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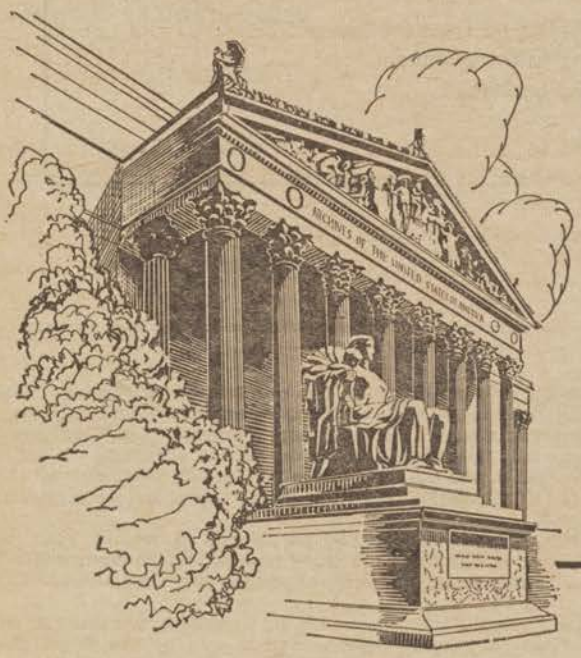

FEDERAL REGISTER

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

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that the position of Administrator, Farmer Cooperative Service, is in Schedule C. Effective on publication in the FEDERAL REGISTER, paragraph (r) is added to § 213.3313 as set out below.

§ 213.3313 Department of Agriculture.

* * * * *

(r) *Farmer Cooperative Service.* (1) Administrator.

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

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

[F.R. Doc. 66-9198; Filed, Aug. 23, 1966; 8:47 a.m.]

Title 7—AGRICULTURE

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

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

Subpart—United States Standards for Grades of Apples [1]

On June 1, 1966, a notice of proposed rule making was published in the FEDERAL REGISTER (31 F.R. 7757) regarding a proposed amendment of U.S. Standards for grades of Apples (7 CFR 51.300–51.323).

Statement of considerations leading to the amendment of the grade standards. Section 51.312 of the grade standards pertains to marking requirements and now states that closed containers of apples shall be marked to indicate numerical count or minimum diameter. This section further states that when the numerical count is not shown, the minimum diameter shall be plainly stamped, stenciled or otherwise marked on the containers in terms of whole inches, or whole inches and not less than eighth inch fractions thereof.

The notice of proposed rule making defined "minimum" as meaning that apples in containers marked to indicate minimum diameter are of the size marked or larger, with no further requirement.

The notice also proposed that when minimum diameter is marked on containers, it should be in terms of whole inches, or whole inches and not less than one-fourth inch fractions thereof, instead of eighth inch fractions as the section now provides.

Responses to the notice of proposed rule making generally favored amending the grade standards to define minimum diameter as proposed. A few dissenting industry comments were received and were given careful consideration. Officials of one State objected to the amendment on the ground that there could be a conflict with that State's marking regulations. Three other States, following a previously issued study draft, also had recommended that the present marking requirement not be changed. No comments were received from these three States following the notice of proposed rule making pertaining to this amendment. Amendment of the marking requirements section of the U.S. Standards for Grades of Apples would not relieve the industry from complying with applicable State laws or regulations. A statement to this effect is carried as a footnote in the apple standards, and in recent standards for other commodities.

There were many objections to the proposed change from eighth inch fractions to one-fourth inch fractions as applied in the marking requirements section. The industry members objecting to this proposed change indicated a definite need to retain the reference to eighth inch fractions in this section.

In view of the comments received, for the sake of better understanding, and in order to serve the needs of the apple industry as a whole, it is deemed advisable to define "minimum", or its abbreviation, when following a diameter size marking for apples, as meaning that the apples are of the size marked or larger except for the undersize tolerance contained in the standards.

Industry response to the proposal indicates the need to retain the present reference to eighth inch fractions in the marking requirements.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, § 51.312 of the U.S. Standards for Grades of Apples is hereby amended pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627).

As amended § 51.312 reads as follows:

§ 51.312 Marking requirements.

The numerical count or the minimum diameter of the apples packed in a closed container shall be indicated on the container.

(a) When the numerical count is not shown, the minimum diameter shall be plainly stamped, stenciled or otherwise marked on the container in terms of whole inches, or whole inches and not less than eighth inch fractions thereof.

(b) The word "minimum", or its abbreviation, when following a diameter size marking, means that the apples are of the size marked or larger. (See §§ 51.307 and 51.308.)

(Secs. 203, 205, 60 Stat. 1087 as amended, 1090 as amended; 7 U.S.C. 1622, 1624)

This amendment to the U.S. Standards for Grades of Apples shall become effective on October 1, 1966.

Dated: August 18, 1966.

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

[F.R. Doc. 66-9189; Filed, Aug. 23, 1966; 8:46 a.m.]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 728—WHEAT

Subpart—1967–68 Marketing Year

COUNTY ACREAGE ALLOTMENTS FOR 1967 CROP OF WHEAT

Correction

In F.R. Doc. 66-8401, appearing at page 10449 of the issue for Thursday, August 4, 1966, the following corrections should be made:

In § 728.454:

1. The entry under Minnesota for Kandiyohi County is corrected to read as follows:

Kandiyohi	7,247	25

2. The "Total to counties" entry for Washington reading "060,9272" is corrected to read "2,060,927".

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

PART 991—HOPS OF DOMESTIC PRODUCTION

Expenses of the Hop Administrative Committee and Rate of Assessment for 1966–67 Marketing Year

Notice was published in the August 5, 1966, issue of the FEDERAL REGISTER (31

F.R. 10532) regarding proposed expenses of the Hop Administrative Committee for the 1966–67 marketing year and rate of assessment for that marketing year, pursuant to §§ 991.55 and 991.56 of the Marketing Order No. 991 (31 F.R. 9713, 10072) regulating the handling of hops of domestic production effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were submitted within the prescribed time.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Hop Administrative Committee and other available information, it is found that the expenses of the Hop Administrative Committee and rate of assessment for the marketing year beginning August 1, 1966, shall be as follows:

§ 991.301 Expenses of the Hop Administrative Committee and rate of assessment for the 1966–67 marketing year.

(a) *Expenses.* Expenses in the amount of $185,500 are reasonable and likely to be incurred by the Hop Administrative Committee during the marketing year beginning August 1, 1966, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said marketing year, payable by each handler in accordance with § 991.56, is fixed at 0.0035 cent per pound of salable hops.

It is found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)) in that: (1) The relevant provisions of the marketing order require that the rate of assessment fixed for a particular marketing year shall be applicable to all salable hops handled during such year; and (2) the current marketing year began on August 1, 1966, and the rate of assessment herein fixed will automatically apply to all such hops beginning with that date.

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

Dated: August 19, 1966.

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

[F.R. Doc. 66–9190; Filed, Aug. 23, 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. D]

PART 204—RESERVES OF MEMBER BANKS

Reserve Percentages

1. Effective as to member banks in reserve cities at the opening of business on September 8, 1966, and as to all other member banks at the opening of business on September 15, 1966, § 204.5 (Supplement to Reg. D) is amended to read as follows:

§ 204.5 Supplement.

(a) *Reserve percentages.* Pursuant to the provisions of section 19 of the Federal Reserve Act and § 204.2(a) and subject to paragraph (b) of this section, the Board of Governors of the Federal Reserve System hereby prescribes the following reserve balances which each member bank of the Federal Reserve System is required to maintain on deposit with the Federal Reserve bank of its district:

(1) If not in a reserve city—

(i) 4 percent of its savings deposits, plus

(ii) 4 percent of its other time deposits up to $5 million and 6 percent of such deposits in excess of $5 million, plus

(iii) 12 percent of its net demand deposits.

(2) If in a reserve city (except as to any bank located in such a city which is permitted by the Board of Governors of the Federal Reserve System, pursuant to § 204.2(a)(2), to maintain the reserves specified in subparagraph (1) of this paragraph)—

(i) 4 percent of its savings deposits, plus

(ii) 4 percent of its other time deposits up to $5 million and 6 percent of such deposits in excess of $5 million, plus

(iii) 16½ percent of its net demand deposits.

(b) *Counting of currency and coin.* The amount of a member bank's currency and coin shall be counted as reserves in determining compliance with the reserve requirements of paragraph (a) of this section.

2a. This amendment is issued pursuant to the authority granted to the Board of Governors by section 19 of the Federal Reserve Act to change reserve requirements to prevent injurious credit expansion or contraction (12 U.S.C. 462b). The only change is to increase the reserves that must be maintained against time deposits (other than savings deposits) in excess of $5 million from 5 percent to 6 percent.

b. There was no notice and public participation with respect to this amendment as such procedure would result in delay that would be contrary to the public interest and serve no useful purpose. The effective dates were deferred for less than the 30-day period referred to in section 4(c) of the Administrative Procedure Act because the Board found that the general credit situation and the public interest compelled it to make the action effective no later than the dates adopted.

Dated at Washington, D.C., this 17th day of August 1966.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 66–9175; Filed, Aug. 23, 1966; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket C–1081]

PART 13—PROHIBITED TRADE PRACTICES

Cover Girl of Miami, Inc., and Irving Fedler

Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053–80 *Textile Fiber Products Identification Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185–80 *Textile Fiber Products Identification Act;* § 13.1212 *Formal regulatory and statutory requirements:* § 13.1845–70 *Textile Fiber Products Identification Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–70 *Textile Fiber Products Identification Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–70 *Textile Fiber Products Identification Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717, 15 U.S.C. 45, 70) [Cease and desist order, Cover Girl of Miami, Inc., et al., Miami, Fla., Docket C–1081, July 6, 1966]

In the Matter of Cover Girl of Miami, Inc., a Corporation, and Irving Fedler, Individually and as Production Manager of Said Corporation

Consent order requiring a Miami, Fla., dress manufacturer to cease misbranding and falsely guaranteeing its textile fiber products in violation of the Textile Fiber Products Identification Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Cover Girl of Miami, Inc., a corporation and its officers and Irving Fedler, individually, and as production manager of said corporate respondent, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States, of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Falsely or deceptively stamping, tagging, labeling, invoicing, advertising, or otherwise identifying such products as to the name or amount of constituent fibers contained therein.

2. Failing to affix labels to such textile fiber products showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

3. Failing to affix labels showing the respective fiber content and other required information to samples, swatches and specimens of textile fiber products subject to the aforesaid Act which are used to promote or effect sales of such textile fiber products.

B. Furnishing false guaranties that textile fiber products are not misbranded or otherwise misrepresented under the provisions of the Textile Fiber Products Identification Act.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 6, 1966.

By the Commission.

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

[F.R. Doc. 66-9176; Filed, Aug. 23, 1966; 8:45 a.m.]

PART 13—PROHIBITED TRADE PRACTICES

David Peyser Sportswear, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* § 13.30-75 *Textile Fiber Products Identification Act;* § 13.73 *Formal regulatory and statutory requirements:* § 13.73-90 *Textile Fiber Products Identification Act.* Subpart—Furnishing false guaranties: § 13.1053 *Furnishing false guaranties:* § 13.1053-80 *Textile Fiber Products Identification Act.* Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* § 13.1185-80 *Textile Fiber Products Identification Act:* § 13.1185-90 *Wool Products Labeling Act;* § 13.1212 *Formal regulatory and statutory requirements:* § 13.1212-80 *Textile Fiber Products Identification Act:* § 13.1212-90 *Wool Products Labeling Act.* Subpart—Misrepresenting oneself and goods—goods: § 13.1590 *Composition:* § 13.1590-70 *Textile Fiber Products Identification Act;* § 13.1623 *Formal regulatory and statutory requirements:* § 13.1623-90 *Wool Products Labeling Act.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845-70 *Textile Fiber Products Identification Act:* § 13.1845-80 *Wool Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-70 *Textile Fiber Products Identification Act;* § 13.1852-80 *Wool Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 72 Stat. 1717; secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 70, 68) [Cease and desist order, David Peyser Sportswear, Inc., et al., New York, N.Y., Docket C-1079, June 30, 1966]

In the Matter of David Peyser Sportswear, Inc., and Jacana Sportswear Co., Inc., Corporations, and Paul Peyser, Individually and as an Officer of the Aforesaid Corporations

Consent order requiring a New York City seller of sport jackets and coats and its manufacturing subsidiary, to cease misbranding its wool and textile fiber products, and deceptively advertising and furnishing false guaranties on such products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents David Peyser Sportswear, Inc., and Jacana Sportswear Co., Inc., corporations, and their officers, and Paul Peyser, individually and as an officer of said corporations, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution, or delivery for shipment or shipment in commerce, of wool jackets or other wool products, as "commerce" and "wool products" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

A. Misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Affixing or placing the stamp, tag, label, or mark of identification required under the said Act or the information required by said Act and the rules and regulations promulgated thereunder on wool products in such a manner as to be minimized, rendered obscure or inconspicuous or so as to be unnoticed or unseen by purchasers and purchaser consumers, when said wool products are offered or displayed for sale or sold to purchasers or the consuming public.

4. Failing to set forth respective percentages of fibers contained in the face and back of pile fabrics in such a manner as to give the ratio between the face and back of each such fabric when an election is made to separately set out the fiber content of the face and back of pile fabrics containing wool or of pile fabrics incorporated in wool products.

It is further ordered, That respondents David Peyser Sportswear, Inc., and Jacana Sportswear Co., Inc., corporations, and their officers, and Paul Peyser, individually and as an officer of said corporations and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, delivery for introduction, sale, advertising, or offering for sale, in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, of any textile fiber product, which has been advertised or offered for sale in commerce; or in connection with the sale, offering for sale, advertising, delivery, transportation, or causing to be transported, after shipment in commerce, of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Failing to affix labels to such textile fiber products showing in a clear, legible, and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Identification Act.

2. Failing to affix labels showing the respective fiber content and other required information to samples, swatches and specimens of textile fiber products subject to the aforesaid Act which are used to promote or effect sales of such textile fiber products.

3. Failing to set forth percentages of the respective fibers as they exist in the face and back of pile fabrics in such a manner as to give the ratio between the face and back of each such fabric when an election is made to separately set out the fiber content of the face and back of

such textile pile fabric or product composed thereof.

B. Falsely and deceptively advertising textile fiber products by:

1. Making any representations by disclosure or by implication of the fiber contents of any textile fiber product in any written advertisement which is used to aid, promote, or assist directly or indirectly in the sale or offering for sale of such textile fiber product unless the same information required to be shown on the stamp, tag, label, or other means of identification under section 4(b) (1) and (2) of the Textile Fiber Products Identification Act is contained in the said advertisement, except that the percentages of the fibers present in the textile fiber product need not be stated.

2. Using a fiber trademark in advertising textile fiber products containing more than one fiber without such fiber trademark appearing in the required fiber content information in immediate proximity and conjunction with the generic name of the fiber in plainly legible type or lettering of equal size and conspicuousness.

C. Furnishing false guaranties that textile fiber products are not misbranded or falsely invoiced under the provisions of the Textile Fiber Products Identification Act.

D. Failing to maintain records of fiber content of textile fiber products manufactured by them, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the regulations thereunder.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 30, 1966.

By the Commission.

[SEAL] JOSEPH N. KUZEW,
Acting Secretary.

[F.R. Doc. 66-9177; Filed, Aug. 23, 1966; 8:45 a.m.]

[Docket C-1080]

PART 13—PROHIBITED TRADE PRACTICES

Decorwood Corporation of America and D. Bernard Kirschner

Subpart—Advertising falsely or misleadingly: § 13.15 Business status, advantages, or connections: § 13.15-195 *Nature:* § 13.15-255 *Reputation, success, or standing;* § 13.50 *Dealer or seller assistance.* Subpart—Misrepresenting oneself and goods—business status, advantages or connections: § 13.1415 *Financial condition;* § 13.1490 *Nature;* § 13.1540 *Reputation, success or standing.* Subpart—Securing agents or representatives by misrepresentation: § 13.2120 *Dealer or seller assistance;* § 13.2160 *Success, history or standing;* § 13.2165 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Cease and desist order, Decorwood Corp. of America, et al., Philadelphia, Pa., Docket C-1080, July 6, 1966.]

In the Matter of Decorwood Corporation of America, a Corporation, and D. Bernard Kirschner, Individually and as an Officer of Said Corporation

Consent order requiring a Philadelphia, Pa., corporation to cease using deceptive means to recruit franchised dealer-applicators for its wall-covering material.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Decorwood Corporation of America, a corporation, and its officers, and D. Bernard Kirschner, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of wall-covering materials or any other product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. The Decorwood Corporation of America has been in existence for 45 years; or misrepresenting in any manner the period of time during which the corporate respondent or the individual respondent has been engaged in business.

2. Articles relating to the Decorwood Corporation of America or its products have appeared in American Home, The New York Times or The Philadelphia Bulletin; or misrepresenting in any manner the nature or extent of any publicity which the corporate respondent, its products, or the individual respondent may have received.

3. The Decorwood Corporation of America absorbs all costs incidental to the training of its dealer-applicators; or misrepresenting in any manner the nature or extent of any costs which are absorbed by the corporate respondent or the individual respondent.

4. The Decorwood Corporation of America engages in national advertising; or misrepresenting in any manner the nature or extent of any advertising program which the corporate respondent or the individual respondent may have undertaken.

5. All or any part of any investment or payment solicited from a dealer-applicator or any other party is secured in any manner or to any extent: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that in every instance security was in fact provided in the nature and to the extent represented.

6. All or any part of any investment or payment solicited from a dealer-applicator or any other party is refundable in any manner or to any extent: *Provided, however,* That it shall be a defense in any enforcement proceeding instituted hereunder for respondents to establish that in every instance a refund was in fact provided in the manner and to the extent represented.

7. The Decorwood Corporation of America provides direct assistance to a dealer-applicator who is forced to sell out due to sickness, moving, or other distress circumstance; or misrepresenting in any manner the nature or extent of any assistance which may be provided in connection with the resale or liquidation of distributor assets.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: July 6, 1966.

By the Commission.

[SEAL] JOSEPH N. KUZEW,
Acting Secretary,

[F.R. Doc. 66-9178; Filed, Aug. 23, 1966; 8:46 a.m.]

Title 44—PUBLIC PROPERTY AND WORKS

Chapter VIII—Office of the Secretary, Department of Commerce (Public Works Acceleration)

APPALACHIAN ASSISTANCE

Chapter VIII of Title 44 is amended by the addition of a new Subchapter B, reading as follows:

SUBCHAPTER B—APPALACHIAN ASSISTANCE

PART 803—GENERAL

Sec.
803.1 Authorization.
803.2 Availability of information.
803.3 Definitions.
803.4 Compliance with the Civil Rights Act of 1964.
803.6 Applicable labor standards.

AUTHORITY: The provisions of this Part 803 issued under secs. 214, 302, Public Law 89-4. Additional authority is cited in parentheses following the sections affected.

§ 803.1 Authorization.

The regulations in this subchapter are issued by the Secretary of Commerce in furtherance of the programs authorized and the responsibilities vested in him by sections 214 and 302 of the Appalachian Regional Development Act of 1965 (Public Law 89-4).

§ 803.2 Availability of information.

All requests for information should be made to the Office of Appalachian Assistance, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230.

§ 803.3 Definitions.

(a) *Act.* "Act" when used without further designation means the Appalachian Regional Development Act of 1965 (Public Law 89-4).

(b) *Administration.* "Administration" when used without further designation

means the Economic Development Administration.

(c) *Secretary.* "Secretary" when used without further designation means the Secretary of Commerce.

(d) *Commission.* "Commission" when used without further designation means the Appalachian Regional Commission.

(e) *Administrator.* "Administrator" when used without further designation means the Administrator for Economic Development.

(Secs. 101, 201, Public Law 89–4; secs. 601, 701, Public Law 89–136)

§ 803.4 Compliance with the Civil Rights Act of 1964.

No financial assistance shall be extended under this Act until assurances have been obtained from the recipients of the assistance that they will comply with Title VI of the Civil Rights Act of 1964 and the implementing Federal regulations.

§ 803.6 Applicable labor standards.

All laborers and mechanics employed by contractors or subcontractors on projects assisted under the Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a to 276a–5).

PART 804—SUPPLEMENTAL GRANTS-IN-AID

Sec.
804.1 General.
804.2 Eligible applicants under section 214 of the Act.
804.4 Eligible grant-in-aid programs.
804.5 Ineligible programs.
804.7 Limitation on the use of funds.
804.8 Maximum grants.
804.9 Disbursement of funds.

AUTHORITY: The provisions of this Part 804 issued under sec. 214, Public Law 89–4. Additional authority is cited in parentheses following the sections affected.

§ 804.1 General.

Section 214 of the Act authorizes the Secretary, pursuant to specific recommendations of the Commission approved by him and after consultation with appropriate Federal officials, to allocate funds to heads of departments, agencies, and instrumentalities of the Federal Government, administering grant-in-aid programs for the purpose of increasing the Federal contribution to projects under such grant-in-aid programs in the Appalachian region above the fixed maximum portion of the cost of such project otherwise authorized by the applicable law. The Secretary's functions under this section of the Act shall be performed by the Administrator for Economic Development.

§ 804.2 Eligible applicants under section 214 of the Act.

Applications for assistance under this section shall only be made by a State, a political subdivision of a State or local development district as defined in the Act.

(Sec. 303, Public Law 89–4)

§ 804.4 Eligible grant-in-aid programs.

Grant-in-aid programs, eligible for allocation of supplemental funds under section 214, are those Federal grant-in-aid programs authorized by the Act for the construction or equipment of facilities, and all other grant-in-aid programs authorized on or before March 9, 1965, for the acquisition of land and the construction or equipment of facilities.

§ 804.5 Ineligible programs.

The program for the construction of the development highway system, authorized by section 201 of the Act, or any other program relating to highway or road construction, or any other program for which loans or other Federal financial assistance is authorized by this or any other Act, except a grant-in-aid program, would not be eligible for assistance under this part.

§ 804.7 Limitation on the use of funds.

No financial assistance granted under section 214 of the Act shall be used as follows:

(a) In relocating any establishment or establishments from one area to another.

(b) To finance the cost of industrial plants, commercial facilities, machinery, working capital, or other industrial facilities or to enable plant subcontractors to undertake work theretofore performed in another area by other subcontractors or contractors.

(c) To finance the cost of facilities for the generation, transmission, or distribution of electric energy.

(d) To finance the cost of facilities for the production, transmission, or distribution of gas (natural, manufactured or mixed).

(Sec. 224, Public Law 89–4)

§ 804.8 Maximum grants.

(a) The maximum assistance which will be extended under section 214 shall be calculated by subtracting from 80 percent of the eligible project cost:

(1) The amount of all other Federal grant assistance available for such project cost, and

(2) The amount of loan assistance which may reasonably be expected to be financed from revenues produced by the facility after due allowance for operating expenses, amortization of the local share of project costs and depreciation reserves: *Provided, however,* That the application of this paragraph is not intended to reduce the maximum allowable total Federal grant assistance below 50 percent of the eligible project cost.

(b) The basic grant-in-aid assumed to be available for purposes of computing the maximum amount of a supplementary grant under section 214 of the Act, shall be that percentage of the eligible project costs established in the grant-in-aid statute or implementing Federal regulations, unless a lesser percentage is established by State plan which is applicable on a uniform basis throughout that State, in which case that lesser percentage shall be used in computing the maximum amount of any supplementary grant.

§ 804.9 Disbursement of funds.

Funds allocated under this section will be transferred to the U.S. Treasury account of the Federal agency involved, to be disbursed and accounted for by that agency in accordance with the terms of the grant agreement.

PART 805—GRANTS FOR ADMINISTRATIVE EXPENSES OF LOCAL DEVELOPMENT DISTRICTS

Sec.
805.1 General.
805.2 Recommendation by Commission.
805.5 Terms and conditions of grant agreements under section 302(a)(1) of the Act.

AUTHORITY: The provisions of this Part 805 issued under sec. 302, Public Law 89–4. Additional authority is cited in parentheses following the sections affected.

§ 805.1 General.

Section 302(a)(1) of the Act provides that the Secretary is authorized "either directly or through arrangements with the Commission, to make grants for administrative expenses to local development districts", as defined in the Act. The Secretary's functions under this section of the Act shall be performed by the Administrator for Economic Development.

§ 805.2 Recommendation by Commission.

The Administrator will make such grants only after consultation with the Commission. Final consideration by the Administrator shall be based upon the submissions of the Commission and such supplemental documentation as the Administrator may deem appropriate to the exercise of the Secretary's duties and responsibilities under the Act.

§ 805.5 Terms and conditions of grant agreements under section 302(a)(1) of the Act.

Grant assistance for administrative expenses shall be made available on the basis of a formal written offer by the Administrator and on acceptance by the local development district. Such assistance shall, among other things, and unless otherwise expressly provided, be subject to the following terms and conditions:

(a) In no event shall the grant assistance hereby made available exceed 75 percent of the total eligible administrative expenses of the grantee for the fiscal year for which such assistance is extended.

(b) Such assistance is to be used only (1) in furtherance of the program recommended by the Commission and approved by the Administrator and (2) in general conformity with the budget prepared by the grantee, recommended by the Commission, and approved by the Administrator.

(c) Where the grantee shall have claimed credit for contributions in kind to the total cost of administrative ex-

penses, the valuation of such contributions shall be subject to reevaluation by the Administrator at any time and any deficiency so determined by the Administrator shall be compensated by supplemental contributions by the grantee as a condition for further disbursements by the Government.

(d) Funds budgeted for this program shall not be used to replace or repay any financial support previously provided or assured from any other source.

(e) Funds budgeted for this program are to be used entirely for the benefit of an area which is within the Appalachian region.

(f) Funds budgeted as administrative expenses under this program may not be used to pay for capital assets as distinguished from items or amounts which may be charged as items of expense in accordance with accepted principles of accounting.

(g) Payments for travel costs, including transportation, food, and lodging incurred by personnel in the performance of their official duties while away from their regular place of duty, from funds budgeted under this program, shall be limited to such schedule of rates and allowances as may be approved by the Administrator.

(h) The grantee shall make the following quarterly reports to the Administrator, each of which is to be filed not later than the end of the month following the close of any quarter for which assistance has been extended.

(1) A quarterly financial report in form and manner satisfactory to the Administrator describing the amount and purposes of funds expended in connection with the activities of the local development district.

(2) A quarterly report in form and manner satisfactory to the Administrator describing the programs, activities, accomplishments, and planning of future programs of the local development district.

(i) The grantee will comply with the Civil Rights Act of 1964 and, as a condition to the entitlement to any funds, shall have executed an assurance as required by the Administrator pursuant to regulations published as Title 15, Subtitle A, Part 8 of the Code of Federal Regulations and issued in implementation of Title VI of the Civil Rights Act of 1964.

(j) No part of the total budgeted funds, whether in cash or in kind, shall be used, either directly or indirectly, to assist, solicit, or encourage the relocating of any establishment from one area to another or to assist, solicit, or encourage the transfer of contract or subcontract work, either of which would result in a transfer of jobs causing unemployment at the location where such work was previously performed, nor to pay any part of the compensation or expense of employees who may at any time engage in such activities for which such funds may not be used.

(k) The grantee shall keep such records as will fully disclose the amount and disposition of the total budgeted funds, the purpose or undertaking for which such funds were used and such other records as the Secretary shall prescribe. Such records shall be preserved for a period of not less than seven (7) years following their disbursement.

(l) The Administrator and the Comptroller General of the United States or any of their duly authorized representatives shall for the purpose of audit, have access to any books, documents, papers, and records which are pertinent to the grant received under this Act.

(m) Funds will be made available to the grantee on a quarter year basis in such manner as may be determined from time to time by the Secretary.

(n) The grantee shall conform the number and qualifications of its employees, and the funds to be spent therefor, to the number, qualifications and amounts set forth in its budget as recommended by the Commission and approved by the Administrator; except that this limitation shall not apply to additional employees not in any way compensated from funds included in such budget.

(o) The grantee shall comply with the terms and conditions of the Appalachian Regional Development Act of 1965 and regulations issued pursuant thereto, and all other Federal, State, and local law applicable to its undertakings and activities.

(p) The grantee shall make freely available to the general public in accordance with the provisions of section 302(d) of the Act all technical information, copyrights, uses, processes, patents, and other developments resulting from its activities.

(q) The Administrator reserves the right to suspend or terminate the financial assistance hereby offered at any time when, in his opinion, the grantee shall be in violation of the terms of the grant offer.

(r) No grants for administrative expense shall be made to a local development district for a period in excess of 3 years beginning on the date the initial grant is made to such development district.

(Sec. 224, Public Law 89–4; sec. 602, Public Law 88–352)

PART 806—RESEARCH AND DEMONSTRATION PROJECTS

Sec.

AUTHORITY: The provisions of this Part 806 issued under sec. 302, Public Law 89–4. Additional authority is cited in parentheses following the sections affected.

§ 806.1 General.

Section 302(a) of the Act provides that the Secretary is authorized "either directly or through arrangements with appropriate public or private organizations (including the Commission) to provide funds for investigation, research, studies and demonstration projects, but not for construction purposes, which will further the purposes of the Act." The Secretary's functions under this section of the Act shall be performed by the Administrator for Economic Development.

§ 806.2 Recommendation by Commission.

The Administrator will make such grants only after consultation with the Commission. Final consideration by the Administrator shall be based upon the submission of the Commission and such supplemental documentation as the Administrator may deem appropriate to the exercise of his duties and responsibilities under the Act.

§ 806.5 Assistance provided by grant or other arrangement.

Assistance under this subchapter shall ordinarily be provided by way of a grant to the Commission or other entity recommended by the Commission. In some instances, funds may be available by way of arrangements with qualified nonprofit institutions to assist in the accomplishment of an eligible project by that institution, or by contract between the Government and a qualified contractor chosen to do the actual contract work. In either case, practical terms and conditions will be imposed for the purpose of assuring that the funds are used in a manner which will conserve the interests of the Government.

(Sec. 302, Public Law 89–4)

§ 806.6 Competition among contractors.

Requests for assistance may include several competitive proposals, including cost estimates, which have been solicited from potential contractors. The Administrator will invite further proposals from potential contractors where appropriate.

§ 806.9 Terms and conditions of Federal assistance under section 302(a)(2) of the Act.

Such assistance shall, among other things, and unless otherwise expressly provided, be subject to the following terms and conditions:

(a) Recipient agrees that all technical information, copyrights, uses, processes, patents, and other developments resulting from its activities shall be made freely available to the general public in accordance with the provisions of section 302(d) of the Act.

(b) Funds will not be made available under section 302(a)(2); (1) if funds are available under any other section of the Act; (2) to pay for work performed before approval of the project for which assistance is granted; (3) for construction purposes except that the Administrator may give consideration to requests that include limited new construction or rehabilitation where it is clearly demonstrated to be essential to the carrying out of a specific research project; (4) to assist or encourage in any way the relocation of firms or job opportunities from one area to another.

(c) Where the assistance is provided by way of grant, the grantee shall establish a separate account for each grant provided by this agency, and shall keep such records as will fully disclose the amount and disposition of the total budgeted funds, the purpose or undertaking for which such funds were used and such other records as the Secretary shall prescribe. Such records shall be preserved for a period of not less than seven (7) years following their disbursement.

(d) Where funds are made available by a contract, the contractor shall agree that the Administrator and the Comptroller General or their duly authorized representative shall, until the expiration of seven (7) years after final payment under the contract, have access to and the right to examine any books, documents, papers, and records of the contractor involving transactions related to the contract.

(Sec. 302, Public Law 89–4)

In accordance with the provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it has been found that notice and hearing on the foregoing Subchapter B of Chapter VIII of Title 44 of the Code of Federal Regulations is unnecessary for the reason that all matters therein relate to agency management, personnel, loans, grants or benefits; and for the reason that because of the nature of these rules, such notice and hearing would serve no useful purpose. The provisions of Subchapter B of Chapter VIII of Title 44 are effective upon publication in the FEDERAL REGISTER.

Dated: August 18, 1966.

ROSS D. DAVIS,
Administrator for Economic Development.

Approved:

EUGENE P. FOLEY,
Assistant Secretary of Commerce and Director of Economic Development.

[F.R. Doc. 66–9194; Filed, Aug. 23, 1966; 8:47 a.m.]

Title 29—LABOR

Chapter IV—Office of Labor-Management and Welfare-Pension Reports, Department of Labor

SUBCHAPTER A—LABOR-MANAGEMENT REPORTS

PART 409—REPORTS BY SURETY COMPANIES

On January 26, 1966, notice was published in the FEDERAL REGISTER (31 F.R. 1009) of a proposal to implement section 211 of the Labor-Management Reporting and Disclosure Act (sec. 211, 79 Stat. 888) by issuing a regulation prescribing the form and manner for reporting by surety companies under that section. Interested persons were accorded 30 days from the date of publication of a proposed regulation (29 CFR Part 409) and a form for reporting by surety companies (LMSA S–1) in the FEDERAL REGISTER, to offer comments concerning the proposed regulation and form. After consideration of all relevant matter received, the regulation and Form LMSA S–1 are herewith adopted as proposed with minor amendments.

Inasmuch as the initial reports are not required except for fiscal years beginning on or after January 1, 1966, the 30-day delayed effective date provided for in section 4(c) of the Administrative Procedure Act (5 U.S.C. 1003(c)) is found to be unnecessary.

Accordingly, under the authority of section 211 (79 Stat. 888) of the Labor-Management Reporting and Disclosure Act of 1959, and Secretary's Order No. 24–63 (28 F.R. 9172), 29 CFR Chapter IV is hereby amended by adding a new Part 409 to read as follows:

Sec.
409.1 Definitions.
409.2 Annual report.
409.3 Time for filing annual report.
409.4 Personal responsibility for filing of reports.
409.5 Maintenance and retention of records.
409.6 Publication of reports required by this part.

AUTHORITY: The provisions of this Part 409 issued under section 211 (79 Stat. 888) and Secretary's Order No. 24–63 (29 F.R. 9172).

§ 409.1 Definitions.

As used in this part, the term:

(a) "Fiscal year" means the calendar year, or other period of 12 consecutive calendar months. Once reported on one basis, a change in the reporting year shall be effected only upon prior approval by the Director, Office of Labor-Management and Welfare-Pension Reports.

(b) "Corresponding principal officers" shall include any person or persons performing or authorized to perform principal executive functions corresponding to those of president and treasurer of any surety underwriting a bond for which reports are required under section 211 of the Labor-Management Reporting and Disclosure Act of 1959.

§ 409.2 Annual report.

Each surety company having in force any bond required by section 502 of the Labor-Management Reporting and Disclosure Act of 1959 or section 13 of the Welfare and Pension Plans Disclosure Act during the fiscal year, shall file with the Office of Labor-Management and Welfare-Pension Reports, U.S. Department of Labor, Washington, D.C. 20210, a report, on U.S. Department of Labor Form LMSA S–1 entitled "Surety Company Annual Report"[1] signed by the president and treasurer or corresponding principal officers, in the detail required by the instructions accompanying such form and constituting a part thereof.

§ 409.3 Time for filing annual report.

(a) Each surety company required to file an annual report by section 211 of the Labor-Management Reporting and Disclosure Act of 1959 and § 409.2 shall file such report within 150 days after the end of the fiscal year. The period of 150 days within which reports must be filed is stipulated in lieu of the statutory period of 90 days (sec. 207(b), 73 Stat. 529, 29 U.S.C. 437(b) as amended by 79 Stat. 888) pursuant to a finding under section 211 (79 Stat. 888) of the Act that information required to be reported cannot be practicably ascertained within 90 days of the end of the fiscal year.

(b) Initial reports are required for fiscal years beginning on or after January 1, 1966.

§ 409.4 Personal responsibility for filing of reports.

Each individual required to file a report under section 211 of the Labor-Management Reporting and Disclosure Act of 1959, shall be personally responsible for the filing of such reports and for the accuracy of the information contained therein.

§ 409.5 Maintenance and retention of records.

Each surety required to file any report under this part shall maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the reports filed with the Office of Labor-Management and Welfare-Pension Reports may be verified, explained or clarified and checked for accuracy and completeness, and shall keep such records available for examination for a period of not less than 5 years after the filing of the reports based on the information which they contain.

§ 409.6 Publication of reports required by this part.

Section 2.4 of this title shall govern inspection and examination of any report or other document filed as required by this part, and the furnishing by the Office of Labor-Management and Welfare-Pension Reports of copies thereof to any person requesting them.

This regulation shall take effect upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C this 17th day of August 1966.

JAMES J. REYNOLDS,
Labor-Management Services Administrator.

[F.R. Doc. 66–9179; Filed, Aug. 23, 1966; 8:46 a.m.]

SUBCHAPTER B—WELFARE-PENSION REPORTS

PART 461—CERTIFICATION OF INFORMATION BY INSURANCE CARRIERS OR SERVICE OR OTHER ORGANIZATIONS

Miscellaneous Amendments

Section 7 of the Welfare and Pension Plans Disclosure Act (72 Stat. 1000, 76 Stat. 36, 37; 29 U.S.C. 306) provides that if some of the benefits under a welfare or pension plan are provided by an insurance carrier or service or other organization, the organization shall certify

[1] Filed as part of the original document.

to the administrator of the plan certain information determined by the Secretary of Labor to be necessary to enable the administrator to comply with the reporting requirements of the Act.

Heretofore, it has been required that such certifications must be signed by either the president, vice president, secretary-treasurer or corresponding principal officer of the certifying organization, and that such certifications should be made for plans covering fewer than 100 participants even though such plans normally need not file an annual financial report. Experience subsequent to the passage of the Act indicates that the signature requirement is unnecessarily burdensome on the affected organizations and that the certification requirement serves no useful purpose unless it is determined that a plan having fewer than 100 participants must file an annual financial report.

It is, therefore, the purpose, in part, of this amendment to permit a duly authorized officer of an insurance carrier or similar organization to sign certifications instead of the President, Vice President, Secretary-Treasurer or corresponding principal officer and to obviate the need for certifying information where a plan covers fewer than 100 participants unless it is determined that such a plan must file an annual financial report.

Further, a revised form (Form D–2) for reporting by welfare and pension plans has been adopted and the former exhibits comprising part of the form, exhibits A–1, A–2, and A–3, have been replaced by portions of Part III of the Form D–2. Consequently adjustments are required in this Part 461 to refer to Part III of the D–2 in lieu of exhibits A–1, A–2, and A–3, but also to permit use of the old exhibits A–1, A–2, and A–3 by insurance carriers or service or other organizations whose policy years end on or before December 30, 1966, in order that such organizations may have a year's advance notice as to the type and detail of information in Part III required to be certified to plan administrators in order to maintain records on this basis.

Good cause is found to omit notice and public procedure ordinarily required by section 4(a) of the Administrative Procedure Act (5 U.S.C. 1003(a)). Because the amendments herein are technical in character, or one less burdensome to insurance carriers or service or other organizations, notice and public procedure are found to be unnecessary. Further, inasmuch as the amendments provided herein grant wider latitude in certifications, a delayed effective date otherwise required by section 4(c) of the Administrative Procedure Act (5 U.S.C. 1003(c)), is found to be unnecessary.

Accordingly, under sections 5 and 7 of the Welfare and Pension Plans Disclosure Act (72 Stat. 999, 1000, 76 Stat. 36, 37; 29 U.S.C. 304, 306; Secretary's Order No. 24–63 (29 F.R. 9172)), 29 CFR Part 461 is hereby amended as follows:

1. Section 461.2 is hereby amended to read as follows:

§ 461.2 Information to be certified.

The information required to be certified by the carrier to a plan administrator shall be that which is specified in section 7(d)(2) of the Act. However, in the case of an employee pension benefit plan, the information specified in section 7(f)(2) of the Act shall also be included. In cases of multiemployer plans where employers pay their premiums directly to the carrier, a detailed schedule showing the amounts contributed by each employer, as required by section 7(b) of the Act, shall be included.

2. Section 461.4 is hereby amended to read as follows:

§ 461.4 Form for certification.

(a) The carrier shall certify information in such detail as required by the Form D–2, as amended, effective January 1, 1966, and the instructions relating thereto. The transmission to a plan administrator of the applicable portion(s) of Part III of the U.S. Department of Labor Form D–2 (revised 1965) properly completed and certified shall meet the requirements of section 7(g) of the Act and § 461.2. Notwithstanding the foregoing, the use of the applicable exhibits A–1, A–2, and/or A–3 of the U.S. Department of Labor Form D–2 (January 1959) shall meet the requirements of section 7(g) of the Act and § 461.2, and the submission of such exhibits in the annual report by the plan administrator is hereby authorized, provided that the policy year for which such information is certified ends on or before December 30, 1966.

(b) U.S. Department of Labor Form D–2 (revised 1965) may be obtained from the Office of Labor-Management and Welfare-Pension Reports, U.S. Department of Labor, Washington, D.C. 20210 or from any of its field offices. Reproduction of such form or any portion(s) thereof is authorized.

3. Section 461.5 is hereby amended to read as follows:

§ 461.5 Certification.

Any document containing the information required by this part to be certified to a plan administrator shall be signed by a duly authorized officer of the carrier.

4. A new § 461.7 is hereby added as follows:

§ 461.7 Certification to plans covering less than 100 participants.

Should the Secretary require an annual financial report for a plan covering fewer than 100 participants, pursuant to authority under section 7(a) of the Act, any carrier providing benefits under such plan shall certify the information as required in this part to the plan administrator within 120 days after the end of the calendar, policy, or other fiscal year on which the annual report of the plan is based, or within 30 days after notification that an annual report is to be required of such plan, whichever is later.

This amendment shall take effect upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 17th day of August 1966.

JAMES J. REYNOLDS,
Labor-Management Services Administrator.

[F.R. Doc. 66–9180; Filed, Aug. 23, 1966; 8:46 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

SUBCHAPTER B—LAND TENURE MANAGEMENT (2000)

[Circular 2210]

PART 2220—GRANTS

Subpart 2221—Scrip

SATISFACTION OF SCRIP

On page 6985 of the FEDERAL REGISTER of May 12, 1966, there were published a notice and text of a proposed amendment to implement the provisions of the Act of August 31, 1964 (78 Stat. 751), by providing procedures for the satisfaction of scrip.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. Three communications were received and carefully considered. It was determined that the comments provide no basis for change in the regulations. The proposed regulations contained provisions relating to the filing of applications prior to and after July 1, 1966. The second sentence of § 2221.2–1(a), which relates to the filing of applications prior to July 1, 1966, is deleted, as is the reference to that date in § 2221.2–1(b). The proposed amendment is hereby adopted with these deletions and is set forth below. This amendment shall become effective on the date of publication in the FEDERAL REGISTER.

AUGUST 18, 1966.

STEWART L. UDALL,
Secretary of the Interior.

1. Sections 2221.01, 2221.02, 2221.05, 2221.06, 2221.07, and 2221.08 are added to the regulations to read as follows:

§ 2221.01 Purpose.

The purpose of the regulations in this subpart is to provide procedures for the orderly satisfaction and retirement of outstanding valid scrip, lieu selection, and similar rights, consistent with the public land laws governing such rights, including the Act of August 31, 1964 (78 Stat. 751). This Act provides that all claims and holdings recorded under the Act of August 5, 1955 (69 Stat. 534, 535) which are not satisfied by methods provided by the Act shall become null and void January 1, 1970, except for soldiers'

additional homestead claims which shall become null and void on January 1, 1975.

§ 2221.02 Objectives.

The program of the Secretary of the Interior is to encourage the early satisfaction of all outstanding valid scrip consistent with the Act of August 31, 1964.

§ 2221.05 Definitions.

For the purposes of this subpart:

(a) "Claim" means all valid and unsatisfied claims and holdings recorded under the Act of August 5, 1955 (69 Stat. 534, 535).

(b) "Value" means fair market value, as determined by the Secretary or his delegate.

§ 2221.06 Validity.

No transaction for the satisfaction of a claim, whether by cash or conveyance of land, shall be consummated unless and until the authorized officer determines that the scrip is valid.

§ 2221.07 Classification.

(a) When lands are classified pursuant to section 3 of the Act of August 31, 1964, for satisfaction of scrip, the classification order will specify the type or types of claims which may be exchanged for the classified lands.

(b) Unless sooner terminated by the authorized officer, any classification, pursuant to section 3 of the Act of August 31, 1964, will terminate on December 31, 1969, except that classification of land for soldiers' additional homestead claims will terminate December 31, 1974.

(c) Land and interests in land may be classified for satisfaction of claims only if they are suitable for claim satisfaction under the terms of the authority establishing the claim and under the provisions of other applicable laws.

(d) Lands classified for the satisfaction of claims will be segregated from all appropriations, including locations under the mining laws, except as provided in the order of classification or in any modification or revision thereof.

(e) In satisfaction of applications filed on and after July 1, 1966, each claimant is entitled to receive land in tracts having a value per acre no less than the following:

(1) For soldiers' additional homestead, Isaac Crow and Merritt W. Blair claims, $250;

(2) For Valentine, Sioux Half Breed, Wyandotte, Porterfield, Gerard, McKee, and railroad lieu selection claims, $1,270;

(3) For forest lieu selection claims, $275.

(f) Hereafter, no tract of land will be classified as suitable for disposition in satisfaction for claims if the value per acre of the tract exceeds the following:

(1) For soldiers' additional homestead, Isaac Crow and Merritt W. Blair claims, $275;

(2) For Valentine, Sioux Half Breed, Wyandotte, Porterfield, Gerard, McKee, and railroad lieu selection claims, $1,400;

(3) For forest lieu selection claims, $300.

(g) Claimants may submit recommendations of areas to be classified for satisfaction of claims, specifying the type of claim for which the land should be classified. Recommendations should be sent to the State Director, Bureau of Land Management, of the State in which the recommended lands are located (see § 1821.2–1 of this chapter).

2. Section 2221.2 is revised in its entirety to read as follows:

§ 2221.2 Procedures to satisfy scrip.

§ 2221.2–1 Application.

(a) Every application to satisfy a claim must be made on a form approved by the Director, properly executed.

(b) Applications to satisfy claims by the conveyance of public lands will not be accepted, will not be considered as filed, and will be returned to the applicant unless the lands sought have previously been classified as suitable for satisfaction of claims.

(c) If all else is regular the application first received for a tract of land will be entitled to priority, whether delivery was by mail or otherwise. Where applications are received simultaneously, a drawing will be held to determine priority, except that where applications are received simultaneously through the mails, the one bearing the earliest postmark is entitled to priority.

(d) All applications filed pursuant to this section must be accompanied by an application service fee of $10, which will not be returnable.

§ 2221.2–2 Offers of land by Bureau of Land Management.

(a) After classification of land pursuant to section 3 of the Act of August 31, 1964, the authorized officer will, by certified mail, offer each claimant sufficient land to satisfy his claim, from among the lands classified as suitable for satisfaction of the type of claim he holds.

(b) Notice of acceptance of an offer must be submitted to the State Director, Bureau of Land Management, of the State within which the offered land is located, within 60 days of the date the offer was mailed.

§ 2221.2–3 Election to receive cash.

(a) Any time up to and including December 31, 1969, or in the case of soldiers' additional homestead claims, December 31, 1974, a claimant may elect, by written notice to the Director, Bureau of Land Management, to receive cash instead of land in satisfaction of his claim.

(b) Payments will be made at a rate equal to the value per acre of the lands offered under section 4 of the Act of August 31, 1964, for claims of the type being satisfied.

§ 2221.2–4 Notice; publication; proof.

Applicants for land in satisfaction of scrip will be required upon demand to publish once a week for four consecutive weeks in accordance with § 1824.4 of this chapter, at their expense, in a designated newspaper and in a designated form, a notice informing all interested persons of the opportunity to file in the appropriate office their objections to the use of such land in satisfaction of claims. A protestant must serve on the applicant a copy of the objections and furnish evidence of such service. Proof of publication must be filed in accordance with § 1824.9–3 of this chapter.

[F.R. Doc. 66–9185; Filed, Aug. 23, 1966; 8:46 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte 243]

PART 91—LOCOMOTIVE INSPECTION

Miscellaneous Amendments

AUGUST 17, 1966.

Order. It is the order of the examiner that the Commission's rules and instructions for inspection and testing of locomotives other than steam, be and they are hereby, amended or deleted, as shown below which has been set up for codification in the Code of Federal Regulations.

It is the further order of the examiner that the request of the Association of American Railroads for amendments to Rules 254, 256(b), the 91-day inspection provision in proposed Rule 265, boiler rules in the 300 series, and a steam generator inspection code, be and they are hereby, denied.

And it is the further order of the examiner that in the absence of a stay or postponement by the Commission or the timely filing of exceptions the effective date of this order shall be 60 days from the date of service thereof.

And it is the further order of the examiner that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Albert E. Luttrell, Hearing Examiner.

Dated at Washington, D.C., this 9th day of August A.D. 1966.

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

Subpart C—Other than Steam Locomotives and Appurtenances

§ 91.201 Locomotive unit.

* * * * *

(b) *Marking front.* The letter "F" shall be legibly shown on each side of every locomotive unit near the end, which, for identification purposes, will be known as the front end. The unit number, will be known as the front end. The unit number shall be legibly shown on each side of every locomotive unit and shall be shown on the specification card, Form No. 4–A.

* * * * *

BRAKE EQUIPMENT: AIR BRAKES

§ 91.206 Main reservoir tests.

* * * * *

(c) *Telltale holes.* Each main reservoir hereafter put into service shall be drilled over its entire surface with telltale holes, made by a standard 3/16 inch drill, which holes shall be spaced approximately twelve inches apart, measured both longitudinally and circumferentially, and drilled from the outer surface to an extreme depth determined by the formula

$$D=\frac{.6PR}{S-0.6P}$$

where D=extreme depth of telltale holes; P=certified working pressure; S=1/5 minimum specified tensile strength of material; and R=inside radius of reservoir, but in no case less than 1/16 inch. One row of holes shall be drilled lengthwise of the reservoir on a line intersecting the drain opening. No reservoir so drilled shall be subjected to the requirement of paragraphs (a) or (b) of this section except the requirements for hydrostatic test before being put in service. Whenever any such telltale hole shall have penetrated the interior of any such reservoir, the reservoir shall be permanently withdrawn from service. At the option of the carrier, such drilling may be applied to any reservoir now in service, in lieu of the tests provided for by paragraphs (a) and (b) of this section.

NOTE: This paragraph (c) applies only to welded reservoirs originally constructed to withstand at least five times the maximum working pressure fixed by the chief mechanical officer of the railroad desiring to come within the terms of such paragraph, as evidenced by a manufacturer's certificate to that effect filed with the Commission.

§ 91.208 Cleaning.

(a) The filtering devices or dirt collectors located in the main reservoir supply line to the air brake system must be cleaned, repaired, or replaced as often as conditions require to maintain them properly in a safe and suitable condition for service, and not less frequently than once each 6-month period.

(b) Brake cylinder relay valve portions, main reservoir safety valves, brake pipe vent valve portions, and feed and reducing valve portions in the air brake system (including related dirt collectors and filters) must be cleaned, repaired, and tested as often as conditions require to maintain them properly in a safe and suitable condition for service, and not less frequently than once each 12-month period.

(c) All other valves and valve portions in the air brake system (including related dirt collectors and filters) the function of which is to apply or release the air brakes, must be cleaned, repaired, and tested as often as conditions require to maintain them properly in a safe and suitable condition for service, and not less frequently than once each 24-month period.

(d) The date of testing or cleaning, and the initials of the shop or station at which the work is done, shall be legibly stenciled in a conspicuous place on the parts, or placed on a card displayed under transparent cover in the cab of each locomotive unit.

DRAWGEAR BETWEEN LOCOMOTIVE UNITS, CONNECTIONS BETWEEN TRUCKS AND DRAFTGEAR

§ 91.212 General provisions.

* * * * *

(c) *Removal of drawbars and pins.* Lost motion in drawbars and pins when used between units or trucks shall not exceed one-half inch at each pin, and shall be checked by tramming.

(d) *Articulated connections.* Lost motion in articulated connections when used between units or trucks shall not exceed one-half inch at each pin, and shall be checked by tramming.

* * * * *

ELECTRICAL EQUIPMENT

§ 91.247 Jumpers; cable connections.

* * * * *

(b) *Tests; record.* Cable connections between units and jumpers that carry current having a potential of 600 volts or more shall be thoroughly cleaned, inspected, and tested as often as conditions require to maintain them in safe and suitable condition for service, but not less frequently than at the times of the quarterly inspections, by immersing the cable portion in water and subjecting each conductor with another, and with the water, to a difference in potential of not less than one and three-fourths times the normal working voltage for not less than 1 minute. Date and place on inspection and test shall be legibly marked on the jumper or cable or on a tag securely attached thereto.

* * * * *

PERIODICAL REPORTS

§ 91.264 Locomotive assignment lists.

Where locomotive units are transferred from one Federal inspection district to another Federal inspection district, an assignment list of locomotive units shall be supplied to each such U.S. inspector at least once every 3 months, showing the unit numbers assigned to their respective districts, and the reports required by §§ 91.265 and 91.266 shall be sent to the inspector on whose list the unit numbers are shown.

§ 91.265 Monthly locomotive unit inspection and report.

Not less than once every month a report shall be made on Form 1–A, covering each locomotive unit in use, which shall show the condition of the unit as determined by an inspection made in accordance with the law and the rules and instructions in this part. The report shall be prepared in triplicate, on a good grade of blue paper, size 6 x 9 inches, and subscribed and sworn to, before an officer authorized to administer oaths, by the inspectors who made the inspection, and by the officer in charge. One copy of the report shall be displayed under transparent cover at an appropriate place on the unit. One copy of the report shall be retained in the files of the railroad, and one copy shall be transmitted within 10 days after the inspection to the U.S. District Inspector. The railroad may perform the inspection required by this section within the 5 days next following the expiration of the monthly period, if conditions beyond the control of the railroad render such additional time necessary; and in that event proper notation shall be made on the reverse of the report on Form 1–A.

§ 91.266 Out-of-Service Report.

When a unit is withheld from service for periods of 30 or more consecutive days, such out-of-service time shall be totaled and recorded. The interval prescribed for any particular test or inspection required by the rules in this part may then be extended by the number of such out-of-service days recorded since the date of the last previous test or inspection. An out-of-service report covering the unit shall be made on the reverse of Form 1–A, on each date on which an inspection or test would have been due except for the extension. This report shall be transmitted within 10 days to the U.S. District Inspector. If the unit is out of service on the date when an inspection or test is due under the rules in this part, or any date to which such inspection or test is extended, the test or inspection need not be performed until the unit is returned to service.

§ 91.267 Final report.

When a locomotive unit is permanently retired from service a final report shall be filed with the U.S. District Inspector. This report shall be dated and signed and shall show the name of the railroad and number of the unit, whether same is scrapped or sold and, if sold, the name of the purchaser. This report when filed will close the record for the locomotive unit.

§ 91.330 [Deleted].

§ 91.331 [Deleted].

§ 91.334 [Deleted].

[F.R. Doc. 66–9206; Filed, Aug. 23, 1966; 8:48 a.m.]

PART 150—CORPORATE HISTORY: AIDS, GIFTS, GRANTS, AND DONATIONS

Reporting

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 5th day of August 1966.

Having under consideration the regulations for the reporting of corporate history and aids, gifts, grants, and donations by railroads for valuation purposes pursuant to the provisions of section 19a of the Interstate Commerce Act, as amended; and,

It appearing, the changes herein consisting of technical amendments to relieve the regulations of obsolete reporting requirements so that public rule making procedures pursuant to section

4 of the Administrative Procedure Act are deemed unnecessary, and for good cause shown;

It is ordered, That Part 150 of Chapter I of Title 49 of the Code of Federal Regulations is revoked,

It is further ordered, That this order shall become effective 30 days after its publication in the FEDERAL REGISTER,

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy hereof in the Office of the Secretary of the Commission at Washington, D.C. and by filing a copy with the Director, Office of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply 37 Stat. 701, as amended; 49 U.S.C. 19a)

By the Commission, Division 2.

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

[F.R. Doc. 66-9207; Filed, Aug. 23, 1966; 8:48 a.m.]

PART 151—LAND SCHEDULES AND INDUSTRIAL TRACKS

Reporting

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 5th day of August 1966.

Having under consideration the regulations for the reporting of land and industrial tracks by railroads for valuation purposes pursuant to the provisions of section 19a of the Interstate Commerce Act, as amended; and,

It appearing, the changes herein consisting of technical amendments to relieve the regulations of obsolete reporting requirements so that public rule making procedures pursuant to section 4 of the Administrative Procedure Act are deemed unnecessary, and for good cause shown;

It is ordered, That Part 151 of Chapter I of Title 49 of the Code of Federal Regulations is revoked,

It is further ordered, That this order shall become effective 30 days after its publication in the FEDERAL REGISTER.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy hereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply 37 Stat. 701, as amended; 49 U.S.C. 19a)

By the Commission, Division 2.

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

[F.R. Doc. 66-9208; Filed, Aug. 23, 1966; 8:49 a.m.]

PART 153—REGISTER OF EQUIPMENT AND ORIGINAL COST FORMS

Reporting

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 5th day of August 1966.

Having under consideration the regulations for the reporting of equipment and machinery by railroads for valuation purposes pursuant to the provisions of section 19a of the Interstate Commerce Act, as amended; and,

It appearing, the changes herein consisting of technical amendments to relieve the regulations of obsolete reporting requirements so that public rulemaking procedures pursuant to section 4 of the Administrative Procedure Act are deemed unnecessary, and for good cause shown;

It is ordered, That Part 153 of Chapter I of Title 49 of the Code of Federal Regulations is revoked,

It is further ordered, That this order shall become effective 30 days after its publication in the FEDERAL REGISTER,

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy hereof in the Office of the Secretary of the Commission at Washington, D.C. and by filing a copy with the Director, Office of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply 37 Stat. 701, as amended; 49 U.S.C. 19a)

By the Commission, Division 2.

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

[F.R. Doc. 66-9209; Filed, Aug. 23, 1966; 8:49 a.m.]

PART 155—UNIFORM SYSTEM OF RECORDS AND REPORTS OF PROPERTY CHANGES; COMMON CARRIERS

Recording and Reporting

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 5th day of August 1966.

Having under consideration the regulations for the recording and reporting of property changes by railroads for valuation purposes pursuant to the provisions of section 19a of the Interstate Commerce Act, as amended; and,

It appearing, the changes herein consisting of technical amendments to relieve the regulations of obsolete reporting requirements so that public rule making procedures pursuant to section 4 of the Administrative Procedure Act are deemed unnecessary, and for good cause shown:

It is ordered, That Part 155 of Chapter I of Title 49 of the Code of Federal Regulations be amended by revoking §§ 155.19, 155.20 and 155.22,

It is further ordered, That this order shall become effective 30 days after its publication in the FEDERAL REGISTER,

And it is further ordered, That service be made on all carriers by railroad which are affected hereby and that notice of this order shall be given to the general public by depositing a copy hereof in the Office of the Secretary of the Commission at Washington, D.C. and by filing a copy with the Director, Office of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply 37 Stat. 701, as amended; 49 U.S.C. 19a)

By the Commission, Division 2.

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

[F.R. Doc. 66-9210; Filed, Aug. 23, 1966; 8:49 a.m.]

PART 157—INVENTORY OF RECORDS

Reporting

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 5th day of August

Having under consideration the regulations for the reporting of inventory of records by railroads for valuation purposes pursuant to the provisions of section 19a of the Interstate Commerce Act, as amended; and,

It appearing, the changes herein consisting of technical amendments to relieve the regulations of obsolete reporting requirements so that public rule making procedures pursuant to section 4 of the Administrative Procedure Act are deemed unnecessary, and for good cause shown;

It is ordered, That Part 157 of Chapter I of Title 49 of the Code of Federal Regulations is revoked,

It is further ordered, That this order shall become effective 30 days after its publication in the FEDERAL REGISTER,

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy hereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U.S.C. 12. Interpret or apply 37 Stat. 701, as amended; 49 U.S.C. 19a)

By the Commission, Division 2.

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

[F.R. Doc. 66-9211; Filed, Aug. 23, 1966; 8:49 a.m.]

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLES

[34626]

PART 203—DESTRUCTION OF RECORDS OF MOTOR CARRIERS AND BROKERS

Miscellaneous Amendments

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 28th day of July 1966.

The Commission having under consideration the matter of regulations governing the destruction of records of carriers by motor vehicles pursuant to the Interstate Commerce Act, as amended; and

It appearing, that since these technical changes provide relaxation, or clarifica-

tion of the regulations, public rule making procedures pursuant to section 4 of the Administrative Procedure Act are deemed unnecessary, and for good cause shown;

It is ordered, That effective sixty (60) days after publication in the FEDERAL REGISTER, Chapter I of Title 49 of the Code of Federal Regulations is amended as follows:

1. In the table of sections for Part 203, Subpart A, the title for § 203.1 is revised by changing "Introduction" to read "Class I Motor Carriers", and a new section title reading "§ 203.10 Class II Motor Carriers" is added as the last item in Subpart A.

2. Section 203.1 is revised to read as follows:

§ 203.8 Prescribed periods of retention.

* * * * * * *

3. Section 203.8 Item 49 is revised to read as follows:

* * * * * * *

49 Freight bills:	
(a) Origin station copy	Optional.
(b) Delivery receipt, records of and receipt for delivery of freight to consignees and connecting carriers:	
(1) Bus express freight bills providing no claim has been filed.	1 year.
(2) All other freight bills	3 years.
(c) Settlement copy receivable, paid copy of freight bill retained by carrier to support the receipt of freight charges:	
(1) Bus express freight bills providing no claim has been filed.	1 year.
(2) All other freight bills	3 years.
(d) Settlement copy payable, paid copy of freight bill retained by carrier to support payment of freight charges to other carriers:	
(1) Bus express freight bills providing no claim has been filed.	1 year.
(2) All other freight bills	3 years.
(e) Unsettled copy, records of unsettled freight bills, freight bills in suspense and supporting papers.	1 year after settlement or other final disposition.
(f) All other copies (see item 121)	Optional.

NOTE: A freight bill is a document which shows shipper, consignee, origin of shipment and destination, number of pieces, description of the commodity, weight, rate, freight and any other connecting carrier involved in the transportation of the shipment and shows the total charges to be paid by the customer.

* * * * * * *

4. Add a new § 203.10 in Subpart A to read as follows:

§ 203.10 Class II motor carriers.

Class II motor carriers (as defined in § 181.02–1 and Part 182, Instruction 1, of this chapter) shall maintain their records and documents in accordance with the following:

(a) Motor carriers of property shall comply with the regulations governing Class I motor carriers as prescribed in §§ 203.1 through 203.8.

(b) Motor carriers of passengers shall comply with the regulations governing Class III motor carriers as prescribed in §§ 203.20 through 203.22.

5. In § 203.20 the first sentence in paragraph (a) is amended by changing "regulations covering" to read "records of".

6. In § 203.20 paragraph (b) is revised to read as follows:

§ 203.20 Period of retention.

* * * * *

§ 203.1 Class I Motor Carriers.

Regulations pertaining to the maintenance, and destruction, of records and documents for Class I motor carriers (as defined in § 181.02–1 and Part 182, Instruction 1, of this chapter) are provided in §§ 203.2 through 203.8. Mention of a record or document hereinafter imposes no requirements that such record shall be installed if its purpose is otherwise being adequately served. Nothing contained in the regulations in this part shall be construed to excuse noncompliance with requirements of any other governmental body, Federal or State, prescribing longer retention periods for any category of records.

(b) *Other documents.* Drivers' logs shall be preserved for 1 year as prescribed in Part 195 of this chapter. All other accounts, records, memoranda, documents, papers, and correspondence shall be preserved for a period of 3 years, or the period prescribed under § 203.8, whichever is less. Nothing contained in the regulations in this part shall be construed to excuse noncompliance with requirements of any other governmental body, Federal or State, prescribing longer retention periods for any category of records.

§ 203.21 [Amended]

7. The beginning part of § 203.21 is amended by changing, "Any motor carrier other than a Class I and Class II motor carrier * * *" to "Any Class III motor carrier (as defined in § 181.02–1 and Part 182, Instruction 1, of this chapter) * * *".

(Sec. 204, 49 Stat. 546 as amended; 49 U.S.C. 304. Interpret or apply Sec. 220, 49 Stat. 563 as amended; 49 U.S.C. 320)

It is further ordered, That service of this order be made on Class I, Class II, and Class III motor carriers. Notice shall be given the general public by depositing a copy in the Office of Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Division 2.

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

[F.R. Doc. 66–9212; Filed, Aug. 23, 1966; 8:49 a.m.]

Title 50—WILDLIFE AND FISHERIES

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

SUBCHAPTER C—THE NATIONAL WILDLIFE REFUGE SYSTEM

PART 32—HUNTING

Eufaula National Wildlife Refuge, Alabama and Georgia

On page 8694 of the FEDERAL REGISTER of June 23, 1966, there was published a notice of a proposed amendment to § 32.11 of Title 50, Code of Federal Regulations. The purpose of this amendment is to provide public hunting of migratory game birds on the Eufaula National Wildlife Refuge, Alabama and Georgia, as legislatively permitted.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received. The proposed amendment is hereby adopted without change.

Since this amendment benefits the public by relieving existing restrictions on hunting, it shall become effective upon publication in the FEDERAL REGISTER.

1. Section 32.11 is amended by the addition of the following area as one where hunting of migratory game birds is authorized.

§ 32.11 List of open areas; migratory game birds.

* * * * *

ALABAMA

EUFAULA NATIONAL WILDLIFE REFUGE

GEORGIA

EUFAULA NATIONAL WILDLIFE REFUGE

(Sec. 10, 45 Stat. 1224, 16 U.S.C. 7151; and sec. 4, 48 Stat. 451, 16 U.S.C. 718d)

JOHN S. GOTTSCHALK, *Director.*

AUGUST 17, 1966.

[F.R. Doc. 66–9182; Filed, Aug. 23, 1966; 8:46 a.m.]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for Treatment of Food-Producing Animals

Subpart D—Food Additives Permitted in Food for Human Consumption

CHLORTETRACYCLINE, PENICILLIN, SULFAMETHAZINE

The Commissioner of Food and Drugs, having evaluated the data submitted in petitions (FAP 5C1569, 5C1616, 5C1676) filed by American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, and other relevant material, has concluded that the food additive regulations should be amended to provide for the safe use of chlortetracycline for calves and a combination of chlortetracycline, penicillin, and sulfamethazine for swine. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120; 31 F.R. 3008), Part 121 is amended in the following respects:

1. Section 121.208(d) is amended by revising Item 2 of Table 2, by adding a new Item 5 to Table 5, and by adding a new Item 10 to Table 6, as follows:

§ 121.208 **Chlortetracycline.**

* * * * *

(d) * * *

TABLE 2.—CHLORTETRACYCLINE IN COMPLETE SWINE FEED

Principal ingredient	Quantity	Combined with—	Quantity	Limitations	Indications for use
* * *	*Grams per ton* * * *	* * *	*Grams per ton* * * *	* * *	* * *
2. Chlortetracycline [1].	100	Penicillin, sulfamethazine.	50 100	For swine; withdraw 7 days prior to slaughter; as procaine penicillin and chlortetracycline hydrochloride.	Reduction of the incidence of cervical abscesses; treatment of bacterial swine enteritis; prevention of these diseases during times of stress; maintenance of weight gains in the presence of atrophic rhinitis; in the case of swine up to 75 lb. of body weight, for growth promotion and increased feed efficiency.
* * *	* * *	* * *	* * *	* * *	* * *

[1] See also § 121.200(c)(1).

* * * * * * *

TABLE 5.—MISCELLANEOUS

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
5. Chlortetracycline.	25 mg. per tablet.	----------	----------	In tablets for oral ingestion by calves; 75 mg. per animal per day; as chlortetracycline hydrochloride.	Aid in reduction of incidence of bacterial scours in calves.

TABLE 6.—CHLORTETRACYCLINE IN CATTLE FEED

Principal ingredient	Amount	Combined with—	Amount	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
10. Chlortetracycline.	0.5 mg. per pound of body weight per day.	----------	----------	For calves up to 250 pounds in weight; in milk replacers or starter feeds.	Aid in the prevention of bacterial diarrhea.

2. Section 121.225(f)(3) is amended by adding a new subdivision (viii), as follows:

§ 121.225 **Antibiotics for growth promotion and feed efficiency.**

* * * * *

(f) * * *

(3) * * *

(viii) In the feed of calves up to 250 pounds in weight in an amount providing 0.1 milligram per pound of body weight per day in milk replacers or starter feeds.

* * * * *

3. Section 121.1014 is amended by revising the introduction to paragraph (c) to read as follows:

§ 121.1014 **Chlortetracycline.**

* * * * *

(c) In edible tissues from calves treated in accordance with § 121.208(d), tables 5 and 6:

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: August 16, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-9217; Filed, Aug. 23, 1966; 8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 32]

EASTERN NECK NATIONAL WILDLIFE REFUGE, MD.

Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Bird Conservation Act of February 18, 1929, as amended (45 Stat. 1222, 16 U.S.C. 715), and the Migratory Bird Hunting Stamp Act of 1934, as amended (48 Stat. 451, 16 U.S.C. 718d), it is proposed to amend 50 CFR 32.31 by the addition of Eastern Neck National Wildlife Refuge, Md.; to the list of areas open to the hunting of big game, as legislatively permitted.

It has been determined that the regulated hunting of big game may be permitted as designated on Eastern Neck National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 32.31 is amended by the addition of the following area as one where hunting of big game is authorized:

§ 32.31 List of open areas; big game.

* * * * *

MARYLAND EASTERN NECK NATIONAL WILDLIFE REFUGE

* * * * *

JOHN S. GOTTSCHALK,
Director.

AUGUST 17, 1966.

[F.R. Doc. 66-9183; Filed, Aug. 23, 1966; 8:46 a.m.]

[50 CFR Part 32]

BASKETT SLOUGH NATIONAL WILDLIFE REFUGE, OREG.

Hunting

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Migratory Conservation Act of February 18, 1929, as amended (45 Stat. 1222; 16 U.S.C. 715), and the Migratory Bird Hunting Stamp Act of 1934, as amended (48 Stat. 451; 16 U.S.C. 718d), it is proposed to amend 50 CFR 32.11 and 32.21 by the addition of Baskett Slough National Wildlife Refuge, Oreg., to the list of areas open to the hunting of migratory game birds and upland game, as legislatively permitted.

It has been determined that the regulated hunting of migratory game birds and upland game may be permitted as designated on Baskett Slough National Wildlife Refuge without detriment to the objectives for which the area was established.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 32.11 is amended by the addition of the following area as one where hunting of migratory game birds is authorized:

§ 32.11 List of open areas; migratory game birds.

* * * * *

OREGON

BASKETT SLOUGH NATIONAL WILDLIFE REFUGE

* * * * *

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

§ 32.21 List of open areas; upland game.

* * * * *

OREGON

BASKETT SLOUGH NATIONAL WILDLIFE REFUGE

* * * * *

JOHN S. GOTTSCHALK,
Director.

AUGUST 17, 1966.

[F.R. Doc. 66-9184; Filed, Aug. 23, 1966; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 51]

HONEY DEW AND HONEY BALL TYPE MELONS

Proposed Standards for Grades [1]

Notice is hereby given that the U.S. Department of Agriculture is considering the revision of U.S. Standards for Honey Dew and Honey Ball Type Melons pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621-1627).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal should file the same in duplicate, not later than September 30, 1966, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, where they will be available for public inspection during official hours of business (par. (b) of § 1.27, as amended at 29 F.R. 7311).

Statement of considerations leading to the proposed revision of the grade standards. The existing U.S. Standards for Honey Dew and Honey Ball Type Melons have been in effect since May 20, 1937, and have not been codified in accordance with the Administrative Procedure Act of 1946.

In addition to such codification the proposed revision incorporates more precise definitions of "damage" and "serious damage". The proposal would not change the requirements concerning any specific defect but would provide terminology in line with recently issued grade standards.

The proposed standards, as revised, are as follows:

GRADES

Sec.
51.3740 U.S. No. 1.
51.3741 U.S. Commercial.
51.3742 U.S. No. 2.

UNCLASSIFIED

51.3743 Unclassified.

TOLERANCES

51.3744 Tolerances.

APPLICATION OF TOLERANCES

51.3745 Application of tolerances.

DEFINITIONS

51.3746 Mature.
51.3747 Well formed.
51.3748 Damage.
51.3749 Serious damage.

AUTHORITY: The provisions of this subpart issued under secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.3740 U.S. No. 1.

"U.S. No. 1" consists of honey dew or honey ball type melons which are mature, firm, well formed, which are free from decay, and free from damage caused by dirt, aphis stain, rust spots, bruises, cracks, broken skin, sunscald, sunburn, hail, moisture, insects, disease, or other means.

§ 51.3741 U.S. Commercial.

"U.S. Commercial" consists of honey dew or honey ball type melons which

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

meet the requirements of U.S. No. 1 grade except for the increased tolerances for defects.

§ 51.3742 U.S. No. 2.

"U.S. No. 2" consists of honey dew or honey ball type melons which are mature, firm, fairly well formed, which are free from decay and free from serious damage by any cause.

UNCLASSIFIED

§ 51.3743 Unclassified.

"Unclassified" consists of melons which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.3744 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) *U.S. No. 1.* 10 percent for melons in any lot which fail to meet the requirements of the grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including in this latter amount not more than 1 percent for melons affected by decay.

(b) *U.S. Commercial.* 20 percent for melons in any lot which fail to meet the requirements of this grade: *Provided,* That not more than one-fourth of this amount, or 5 percent, shall be allowed for defects causing serious damage, including in this latter amount not more than 1 percent for melons affected by decay.

(c) *U.S. No. 2.* 10 percent for melons in any lot which fail to meet the requirements of this grade including not more than 1 percent for melons affected by decay.

APPLICATION OF TOLERANCES

§ 51.3745 Application of tolerances.

The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations:

(a) For a tolerance of 10 percent or more, individual packages shall have not more than one and one-half times the tolerance specified: *Provided,* That when the package contains 15 specimens or less, any individual package shall have not more than double the tolerance specified, except that at least one defective specimen may be permitted in any package: *And provided further,* That the averages for the entire lot are within the tolerances specified for the grade.

(b) For a tolerance of less than 10 percent, individual packages in any lot shall have not more than double the tolerance specified, except that at least one defective specimen may be permitted in any package: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade.

DEFINITIONS

§ 51.3746 Mature.

"Mature" means that the melon has reached the stage of maturity which will insure the proper completion of the normal ripening process.

§ 51.3747 Well formed.

"Well formed" means that the melon has the normal shape characteristic of the variety.

§ 51.3748 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the melon.

(a) The following specific defects shall be considered as damage:

(1) Sunburn which causes the rind to become brownish in color, hard, tough, or thin; and,

(2) Bruising when the size or color of the affected area materially detracts from the appearance.

(b) The following blemishes shall not be considered as damage:

(1) Slight bruising caused by light pressure of the weight of other melons or from lidding of the crate;

(2) Yellow spots;

(3) Superficial hail spots;

(4) Slight surface scratches caused by picking or packing; or,

(5) Netting, either raised or occurring as very shallow cracks in the skin.

§ 51.3749 Serious damage.

"Serious damage" means any defect or any combination of defects which seriously detracts from the appearance, or the edible or marketing quality of the melon.

Dated: August 18, 1966.

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

[F.R. Doc. 66-9191; Filed, Aug. 23, 1966; 8:47 a.m.]

[7 CFR Part 81]

INSPECTION OF POULTRY AND POULTRY PRODUCTS

Notice of Extension of Time To Submit Comments

On July 21, 1966, there was published in the FEDERAL REGISTER (31 F.R. 9871) a notice regarding proposed amendments of the Regulations Governing the Inspection of Poultry and Poultry Products (7 CFR Part 81) pursuant to authority contained in the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.). Interested persons were given an opportunity to submit written data, views, or arguments in connection with the proposed amendments not later than August 22, 1966.

Notice is hereby given that the time in which such written data, views, or arguments may be submitted is extended to September 23, 1966. All such written submissions must be filed in triplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than September 23, 1966.

All written submissions made pursuant to this notice and the prior notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Done at Washington, D.C., this 19th day of August 1966.

R. K. SOMERS,
Deputy Administrator,
Consumer Protection.

[F.R. Doc. 66-9230; Filed, Aug. 23, 1966; 8:51 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 73]

BIOLOGICAL PRODUCTS

Additional Standards: Whole Blood (Human)

Notice is hereby given of proposed rule making relating to the collection of Whole Blood (Human), (42 CFR Part 73) to insure the safety, purity, and potency of human blood for transfusion. This amendment reflects consideration of comments received on a previous notice of rule making relative to the same provisions, as published in the FEDERAL REGISTER on April 18, 1963.

Notice is also given that it is proposed to make any amendments that are adopted effective 30 days after publication in the FEDERAL REGISTER.

Inquiries may be addressed, and data, views, and arguments may be presented by interested parties, in writing, in triplicate, to the Surgeon General, Public Health Service, 9000 Rockville Pike, Bethesda, Md. 20014. All relevant material received not later than 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

1. Amend § 73.301 by revising paragraph (a) and the introductory text of paragraph (b) and adding a new subparagraph (7) to paragraph (b) and a new paragraph (f) to read as follows:

§ 73.301 Suitability of donor.

(a) *Method of determining.* The suitability of a donor as a source of Whole Blood (Human) shall be determined by a qualified physician or by persons under his supervision and trained in determining suitability. Such determination shall be made on the day of collection from the donor by means of medical history, a test for hemoglobin level, and such physical examination as appears necessary to a physician who shall be present on the premises when examinations are made, except that the suitability of donors may be determined when a physician is not present on the premises, provided the establishment

(1) maintains on the premises, and files with the Division of Biologics Standards, a manual of standard procedures and methods, approved by the Director of the Division of Biologics Standards, that shall be followed by employees who determine suitability of donors, and (2) maintains records indicating the name and qualifications of the person immediately in charge of the employees who determine the suitability of donors when a physician is not present on the premises.

(b) *Qualifications of donor; general.* Except as provided in paragraph (f) of this section, a person may not serve as a source of Whole Blood (Human) more than once in 8 weeks. In addition, donors shall be in good health, as indicated in part by:

* * * * *

(7) Freedom of the arms and forearms from skin punctures or scars indicative of addiction to self-injected narcotics.

* * * * *

(f) *Qualifications; donations within less than 8 weeks.* A person may serve as a source of Whole Blood (Human) more than once in 8 weeks only if at the time of donation the person is examined and certified by a physician to be in good health, as indicated in part in paragraph (b) of this section.

2. Amend § 73.302 (a) and (e) to read as follows:

§ 73.302 Collection of the blood.

(a) *Supervision.* Blood shall be drawn from the donor by a qualified physician or under his supervision by assistants trained in the procedure. A physician shall be present on the premises when blood is being collected, except that blood may be collected when a physician is not present on the premises, provided the establishment (1) maintains on the premises, and files with the Division of Biologics Standards, a manual of standard precedures and methods, approved by the Director of the Division of Biologics Standards, that shall be followed by employees who collect blood, and (2) maintains records indicating the name and qualifications of the person immediately in charge of the employees who collect blood when a physician is not present on the premises.

* * * * *

(e) *Donor identification.* Each unit of blood shall be so marked or identified by number or other symbol as to relate it to the individual donor whose identity shall be established to the extent necessary for compliance with § 73.301.

* * * * *

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 351, 59 Stat. 702; 42 U.S.C. 262)

Dated: August 10, 1966.

[SEAL] WILLIAM H. STEWART,
Surgeon General.

Approved: August 16, 1966.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 66-9218; Filed, Aug. 23, 1966; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 17461; EDR-102B]

[14 CFR Part 241]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Extension of Time for Submitting Comments

AUGUST 19, 1966.

The Board in 31 F.R. 9358 and by circulation of EDR-102, dated July 1, 1966, gave notice that it had under consideration an amendment to Part 241 which would provide certain additional financial data to facilitate costing of operations and would update or clarify present provisions of the regulation. Interested persons were invited to participate in the rule making proceeding by the submission of ten (10) copies of written data, views, or arguments to the Docket Section of the Board on or before August 8, 1966. In EDR-102A, dated July 22, 1966, the time for submitting comments was extended until September 7, 1966, because of problems resulting from the present strike.

Various carriers, represented by the Air Transport Association, state that the continuation of the strike has made it impracticable for airline representatives to meet for a joint consideration of the proposal. ATA requests that the time for submitting comments therefore be extended until 30 days after the end of the strike.

The undersigned finds that good cause has been shown for an extension of time but such extension should be for a definite rather than an indefinite date. Accordingly, pursuant to authority delegated in § 7.3C of public notice PN-15, dated July 3, 1961, the undersigned hereby extends the time for submitting comments until September 19, 1966.

All relevant matter received on or before September 19, 1966, will be considered by the Board before taking action on the proposal. Copies of communications will be available for examination in the Docket Section, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

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

By the Civil Aeronautics Board.

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

[F.R. Doc. 66-9220; Filed, Aug. 23, 1966; 8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

IMPORTATION OF HUMAN HAIR ITEMS FROM AUSTRIA

Notice is hereby given that effective August 24, 1966, Customs will detain wigs and other human hair products imported from Austria unless either a Foreign Assets Control license or a certificate of origin appropriate for Foreign Assets Control purposes is presented.

Appropriate certificates of origin are not presently available with respect to the importation of wigs and other human hair products from Austria. Announcement will be made in the FEDERAL REGISTER when such certificates become available.

Wigs and other human hair products from Austria will be denied unlicensed entry into the United States pursuant to the November 10, 1965, amendment to Appendix (12) of § 500.204 of the Foreign Assets Control Regulations because it has now been determined that substantial quantities of Asiatic hair are being used in the production of wigs and other hair products sent to the United States from Austria. Unlicensed purchase and importation of such hair products have been prohibited since November 10, 1965.

[SEAL] STANLEY L. SOMMERFIELD,
Acting Director,
Office of Foreign Assets Control.

[F.R. Doc. 66-9273; Filed, Aug. 23, 1966; 8:51 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

DETERMINATION OF FISHERY FAILURE DUE TO RESOURCE DISASTER

Whereas, many firms and individuals are engaged in raising, harvesting, processing, and marketing oysters in the States of Virginia, Maryland, Delaware, New Jersey, and New York; and

Whereas, the serious disease-related mortalities in oysters commencing in 1957 and continuing to the present time have virtually depleted oyster stocks in Delaware Bay and lower Chesapeake Bay, and commencing in 1965 this mortality problem has extended to the oyster stocks in all parts of Chesapeake Bay and to Great South Bay of New York; and

Whereas, the continued excessive mortality of oysters presents a continuing threat to the economic stability of the remaining oyster industry in the States involved; and

Whereas, the failure of natural sources of oysters will continue to be felt throughout the eastern half of the nation, with the prospect of an inadequate supply of marketable oysters for the 1967–1968 period; and

Whereas, the oyster mortality problem is due to natural and undetermined causes;

Now, therefore, as Secretary of the Interior, I hereby determine that the foregoing circumstances constitute a commercial fishery failure due to a resource disaster within the meaning of section 4(b) of Public Law 88-309. Pursuant to this determination, I hereby authorize the use of funds authorized under the above legislation for research and other activities necessary in the development and propagation of disease-resistant strains of oysters in the States of Virginia, Maryland, Delaware, New Jersey and New York.

STEWART L. UDALL,
Secretary of the Interior.

AUGUST 18, 1966.

[F.R. Doc. 66-9253; Filed, Aug. 23, 1966; 8:51 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH CAROLINA, OHIO, AND TEXAS

Designation and Extension of Areas for Emergency Loans

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

NORTH CAROLINA

Alleghany.	Hoke.
Anson.	Johnston.
Ashe.	Person.
Caswell.	Rowan.
Catawba.	Tyrrell.
Cleveland.	Union.
Davie.	Warren.
Forsyth.	Wilson.
Greene.	Yadkin.

OHIO

Ashtabula.	Pike.
Crawford.	Putnam.
Geauga.	Sandusky.
Hancock.	Seneca.
Hardin.	Wood.
Lucas.	Trumbull.
Marion.	Wyandot.
Ottawa.	

TEXAS

Crosby.	Kent.
Dickens.	McLennan.
Hemphill.	Roberts.

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

Ohio	*Previous designation*
Coshocton	30 F.R. 11775
Knox	30 F.R. 11775
Pickaway	30 F.R. 11775
Ross	30 F.R. 11775
Union	30 F.R. 13547

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 18th day of August 1966.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 66-9188; Filed, Aug. 23, 1966; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN CYANAMID CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition has been filed by American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540, proposing the issuance of a regulation to provide for the safe use of *O,O*-dimethyl-*O*-*p*(dimethylsulfamoyl)-phenylphosphorothioate in the feed of cattle for the control of cattle grubs.

Dated: August 15, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-9213; Filed, Aug. 23, 1966; 8:49 a.m.]

AMERICAN HOECHST CORP.

Notice of Filing of Petition for Food Additive Binapacryl

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 7H2066) has been filed by Ameri-

can Hoechst Corp., Agricultural Division, 11312 Hartland Street, North Hollywood, Calif. 91605, proposing the issuance of a regulation establishing a food additive tolerance of 1 part per million for residues of binapacryl (2-*sec*-butyl-4,6-dinitrophenyl 3-methyl-2-butenoate) in or on dried tea as a result of application of the pesticide chemical to the growing crop.

Dated: August 15, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-9214; Filed Aug. 23, 1966; 8:49 a.m.]

B. F. GOODRICH CO.

Notice of Filing of Petition for Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 6B2019) has been filed by the B. F. Goodrich Co., 500 South Main Street, Akron, Ohio 44318, proposing the issuance of a regulation to provide for the safe use of *N*-alkyl(C_{14}-C_{18})-1,3-propanediamine-*N*,*N*′,*N*′-triacetic acid as an antioxidant and/or stabilizer in certain polymers for food-contact use.

Dated: August 17, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-9215; Filed, Aug. 23, 1966; 8:49 a.m.]

PHOSPHAMIDON

Notice of Extension of Temporary Tolerance

A temporary tolerance of 1 part per million for residues of the insecticide phosphamidon in or on grapefruit, lemons, oranges, and tangerines, which was established at the request of Chevron Chemical Co., 940 Hensley Street, Richmond, Calif. 94801, expired April 28, 1966, and the company has requested an extension to permit additional tests.

The Commissioner of Food and Drugs had determined that extension of this temporary tolerance will protect the public health; therefore, an extension has been granted which will expire April 28, 1967.

This action is taken pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346(j)), and delegated by him to the Commissioner (21 CFR 2.120; 31 F.R. 3008).

Dated: August 16, 1966.

J. K. KIRK,
Acting Commissioner of Food and Drugs.

[F.R. Doc. 66-9216; Filed, Aug. 23, 1966; 8:50 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-43]

U.S. NAVAL POSTGRADUATE SCHOOL

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued, effective as of the date of issuance, Amendment No. 6, set forth below, to Facility License No. R-11. The license authorizes the U.S. Naval Postgraduate School ("the licensee") to operate the Model AGN-201, Serial No. 100 nuclear reactor ("the reactor") which is located on the school's campus at Monterey, Calif. The amendment authorizes the licensee to receive, possess, and use up to 675 grams of contained uranium 235 in connection with operation of the reactor in accordance with the licensee's application for license amendment dated May 9, 1966. This involves an increase of 5 grams above the presently licensed limit.

Within 15 days from the date of publication of this notice in the FEDERAL REGISTER, the licensee may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the 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, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this amendment, see (1) the application for license amendment and (2) a related safety evaluation prepared by the Research and Power Reactor Safety Branch of the Division of Reactor Licensing, both of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

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

For the Atomic Energy Commission.

MARVIN M. MANN,
Acting Director, Division of Reactor Licensing.

FACILITY LICENSE AMENDMENT

[License No. R-11; Amdt. No. 6]

The Atomic Energy Commission having found that:

a. The application for license amendment dated May 9, 1966, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR;

b. The issuance of this license amendment will not be inimical to the common defense and security or to the health and safety of the public; and

c. Prior public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazards considerations different from those previously evaluated.

Facility License No. R-11, as amended, which authorizes the U.S. Naval Postgraduate School to operate the Model AGN-201, Serial No. 100 nuclear reactor located on its campus at Monterey, Calif., is hereby further amended in accordance with the application.

1. Subparagraph 3B is amended to read as follows:

B. Pursuant to the act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material," to receive, possess, and use up to 675 grams of contained uranium 235 in connection with the operation of the reactor.

2. This amendment is effective as of the date of issuance.

Date of issuance: August 17, 1966.

For the Atomic Energy Commission.

MARVIN M. MANN,
Acting Director, Division of Reactor Licensing.

[F.R. Doc. 66-9168; Filed, Aug. 23, 1966; 8:45 a.m.]

[Docket No. 50-243]

OREGON STATE UNIVERSITY

Notice of Issuance of Construction Permit

Please take notice that, no request for hearing or petition to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER, the Atomic Energy Commission has issued, effective as of the date of issuance, Construction Permit No. CPRR-93 to Oregon State University authorizing construction of a TRIGA Mark II nuclear research reactor on the University's campus at Corvallis, Oreg.

The permit was issued as set forth in the Notice of Proposed Issuance of Construction Permit and Facility License published in the FEDERAL REGISTER July 30, 1966, 31 F.R. 10329.

Dated at Bethesda, Md., this 16th day of August 1966.

For the Atomic Energy Commission.

MARVIN M. MANN,
Acting Director, Division of Reactor Licensing.

[F.R. Doc. 66-9169; Filed, Aug. 23, 1966; 8:45 a.m.]

[Docket No. 50-262]

BRIGHAM YOUNG UNIVERSITY

Notice of Application for Utilization Facility License

Please take notice that Brigham Young University, under section 104c of the Atomic Energy Act of 1954, has submitted an application for a license to construct and operate an Atomics International type L-77 Laboratory Reactor for education and training of students in nuclear physics and related subjects on the University's campus in Provo, Utah. A copy of the application is available for public inspection in the AEC Public Document Room, located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 16th day of August 1966.

For the Atomic Energy Commission.

MARVIN M. MANN,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 66-9170; Filed, Aug. 23, 1966; 8:45 a.m.]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Notice of Receipt of Application for Construction Permit and Facility License

The Northern States Power Co., 414 Nicollet Avenue, Minneapolis, Minn. 55401, pursuant to section 104.b. of the Atomic Energy Act of 1954, as amended, has filed an application, dated August 1, 1966, for authorization to construct and operate a boiling water nuclear reactor on a 1,325-acre site located on the west bank of the Mississippi River, approximately 3 miles northwest of Monticello in Wright County, Minn.

The proposed reactor, designated by the applicant as the Monticello Nuclear Generating Plant, is designed for initial operation at 1,469 thermal megawatts with a net electrical output of 472 megawatts.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

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

For the Atomic Energy Commission.

MARVIN M. MANN,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 66-9171; Filed, Aug. 23, 1966; 8:45 a.m.]

[Docket No. 50-249]

COMMONWEALTH EDISON CO.

Notice of Hearing on Application for Provisional Construction Permit

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 September 27, 1966, in Courtroom No. 25, Grundy County Courthouse, West Washington and Liberty Streets, Morris, Ill., to consider the application filed under section 104b of the Act by the Commonwealth Edison Co., Chicago, Ill., for a provisional construction permit for a boiling water reactor designed to operate at 2255 megawatts (thermal) to be located at the Dresden Nuclear Power Station, Grundy County, Ill.

The hearing will be conducted by the Atomic Safety and Licensing Board designated by the Atomic Energy Commission consisting of Dr. Eugene Greuling, Durham, N.C.; Dr. Hugh Paxton, Los Alamos, N. Mex.; and J. D. Bond, Esq., Chairman, Washington, D.C. Mr. Reul C. Stratton, Hartford, Conn., has been designated as a technically qualified alternate.

A prehearing conference will be held by the Board at 10 a.m., local time, on September 7, 1966, in Courtroom No. 25, Grundy County Courthouse, West Washington and Liberty Streets, Morris, Ill., 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 September 16, 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 September 16, 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 September 7, 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 22d day of August 1966.

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

[F.R. Doc. 66-9254; Filed, Aug. 23, 1966; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 16813-16815; FCC 66M-1110]

1400 CORP. (KBMI) ET AL.

Order Scheduling Hearing

In re applications of 1400 Corp. (KBMI), Henderson, Nev., Docket No. 16813, File No. BR-2937, for renewal of license of Station KBMI; Joseph Julian Marandola, Henderson, Nev., Docket No. 16814, File No. BP-16411, for construction permit; and 1400 Corp. (assignor) and Thomas L. Brennen (assignee), Docket No. 16815, File No. BAL-5158,

for assignment of license of Station KBMI, Henderson, Nev.

It is ordered, This 17th day of August 1966, that Elizabeth C. Smith shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 24, 1966, at 10 a.m.; and that a prehearing conference shall be held on September 12, 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: August 18, 1966.

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

[F.R. Doc. 66-9223; Filed, Aug. 23, 1966; 8:51 a.m.]

[Docket Nos. 16811, 16812; FCC 66M-1111]

KEY WEST AERO AND ISLAND CITY FLYING SERVICE

Order Scheduling Hearing

In re applications of Mr. Fred L. Keyser, doing business as Key West Aero, Key West, Fla., Docket No. 16811; Island City Flying Service, Key West, Fla., Docket No. 16812; for aeronautical advisory station to serve the Key West International Airport.

It is ordered, This 17th day of August 1966, that Basil P. Cooper shall serve as Presiding Officer in the above-entitled proceeding; that the hearings therein shall be convened on October 10, 1966, at 10 a.m.; and that a prehearing conference shall be held on September 13, 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: August 18, 1966.

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

[F.R. Doc. 66-9224; Filed, Aug. 23, 1966; 8:51 a.m.]

[Docket Nos. 16655, 16656; FCC 66M-1108]

JONES T. SUDBURY AND NORTHWEST TENNESSEE BROADCASTING CO., INC.

Order Continuing Prehearing Conference

In re applications of Jones T. Sudbury, Martin, Tenn., Docket No. 16655, File No. BPH-5067; Northwest Tennessee Broadcasting Co., Inc., Martin, Tenn., Docket No. 16656, File No. BPH-5174; for construction permits.

A further prehearing conference in the above-entitled proceeding will be held on Wednesday, September 14, 1966, beginning at 9 a.m., in the offices of the Commission, Washington, D.C. Among the matters to be considered will be the several pleadings filed herein requesting leave to amend the applications, and responses to said pleadings. Counsel will have the opportunity to argue briefly the merits of the positions of the several pleadings.

It is so ordered, This the 16th day of August 1966.

Released: August 17, 1966.

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

[F.R. Doc. 66-9225; Filed, Aug. 23, 1966; 8:51 a.m.]

[Docket No. 15114; FCC 66-731]

AERONAUTICAL EXTRAORDINARY ADMINISTRATIVE RADIO CONFERENCE, INTERNATIONAL TELECOMMUNICATIONS UNION

Order Terminating Proceeding

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 17th day of August 1966;

1. Three Notices of Inquiry were issued in this matter in order to aid the Commission in developing the U.S. position for the 1966 Aeronautical EARC. Responses to the First Notice of Inquiry (28 F.R. 6889), Second Notice of Inquiry (30 F.R. 12306), and Third Notice of Inquiry (31 F.R. 2566) were used in the preparation for the Aeronautical EARC.

2. The actual conference has been held, concluding on May 29, 1966, and this docket can be terminated.

3. *Accordingly, it is ordered,* That this proceeding is terminated.

Released: August 19, 1966.

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

[F.R. Doc. 66-9226; Filed, Aug. 23, 1966; 8:51 a.m.]

[Docket No. 16828; FCC 66-741]

AMERICAN BROADCASTING COMPANIES, INC. (ABC)

Order and Notice of Oral Hearing Before Commission En Banc

In the matter of applications by American Broadcasting Companies, Inc.; for assignment of licensee of stations: WABC, WABC-FM, WABC-TV—New York, N.Y., WLS-FM, WBKB—Chicago, Ill., KGO, KGO-FM, KGO-TV—San Francisco, Calif., KABC, KABC-FM, KABC-TV—Los Angeles, Calif.; for transfer of control of stations: WLS—Chicago, Ill., KQV and KQV-FM—Pittsburgh, Pa., WXYZ, WXYZ-FM, WXYZ-TV—Detroit, Mich.; and for assignments and transfers of ancillary radio facilities; Docket No. 16828.

1. This proceeding involves applications filed March 31, 1966, by American Broadcasting Companies, Inc. (ABC) for Commission approval of assignments and transfers of ABC's broadcasting licenses to a new corporation of the same name which will be a wholly owned subsidiary of International Telephone & Telegraph Corp. (ITT). The applications contain and are accompanied by masses of data and numerous exhibits setting forth in great detail all of the factual information normally sought by the Commission in transfer proceedings, together with a large amount of additional information concerning the corporations involved.

2. On July 20, 1966, the Commission sent letters to the presidents of ABC and ITT requesting a further statement on specified points relating to the future operations of the new licensee company and ITT's public interest responsibilities in connection therein. On July 25, 1966, replies to these letters were received by the Commission from both ABC and ITT. The Commission's letters and the replies are part of the file herein. There are no oppositions filed against the proposed merger and assignments of licenses other than by the licensee of Radio Station KOB at Albuquerque, N. Mex., relating to its own competing application for the frequency occupied by Station WABC in New York City, which is one of the stations proposed to be transferred to the new ABC.

3. The great bulk of data supporting the application is factual and statistical in nature. The Commission's review of such data has not indicated any questions of fact concerning the proposed transactions, nor has any such question been raised or called to our attention by any interested party. In this regard we note that the KOB opposition does not raise any broad question or factual issue concerning the merger plan as a whole, but rather a specific issue of right to a comparative hearing on a single frequency, which right we believe can fully be protected irrespective of any comprehensive action taken on the merger proposals.

4. In light of the above, the Commission accepts the factual representations in the filings in this proceeding as authentic and accurate statements of fact and as evidence constituting the record herein. However, so as to preserve the right for interested parties to raise any such questions of fact as may appropriately be shown we are herein establishing a procedure whereby any party desiring to offer other or further evidence in this proceeding may file a written statement of such evidence within 20 days of the date of release of this order. Any statement of facts so filed will be accepted and received as evidence herein, subject to all proper objections and arguments as to relevance and materiality, unless an objection is filed challenging the authenticity or accuracy of such statement within 5 days after the filing and service upon the parties of any such statement of facts. In the event of such an objection, the Commission will issue an appropriate order as to the controverted matters. We follow such a procedure on our present conclusion that no evidentiary hearing for the adjudication of contested facts is required, and that we can appro-

priately compile a full and accurate factual record without such hearing on which to base our legal and policy determinations in the matter.

5. The Commission has concluded however that the pending proposals do raise legal and policy issues of substance and significance which require the Commission's further consideration in an oral hearing before it en banc. Such a hearing will provide a further opportunity for the exploration of such issues on a formal record which should materially assist the Commission in its consideration of and action upon such issues. Accordingly, the Commission orders that an oral argument upon such applications be held before the full Commission on September 19, 1966, at 10 a.m., in the Commission's hearing room in Washington, D.C. The Commission requests the parties to address themselves to the general issues whether the proposed transfers will: (a) Increase unduly economic concentration in any market or field; (b) Affect competition in broadcasting and whether such effect would be consonant with or contrary to the public interest; and (c) Generally serve the public interest. The applicants may also desire to supplement, or otherwise cover, matters raised by the Commission's inquiries of June 20, 1966, and the replies thereto (see para. 2, above). In addition, the applicants should, insofar as possible, be prepared to address themselves to all issues of law and policy (as well as any factual issues pursuant to para. 4, above), which may be raised for discussion by the Commission or any party to the proceeding.

6. The Commission's Broadcast Bureau and Common Carrier Bureau will participate in the oral hearing. The Commission anticipates that both Bureaus will, in matters under their respective jurisdictions, raise all pertinent questions of law and policy so that we may have a complete record before us. Other interested parties, including Radio Station KOB (see par. 3 above), may ask to be heard with respect to any question affecting the Commission's disposition of the pending applications. In addition, oral presentations may cover and include any factual question that may have been raised in accordance with the procedures set forth in paragraph 4 above.

7. Interested parties desiring to appear and be heard before the Commission shall file a statement on or before September 5, 1966, designating the attorneys and other spokesmen or officials who would appear and indicating the length of time which they anticipate would be required for their presentation. Such parties should also generally indicate the subject matter of their presentation, that is, the particular issues to which they would address themselves. The Commission will upon the receipt of the indicated written statements, issue such further order prescribing the order of appearance of parties to be heard, the length of their presentations and such other procedures for the oral argument as may be appropriate in the circumstances.

8. Following the oral hearing designated herein the Commission will consider and take such further action upon the pending applications, both procedurally and substantively, as may be required by the record then before us.

Adopted: August 17, 1966.

Released: August 18, 1966.

FEDERAL COMMUNICATIONS COMMISSION,[1]

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

[F.R. Doc. 66-9227; Filed, Aug. 23, 1966; 8:51 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-4997, etc.]

PETROLEUM CORPORATION OF TEXAS, ET AL.

Findings and Order

AUGUST 15, 1966.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending certificates, permitting and approving abandonment of service, terminating certificates, making successor co-respondent, making rate change effective, redesignating proceeding, accepting agreement and undertaking for filing and accepting related rate schedules and supplements for filing.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of General Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued; except that initial sales from the Permian Basin area of New Mexico are authorized to be made at or below the applicable area base rates and under the conditions prescribed in Opinion Nos. 468 and 468-A.

Pan American Petroleum Corp., Applicant in Docket No. CI66-801, proposes to continue in part the sale of natural gas heretofore authorized in Docket No. CI63-760 to be made pursuant to Robbins Petroleum Corp. (Operator), et al., FPC Gas Rates Schedule No. 4. The contract comprising said rate schedule will also be accepted for filing as a rate schedule of Applicant. On June 3, 1963, Robbins filed with the Commission a notice of change in rate under its FPC Gas Rate Schedule No. 4. By order issued June 20, 1963, in Docket No. RI63-456, et al., the Commission suspended the proposed change in Docket No. RI63-476 until December 4, 1963, and thereafter until made effective. The change was designated as Supplement No. 1 to Robbins' rate schedule. On June 27, 1966, Applicant filed in Docket No. RI63-476 a motion to be made co-respondent in said proceeding together with an agreement and undertaking to assure the refund of any amounts collected by it in excess of the amount determined to be just and reasonable in said proceeding. On June 30, 1966, Applicant filed a motion to make the change in rate effective subject to refund. Accordingly, Applicant will be made co-respondent in said proceeding, the proceeding will be redesignated, the change in rate will be made effective subject to refund as of June 30, 1966, with respect to sales from Applicant's interests, and the agreement and undertaking will be accepted for filing.

After due notice, a joint petition of Southern California Gas Co. and Southern Counties Gas Company of California was filed in Docket No. CI64-521, in the matter of the application filed December 30, 1965, in said docket. The joint petition to intervene has been withdrawn and no other petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on August 11, 1966, the Commission on its own motion received and made a part of the record in these proceedings all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record.

The Commission finds:

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

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and

[1] Dissenting statement of Commissioner Bartley and joint concurring statement of Commissioners Cox and Johnson filed as part of original document.

operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

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

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

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G–4997, G–5766, G–7241, G–13308, G–14892, G–15481, G–16768, G–20374, CI61–403, CI61–737, CI62–470, CI62–1219, CI63–20, CI63–548, CI63–730, CI63–738, CI63–760, CI64–521, CI64–601, CI65–583, and CI66–124 should be amended as hereinafter ordered and conditioned.

(6) The sales of natural gas proposed to be abandoned by Applicant in Docket No. CI66–931, as hereinbefore described, all as more fully described in the tabulation herein and in the application, is subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and the abandonment should be permitted and approved as hereinafter ordered.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to Applicant relating to the abandonment hereinafter permitted and approved should be terminated.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Pan American Petroleum Corp. should be made a co-respondent in the proceeding pending in Docket No. RI63–476, that said proceeding should be redesignated, that the proposed change in rate suspended in said proceeding should be made effective subject to refund with respect to sales from Applicant's interests, and that the agreement and undertaking submitted by Applicant should be accepted for filing.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the respective related rate schedules and supplements as designated or redesignated in the tabulation herein should be accepted for filing as hereinafter ordered.

The Commission orders:

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

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

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

(D) The grant of the certificates issued herein on all applications filed after April 15, 1965, is upon the condition that no increase in rate which would exceed the ceiling prescribed for the given area by paragraph (d) of the Commission's Statement of General Policy 61–1, as amended, shall be filed prior to the applicable dates, as indicated by footnotes 2 and 20 in the tabulation set forth below.

(E) The initial rates for sales authorized in Docket Nos. G–5766 and CI65–583 shall be the applicable base area rates prescribed in Opinion No. 468, as modified by Opinion No. 468–A, as adjusted for quality, or the contract rates, whichever are lower; and no increases in rate in excess of said initial rates shall be filed before January 1, 1968.

(F) If the quality of the gas delivered by Applicants in Docket Nos. G–5766 and CI65–583 deviates at any time from the quality standards set forth in Opinion No. 468, as modified by Opinion No. 468–A, so as to require a downward adjustment of the existing rate, a notice of change in rate shall be filed pursuant to the provisions of section 4 of the Natural Gas Act: *Provided, however,* That adjustments reflecting changes in Btu content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(G) Within 45 days from the date of this order Applicant in Docket Nos. G–16768 and G–20374 shall file rate schedule quality statements in the form prescribed in Opinion No. 468–A. Applicants in Docket Nos. G–5766 and CI65–583 shall file rate schedule quality statements within 45 days from the date of this order if deliveries have commenced or within 90 days from the date of this order if deliveries have not commenced.

(H) Certificates are issued herein to Applicants in Docket Nos. CI66–909, CI66–971, CI66–1252, and CI66–1270 authorizing the continuance of the related sales which were initiated without prior Commission authorization.

(I) The certificate issued herein in Docket No. CI66–1301 involving the sale of gas by Anadarko Production Co. (Operator), et al., to its parent, Panhandle Eastern Pipe Line Co., determines the rate which legally may be paid by the buyer to the seller, but is without prejudice to any action which the Commission may take in any future rate proceeding involving either company.

(J) A certificate is issued herein to Kingwood Oil Co., in Docket No. CI66–1288, authorizing Applicant to continue the sale of natural gas previously covered by the Operator's certificate (Phillips Petroleum Co.) in Docket No. CI63–548.

(K) The certificate heretofore issued in Docket No. CI63–548 is amended by deleting therefrom authorization to sell gas from the interest of Kingwood Oil Co.

(L) The certificates heretofore issued in Docket Nos. G–5766, G–7241, CI61–737, CI62–470, CI62–1219, CI63–20, CI64–521, CI65–583, and CI66–124 are amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(M) The certificate heretofore issued in Docket No. CI64–601 is amended to include the sale of natural gas from the additional acreage and such authorization is subject to the conditions set forth in paragraphs (E), (F), and (G) of the order accompanying Opinion No. 350 (27 FPC 35).

(N) The certificates heretofore issued in Docket Nos. G–13308, G–14892, and CI63–760 are amended by deleting therefrom authorization to sell natural gas from the acreage assigned to Applicants

in Docket Nos. CI62–1219, CI64–521,[1] and CI66–801.

(O) The certificates heretofore issued in Docket Nos. G–4997, G–15481, G–16768, G–20374, CI61–403, CI63–730, and CI63–738 are amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(P) Permission for and approval of the abandonment of service by Applicant in Docket No. CI66–931, as hereinbefore described, and as more fully described in the application herein, is granted.

(Q) The certificates heretofore issued in Docket Nos. G–2864, G–6396, G–14568, G–15138, and G–17476 are terminated.

(R) The abandonment herein permitted and approved in Docket No. CI66–931 does not relieve Applicant therein from any refund obligations in the related rate suspension proceedings in Docket Nos. RI61–112, RI63–176, and RI63–177.

(S) Pan American Petroleum Corp. shall be a co-respondent in the proceeding in Docket No. RI63–476, said proceeding is redesignated accordingly,[2] and the agreement and undertaking submitted by Applicant is accepted for filing. The rates, charges and classifications set forth in Supplement No. 1 to Robbins Petroleum Corp. (Operator), et al., FPC Gas Rate Schedule No. 4 [3] shall be effective subject to refund as of June 30, 1966, with respect to sales from the interests assigned to Pan American by Robbins. Said effective rate shall be charged and collected as of the effective date subject to any future orders of the Commission in Docket No. RI63–476.

(T) Pan American Petroleum Corp. shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreement and undertaking filed by Pan American in Docket No. RI63–476 shall remain in full force and effect until discharged by the Commission.

(U) The respective related rate schedules and supplements as indicated in the tabulation herein are accepted for filing; further, the rate schedules relating to the successions herein are redesignated and accepted, subject to the applicable Commission regulations under the Natural Gas Act to be effective on the dates as indicated in the tabulation herein.

By the Commission.

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

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
G–4997 E 5–9–66	Petroleum Corporation of Texas (successor to Shell Oil Company).	Natural Gas Pipeline Co. of America, East Falurrias Field, Brooks and Jim Wells Counties, Tex.	Shell Oil Co., FPC GRS No. 3.	20	
			Supplement Nos. 1–4	20	1–4
			Notice of succession 5–4–66.		
			Assignment 3–29–66 [1]	20	5
			Effective date: 4–1–66		
G–5766 C 2–14–66 [2]	Continental Oil Company [3] (Operator), et al.	El Paso Natural Gas Co., Langlie-Mattix and Cooper-Jal Fields, Lea County, N. Mex.	Amendatory agreement 2–1–66. [4]	7	15
G–7241 C 5–23–66 [2]	Aztec Oil & Gas Company.	El Paso Natural Gas Co., Aztec Pictured Cliffs Field, San Juan County, N. Mex.	Supplement agreement 4–27–66.	4	18
			Letter agreement 6–9–66. [4] [5]	4	19
G–15481 E 6–10–66	Albert B. Yost (successor to Russell Rinehart).	Pennzoil Co., Lincoln and Paw Paw Districts, Marion County, W. Va.	Russell Rinehart, FPC GRS No. 1.	1	
			Contract 6–16–58 [6]	1	
			Effective date: 7–11–66		
			Notice of succession 4–8–66.		
			Assignment 3–29–65 [7]	1	1
			Effective date: 3–29–65		
G–16768 E 5–16–66	Petroleum Corporation of Texas (Operator), et al. (successor to Haynes & V. T. Drilling Company (Operator), et al.).	El Paso Natural Gas Co., Jalmat and Langlie-Mattix Fields, Lea County, N. Mex.	Haynes & V. T. Drilling Co. (Operator), et al., FPC GRS No. 1.	22	
			Supplement Nos. 1–5	22	1–5
			Notice of succession 5–12–66.		
			Assignment 5–1–61 [8]	22	6
			Assignment 7–23–65 [9]	22	7
			Assignment 8–12–65 [10] [11]	22	8
G–20374 E 5–16–66	——do——	——do——	Haynes & V. T. Drilling Co. (Operator), et al., FPC GRS No. 3.	23	
			Supplement No. 1	23	1
			Notice of succession 5–12–66.		
			Assignment 5–1–61 [8]	23	2
			Assignment 7–23–65 [9]	23	3
			Assignment 8–12–65 [10] [11]	23	4
CI61–403 E 6–16–66	George R. Brown (successor to Herman Brown Estate).	Colorado Interstate Gas Co., Keyes Field, Cimarron County, Okla.	Herman Brown Estate FPC GRS No. 8.	16	
			Supplement Nos. 1–2	16	1–2
			Notice of succession 6–13–66.		
			Conveyance 12–30–64	16	3
			Effective date: 12–31–64		
CI61–737 C 6–16–66 [2]	Shell Oil Co	Transwestern Pipeline Co., Higgins Field, Lipscomb County, Tex.	Letter agreement 4–29–66. [4]	243	5
CI62–470 C 6–23–66 [2]	Sun Oil Co. (Southwest Division).	Arkansas Louisiana Gas Co., Manziel Field, Wood County, Tex.	Supplement agreement 6–3–66. [4]	141	7
F CI62–1219 (G–13308) C 6–24–65	Pan American Petroleum Corp. (successor to Shell Oil Co.).	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	Partial assignment 4–22–65. [12]	331	6
			Effective date: 4–22–65		
CI63–20 D 4–4–66	Humble Oil & Refining Co.	Arkansas Louisiana Gas Co., Arkoma Area, Pittsburg County, Okla.	Assignment 3–14–66 [13] [14]	337	22
CI63–730 E 4–7–66 [15]	Estate of S. J. Sarkeys (successor to S. J. Sarkeys).	Michigan Wisconsin Pipe Line Co., Woodward Area, Dewey County, Okla.	S. J. Sarkeys, FPC GRS No. 1.	1	
			Supplement Nos. 1–4	1	1–4
			Notice of succession 4–6–66. [11]		
CI63–738 E 4–7–66 [16]	——do——	Panhandle Eastern Pipe Line Co., acreage in Dewey County, Okla.	S. J. Sarkeys, FPC GRS No. 2.	2	
			Supplement No. 1	2	1
			Notice of succession 4–6–66. [11]		
F CI64–521 (G–14892) C 12–30–65 [2]	Texas Oil & Gas Corp. (successor to U.S. Smelting Refining & Mining Co.).	El Paso Natural Gas Co., acreage in La Plata County, Colo.	Assignment 9–29–65 [17]	[17] 32	4
			Supplemental agreement 10–5–65. [18]	32	5
			Letter agreement 12–21–65. [4] [19]	32	6
CI64–601 C 6–20–66 [20]	Union Oil Co. of California.	Panhandle Eastern Pipe Line Co., Amargo Field, Dewey County, Okla.	Amendment 4–28–66 [4] [21]	[22] 81	2
CI65–583 C 4–20–66	Sun Oil Co. [23] (Southwest Division).	Natural Gas Pipeline Co. of America, Indian Basin Area, Eddy County, N. Mex.	Amendment 3–1–66 [4]	185	3
CI66–124 C 6–20–66 [20]	Tidewater Oil Co., (Operator), et al.	Trunkline Gas Co., South Thornwell Field, Jefferson Davis Parish, La.	Supplemental agreement 5–26–66. [4]	142	1
CI66–681 A 1–24–66 [24]	John and Lola Click	Kentucky-West Virginia Gas Co., acreage in Knott County, Ky.	Judgement 12–31–52 [25]	1	

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

See footnotes at end of table.

[1] The sales from acreage acquired from United States Smelting Refining & Mining Co. is subject to Applicant's rate suspension proceeding in Docket No. RI64–860 in lieu of its predecessor's rate proceeding in Docket No. RI64–656.

[2] Robbins Petroleum Corp. (Operator), et al., and Pan American Petroleum Corp.

[3] Also being accepted for filing herein as Pan American Petroleum Corp. FPC Gas Rate Schedule No. 433. Supplement No. 1 to Pan American's rate schedule is not identical with Supplement No. 1 to Robbins rate schedule.

Docket No. and date filed	Applicant	Purchaser, field, and location	FPC rate schedule to be accepted		
			Description and date of document	No.	Supp.
A CI66-801 (CI63-760) F 2-28-66	Pan American Petroleum Corp. (successor to Robbins Petroleum Corp., et al.)	Lone Star Gas Co., Danville Field, Gregg County, Tex.	Contract 11-12-62	433	
			Assignment 5-12-65 [25]	433	1
			Letter 2-3-66	433	2
			Effective date: 1-1-65		
CI66-909 A 3-24-66 [2] [27]	Atlas Corp	El Paso Natural Gas Co., East Bisti Unit, San Juan County, N. Mex.	Contract 10-29-59	7	
			Certificate of merger 12-31-62.[28]	7	1
			Effective date: 12-31-62		
CI66-931 B 3-28-66 (G-2864) (G-15138) (G-14568) (G-17476) (G-6396)	London Gas Co., et al.	Lone Star Gas Co., Asphaltum Gas Field, Jefferson and Stephens Counties, Okla.	Notice of cancellation 1-13-66.[14] [29]	[30] 1	4
				[31] 2	4
				[30] 3	4
				[31] 4	5
				[32] 5	6
				[30] 6	4
				[32] 7	5
CI66-941 A 4-1-66 [2]	W. R. Hughey Operating Co. (Operator), et al.	Texas Gas Transmission Corp., acreage in Webster Parish, La.	Contract 3-15-66	2	
CI66-971 A 4-8-66 [2] [27]	Fred H. Knapp, et al., d.b.a. Knapp Oil & Gas Co.	Carnegie Natural Gas Co., Center District, Wetzel County, W. Va.	Contract 8-2-61 [4]	1	
CI66-1252 A 5-27-66 [27]	Charles S. Hopkins, et al., d.b.a. Monroe Gas Co.	Consolidated Gas Supply Corp., Big Run Field, Jefferson County, Pa.	Contract 12-17-60 [4]	1	
CI66-1270 A 6-7-66 [2] [27]	Kenneth C. Summers, et al.	Carnegie Natural Gas Co., Hardbarger Run, Ritchie County, W. Va.	Contract 5-12-58 [4]	4	
CI66-1287 A 6-13-66 [33]	Bradley H. Keyes (successor to John J. Moya, et al.).	El Paso Natural Gas Co., Aztec Picture Cliff Field, San Juan County, N. Mex.	Contract 11-21-53 [34]	2	
			Letter agreement 7-5-60.[35]	2	1
			Assignment 9-27-65	2	2
			Assignment 10-21-65	2	3
			Assignment 12-15-65	2	4
			Effective date: 7-14-66		
A CI66-1288 (CI63-548) F 6-9-66	Kingwood Oil Co. (successor to Phillips Petroleum Co. (Operator), et al.).	Northern Natural Gas Co., North Ivanhoe Field, Beaver County, Okla.	Contract 9-14-62	18	
			Assignment 3-20-63 [36]	18	1
CI66-1289 A 6-16-66 [20]	WSC Corp	United Gas Pipe Line Co., South Cameron Meadows Field, Cameron Parish, La.	Contract 6-9-66	1	
CI66-1292 A 6-20-66 [20]	Sinclair Oil & Gas Co	Trunkline Gas Co., East Bancroft Field, Beauregard Parish, La.	Ratified 5-10-66 [37]	354	
			Contract 2-28-66 [4]	354	1
CI66-1293 A 6-16-66 [2]	Quaker State Oil Refining Corp.	United Fuel Gas Co., Lincoln District, Wayne County, W. Va.	Contract 5-26-66 [4]	17	
CI66-1294 A 6-16-66 [2]	do	United Fuel Gas Co., Stonewall District, Wayne County, W. Va.	Contract 5-26-66 [4]	18	
CI66-1295 A 6-17-66 [20]	J. M. Huber Corp	Northern Natural Gas Co., Northwest Lovedale Field, Harper County and Como Field, Beaver County, Okla.	Contract 5-9-66 [4]	72	
CI66-1298 A 6-16-66	Fairman Drilling Co	Consolidated Gas Supply Corp., Big Run Pool, Gaskill Township, Jefferson County, Pa.	Contract 2-19-65 [4]	47	
CI66-1299 A 6-16-66	do	Consolidated Gas Supply Corp., Big Run Pool, Banks Township, Indiana County, Pa.	Contract 1-25-65 [4]	46	
CI66-1301 A 6-16-66 [2]	Anadarko Production Co. (Operator), et al.	Panhandle Eastern Pipe Line Co., Massoni Field, Seward County, Kans.	Contract 4-4-66 [38]	123	
			Contract 5-17-65 [4]	123	1
CI66-1304 A 6-23-66 [20]	Robert E. Aikman d.b.a. A.I.K. Ltd. No. 2.	Panhandle Eastern Pipe Line Co., NE Sampsell Field, Cimarron County, Okla.	Contract 4-28-66 [39]	13	
			Contract 1-22-65	13	1
CI66-1307 A 6-21-66 [2]	Doyle Henson	Equitable Gas Co., Salt Lick District, Braxton County, W. Va.	Contract 6-10-66 [4]	1	
CI66-1308 A 6-17-66 [20]	Don D. Montgomery and Don D. Montgomery, Jr.	Cities Service Gas Co., Kelsey Unit, Woods County, Okla.	Contract 5-31-66 [4]	1	
CI66-1310 A 6-20-66 [20]	Tidewater Oil Co., (Operator), et al.	Northern Natural Gas Co., Anadarko Basin Area, Dewey, Ellis, and Woodward Counties, Okla.	Contract 5-31-66 [4]	145	

[1] Transfers properties from Shell Oil Co. to Petroleum Corp. of Texas.
[2] Jan. 1, 1968, moratorium date pursuant to Commission's Statement of General Policy 61-1, as amended.
[3] By letter dated Mar. 21, 1966, Applicant agreed to accept authorization for the additional acreage conditioned as Opinion No. 468.
[4] Effective date: Date of initial delivery (Applicant should advise the Commission as to such date).
[5] Eliminates Favored Nations Clause pertaining to liquids as to the subject acreage.
[6] Replaces predecessor's statement which was filed pursuant to section 154.92(c).
[7] Conveys all of Russell Rinehart's interest to Albert B. Yost.
[8] From Haynes & V. T. Drilling Co. to White Sands Oil & Gas Corp.
[9] From White Sands Oil & Gas Corp. to Permian Charitable Foundation of Midland, Texas, Inc.
[10] From Permian Charitable Foundation of Midland, Texas, Inc., to Petroleum Corp. of Texas.
[11] Effective date: Date of transfer of properties involved.
[12] Conveys acreage from Shell to Pan American; basic contract on file as Shell Oil Co., FPC GRS No. 181.
[13] Deletes acreage assigned to W. R. Yinger who received certificate authorization in Docket No. CI66-1094 covering the subject acreage.
[14] Effective date: Date of this order.
[15] Reflects the death of S. J. Sarkeys.
[16] Assignment of nonproductive acreage from United States Smelting Refining & Mining Co. to Texas Oil & Gas Corp.; United States Smelting's FPC GRS No. 8.
[17] Contract of Jan. 18, 1956 which also comprises United States Smelting's FPC GRS No. 8.
[18] Adds acreage and eliminates indefinite pricing provisions insofar as they pertain to the subject acreage.
[19] Deletes periodic and price redetermination for the last 5-year period and substitutes periodic only for the new acreage dedication.
[20] July 1, 1967, moratorium date pursuant to Commission's Statement of General Policy 61-1, as amended.
[21] Covers formations above base of Oswego Formation of Des Moines Group with respect to the added acreage.
[22] Contract rate is 17.0 cents; however, Applicant is willing to accept authorization for the additional acreage conditioned as the original certificate (Opinion No. 350).
[23] Applicant agrees to accept authorization for the additional acreage containing conditions similar to those imposed by Opinion No. 468.
[24] Sale being rendered on June 7, 1954.
[25] Knott County Circuit Court awarded John and Lola Click one-eighth interest in sale and directed them to pay one-eighth of costs of drilling and operating the well.
[26] Assigns acreage from Robbins Petroleum Corp., et al. to Applicant covered by Robbins' FPC GRS No. 4.
[27] Sale rendered without prior Commission authorization.
[28] Conveys ownership of contract by merging Petro Atlas into Atlas Corp.
[29] Source of gas depleted.
[30] Rate of 15.0 cents in effect subject to refund in Docket No. RI61-112.
[31] Rate of 12.0 cents in effect subject to refund in Docket No. RI63-176.
[32] Rate of 12.0 cents in effect subject to refund in Docket No. RI63-177.
[33] Applicant is filing to cover its own interest now covered by John J. Moya, et al. (Predecessor has no certificate).
[34] On file as John J. Moya, et al., FPC GRS No. 2.
[35] Changes frequency of specific gravity and gasoline content determination.
[36] Assignment from Phillips Petroleum Co. of Kingwood Oil Co.; interest previously covered under Phillips Petroleum Co., FPC GRS No. 389.
[37] Ratifies contract of Feb. 28, 1966, between Trunkline Gas Co. and Austral Oil Co., Inc.; on file as Austral Oil Co., Inc., FPC GRS No. 29.
[38] Ratifies basic contract dated May 17, 1965 between buyer and Ambassador Oil Corp., et al.
[39] Ratifies basic contract dated Jan. 22, 1966 between buyer and Cities Service Oil Co.

[F.R. Doc. 66-9130; Filed, Aug. 23, 1966; 8:45 a.m.]

[Docket No. CP67-31]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

AUGUST 17, 1966.

Take notice that on August 12, 1966, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP67-31 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for a certificate of public convenience and necessity, authorizing the construction and operation of new facilities at a different location on Applicant's system for the continuation of deliveries of gas to Northern Illinois Gas Co.'s (Northern Illinois) Princeton, Ill., market area, and for permission and approval to abandon the existing facilities now used for deliveries to said market area, 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 a measuring station, approximately 800 feet of 6-inch line and other appurtenant facilities to establish a delivery point to Northern Illinois, and will abandon the existing delivery point, the facilities of which are 1.3 miles of 2-inch and 3-inch parallel branch lines and a measuring station.

The application states that both Northern Illinois and Applicant have determined that their existing facilities are not adequate to meet Northern Illinois' increasing market requirements in the Princeton, Ill., market area and that, in coordinating the design of their respective facilities, the most advantageous design of their facilities would be accomplished by the facilities for which authorization is sought.

The total estimated cost of Applicant's proposed construction of delivery facilities, together with the net cost of abandoning existing facilities, is $24,060, which will be financed with funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (§ 157.10) on or before September 7, 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 and permission and approval for the proposed abandonment are 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. 66-9172; Filed, Aug. 23, 1966; 8:45 a.m.]

[Docket Nos. CS66-48, etc.]

RODMAN AND LATE ET AL.

Further Notice of Applications for "Small Producer" Certificates [1]

AUGUST 17, 1966.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce from the Permian Basin area of Texas and New Mexico, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

The applications state that E. G. Rodman or Rodman Petroleum Corp., of which E. G. Rodman is president and director, owns a major interest in each Applicant and that E. G. Rodman owns a 45-percent interest in and is vice president and director of West Texas Gathering Co., a natural gas pipeline company subject to the jurisdiction of the Commission. On July 21, 1966, Applicants filed a request for waiver of § 157.40(a)(1) of the regulations under the Natural Gas Act (18 CFR 157.40(a)(1)) so that small producer certificates could be issued to them notwithstanding their affiliation with West Texas Gathering Co. In any proceedings on the subject applications the Commission will consider, inter alia, the issuance of small producer certificates to Applicants conditioned to proscribe sales pursuant thereto to West Texas Gathering Co.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 8, 1966.

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

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

JOSEPH H. GUTRIDE,
Secretary.

Docket No.	Date filed	Name of applicant
CS66-48 [1]	Dec. 27, 1965	Rodman and Late, 1206 ABC Bldg., Odessa, Tex. 79760.
CS66-49 [1]	Dec. 27, 1965, as amended Jan. 17, 1966.	Rodman Oil Co., 1206 ABC Bldg., Odessa, Tex. 79760.
CS66-50 [2]	Dec. 27, 1965, as amended Jan. 17, 1966.	E. G. Rodman, 1206 ABC Bldg., Odessa, Tex. 79760.
CS66-51 [1]	Dec. 27, 1965	E. G. Rodman (Operator), et al.
CS66-52 [2]	Dec. 27, 1965, as amended Jan. 17, 1966.	Rodman Petroleum Corp., 1206 ABC Bldg., Odessa, Tex. 79760.

[1] Notice of the filing of the subject application has heretofore been issued on Jan. 13, 1966, and published in the FEDERAL REGISTER on Jan. 22, 1966 (31 F.R. 917).

[2] Notices of the filing of the subject application have heretofore been issued on Jan. 13, 1966, and Jan. 26, 1966, and have been published in the FEDERAL REGISTER on Jan. 22, 1966 (31 F.R. 917) and Feb. 4, 1966 (31 F.R. 2398), respectively.

[F.R. Doc. 66-9173; Filed, Aug. 23, 1966; 8:45 a.m.]

[Docket Nos. RI67-31, etc.]

SUN OIL CO. ET AL.

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

AUGUST 17, 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 in Appendix A 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

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

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

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.

(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 28, 1966.

By the Commission.

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

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	
RI67-31	Sun Oil Co., 1608 Walnut St., Philadelphia, Pa. 19103.	158	5	Arkansas Louisiana Gas Co. (North Cooper Field, Blaine County, Okla.), (Oklahoma "Other" Area).	$4,200	7-27-66	[2] 8-27-66	1-27-67	15.0	[3] [4] 17.8	
RI67-32	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.	331	12	do	7,952	7-29-66	[2] 8-29-66	1-29-67	15.0	[3] [4] 17.8	
RI67-33	Northern Pump Co. (Operator), et al., Post Office Box 7277, Camden Station, Minneapolis, Minn. 55412.	9	6	Northern Natural Gas Co. (Kansas Hugoton Field, Seward County, Kans.).	1,455	7-27-66	[2] 9-1-66	2-1-67	[6] 12.0	[4] [5] [6] 13.0	RI62-24.
	do	12	5	do	300	7-27-66	[2] 9-1-66	2-1-67	[6] 12.0	[4] [5] [6] 13.0	RI62-24.
	do	15	5	do	286	7-27-66	[2] 9-1-66	2-1-67	[6] 12.0	[4] [5] [6] 13.0	RI62-24.
RI67-34	Gulf Oil Corp., Post Office Box 1589, Tulsa, Okla. 74102.	43	9	Natural Gas Pipeline Co. of America (Quinduno Fields, Roberts County, Tex.), (R.R. District No. 10).	51,250	7-29-66	[2] 9-1-66	2-1-67	[6] 13.0	[4] [5] [6] 14.0	RI65-599.
RI67-35	Frederick C. and Ferris F. Hamilton, d.b.a. Hamilton, Brothers, Ltd., 1517 Denver Club Bldg., Denver, Colo. 80202.	15	3	Panhandle Eastern Pipe Line Co. (Northeast Postle Field, Texas County, Okla.), (Oklahoma Panhandle Area).	7,410	7-29-66	[2] 9-1-66	2-1-67	16.0	[4] [5] 17.0	
RI67-36	Lenoir M. Josey, Inc. (Operator), et al., 504 Waugh Drive, Houston, Tex. 77019.	7	[1] 3	Tennessee Gas Pipeline Co., Division of Tenneco, Inc. (North Hungerford Field, Fort Bend and Wharton Counties, Tex.). (R.R. District No. 3).	11,391	7-26-66	[2] 8-26-66	1-26-67	[6] 13.49751	[4] [7] [8] 16.16947	

[2] The stated effective date is the effective date proposed by Respondent.
[3] Respondent is filing from permanently certificated rate to first periodic increase under contract. Initial contract rate not filed for is 16.8¢ per Mcf.
[4] Pressure base is 14.65 p.s.i.a.
[5] Periodic rate increase.
[6] Subject to a downward B.t.u. adjustment.
[1] Favored-nation rate increase.
[8] Includes letter dated June 30, 1966, which provides for the rate proposed herein.
[9] Inclusive of 0.21931¢ per Mcf dehydration charge paid by seller to buyer for dehydration service.

Humble Oil & Refining Co. (Humble) requests that should the Commission suspend its rate filing that the suspension period be shortened to 1 day. Good cause has not been shown for granting Humble's request for limiting to 1 day the suspension period with respect to its rate filing and such request is denied.

All of 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 2.56).

[F.R. Doc. 66-9174; Filed, Aug. 23, 1966; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812-1989]

NATIONAL AVIATION CORP.

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

AUGUST 18, 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 $2 million principal amount convertible subordinated debentures due 1991 ("the debentures") which the Boeing Co. ("the Issuer") proposes to issue. The proposed purchase is a portion of an offering of $130,057,600 principal amount of the debentures expected to be offered to the public as soon as the registration statement on Form S-1 of the Issuer, filed August 9, 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 the 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 the 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 proposed investment, if consummated, are fair and reasonable, that the amount paid will represent 2.2 percent of the Applicant's assests as of August 11, 1966, and that the investment of the Applicant in all securities of the Issuer will represent approximately 4 percent of the Applicant's assets as of August 11, 1966.

Notice is further given that any interested person may, not later than

September 1, 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 (airmail 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).

ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 66-9199; Filed, Aug. 23, 1966; 8:47 a.m.]

TARIFF COMMISSION

[AA1921-49]

STEEL JACKS FROM CANADA

Determination of Likelihood of Injury

AUGUST 19, 1966.

On May 19, 1966, the Tariff Commission received advice from the Treasury Department that steel jacks from Canada, manufactured by J. C. Hallman Manufacturing Co., Ltd., Kitchener (formerly Waterloo), Ontario, Canada, are being, or are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Accordingly, on May 19, 1966, the Commission instituted Investigation No. AA1921-49 under section 201(a) of that Act to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notices of the institution of the investigation and of a public hearing to be held in connection therewith were published in the FEDERAL REGISTER (31 F.R. 7534 and 8185). The hearing was held on July 6, 1966.

In arriving at a determination in this case, due consideration was given by the Commission to all written submissions from interested parties, all testimony adduced at the hearing, and all information obtained by the Commission's staff.

On the basis of the investigation, the Commission (Commissioners Fenn and Thunberg dissenting)[1] has determined that an industry in the United States is likely to be injured by reason of the importation of steel jacks from J. C. Hallman Manufacturing Co., Ltd., Kitchner, Ontario, Canada, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Statement of reasons. The imported steel jack that is made in Canada by J. C. Hallman Manufacturing Co., Ltd., Kitchner, Ontario, and sold in the United States at less than fair value, is virtually identical to the Hi-Lift jack and is quite similar to the Handyman jack, which jacks are produced in the United States by the Harrah Manufacturing Co.[2] These jacks are designed for use not only as jacks, but as fence stretchers, and devices for performing a variety of lifting, pushing, and pulling functions and may be described as unique multipurpose tools. The Harrah Manufacturing Co. is the only domestic producer and is, therefore, considered the U.S. industry for the purpose of this case.

The ratio of the "less than fair value" (LTFV) imports to combined sales in the United States of the Hallman and Harrah jacks was large in 1962 and it increased annually during 1963–65 and again during the first 6 months of 1966. This increase occurred notwithstanding the suspension of appraisement in May 1965, and Treasury's subsequent determination of sales below fair value. The increase in LTFV shipments was attended by the Canadian manufacturer's move to a larger plant in 1965.

The gain in sales of the imported jack in the United States is attributable directly to its sale at a lower price than its domestic counterpart. The difference in price between the imported and domestic jacks was made possible by the margin of the difference between the "fair value" and the importer's purchase price, which was substantial.

On July 13, 1966, the Hallman Co. increased the price on jacks for export to the United States and on August 1, 1966, Hallman increased the home market price. These price adjustments reduced but did not remove the margin of difference between fair value and the lower price to the importer.

The LTFV sales were the major factor in causing a steady decline in the average return to the producer on sales of the domestically produced Hi-Lift jack during 1963–65 and the first 6 months of 1966. However, the demand for the jacks involved in this investigation has been increasing in recent years, and the domestic producer has been able to maintain his total net profits through increased sales, hence he is not now being materially injured within the meaning of the Antidumping Act.

Having found that the domestic industry concerned is not being materially injured by reason of the importation of the tools in question, it is necessary to determine whether the industry is likely to be injured by reason of their importation.

A determination that there is likelihood of material injury to an industry must not be based on pure conjecture nor be related to material injury that might occur at some remote future time. On the other hand, the "likelihood" clause must not be rendered ineffectual; to do so would be to negate the fact that the Antidumping Act is designed to be preventive as well as remedial. We recognize that the demand for the tools involved in this investigation has been increasing in recent years and that the domestic producer has increased his sales, so that he is not now being materially injured within the meaning of the Antidumping Act. We find, however, that the pattern of sales at less than fair value by the Canadian manufacturer and his attitude throughout the investigation under the Antidumping Act show a likelihood of continuation of sales at less than fair value at a rate and at prices that will culminate in the foreseeable future in material injury to the domestic industry.

The evidence shows that the program of selling below fair value was deliberately undertaken and calculated to obtain by this means a substantial share of the U.S. market for the tools in question; that the LTFV sales were continued and indeed accelerated during the Treasury-Tariff Commission investigation; that opportunity to adjust prices to eliminate the margin of difference was given by the Treasury Department and was ignored; that the LTFV sales are taking an increasing share of the domestic market; and that the margin of difference was substantial.

The last-minute grudging price adjustment by the Canadian exporter (which did not eliminate the margin of difference) was, according to his own statement "prompted by sheer economics" and evidences no assurance that the Canadian manufacturer will not resume his previous practice of pricing his sales to the United States at substantially less than fair value, in order to continue what he considers to be his "right" to obtain a substantial share of the U.S. market by this means.

Based on known price increases of materials purchased by the Harrah Manufacturing Co., and a wage increase that will become effective in September 1966, the firm is now confronted with an increase in manufacturing costs of substantial magnitude. This forthcoming increase in the U.S. producer's costs, together with the Canadian firm's increase in capacity, the sustained increase in its LTFV shipments to the United

[1] The views of Commissioners Fenn and Thunberg follow the statement of reasons.

[2] The imported jacks and those produced by the complainant producer are made in several like sizes and are priced according to height and whether they are fitted with wheels. Virtually all the imported jacks were purchased at price levels which were the same percentage points lower than fair value. Therefore, for purposes of this statement of reasons no distinction between sizes or types of jacks and the several differences between purchase price and fair value are worthy of further comment.

States, and the absence of any assurance that it will discontinue LTFV shipments or not increase the margin of difference, justify the conclusion that it is likely that the domestic industry will be materially injured by reason of the continued importation of the Canadian jacks at less than fair value.

Views of Commissioners Fenn and Thunberg. Like our colleagues, we do not find that the industry producing the particular type of jack, a unique multipurpose tool, which is the subject of this investigation is being injured by the sale of LTFV imports from Canada. Further, we see no clear and imminent change in the competitive situation that will affect the domestic producer adversely. As a matter of fact, the one change that has occurred presages an easier time for the domestic manufacturer instead of a more difficult one.

The law provides that the same incremental duty be levied on imports sold at less than fair value that are likely to injure a domestic industry as that levied on LTFV imports that actually are presently injuring a domestic industry. This equivalence of incremental duty suggests that evidence of a likelihood of injury must be as direct, observable and clear as evidence of presently existing injury. For likelihood of injury to be evidenced in clearly observable facts, injury must be imminent and foreshadowed by perceptible shifts in the competitive situation. As has been written in another case, "To find likelihood, we must be able to point to an impending change in circumstances which is about to transform a noninjurious action into an injurious one. That change must be specific, imminent and predictable; the mere continuance of sales at less than fair value at the same level as in the past is not enough." [1]

In this case, the increasing Canadian imports have been accompanied by an expansion of sales by the domestic producer and by growing profits. List prices have remained stable and, in one instance, increased. Although the average revenue per unit on one model declined, this drop was due at least as much to a necessary alignment of the prices of two similar models as it was to import competition. Under these circumstances the Commission found no present injury. We see nothing to support a presumption that the forces which stimulated the expansion of domestic demand for this tool during the past three years are going to weaken. On the contrary we do find evidence that they are going to continue. We can point to no change in the existing situation that will transform a noninjurious act into an injurious one. Without such a change, one must assume that the imports which have not caused injury in the past will not do so in the future.

But in our view the evidence against likelihood of injury is even stronger in this case because it points to an improvement rather than a deterioration in the competitive position of the domestic producer. In July 1966 the exporter raised his prices to the importer substantially. This increase will markedly reduce the importer's flexibility and may well reduce the price advantage which the imports have held, especially in view of the narrow margin on which the importer is operating. While the domestic producer has testified that full employment and tight supply conditions are going to raise his costs, his margin of choice in price and sales policy is wider than that of the importer because of the existence of a cushion of profits in a period of expanding demand. The imported product is now less competitive than previously, and the domestic manufacturer enjoys a stronger position than he has at any time since the imports first entered the market.

Under these circumstances, we do not see how the apparent determination of the Canadian producer to continue selling his product at less than fair value in the United States can be in itself a cause of injury; consequently, we can find no likelihood of injury in this case under the provisions of the Antidumping Act.

By direction of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F.R. Doc. 66-9219; Filed, Aug. 23, 1966; 8:50 a.m.]

[1] Steel Reinforcing Bars From Canada, Views of Commissioner Fenn—Tariff Comsion Publication 122, Mar. 23, 1964.

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 579 (28 F.R. 11524), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the statutory minimum of $1.25 an hour.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR, Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is less, in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base period.

Cook's, Inc., hardware store; 1100 Washington Street, Grand Haven, Mich.; 7-14-66 to 7-13-67.

W. T. Grant Co., variety stores: No. 892, Savannah, Ga. (7-13-66 to 7-12-67); 41 East Seventh Street, St. Paul, Minn. (9-3-66 to 9-2-67); No. 3203, Elyria, Ohio (9-3-66 to 9-2-67); No. 482, Delphos, Ohio (7-21-66 to 7-20-67); 23 South Third Street, Newark, Ohio (9-3-66 to 9-2-67); 315 Gay Street, Knoxville, Tenn. (9-1-66 to 8-31-67); 324 West Main Street, Clarksburg, W. Va. (9-1-66 to 8-31-67); No. 343, Milwaukee, Wis. (7-21-66 to 7-20-67).

S. S. Kresge Co., variety stores: No. 4586, Alton, Ill. (7-25-66 to 7-24-67); No. 4561, Chicago, Ill. (7-21-66 to 7-20-67); No. 270, Davenport, Iowa (9-3-66 to 9-2-67); No. 350, Dearborn, Mich. (9-3-66 to 9-2-67); No. 241, Detroit, Mich. (9-3-66 to 9-2-67); No. 340, Detroit, Mich. (9-3-66 to 9-2-67); No. 369, Detroit, Mich. (9-3-66 to 9-2-67); No. 527, Detroit, Mich. (9-3-66 to 9-2-67); No. 536, Holland, Mich. (8-20-66 to 8-19-67); No. 245, Lincoln Park, Mich. (9-3-66 to 9-2-67); No. 2, Port Huron, Mich. (9-3-66 to 9-2-67); No. 118, Cleveland, Ohio (9-3-66 to 9-2-67); No. 286, Sheboygan, Wis. (8-1-66 to 7-31-67).

McCrory-McClellan-Green Stores, Inc., variety stores: No. 444, Bessemer, Ala. (9-3-66 to 9-2-67); No. 1128, Ensley, Ala. (9-3-66 to 9-2-67); No. 1109, Montgomery, Ala. (9-3-66 to 9-2-67); No. 580, Tucson, Ariz. (9-3-66 to 9-2-67); No. 599, Tucson, Ariz. (9-3-66 to 9-2-67); No. 239, Fort Smith, Ark. (9-3-66 to 9-2-67); No. 1114, Wilmington, Del. (9-3-66 to 9-2-67); No. 569, Fort Dodge, Iowa (9-3-66 to 9-2-67); No. 470, Topeka, Kans. (9-3-66 to 9-2-67); No. 305, Lexington, Ky. (9-3-66 to 8-31-67); No. 1204, Lexington, Ky. (9-3-66 to 8-31-67); No. 315, Baton Rouge, La. (9-3-66 to 9-2-67); No. 1125, Shreveport, La. (9-3-66 to 9-2-67); No. 314, Baltimore, Md. (9-3-66 to 9-2-67); No. 1111, Baltimore, Md. (9-3-66 to 9-2-67); No. 68, Easton, Md. (9-3-66 to 9-2-67); No. 46, Frederick, Md. (9-3-66 to 9-2-67); No. 556, Alpena, Mich. (9-3-66 to 9-2-67); No. 541, Petoskey, Mich. (9-3-66 to 9-2-67); No. 616, Columbia, Miss. (8-27-66 to 8-26-67); No. 1019, Jackson, Miss. (9-3-66 to 9-2-67); No. 646, Pascagoula, Miss. (9-3-66 to 9-2-67); No. 565, Albuquerque, N. Mex. (9-3-66 to 9-2-67); No. 189, Canton, Ohio (9-3-66 to 9-2-67); No. 684, Delaware, Ohio (9-3-66 to 9-2-67); No. 24, Springfield, Ohio (9-3-66 to 9-2-67); No. 185, Youngstown, Ohio (9-3-66 to 9-2-67); No. 1083, Oklahoma City, Okla. (9-3-66 to 9-2-67); No. 633, Pryer, Okla. (9-3-66 to 9-2-67); No. 9, Altoona, Pa. (9-3-66 to 9-2-67); No. 155, Canonsburg, Pa. (9-3-66 to 9-2-67); No. 45, Chambersburg, Pa. (9-3-66 to 9-2-67); No. 28, Chester, Pa. (9-3-66 to 9-2-67); No. 220, Connellsville, Pa. (9-3-66 to 9-2-67); No. 87, Du Bois, Pa. (9-3-66 to 9-2-67); No. 316, Edwardsville, Pa. (9-3-66 to 9-2-67); No. 39, Hanover, Pa. (9-3-66 to 9-2-67); No. 1122, Hollidaysburg, Pa. (9-3-66 to 9-2-67); No. 51, Indiana, Pa. (9-3-66 to 9-2-67); No. 80, Lancaster, Pa. (9-3-66 to 9-2-67); No. 42, Lebanon, Pa. (9-3-66 to 9-2-67); No. 1046, Lebanon, Pa. (9-3-66 to 9-2-67); No. 273, Lewistown, Pa. (9-3-66 to 9-2-67; No. 1029, McKeesport, Pa. (9-3-66 to 9-2-67); No. 201, Philadelphia, Pa. (9-3-66 to 9-2-67); No. 1052, Philadelphia, Pa. (9-3-66 to 9-2-67); No. 104, Phillipsburg, Pa. (9-3-66 to 9-2-67); No. 11, Pittsburgh, Pa. (9-3-66 to 9-2-67); No. 53, Pittsburgh, Pa. (9-3-66 to 9-2-67); No. 1037, Pottsville, Pa. (9-3-66 to 9-2-67); No. 14, York, Pa. (9-3-66 to 9-2-67); No. 497, Columbia, Tenn. (9-3-66 to 9-2-67);

No. 1120, Memphis, Tenn. 9–8–66 to 9–7–67); No. 320, Whitehaven, Tenn. (9–3–66 to 9–2–67); No. 1004, Dallas, Tex. (9–3–66 to 9–2–67); No. 1132, San Antonio, Tex. (9–8–66 to 9–2–67); No. 309, Arlington, Va. (9–3–66 to 9–2–67); No. 296, Front Royal, Va. (9–3–66 to 9–2–67); No. 142, Harrisonburg, Va. (9–3–66 to 9–2–67); No. 47, Winchester, Va. (9–3–66 to 8–31–67); No. 33, Morgantown, W. Va. (9–3–66 to 9–2–67).

Piggly Wiggly of Allendale, Inc., food store; 718 Bay Street, Allendale, S.C.; 7–26–66 to 7–25–67.

Raylass Department Stores, Inc., variety store; 131 Main Street, Spartanburg, S.C.; 7–19–66 to 6–30–67.

T. G. & Y. Stores Co., variety stores: No. 8, Elk City, Okla. (9–3–66 to 9–2–67); No. 57, Muskogee, Okla. (9–3–66 to 9–2–67); No. 56, Oklahoma City, Okla. (9–3–66 to 9–2–67); No. 113, Wichita Falls, Tex. (9–3–66 to 9–2–67).

The following certificates were issued to establishments coming into existence after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR, Part 519. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum of $1.25 an hour in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Columbia Crest 5–10–25¢ Stores, variety store; 519 12th Street, West Columbia, S.C.; sales clerk, stock clerk; 10 percent for each month; 8–1–66 to 7–31–67.

W. T. Grant Co., variety stores for the occupations of sales clerk, stock clerk, office clerk, cashier: No. 1078, Lima, Ohio (between 0.0 percent and 10 percent, 8–5–66 to 8–4–67); No. 126, Newark, Ohio (between 0.0 percent and 10 percent, 9–3–66 to 9–2–67); No. 939, Berwick, Pa. (10 percent for each month, 7–18–66 to 7–17–67); 5400 Charlotte Avenue, Nashville, Tenn. (between 0.9 percent and 10 percent, 7–21–66 to 7–20–67).

S. S. Kresge Co., variety stores for the occupation of sales clerk: No. 4083, Flint, Mich. (between 8.4% and 10%, 8–24–66 to 8–23–67); No. 678, Wayne, Mich. (10% for each month, 8–23–66 to 8–22–67); No. 477, Wyoming, Mich. (between 2.5% and 10%, 8–23–66 to 8–22–67); 21 Village Square Road, Hazelwood, Mo. (10% for each month, 7–28–66 to 7–27–67); No. 4518, Ashtabula, Ohio (10% for each month, 9–3–66 to 9–2–67); No. 4132, Arlington, Tex. (between 7.2% and 10%, 7–18–66 to 7–17–67); No. 715, Houston, Tex. (between 3.1% and 10%, 9–27–66 to 9–26–67); No. 782, Houston, Tex. (between 3.1% and 10%, 8–12–66 to 8–11–67).

McCrory-McClellan-Green Stores, variety stores for the occupations of sales clerk, stock clerk, office clerk: No. 7503, Decatur, Ala. (between 2.3% and 10%, 9–3–66 to 9–2–67); No. 379, Phoenix, Ariz. (between 4.9% and 10%, 9–3–66 to 9–2–67); No. 706, Albuquerque, N. Mex. (10% for each month, 9–3–66 to 9–2–67); No. 372, Troy, Ohio (between 6.2% and 10%, 9–3–66 to 9–2–67); No. 341, Moundsville, W. Va. (between 4.9% and 10%, 9–3–66 to 9–2–67).

G. C. Murphy Co., variety stores for the occupations of sales clerk, stock clerk, office clerk, janitor: No. 305, Landover, Md. (10% for each month, 8–5–66 to 8–4–67); No. 307, Greensburg, Pa. (between 6.8% and 10%, 8–12–66 to 8–11–67).

7–11 Super Saver, Inc., food stores for the occupations of checker, sacker: No. 3, Nashville, Tenn. (10% for each month, 8–1–66 to 7–31–67); No. 2, Nashville, Tenn. (10% for each month, 8–1–66 to 7–31–67); No. 5, Nashville, Tenn. (10% for each month, 8–1–66 to 7–31–67).

Super Duper Food Center, food store; 300 Hailey Street, Sweetwater, Tex.; produce clerk, carryout boy, janitor, sacker; between 8.2% and 10%; 9–3–66 to 9–2–67.

The following certificates were issued to establishments under paragraph (k) of § 519.6 of 29 CFR Part 519. These certificates supplement certificates issued pursuant to other paragraphs of that section, authorize the employment of full-time students at rates below the applicable statutory minimum in additional occupations, but do not authorize such employment for additional monthly percentages of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Parisian, Inc., specialty stores for the occupations of sales clerk, stock clerk, office clerk, cleanup: Vestavia Mall, Birmingham, Ala. (8–8–66 to 11–23–66); 2217 Bessemer Road, Birmingham, Ala. (8–8–66 to 11–23–66); Gateway Shopping Center, Decatur, Ala. (8–8–66 to 11–23–66); 1924 Second Avenue North, Birmingham, Ala. (8–8–66 to 11–23–66).

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 17th day of August 1966.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 66–9181; Filed, Aug. 23, 1966; 8:46 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 957]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

AUGUST 19, 1966.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

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

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 116763 (Sub-No. 108), filed August 8, 1966. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and warehouse facilities of Ore-Ida Foods, Inc., located at or near Greenville, Mich., to points in the District of Columbia, restricted to the transportation of shipments originating at the said plantsite and warehouse facilities and destined to the District of Columbia.

HEARING: September 7, 1966, at the U.S. Post Office and Courthouse, 231 West Lafayette Street, Detroit, Mich., before Examiner Lacy W. Hinely.

No. MC 127036 (Sub-No. 1) (Republication), filed March 17, 1966, published FEDERAL REGISTER issue of April 7, 1966, and republished, this issue. Applicant: FREDDIE E. WIBLE AND ALMA L. WIBLE, a partnership, doing business as HIRAM WIBLE & SON, Three Springs, Pa. Applicant's representative: Leonard R. Apfelbaum, Arch at Second, Sunbury, Pa. 17801. By application filed March 17, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of coal, from Broad Top City, Pa., and an area of 10 airline miles thereof, to points in Washington County, Md. An order of the Commission, Operating Rights Board No. 1, dated July 28, 1966, and served August 11, 1966, finds that the present and future public convenience and necessity require operation by applicants, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of coal, from points in (1) that portion of Bedford County, Pa., located north of the Pennsylvania Turnpike (Interstate Highway 80S) and east of U.S. Highway 220, (2) that portion of Huntingdon County, Pa., located south of U.S. Highway 22 and west of U.S. Highway 522, and (3) that portion of Fulton County, Pa., located north of the Pennsylvania Turnpike (Interstate Highway 80S), to points in Washington County, Md.; that applicants are fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order,

a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 127906 (Republication), filed February 1, 1966, published FEDERAL REGISTER issue of February 25, 1966, and republished, this issue. Applicant: HENRY A. BRUBAKER, 122 South Grant Street, Manheim, Pa. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, Pa. 17108. By application filed February 1, 1966, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of building materials, electrical and gas appliances, and equipment and parts, from points in Ephrata Township, Lancaster County, Pa., to points in Delaware, Maryland, and New Jersey, under a continuing contract or contracts with the Wickes Lumber Co., division of The Wickes Corp., Saginaw, Mich. An order of the Commission, Operating Rights Board No. 1, dated July 29, 1966, and served August 11, 1966, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) *construction materials* and (2) *electrical and gas appliances, equipment, and parts*, from points in Ephrata Township, Lancaster County, Pa., to points in Delaware, Maryland, and New Jersey, under a continuing contract with Wickes Lumber & Building Supplies Division of the Wickes Corp., of Saginaw, Mich., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published in the FEDERAL REGISTER, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit herein will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate protest or other pleading.

No. MC 1200 (Notice of filing of petition to change restrictive dates in certificate authorizing transportation to and from Lincoln Race Track at Lincoln, R.I.), filed July 21, 1966. Petitioner: RHODE ISLAND BUS CORP., Providence, R.I. Petitioner's representative: John R. Sims, Jr., 1750 Pennsylvania Avenue NW., Washington, D.C. 20006. Petitioner states that its present authority has been consolidated into its lead docket, namely MC 1200. The authority here in question reads as follows: Passengers and their baggage, during the season extending from April 12 to November 30, inclusive of each year, between Pawtucket, R.I., and the Lincoln Race Track at Lincoln, R.I., serving no intermediate points, over specified regular routes. By the instant petition, petitioner requests that its certificate be modified so as to remove the date restriction and be replaced by a restriction authorizing transportation to Lincoln Race Track at Lincoln, R.I., only during the racing season or sessions at Lincoln Race Track. Any interested person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 109950 (Notice of filing of petition for removal of restriction), dated July 19, 1966. Petitioner: JAMES E. TALBOT, doing business as NORTH JERSEY TRUCKING CO., Fort Lee, N.J. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. In certificate MC 109950 petitioner holds authority to transport, as follows: General commodities, over a specified regular route, between Bogota, N.J., and East Paterson, N.J., serving the intermediate points of Hackensack, Maywood, Rochelle Park, and Passaic Junction, N.J., and the off-route point of Lodi, N.J., subject to the following restrictions. "The service to be performed by said carrier shall be limited to that which is auxiliary to, or supplemental of, rail service; shipments transported by said carrier shall be limited to those which, in addition to the movement by said carrier, receive an immediately prior or an immediately subsequent movement by rail; all contractual arrangements between said carrier and any railroad to whose service its service is auxiliary to or supplemental of shall be subject to revision if and as the Commission may find it necessary in order that such arrangements shall be fair and equitable to the parties; and such further conditions as this Commission, in the future, may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to or supplemental of, rail service." By the instant petition, petitioner requests that in lieu of the restrictions now set forth in this certificate that the following restriction be imposed. Restriction: "The service authorized herein is subject to the following condition: The service to be performed by said carrier shall be limited to that which had prior or subsequent movement in interstate commerce." Any interested person desiring to participate may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 115841 (Sub-Nos. 4, 14, 26, 63, and 214), (Notice of filing of petition to modify certificates), filed July 21, 1966. Petitioner: COLONIAL REFRIGERATED TRANSPORTATION, INC., Birmingham, Ala. Petitioner's representative: C. E. Wesley, Post Office Box 2169, Birmingham, Ala. Petitioner states that it holds authority in MC 115841 (Sub-No. 4), issued February 9, 1959, to transport fruit, grape juice, jams, jellies, preserves, and tomato juices, in vehicles equipped with mechanical refrigeration, from points in that part of New York on and west of U.S. Highway 11, and from North East, Pa., to points in Alabama, Louisiana, Mississippi, and Tennessee. In MC 115841 (Sub-No. 14), in part, issued May 1, 1959, to transport tomato juice, jams, jellies, preserves, and frozen fruit juices, from Erie and North East, Pa., to points in Kentucky. In MC 115841 (Sub-No. 26), issued December 3, 1958, to transport grape products, and fruit and vegetable juices, unfrozen, in vehicles equipped with mechanical temperature control, from North East and Erie, Pa., to points in Georgia and those in Florida on and north of a straight line extending between St. Augustine, Fla., and Panama City, Fla. In MC 115841 (Sub-No. 63), issued November 14, 1961, to transport frozen foods and canned goods (unfrozen), from Westfield, N.Y., and North East, Pa., to points in Georgia, and South Carolina and points in a specified portion of Florida. Fruit beverages, unfrozen, from Westfield, N.Y., and North East, Pa., to points in Alabama, Louisiana, Mississippi, and Tennessee. In MC 115841 (Sub-No. 214), issued October 27, 1965, to transport grape crystals, grape or concentrate, grape sherbert base, and grape ice cream flavoring, from points in Erie and Chautauqua Counties, N.Y., to points in Alabama, Kentucky, Louisiana, Mississippi, and Tennessee. By the instant petition, petitioner seeks to modify its certificates to utilize or secure the commodity description *Foodstuffs*. Any person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 119302 (Notice of filing of petition to modify plantsite restriction in permit), filed July 21, 1966. Petitioner: JOSEPH H. SHAW, doing business as MILLER TRANSFER & STORAGE, Clarion, Pa. Petitioner's representative: Paul F. Sullivan, Suite 913, Colorado Building, 1341 G Street NW., Washington, D.C. 20005. As here pertinent, petitioner holds a permit authorizing the transportation of machinery and machinery parts, moving with the machinery or separately, over irregular routes, between the plantsite of the Elliott Co., division of Carrier Corp., Ridgway, Pa., on the one hand, and, on the other, points in the United States, except Alaska and Hawaii, limited to transportation service to be performed under a continuing contract or contracts with the Elliott Co., division of Carrier Corp. of Ridgway, Pa. By the instant petition, petitioner requests modification of its permit in No. MC 119302 reflecting the change in the location of the Elliott Co.'s plantsite from Ridgway to Jeannette, Pa. Jeannette, Pa., should be substituted for Ridgway, Pa., with respect to the location of

shipper's plantsite as well as in the limitation relating to service being performed under contract with the named shipper. Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 28961 (Sub-No. 19), filed August 10, 1966. Applicant: McDUFFEE MOTOR FREIGHT, INC., 332 Hood Avenue, Lebanon, Ky. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment other than those requiring refrigeration, and those injurious or contaminating to other lading), serving Danville, Ky., for joinder only, and serving all intermediate points 5 miles or more south of Stanford, Ky., and all offroute points within 3 miles of the highways between London and Middlesboro, Ky., and between London and Harlan, Ky., in connection with applicant's authorized regular-route operations between Louisville, Ky., and Harlan and Middlesboro, Ky. NOTE: This application is a matter directly related to MC-F-9505, published August 19, 1966.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

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

MOTOR CARRIERS OF PROPERTY

Nos. MC-F-9484 and MC-F-9485 (NOLTE BROS. TRUCK LINE, INC.—CONTROL & MERGER—UTICA TRANSFER, INC.), and (NOLTE BROS. TRUCK LINE, INC.—CONTROL & MERGER—G & H TRUCK LINE, INC.), respectively, published in the July 27, 1966, issue of the FEDERAL REGISTER, on page 10167. By supplement filed August 11, 1966, applicants' request the above applications be amended to include authority for C.O.D.E., INC., and, in turn by BYRON RAZNICK, to acquire control of NOLTE BROS. TRUCK LINE, INC., UTICA TRANSFER, INC., and G & H TRUCK LINE, INC.

No. MC-F-9507. Authority sought for control by NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151, of WHITEHOUSE TRUCKING, INC., 2905 Airport Highway, Toledo, Ohio, and for acquisition by LEASE PLAN INTERNATIONAL CORP., 130 Steamboat Road, Great Neck, N.Y. 11022, and, in turn, by PEPSICO, INC., 500 Park Avenue, New York, N.Y. 10022, of control of WHITEHOUSE TRUCKING, INC., through the acquisition by NATIONAL TRAILER CONVOY, INC. Applicants' attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. 42604, and Irving J. Raley, 1411 K Street NW., Washington, D.C. 20005. Operating rights sought to be controlled: *Prefabricated buildings*, including *component parts of such buildings* when shipped therewith (except commodities the transportation of which because of size and weight require the use of special equipment), as a *common carrier*, over regular routes, between Hanover, Pa., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Louisiana, and Mississippi; *prefabricated buildings*, including component parts of such building when shipped therewith, over irregular routes, between points in Illinois, Indiana, Kentucky, Massachusetts, Michigan, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin; *truck bodies*, from Detroit, Mich., to points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, West Virginia, Wisconsin, and New York; *prefabricated buildings*, from Toledo, Ohio, to points in New Jersey, with restriction; *prefabricated buildings*, including *component parts of such buildings* when shipped therewith (except commodities the transportation of which because of size or weight requires the use of special equipment), from points in Illinois, Indiana, Kentucky, Massachusetts, Michigan, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin, to points in Maine, New Hampshire, Connecticut, Vermont, and Rhode Island.

Buildings, complete, knocked down, or in sections, *including component parts, materials, supplies, and fixtures*, and, when shipped with those buildings, *accessories*, used in the erection, construction and completion thereof, between Hanover, Pa., on the one hand, and, on the other, points in New Jersey and Delaware; *prefabricated houses and buildings, prefabricated house and building sections, prefabricated house and building panels, with parts and accessories*, between points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin; *buildings*, complete, knocked down, or in sections, *including all component parts, materials, supplies, and fixtures*, and, when shipped with such buildings, *accessories* used in the erection, construction, and completion thereof, between Hanover, Pa., on the one hand, and, on the other, points, in Maryland and the District of Columbia; and *dry fertilizer*, in bags, from Fulton, Ill., to points in the Upper Peninsula of Michigan. NATIONAL TRAILER CONVOY, INC., is authorized to operate as a *common carrier* in all States in the United States (except Alaska and Hawaii), and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9508. Authority sought for purchase by SHAMROCK VAN LINES, INC., 432 North Beltline Road, Irving, Tex. (Post Office Box 5447, Dallas 7, Tex.), of the operating rights of HOUSEHOLD GOODS MOVERS, INC., Box 751, Decatur, Ga., and for acquisition by R. C. DAWE, also of Irving, Tex., of control of such rights through the purchase. Applicants' attorneys: Max G. Morgan, 450 American National Building, Oklahoma City, Okla. 73102, Allen Melton, 316 Rio Grande National Life Building, Dallas, Tex., and James L. Flemister, 1026 Fulton Building, Atlanta, Ga. Operating rights sought to be transferred: *Household goods*, as a *common carrier*, over regular routes, between points in Georgia, on the one hand, and on the other, points in Alabama, Virginia, Tennessee, North Carolina, South Carolina, and Florida. Vendee is authorized to operate as a *common carrier* in all States in the United States (except Alaska, Hawaii, Iowa, Minnesota, South Dakota, and Vermont), and the District of Columbia; and as a *broker in* all States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9509. Authority sought for purchase by BURGMEYER BROS., INC., Post Office Box 192, Reading, Pa., of the operating rights of WHIPPET MOTOR LINES CORP., 235 Front Avenue, West Haven, Conn., and for acquisition by HERBERT GROSS and NICHOLAS SANTILLI, both also of Reading, Pa., of control of such rights through the purchase. Applicants' attorneys: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036, and William Biederman, 280 Broadway, New York, N.Y. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in that part of Massachusetts on and north of U.S. Highway 20, and on and east of a line beginning at Wayland, Mass., and extending along Massachusetts Highway 126 to Lowell, Mass., and thence along Massachusetts Highway 128 to the Massachusetts-New Hampshire State line, on the one hand, and, on the other, points in that part of Connecticut on and south of U.S. Highway 6, and on and west of a line beginning at the junction of U.S. Highway 6 and Maple Avenue in Hartford, Conn., and extending southward along Maple Avenue and the Berlin Turnpike (formerly U.S. Highway 5) to junction U.S. Highway 5, and thence along U.S. Highway 5 to New Haven, Conn., and those in Nassau, Rockland, Westchester, Orange, and Putnam Counties, N.Y., and between points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665. Vendee is authorized to operate as a *common carrier* in New Jersey, Connecticut, New York, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9510. Authority sought for purchase by STANDARD MOTOR

FREIGHT, INC., 2700 Smallman Street, Pittsburgh, Pa. 15222, of the operating rights of PITTSBURGH-WHEELING EXPRESS, INC., 694 East Beau Street, Washington, Pa. 15301, and for acquisition by SHERWOOD BRANNON, 1711 Hastings Mill Road, Bridgeville, Pa., of control of such rights through the purchase. Applicants' attorneys: John A. Vuono, 1515 Park Building, Pittsburgh, Pa. 15222, I. C. Bloom, Washington Trust Building, Washington, Pa. 15301, and Beverley S. Simms, 612 Barr Building, 910 17th Street NW., Washington, D.C. 20006. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Wheeling, W. Va., and certain specified points in Pennsylvania, serving all intermediate points, between Pittsburgh, Pa., and certain specified points in Ohio and West Virginia, serving all intermediate points and the off-route points of Yukon and Herminie, Pa.; *general commodities*, with exceptions as specified above, over irregular routes, between certain specified points in Pennsylvania and West Virginia on the one hand, and, on the other, certain specified points in Ohio, Pennsylvania and West Virginia. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, and Connecticut. Application has been filed for temporary authority under section 210a(b).

By the Commission.

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

[F.R. Doc. 66-9201; Filed, Aug. 23, 1966; 8:47 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

AUGUST 19, 1966.

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

State Docket No. MT-3558, filed July 20, 1966. Applicant: HIGHLAND TRUCKING SERVICE, INC., 12 Ferris Lane, Poughkeepsie, N.Y. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting *cut goods, materials, and supplies used in the manufacture of wearing apparel, and wearing apparel:* Route A: Between New York City and Highland (Ulster County) as follows: from New York City via U.S. 9 to Poughkeepsie; thence via New York 55 to Highland, and returning in the reverse direction, including service to and from all intermediate points, with service over a portion of route between Peekskill and Wappingers Falls via New York 9D, including service to and from all intermediate points. Route B: Between Highland and Middletown as follows: From Highland via New York 299 to New Paltz; thence via New York 208 to the intersection of New York 17K; thence via New York 17K to Montgomery; thence via New York 84 to Middletown; thence via New York 17 to Monroe; thence via U.S. 6 to Highland Mills; thence via New York 32 to Newburgh; thence via U.S. 9W to Highland, and returning in the reverse direction, including service to and from all intermediate points, with service over a portion of route between Walden and Monroe via New York 208, including service to and from all intermediate points, and the following off-route points: Kerhonkson, Napanoch, and Plattekill (Ulster County); and Florida, Central Valley, West Point, and Warwick (Orange County). Route C: Between Highland and West Haverstraw (Rockland County) via U.S. 9W, including service to and from all intermediate points, and the following off-route points: Cornwall and Milton (Orange County); and Thiells and Orangeburg (Rockland County). Route D: Between Highland and Albany via U.S. 9W, including service to and from all intermediate points, with service over the following portions of routes:

(1) Between Kingston and Phoenicia (Ulster County) via New York 28, including service to and from all intermediate points; and (2) between Catskill and Cairo, as follows: From Catskill via New York 23 to Windham; thence via New York 296 to Hunter; thence via New York 23A to Catskill, including service to and from all intermediate points, and the following off-route points: Cohoes (Albany County); Coxsackie and West Coxsackie (Greene County); Glasco (Ulster County); and Halcott Center (Greene County). Route E: Between Highland and Troy, as follows: From Highland to Poughkeepsie via New York 55; thence via U.S. 9 and New York 9H to the intersection of U.S. 4; thence via U.S. 4 to Troy, and returning in the reverse direction, including service to and from all intermediate points, and the following off-route points: Staatsburg, Germantown, Stottville, Philmont, Ghent, and Hillsdale (Columbia County). Route F: Between Highland and Wassaic (Dutchess County), as follows: From Highland to Poughkeepsie via New York 55; thence via U.S. 9 to Fishkill; thence via New York 82 to Hopewell Junction; thence via New York 376 to East Fishkill; thence via New York 216 to Poughquag; thence via New York 55 to Pawling; thence via New York 22 to Amenia; thence via U.S. 44 to Poughkeepsie; thence via New York 55 to Highland, and returning in the reverse direction, including service to and from all intermediate points. NOTE: The above request is for the same authority held by Highland Trucking Service, Inc., in Case MT-3558, certificate No. 2328 revoked on August 24, 1965. The applicant also requests reinstatement.

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

State Docket No. 8614-CCT, filed July 19, 1966. Applicant: GEORGE A. DOBBERT, doing business as KNOLLENBERG'S MOTOR TRANSFER CO., 500 South Garland Street, Orlando, Fla. Applicant's representative: J. B. Rodgers, Jr., 227 North Magnolia Avenue, Orlando, Fla. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting *general commodities* (except those of unusual value, classes A and B explosives, and household goods as defined by the Commission, and also except commodities requiring special equipment such as, but not limited to, commodities requiring special temperature control or by tank trucks or in bulk or transportation by which the container for the commodity is a part of any motor vehicle or trailer); to, from, and between all points in the following counties: Marion, Lake, Polk, Osceola, Orange, Seminole, Volusia, and Brevard, Fla., over irregular routes on nonscheduled service.

HEARING: Not known. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Florida Public Service Commission, Tallahassee, Fla. 32304, and should not be directed to the Interstate Commerce Commission.

State Docket No. 8634-CCT, filed August 2, 1966. Applicant: GEORGE E. PARIS AND LYLLIAN L. PARIS, doing business as BEACH TRUCKING COMPANY, 1136 Atlantic Boulevard, Neptune Beach, Fla. Applicant's representatives: Schwartz, Proctor, and Bolinger, 1730 American Heritage Life Building, Jacksonville, Fla. 32202. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting *general commodities* (except commodities in bulk), over regular routes, as a common carrier, serving all intermediate points except as shown: (1) Between Jacksonville and junction U.S. Highway 90 and Interstate Highway 75 via U.S. Highway 90 and return over the same route. (2) Between Jacksonville and junction Interstate Highway 10 and Interstate Highway 75 via Interstate Highway 10—operation over this route is for operating convenience only, and return over the same route. (3) Between Newberry and the Florida-Georgia

border via U.S. Highway 41 and return over the same route. (4) Between Alachua and the Florida-Georgia border via Interstate Highway 75—operation over this route is for operating convenience only, and return over the same route. (5) Between Lake City and junction U.S. Highway 441 and Interstate Highway 10 via U.S. Highway 441 and return over the same route. (6) Between Lake City and Branford via Florida Highway 247 and return over the same route. (7) Between Branford and junction Florida Highway 18 and U.S. Highway 301 via U.S. Highway 27 from Branford to High Springs, thence over U.S. Highway 441 to Alachua, thence over Florida Highway 237 to La Crosse, thence over Florida Highway 235 to Brooker, thence over Florida Highway 18 and return over the same route. (8) Between junction Florida Highways 227 and 18 and junction U.S. Highway 301 and Florida Highway 227 via Florida Highway 227 and return over the same route. (9) Between Baldwin and junction U.S. Highway 301 and Florida Highway 18 via U.S. Highway 301 and return over the same route. (10) Between Jacksonville and Maxville via Florida Highway 228. No authority is sought to serve Cecil Field, and return over the same route. (11) All points as off-route points in the area surrounded by U.S. Highway 90 to the north, Florida Highway 247 to the west, U.S. Highways 27 and 441, Florida Highways 237, 235, and 18 to the south and U.S. Highway 301 to the east and return over the same route. Applicant proposes to tack the authority sought to authority held.

HEARING: Not known. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Florida Public Service Commission, Tallahassee, Fla. 32304, and should not be directed to the Interstate Commerce Commission.

State Docket No. P–43941, filed August 8, 1966. Applicant: ALFRED SCHULTE, doing business as REDONDO HEIGHTS TOWING, 27803 Pacifica Highway South, Kent, Wash. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Certificate of public convenience and necessity sought to operate a freight service as follows: Transporting *disabled buses, trucks, trailers, and other pneumatic tired vehicles or machinery* in towaway service, in King, Pierce, and Thurston Counties, Wash.

HEARING: Not known. Requests for procedural information, including the time for filing protests, concerning this application, should be addressed to the Washington Utilities & Transportation Commission, Insurance Building, Olympia, Wash. 98501, and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[F.R. Doc. 66–9202; Filed, Aug. 23, 1966; 8:47 a.m.]

[Notice 409]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 19, 1966.

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

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

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

MOTOR CARRIERS OF PROPERTY

No. MC 35334 (Deviation No. 4), COOPER-JARRETT, INC., 23 South Essex Avenue, Orange, N.J. 07051, filed August 12, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chicago, Ill., over U.S. Highway 20 to junction Ohio Highway 15, thence over Ohio Highway 15 to junction U.S. Highway 6 (near Bryan, Ohio), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Kansas City, Mo., over U.S. Highway 24 to Monroe City, Mo., thence over U.S. Highway 36 to Springfield, Ill., thence over U.S. Highway 66 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to Chicago, Ill., thence over U.S. Highway 6 to New Rochester, Ohio, thence over U.S. Highway 23 to junction U.S. Highway 224, thence over U.S. Highway 224 via Lodi, Ohio, to junction U.S. Highway 422, thence over U.S. Highway 422 to Ebensburg, Pa., thence over U.S. Highway 22 to junction U.S. Highway 1, thence over U.S. Highway 1 via Providence, R.I., to Boston, Mass., and return over the same route.

No. MC 42487 (Deviation No. 63), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025, filed August 8, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Oakland, Calif., over Interstate Highway 580 to junction Interstate Highway 205, thence over Interstate Highway 205 to junction Interstate Highway 5 (about 5 miles west of Manteca, Calif.), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From San Francisco, Calif., over U.S. Highway 40 to Wells, Nev., thence over U.S. Highway 93 to Twin Falls, Idaho, (2) from Los Angeles, Calif., over U.S. Highway 101 to San Francisco, Calif., and (3) from Los Angeles, Calif., over U.S. Highway 99 to junction California Highway 152, thence over California Highway 152 to Gilroy, Calif., thence over U.S. Highway 101 to San Jose, Calif., thence over California Highway 17 to Oakland, Calif., thence over U.S. Highway 40 to San Francisco, Calif., and return over the same routes.

No. MC 42487 (Deviation No. 64), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025, filed August 8, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highways 10 and 15 (at or near Colton, Calif.), over Interstate Highway 15 to junction Interstate Highway 70 (at or near Cove Fort, Utah), thence over Interstate Highway 70 to Denver, Colo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Los Angeles, Calif., over U.S. Highway 66 to San Bernardino, Calif., thence over U.S. Highway 91 to junction U.S. Highway 70, (2) from Los Angeles, Calif., over U.S. Highway 101 to Anaheim, Calif., thence over U.S. Highway 91 to junction unnumbered highway (formerly U.S. Highway 91) near Victorville, Calif., thence over unnumbered highway to Barstow, Calif., thence over U.S. Highway 91 to Las Vegas, Nev., thence over U.S. Highway 466 to Kingman, Ariz., (3) from Salt Lake City, Utah, over U.S. Highway 91 to junction unnumbered highway, near Mesquite, Nev., thence over unnumbered highway via Bunkerville, Nev., to junction U.S. Highway 91, thence over U.S. Highway 91 to Las Vegas, Nev., thence over U.S. Highway 93 to Boulder City, Nev., (4) from Kingman, Ariz., over U.S. Highway 93 to junction unnumbered highway, approximately 7 miles south of Chloride, Ariz., thence over unnumbered highway via Chloride to junction U.S. Highway 93, approximately 3 miles west of Chloride, thence over U.S. Highway 93 to Boulder City, Nev. (also from junction U.S. Highway 93 and unnumbered highway, approximately 7 miles south of Chloride, over U.S. Highway 93 to junction unnumbered highway, about 3 miles west of Chloride, and thence to Boulder City as specified immediately above), (5) from Denver, Colo., over U.S. Highway 287 to Laramie, Wyo. (also from Denver over U.S. Highway 85 to Cheyenne, Wyo., thence over U.S. Highway 30 to Laramie), thence over U.S. Highway 30 to Little America, Wyo., thence

over U.S. Highway 30S via Uintah, Utah, to Ogden, Utah, and thence over U.S. Highway 91 to Provo, Utah, and (6) from Denver, Colo., over the above-specified routes to Uintah, Utah, thence over U.S. Highway 89 to junction Alternate U.S. Highway 89 (near Farmington, Utah), thence over Alternate U.S. Highway 89 to junction U.S. Highway 91, thence over U.S. Highway 91 to Provo, Utah, and return over the same routes.

No. MC 42487 (Deviation No. 65), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025, filed August 8, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highways 5 and 405, approximately 1 mile southwest of Tukwila, Wash., over Interstate Highway 405 to junction Interstate Highway 5 at or near Pinehurst, Wash., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Seattle, Wash., over U.S. Highway 99 via Tacoma and Vancouver, Wash., to junction U.S. Highway 99W, thence over U.S. Highway 99W via Portland, Oreg., to Junction City, Oreg. (also from Vancouver, Wash., over U.S. Highway 99 to junction U.S. Highway 99E, thence over U.S. Highway 99E to Junction City, Oreg.), thence over U.S. Highway 99 via Drain, Oreg., to Medford, Oreg. (also from Drain, Oreg., over Oregon Highway 38 to Reedsport, Oreg., thence over U.S. Highway 101 to Coquille, Oreg., thence over Oregon Highway 42 to junction U.S. Highway 99, thence over U.S. Highway 99 to Medford, Oreg.), and (2) from Seattle, Wash., over U.S. Highway 99 to the boundary of the United States and Canada, and return over the same routes.

No. MC 42487 (Deviation No. 66), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025, filed August 8, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highway 8 and California Highway 86, at or near El Centro, Calif., over Interstate Highway 8 to junction Interstate Highway 10, at or near Eloy, Ariz., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction U.S. Highways 60 and 99 (near Indio, Calif.), over U.S. Highway 99 to El Centro, Calif., thence over U.S. Highway 80 to Gila Bend, Ariz., thence over Arizona Highway 84 to Tucson, Ariz., and return over the same route.

No. MC 42487 (Deviation No. 67), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025, filed August 8, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Vacaville, Calif., and Dunnigan, Calif., over Interstate Highway 505, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: Between Vacaville, Calif., and Dunnigan, Calif., over unnumbered highway, known as Vacaville-Dunnigan Cut-Off.

No. MC 42487 (Deviation No. 68), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025, filed August 8, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Fargo, N. Dak., over U.S. Highway 81 to junction U.S. Highway 12 near Summit, S. Dak., thence over U.S. Highway 12 to Minneapolis, Minn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From Seattle, Wash., over U.S. Highway 10 to Preston, Wash., thence over Washington Highway 15B to Fall City, Wash. (also from Seattle over Washington Highway 2 via Bothell, Wash., to Falls City), thence continuing over Washington Highway 2 to junction U.S. Highway 10, thence over U.S. Highway 10 to Teanaway, Wash., thence over U.S. Highway 97 to junction Alternate U.S., Highway 10, thence over Alternate U.S. Highway 10 to Spokane, Wash., thence over U.S. Highway 10 to Missoula, Mont. (also from Spokane over Alternate U.S. Highway 10 to junction U.S. Highway 10, near Missoula, and thence over U.S. Highway 10 to Missoula), thence over U.S. Highway 10N via Drummond, Mont., to Garrison, Mont., thence over U.S. Highway 10N to junction U.S. Highway 10 (also from Garrison over U.S. Highway 10S to junction U.S. Highway 10) (also from Drummond over Alternate U.S. Highway 10 to junction U.S. Highway 10S, thence over U.S. Highway 10S to junction U.S. Highway 10), thence over U.S. Highway 10 to Fargo, N. Dak., thence over U.S. Highway 52 to St. Paul, Minn., and return over the same routes.

No. MC 59680 (Deviation No. 47), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex. 75222, filed July 22, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Texarkana, Ark., and Dallas, Tex., over Interstate Highway 30, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Dallas, Tex., over U.S. Highway 67 to Greenville, Tex., thence over Texas Highway 24 to Paris, Tex., thence over U.S. Highway 82 to Texarkana, Tex.-Ark., and return over the same route.

No. MC 59680 (Deviation No. 48), STRICKLAND TRANSPORTATION CO., INC., Post Office Box 5689, Dallas, Tex. 75222, filed July 22, 1966. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Memphis, Tenn., over Interstate Highway 40 to junction Interstate Highway 30, at Little Rock, Ark., thence over Interstate Highway 30 to Texarkana, Tex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Texarkana, Tex.-Ark., over U.S. Highway 67 to Little Rock, Ark., thence over U.S. Highway 70 to Memphis, Tenn., and return over the same route.

By the Commission.

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

[F.R. Doc. 66-9203; Filed, Aug. 23, 1966; 8:47 a.m.]

[Notice 239]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

AUGUST 19, 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 94265 (Sub-No. 192 TA), filed August 17, 1966. Applicant: BONNEY MOTOR EXPRESS, INC., Post Office Box 12388, Thomas Corner Station, Military Highway, Norfolk, Va. 23502. Applicant's representative: Harry Buckwalter (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as defined in group A of appendix No. 1 *Description in Motor Carriers Certificate* MCC 209 and 766, from Chicago, Ill. to Charleston, W. Va. for 180 days. Supporting shipper:

The Cudahy Packing Co., 5002 South 33d Street, Omaha, Nebr. 68107. Send protests to: District Supervisor Waldron, Bureau of Operations and Compliance, Interstate Commerce Commission, 10–502 Federal Building, Richmond, Va. 23240.

No. MC 119767 (Sub-No. 182 TA), (Substituted for applicant in No. MC 29298 (Sub-No. 3 TA)), filed July 25, 1966, published FEDERAL REGISTER, issue of August 2, 1966, and republished this issue. Applicant: BEAVER TRANSPORT CO., Post Office Box 339, Burlington, Wis. Applicant's representative: Fred H. Figge, 513 Lewis Street, Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared food products, dairy products, materials, equipment, and supplies used in the packing, preparation, and sale of these commodities*, serving Plymouth, Minn., as an off-route point to be served in connection with present authority, for 180 days. Supporting shipper: Kraft Foods, division of National Dairy Products Corp., 500 Peshtigo Court, Chicago, Ill. 60611. Send protests to: A. E. Rathert, District Supervisor, Bureau of Operations and Compliance, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401. NOTE: The purpose of this republication is to show that Beaver Transport Co., has been substituted as applicant in lieu of George Trainor, Eau Galle, Wis., No. MC 20298, Sub 3 TA.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 66-9205; Filed, Aug. 23, 1966; 8:47 a.m.]

[3d Rev. S.O. 562; ICC Order 210]

CHICAGO, BURLINGTON & QUINCY RAILROAD CO.

Rerouting or Diversion of Traffic

Because of bridge damage on its line between Columbus, Nebr., and David City, Nebr., the Chicago, Burlington & Quincy Railroad Co., in the opinion of H. R. Longhurst, agent, is unable to transport traffic routed over this line.

It is ordered, That:

(a) Rerouting traffic: Because of bridge damage on its line between Columbus, Nebr., and David City, Nebr., the Chicago, Burlington & Quincy Railroad Co. is unable to transport traffic over this line in accordance with shippers' routing. The Chicago, Burlington & Quincy Railroad Co. and its connections are hereby authorized to reroute or divert such traffic via any available route. The billing covering each car so rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The Chicago, Burlington & Quincy Railroad Co. and its connections shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers: The Chicago, Burlington & Quincy Railroad Co. and its connections shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the direction of the Commision and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rate of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 4 p.m., August 18, 1966.

(g) Expiration date: This order shall expire at 11:59 p.m., August 26, 1966, unless otherwise modified, changed, or suspended.

It is further ordered. That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 18, 1966.

INTERSTATE COMMERCE COMMISSION,
[SEAL] H. R. LONGHURST,
Agent.

[F.R. Doc. 66-9204; Filed, Aug. 23, 1966; 8:47 a.m.]

FEDERAL MARITIME COMMISSION

[Commission Order 1 (Amended), Supp. 1; Commission Order 201.1 (Amended), Supp. 1]

MANAGING DIRECTOR AND DIRECTOR, BUREAU OF DOMESTIC REGULATION

Delegation of Authority

Section 7 *Specific authorities delegated to the Managing Director*, is hereby supplemented by adding to subsection 7.04 a new authority (h) as follows:

(h) Issue orders to show cause upon notification of a surety bond cancellation and subsequently revoke licenses for failure of licensees to maintain valid surety bonds on file with the Commission.

JOHN HARLLEE,
Rear Admiral,
U.S. Navy (Retired), Chairman.

Section 6 *Specific authorities delegated to the Director, Bureau of Domestic Regulation*, is hereby supplemented by adding to subsection 6.03 a new authority (i) as follows:

(i) Issue orders to show cause upon notification of a surety bond cancellation and subsequently revoke licenses for failure of licensees to maintain valid surety bonds on file with the Commission.

EDWARD SCHMELTZER,
Managing Director.

AUGUST 17, 1966.

[F.R. Doc. 66-9228; Filed, Aug. 23, 1966; 8:51 a.m.]

CITY OF ANCHORAGE AND STATE OF ALASKA

Notice of Agreement Filed for Approval

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

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1321 H Street NW., Room 609; or may inspect agreements at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of agreement filed for approval by:

A. E. Harned, Port Director, 2000 Anchorage Port Road, Anchorage, Alaska 99501.

Agreement No. T–1966, as modified, between the City of Anchorage, Alaska and the State of Alaska provides for the (1) preferential berthing at Anchorage of the ferry *M/V Tustumena* at rates set forth in the agreement; (2) furnishing office space; (3) use of the dock for loading and unloading of passengers and vehicles; and (4) other services as specified.

Dated: August 19, 1966.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 66-9229; Filed, Aug. 23, 1966; 8:51 a.m.]

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