issued on May 27, 1966, in Phase I of Docket No. CP66-169, the total peak day supply of Iowa Electric will be 62,785 Mcf of gas, of which 45,541 Mcf will be under Rate Schedule CD-1 and 17,244 Mcf, under Rate Schedule S-1.

The application states that no additional facilities will be required to make the proposed delivery.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 22, 1966.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-8317; Filed, July 29, 1966; 8:45 a.m.]

[Docket No. CP67-10]

NORTHERN NATURAL GAS CO.

Notice of Application

JULY 25, 1966.

Take notice that on July 18, 1966, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in Docket No. CP67-10 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the transportation of natural gas in interstate commerce from a gas supply area in Reeves County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate approximately 17.4 miles of 24-inch pipeline, measuring facilities and various sizes of gathering lines to enable it to transport gas purchased in the Hamon Field, located in Reeves County, Tex., from Texaco, Inc. (Texaco), to a point on Applicant's existing 24-inch pipeline near the Coyanosa processing plant located in Pecos County, Tex.

Applicant states that it has entered into a gas purchase contract with Texaco for the purchase of up to 100,000 Mcf per day from the Hamon Field where the total proved and probable reserves are estimated at over 2 trillion cubic feet, 532 billion cubic feet of which are committed to Applicant under the contract.

Pursuant to the contract with Texaco, Applicant further states that it will gather the gas and deliver it for conditioning and treatment at Texaco's proposed plant. Applicant proposes to construct various sizes of gathering lines from existing and proposed wells. The gathering lines and the 24-inch line from the Hamon Field to Coyanosa will be known as the Reeves System.

The total estimated cost of Applicant's proposed facilities is $1,786,100, which cost will be financed with cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before August 22, 1966.

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

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

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 66-8318; Filed, July 29, 1966; 8:45 a.m.]

[Docket No. RI67-10, etc.]

SKELLY OIL CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JULY 25, 1966.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

[1] Does not consolidate for hearing or dispose of the several matters herein.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before September 16, 1966.

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI67-10	Skelly Oil Co., Post Office Box 1650, Tulsa, Okla. 74102.	128	2	Lone Star Gas Co. (C. D. Smith Unit, Sholem Alechem Field, Carter County, Okla., "Other" Area).	$9,425	6-30-66	[1] 7-31-66	12-31-66	[2] 11.0	[2] 12.0	
RI67-11	Hunt Oil Co. (Operator), et al., 1401 Elm St., Dallas, Tex. 75202.	41	7	United Gas Pipe Line Co. (Castor Creek Area, Allen Parish South, Louisiana).	950	6-29-66	[3] 8- 4-66	1- 4-67	[4] [5] 22.25	[4] [5] 22.75	RI66-128.

[1] The stated effective date is the effective date requested by Respondent.
[2] Pressure base is 14.65 p.s.i.a.
[3] Pressure base is 15.025 p.s.i.a.
[4] Inclusive of 1.75 cents per Mcf tax reimbursement.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Ch. I, Pt. 2, § 2.56).

[F.R. Doc. 66-8319; Filed, July 29, 1966; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

FIRST FLORIDA BANCORPORATION

Notice of Application for Approval of Acquisition of Shares of Banks

Notice is hereby given that application has been made to the Board of Governors of the Federal Reserve System pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956, as amended by Public Law 89-485, by First Florida Bancorporation, Haines City, Fla., for prior approval of the Board of action whereby Applicant would become a bank holding company through the acquisition of 51 percent or more of the voting shares of each of the following banks: The DeSoto National Bank of Arcadia, Arcadia, Fla.; the First State Bank, Fort Meade, Fla.; State Bank of Haines City, Haines City, Fla.; Bank of Lake Alfred, Lake Alfred, Fla.; National Bank of Melbourne & Trust Co., Melbourne, Fla.; Bank of Mulberry, Mulberry, Fla.; Okeechobee County Bank, Okeechobee, Fla.; Florida State Bank of Sanford, Sanford, Fla.; The United State Bank of Seminole, Sanford, Fla.; National Bank of West Melbourne, West Melbourne, Fla.; and Bank of Zephyrhills, Zephyrhills, Fla.

Section 3(c) of the Act, as amended, provides that:

The Board shall not approve—

(1) Any acquisition or merger or consolidation under this section which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under this section whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

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

Dated at Washington, D.C., this 25th day of July 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 66-8314; Filed, July 29, 1966; 8:45 a.m.]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILES IN CATEGORY 19 PRODUCED OR MANUFACTURED IN BRAZIL

Restraint on Importation

JULY 26, 1966.

On July 26, 1966, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangements Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, informed the Government of Brazil that it was renewing for an additional 12-month period beginning July 27, 1966, and extending through July 26, 1967, the restraint on imports to the United States of cotton textiles in Category 19, produced or manufactured in Brazil.

There is published below a letter of July 25, 1966, from the Chairman, President's Cabinet Textile Advisory Committee, to the Commissioner of Customs, directing that the amounts of cotton textiles in Category 19, produced or manufactured in Brazil, which may be entered or withdrawn from warehouse for consumption in the United States, for the 12-month period beginning July 27, 1966, and extending through July 26, 1967, be limited to a designated level. This level has been adjusted from 5,250,000 square yards pursuant to an adjustment requested by the Government of Brazil.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

THE SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

WASHINGTON 25, D.C.,

July 25, 1966.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangements Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, including Article 6(c) thereof relating to nonparticipants, and in accordance with the procedures outlined in Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective July 27, 1966, and for the 12-month period extending through July 26, 1967, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textiles in Category 19, produced or manufactured in Brazil, in excess of a 12-month level of restraint of 4,871,526 square yards.

Entries of cotton textiles in Category 19, produced or manufactured in Brazil, which have been exported to the United States from Brazil prior to July 27, 1966, shall be subject to this directive since the level for the period July 27, 1965, through July 26, 1966 has been exhausted by previous entries.

A detailed description of Category 19 in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on July 7, 1966 (31 F.R. 9310).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Brazil and with respect to imports of cotton textiles and cotton textile

products from Brazil have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of section 4 of the Administrative Procedure Act. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

JOHN T. CONNOR,
Secretary of Commerce, and Chairman, President's Cabinet Textile Advisory Committee

[F.R. Doc. 66-8341; Filed, July 29, 1966; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. B-387]

ERHARD FRANK GRIFFIN

Notice of Loan Application

Erhard Frank Griffin, 19 Buchanan Street, South Portland, Maine 04106, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 30-foot wood vessel to engage in the fishery for lobsters.

Notice is hereby given pursuant to the provisions of Public Law 89-85 and Fisheries Loan Fund Procedures (50 CFR Part 250, as revised Aug. 11, 1965), and that the above entitled application is being considered by the Bureau of Commercial Fisheries, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, Bureau of Commercial Fisheries, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operations of the vessel will or will not cause such economic hardship or injury.

HAROLD E. CROWTHER,
Acting Director,
Bureau of Commercial Fisheries.

JULY 27, 1966.

[F.R. Doc. 66-8357; Filed, July 29, 1966; 8:48 a.m.]

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

KOOTENAY LAKE

Storage of Water

Notice is hereby given that on July 26, 1966, the International Joint Commission received an Application from Cominco, Ltd., Trail, British Columbia, dated July 11, 1966, for approval to store 2 feet of water in Kootenay Lake in addition to the storage approved by the Commission's Order of Approval dated November 11, 1938, such approval to be for a period of 1 storage year commencing in August 1966.

The Applicant states that the Application was prompted by a request from Kaiser Aluminum & Chemical Corp. and associated industries in the Northwest States of the United States who seek to avoid an interruption in their power supply which could occur in the event of adverse water conditions during the fall and winter of 1966-67; and the regulation proposed would also result in substantial benefits in Canada by increasing the firm energy capability of the West Arm powerplants.

Any Government or interested person may present a Statement in Response to the Commission prior or at the hearings referred to below. Such Statements in Response should set forth facts and arguments bearing on the subject matter of the Application and tending to oppose or support it in whole or in part. Fifty copies should be provided.

Notice is also given that the International Joint Commission, pursuant to its Rules of Procedure, will conduct public hearings on this matter in the Royal Canadian Legion Hall, Creston, British Columbia, on August 11, and in the American Legion Hall, Bonners Ferry, Idaho, on August 12, beginning at 10 a.m., local time.

At the hearings all interested persons will be given opportunity to present their views regarding the subject matter of the Application. Oral statements will be heard and written submissions may be filed.

Copies of the Application are available for inspection at the offices of the Commission in Washington and Ottawa and at the following places in the United States:

Office of Port Director, U.S. Customs Office, Porthill, Idaho.
Bonners Ferry Herald, Bonners Ferry, Idaho.
Office of District Engineer, U.S. Geological Survey, Jefferson Street, Boise, Idaho.

WILLIAM A. BULLARD,
Secretary, U.S. Section,
International Joint Commission.

JULY 26, 1966.

[F.R. Doc. 66-8320; Filed, July 29, 1966; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1979]

NATIONAL AVIATION CORP.

Notice of Filing of Application for Order for Exemption to Permit Purchase of Securities During an Underwriting

JULY 26, 1966.

Notice is hereby given that National Aviation Corp. ("Applicant"), 111 Broadway, New York, N.Y. 10006, a closed-end, nondiversified management investment company registered under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 10(f) of the Act for an order of the Commission exempting from the provisions of section 10(f) a proposed purchase by the Applicant at the public offering price of up to $900,000 principal amount of the Convertible Subordinated Debentures due August 1, 1986, of Piedmont Aviation, Inc. ("Debentures"). The proposed purchase is a portion of a $7,000,000 offering of Debentures expected to be offered to the public as soon as the registration statement Form S-1 of Piedmont Aviation, Inc., filed June 30, 1966, shall be made effective pursuant to section 8(a) of the Securities Act of 1933. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

The firm of Hornblower & Weeks-Hemphill Noyes, will probably be one of the principal underwriters for the issue. Howard E. Buhse, a director of Applicant and a member of the executive committee, is a partner of that firm. Section 10(f) of the Act, as here pertinent, provides that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate any security (except a security of which such company is the issuer) if a director of the registered investment company is an affiliate of a principal underwriter of such security. Since one of the Applicant's directors is an affiliated person of one of the principal underwriters offering Debentures, the purchase thereof by the Applicant is prohibited. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors.

The Applicant in support of its application asserts that the proposed purchase of Debentures is consistent with Applicant's investment objectives and policies and is not proposed for the purpose of stimulating the market in the Debentures or for the purpose of relieving the underwriters of securities otherwise unmarketable, that it will not purchase the Debentures from Hornblower & Weeks-Hemphill Noyes, that the terms of the purchase, if consummated, are fair and reasonable, and that the amount paid will not exceed 1 percent of Applicant's assets as of July 8, 1966.

Notice is further given that any interested person may, not later than August 8, 1966, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such

request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

For the Commission (pursuant to delegated authority).

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

[F.R. Doc. 66–8361; Filed, July 29, 1966; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JULY 27, 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. 40648—*Cinders from Erwinville, La.* Filed by Southwestern Freight Bureau, agent (No. B–8876), for interested rail carriers. Rates on cinders, viz: coal, clay, shale, or slate, in carloads, from Erwinville, La., to points in Mississippi on the lines of FC&G railroad.

Grounds for relief—Market competition.

Tariff—Supplement 108 to Southwestern Freight Bureau, agent, tariff ICC 4565.

FSA No. 40649—*Joint motor-rail rates—Southern Motor Carriers.* Filed by Southern Motor Carriers Rate Conference, agent (No. 159), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in southern territory; also between points in southern territory, on the one hand, and points in middle Atlantic and New England territories, on the other.

Grounds for relief—Motortruck competition.

Tariffs—Supplements 33 and 2 to Southern Motor Carriers Rate Conference, agent, tariffs MF–ICC 1351 and 1412, respectively.

FSA No. 40650—*Joint motor-rail rates—Niagara Frontier.* Filed by Niagara Frontier Tariff Bureau, Inc., agent (No. 44), for interested carriers. Rates on property moving on class and commodity rates over joint routes of applicant rail and motor carriers, between points in central states and middlewest territories, on the one hand, and points in Provinces of Ontario and Quebec, Canada, on the other.

Grounds for relief—Motortruck competition.

By the Commission.

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

[F.R. Doc. 66–8359; Filed, July 29, 1966; 8:48 a.m.]

[Notice 222]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 27, 1966.

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 30837 (Sub-No. 333 TA), filed July 25, 1966. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. 53141. Applicant's representative: Albert P. Barber (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Minute men missile trailers*, pulled by carrier's own or shipper's own truck, in initial movements, between Litchfield Park, Ariz., and Hill Air Force Base, Utah, for 150 days. Supporting shipper: Department of Defense, Military Traffic and Management, Terminal Services, Washington, D.C. Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 108 West Wells Street, Room 511, Milwaukee, Wis. 53203.

No. MC 36556 (Sub-No. 8 TA), filed July 25, 1966. Applicant: HOWARD E. BLACKMON, doing business as HOWARD BLACKMON TRUCK SERVICE, Post Office Box 186, Somers, Wis. 53171. Applicant's representative: Howard E. Blackmon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bulk, from Mentone, Ind., and points within 5 miles thereof, to points in Racine County, Wis.; and return movement of *refused or rejected shipments*, for 180 days. Supporting shipper: Hales & Hunter Co., 10 South River side Plaza, Chicago, Ill. 60606. Send protests to: W. F. Sibbald, Jr., District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 108 West Wells Street, Room 511, Milwaukee, Wis. 53203.

No. MC 64932 (Sub-No. 417 TA), filed July 20, 1966. Applicant: ROGERS CARTAGE CO., 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: David Axelrod, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, in bulk, in tank or hopper type vehicles, from Kenton, Ohio, to points in Georgia, Illinois, Indiana, Michigan, North Carolina, Tennessee, Virginia, and Wisconsin, for 150 days. Supporting shipper: Hooker Chemical Corp., Durez Plastics Division, North Tonawanda, N.Y. 14121. Send protests to: Charles J. Kudelka, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 89693 (Sub-No. 37 TA), filed July 22, 1966. Applicant: HARMS PACIFIC TRANSPORT, INC., 1430 130th Avenue NE., Mail: Post Office Box 66, Bellevue, Wash. 98004. Applicant's representative: H. E. Barker (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road oils, asphalt, and heavy fuel oils*, in bulk, from Klamath Falls, Oreg., to points in Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Tehama, Lassen, and Plumas Counties, Calif.; Washoe, Ormsby, Storey, Lyon, Humboldt, Pershing, Churchill, Douglas, Elko, Lander, Eureka, and White Pine Counties, Nev.; Klamath, Lake, Harney, and Malheur Counties, Oreg.; Owyhee, Ada, Canyon, Payette, Gem, Adams, Valley, Boise and Elmore Counties, Idaho, for 180 days. Supporting shipper: Blackline Asphalt Sales, Inc., Post Office Box 6116, Hillyard Station, Spokane, Wash. 99207. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 113175 (Sub-No. 2 TA), filed July 25, 1966. Applicant: JOE M. CROCKER, doing business as JOE CROCKER TRUCKING CO., 1801 Mesquite, Corpus Christi, Tex. 78403. Applicant's representative: Terry Crocker (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, restricted to

shipments in specially designed containers, from Corpus Christi, Tex., to points in Nueces, San Patricio, Bee, Kleberg, Jim Wells, Victoria, Refugio, and Aransas Counties, Tex., and return, for 150 days. Supporting shippers: Cartwright, Inc., 4250 24th Avenue West, Seattle, Wash. 98199; Columbia Export Packers, Inc., 2805 Columbia Street, Torrance, Calif. 90503; Garrett Household Goods Forwarding Co., Post Office Box 1649, Pocatello, Idaho 83201. Send protests to: James H. Berry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 206 Manion Building, 301 Broadway, San Antonio, Tex. 78205.

No. MC 126822 (Sub-No. 7 TA), filed July 22, 1966. Applicant: PASSAIC GRAIN & WHOLESALE CO., INC., Post Office Box 23, Passaic, Mo. Applicant's representative: Carll V. Kretsinger, 450 Professional Building, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal hides and pelts*, from Spencer, Iowa; Mount Vernon, Tex.; Fort Wayne, Ind.; Phelps City, Kansas City, and Butler, Mo.; and Oklahoma City, Okla., to points of entry on the international boundary line between the United States and Canada in Minnesota and North Dakota, for 150 days. Supporting shipper: Dominion Tanners Ltd., Jarvis Avenue at Arlington Bridge, Winnipeg, Manitoba, Canada. Send protests to: John V. Barry, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 127587 (Sub-No. 2 TA), filed July 22, 1966. Applicant: MEXICANA REEFER SERVICES, LIMITED, 880 Malkin Avenue, Post Office Box 2733, Vancouver 4, British Columbia, Canada. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Shakes and shingles*, from points in Oregon and Washington, to points in California, for 180 days. Supporting shipper: Whonnock Lumber Co., Ltd., Whonnock, British Columbia. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 127777 (Sub-No. 7 TA), filed July 22, 1966. Applicant: MOBILE HOME EXPRESS, INC., Post Office Box 253, Oak Glen Station, Lansing, Ill. 60438. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, 11 feet, 6 inches and over in width, in the initial movements, by towaway or truckaway method, from Elkhart, Ind., to points in Illinois and Wisconsin, for 150 days. Supporting shippers: Delta Homes Corp., County Road No. 3, Elkhart, Ind.; Manor Homes, Inc., 1710 Adams Street, Elkhart, Ind. Send protests to: Charles J. Kudelka, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 127827 (Sub-No. 4 TA), filed July 22, 1966. Applicant: G. C. COONER, JR., doing business as COONER TRUCK LINE, Box H Calhoun City, Miss. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, new, cartoned and uncartoned, and *rejected or damaged shipments* on return, from Aberdeen, Miss., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, for 180 days. The above service to be rendered under a continuing contract with Mastercraft Chair Co., Inc., Aberdeen, Miss. Supporting shipper: Mastercraft Chair Co., Inc., Aberdeen, Miss. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 320 Post Office Building, Jackson, Miss. 39201.

No. MC 128348 (Sub-No. 1 TA), filed July 25, 1966. Applicant: M. F. BROWNLEE, JR., Dell, Ark. 72426. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, Ark. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cotton bagging and cotton ties* in bales and bundles, from Atlanta, Ga., and Gulfport, Miss., to points in Clay, Randolph, Jackson, Lawrence, Craighead, Miss., Poinsett, Crittenden, Cross, St. Francis, Lee, Phillips, and Greene Counties, Ark., and Scott, New Madrid, Pemiscot, Stoddard, Dunklin, Miss., and Butler Counties, Mo., for 150 days. Supporting shippers: The application is supported by statements from 27 shippers which may be examined here at the Interstate Commerce Commission in Washington, D.C. Send protests to: D. R. Partney, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 128427 TA, filed July 22, 1966. Applicant: COOK INTERNATIONAL MOVERS, INC., 1845 Dale Road, Post Office Box 123, Buffalo, N.Y. 14225. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Erie and Niagara Counties, N.Y., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery service incidental to and in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such shipments, for 180 days. Supporting shippers: Davidson Forwarding Co., 3180 V Street NE., Washington, D.C. 20018; A. Driemeier Storage & Moving Co., 3614–30 Carter Avenue, St Louis, Mo. 63107. Send protests to: George M. Parker, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 121 Ellicott Street, Buffalo, N.Y. 14203.

No. MC 128428 TA, filed July 22, 1966. Applicant: LOUIS C. BRYAN and CHARLES H. McBRIDE, a partnership, doing business as LOU MAC TRANSFER, 580 Northwest 71st Street, Miami, Fla. 33130. Applicant's representative: John T. Bond, 1955 Northwest 17th Avenue, Miami, Fla. 33125. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, material and supplies* used in the installation, maintenance and repair of such equipment, having a prior or subsequent movement in Interstate Commerce, between Miami, Fla., on the one hand, and, on the other, points in Dade and Broward Counties, Fla., for 180 days. Supporting shipper: Western Electric Co., Inc., 3300 Lexington Road, Winston-Salem, N.C. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, Room 1621, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 128433 TA, filed July 25, 1966. Applicant: JOHN G. FORESTER, doing business as FORESTER'S AUTO SERVICE, 2405 Taylor Street, Chattanooga, Tenn. 37406. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Towing, checking, and spotting service for shipper-owned movable office-shop construction trailers* moving to or from job-sites, *together with tools, equipment, materials, and supplies* moving therewith, under contract with Hudson Construction Co., between points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and West Virginia, for 180 days. Supporting shipper: Hudson Construction Co., 3003 North Hickory Street, Chattanooga, Tenn. 37406. Send protests to: J. E. Gamble, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 706 U.S. Courthouse, Nashville, Tenn. 37203.

No. MC 128434 TA, filed July 25, 1966. Applicant: KENNETH SAGELY, doing business as SAGELY PRODUCE COMPANY, Highway 64–71, Van Buren, Ark. 72956. Applicant's representative: Robinson & Rogers, 629½ Main Street, Van Buren, Ark. 72956. Authority sought to operate as a *contract carrier*, by motor

vehicle, over irregular routes, transporting: *Mill feed*, from Hutchinson, Kans., to Fort Smith and Van Buren, Ark., for 180 days. Supporting shippers: O. K. Feed Mills, Inc., Fort Smith, Ark.; Farmers Co-operative, Inc., 70 South Sixth Street, Fort Smith, Ark.; Albers Feed & Farm Supply, 1100 Wheeler Avenue, Fort Smith, Ark.; Farmers Co-op, Post Office Box 307, Van Buren, Ark.; Van Buren Feed Co., Van Buren, Ark; The William Kelly Milling Co., Hutchinson, Kans. 67501. Send protests to: D. R. Partney, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 2519 Federal Office Building, Little Rock, Ark. 72201.

By the Commission.

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

[F.R. Doc. 66-8360; Filed, July 29, 1966; 8:49 a.m.]

CUMULATIVE LIST OF PARTS AFFECTED—JULY

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

3 CFR

	Page
EXECUTIVE ORDERS:	
July 7, 1910 (revoked in part by PLO 4057)	10032
June 24, 1914 (revoked in part by PLO 4048)	9601
July 10, 1919 (revoked in part by PLO 4048)	9601
April 17, 1926 (revoked in part by PLO 4048)	9601
2216 (revoked in part by PLO 4042)	9108
3195 (revoked in part by PLO 4063)	10194
3672 (revoked in part by PLO 4042)	9108
4203 (revoked in part by PLO 4055)	10032
6626 (revoked in part by PLO 4042)	9108
11230 (amended by EO 11290)	10067
11258 (superseded by EO 11288)	9261
11288	9261
11289	9265
11290	10067
11291	10175
PROCLAMATIONS:	
3732	9537
3733	9591

5 CFR

	Page
213	9043, 9271, 9408, 9539, 9740, 9775, 9994, 9995.
301	9839
335	9839
511	10311
534	10311
752	9839
2300	9408

6 CFR

	Page
310	9199

7 CFR

	Page
0	9544
28	9412
51	10069
52	10235
53	10241
54	10107
55	10107
56	10107
58	9443
70	10107
81	8043, 10107, 10311
301	9494
319	10109, 10241
330	10177
331	9544
354	9593, 10311
401	9495, 9545, 9939, 10070, 10312
403	9709
404	9709
405	9710
407	9710
408	9711
410	9711
701	9712
718	9677
722	9445
724	10071
725	9775
728	9110, 9545, 10072
751	9545, 9839
775	9840
777	9111
791	9789
811	9546, 9939
814	10109
817	9495, 9790
851	9840
908	9112, 9412, 9497, 9677, 10034, 10111, 10312.
910	9113, 9206, 9413, 9445, 9678, 9712, 9840, 10035, 10313.
911	9841
915	9044, 9678, 9790
916	9413
919	9547
921	9547, 9841
922	9413
924	10035
927	10177
931	10036
946	9044
947	9269
948	9679
958	10178
967	10111
991	9713, 10072
1001	10111
1002	9206
1004	9045
1005	9206
1008	9206
1009	9206
1011	9206
1012	9206
1013	9045, 9206
1015	10111
1031	9206
1032	9206, 9593
1033	9206
1034	9206
1035	9206
1036	9206
1038	9206
1039	9206
1040	9206
1041	9206
1043	9206
1044	9206
1045	9206
1046	9206
1047	9206
1049	9206
1051	9206
1062	9206
1063	9206
1064	9206, 9719
1065	9206
1066	9206
1068	9206
1069	9206
1070	9206
1071	9206
1073	9206
1074	9113, 9206, 10313
1075	9206
1076	9206
1078	9206
1079	9206
1090	9206
1094	9206
1096	9206
1097	9206
1098	9206, 10112
1099	9206
1101	9206
1102	9206
1103	9206
1106	9206
1108	9206
1125	9206
1126	9114, 9206
1131	9206
1132	9206
1133	9206
1136	9206
1137	9206
1138	9206
1201	9337
1421	9116, 9337, 9341, 9414, 9594, 9600, 9719, 9842, 9847, 9940, 10113, 10179.
1427	9270, 9445, 9791, 10179
1430	9497, 9791
1446	10241
1464	9679, 10113
1483	9719, 10072
1490	9208
PROPOSED RULES:	
81	9871
730	9420

7 CFR—Continued

PROPOSED RULES—Continued

7 CFR—Continued

PROPOSED RULES—Continued

8 CFR

9 CFR

PROPOSED RULES:

10 CFR

12 CFR

13 CFR

14 CFR

PROPOSED RULES:

14 CFR—Continued

PROPOSED RULES—Continued

15 CFR

16 CFR

PROPOSED RULES:

17 CFR

18 CFR

PROPOSED RULES:

19 CFR

PROPOSED RULES:

20 CFR

21 CFR

PROPOSED RULES:

22 CFR

23 CFR

24 CFR

Page

207 ... 10317
213 ... 10317
220 ... 10317
221 ... 10317
232 ... 10317
1000 ... 10318
1600 ... 9492

25 CFR

PROPOSED RULES:
255 ... 9087

26 CFR

1 ... 9199, 9454
301 ... 9731
PROPOSED RULES:
1 ... 9276, 9351, 9506, 9549, 9743, 9745, 9869, 10128.
48 ... 9086
177 ... 9869

28 CFR

42 ... 10265

29 CFR

101 ... 10029
102 ... 10029
1500 ... 9348
1601 ... 10269
PROPOSED RULES:
60 ... 9420, 9808, 9998

30 CFR

229 ... 9062

31 CFR

100 ... 9493
250 ... 9418

32 CFR

1 ... 9851
2 ... 9853
3 ... 9854
6 ... 9856
7 ... 9856
10 ... 9857
12 ... 9857
16 ... 9859
17 ... 9859
18 ... 9859
43 ... 9458, 9861
47 ... 10318
250 ... 10183
536 ... 10075
591 ... 9950
592 ... 9962
593 ... 9963
594 ... 9965
595 ... 9971
596 ... 9971
597 ... 9972
598 ... 9973
599 ... 9973
600 ... 9974
602 ... 9974
603 ... 9975
606 ... 9975
610 ... 9976
713 ... 10184
721 ... 9271
730 ... 10185
820 ... 10270
824 ... 10270
886 ... 10274
1452 ... 10029
1466 ... 10029
1809 ... 9348

33 CFR

Page

66 ... 10320
80 ... 10322
82 ... 10322
90 ... 10323
92 ... 10323
95 ... 10323
124 ... 10324
203 ... 9993
204 ... 9850, 9993
207 ... 9497
PROPOSED RULES:
84 ... 9996

36 CFR

1 ... 9062
3 ... 9107
7 ... 9062
221 ... 9417
PROPOSED RULES:
29 ... 9278

37 CFR

1 ... 9540

38 CFR

3 ... 9063, 9605, 9850, 10124
36 ... 9063

39 CFR

4 ... 9795
13 ... 9740, 10077
16 ... 9540
24 ... 9540
41 ... 9795
96 ... 9643
811 ... 9644
812 ... 9644
813 ... 9646
821 ... 9647
822 ... 9650
823 ... 9670
824 ... 9674
PROPOSED RULES:
43 ... 9871

41 CFR

1-5 ... 9216
1-16 ... 9866
4-6 ... 9497
5-2 ... 9498
5-6 ... 9498
5B-2 ... 9796
5B-7 ... 9796
5B-53 ... 9797
6-1 ... 10193
6-2 ... 10193
6-3 ... 10193
6-7 ... 10194
6-75 ... 9741
9-7 ... 9063, 10324
9-12 ... 10324
9-16 ... 10324
9-56 ... 9349
11-1 ... 9457
11-3 ... 9457
11-5 ... 9458
101-26 ... 9541, 9797
101-27 ... 9541
101-29 ... 9628, 10194
101-45 ... 9542
PROPOSED RULES:
50-201 ... 9998

42 CFR

Page

52 ... 9499
59a ... 9499
61 ... 9499
63 ... 9499
64 ... 9499
73 ... 9676

43 CFR

4 ... 9866
8 ... 9108
PUBLIC LAND ORDERS:
245 (revoked in part by PLO 4051) ... 10031
280 (revoked by PLO 4049) ... 10030
334 (revoked in part by PLO 4058) ... 10033
576 (revoked in part by PLO 4049) ... 10030
829 (revoked in part by PLO 4044) ... 9268
1779 (revoked in part by PLO 4053) ... 10031
3873 (revoked in part by PLO 4043) ... 9268
3953 (revoked in part by PLO 4056) ... 10032
4042 ... 9108
4043 ... 9268, 10194
4044 ... 9268
4045 ... 9268
4046 ... 9269
4047 ... 9269
4048 ... 9601
4049 ... 10030
4050 ... 10030
4051 ... 10031
4052 ... 10031
4053 ... 10031
4054 ... 10031
4055 ... 10032
4056 ... 10032
4057 ... 10032
4058 ... 10033
4059 ... 10033
4060 ... 10033
4061 ... 10033
4062 ... 10034
4063 ... 10194

45 CFR

801 ... 9797, 9993

46 CFR

201 ... 9867
401 ... 9064
402 ... 9067

47 CFR

0 ... 10124
1 ... 9797
2 ... 9603
25 ... 9216
73 ... 9216, 10125
81 ... 9350
83 ... 9273, 9350, 9505, 10126
85 ... 10126
87 ... 9798
89 ... 9798
91 ... 9798
93 ... 9798
97 ... 9806